

Trial Practice in a World of Modern Technology

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CLCT



WILLIAM & MARY
LAW SCHOOL

First – What is CLCT?

- The Center for Legal & Court Technology – formerly the Courtroom 21 Project
- A joint initiative of William & Mary Law School and the National Center for State Courts:
 - *To improve the administration of justice through appropriate technology.*

CLCT Supports the CLCT Court Affiliates:

- State, federal, tribal, and Canadian Courts interested in economical and productive use of technology.

CLCT includes:

- The McGlothlin Courtroom, the world's most technologically advanced trial and appellate courtroom.



The Future Arrived Some Time Ago - PreCovid



**Social Security – PreCovid: 700,000
Disability Hearings each year**



Modern Trial Practice

- ***Can be greatly enhanced by the use of technology, BUT:***

Counsel must

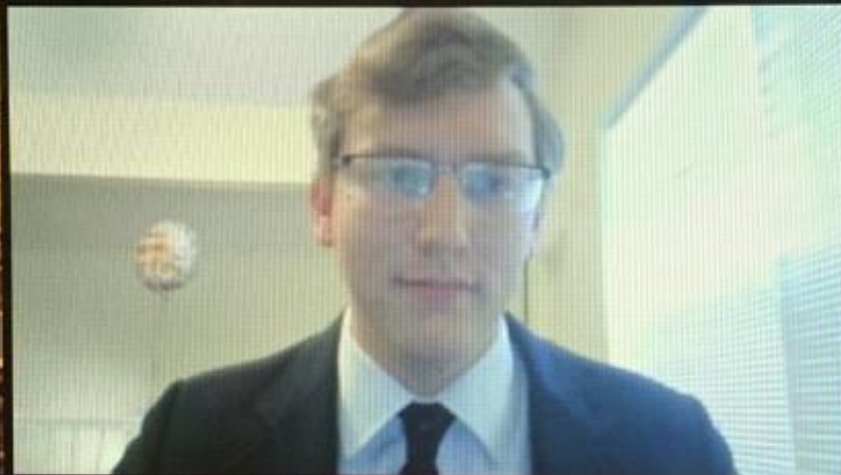
- Know what they can do;
- Have the skills necessary to do it;
- And care.

- “Judges and lawyers don’t appear to know very much about technology, and, worse, they’re proud of it.”
 - Major technology company executive (preCovid)

CoVid19 May Have Changed Attitudes



The Center for Legal and Co...



Pretrial in the Age of Data

- The need is to find, analyze, and present relevant data.
 - Today: e-Discovery and Smartphone audio/video

Pretrial in the Age of Data

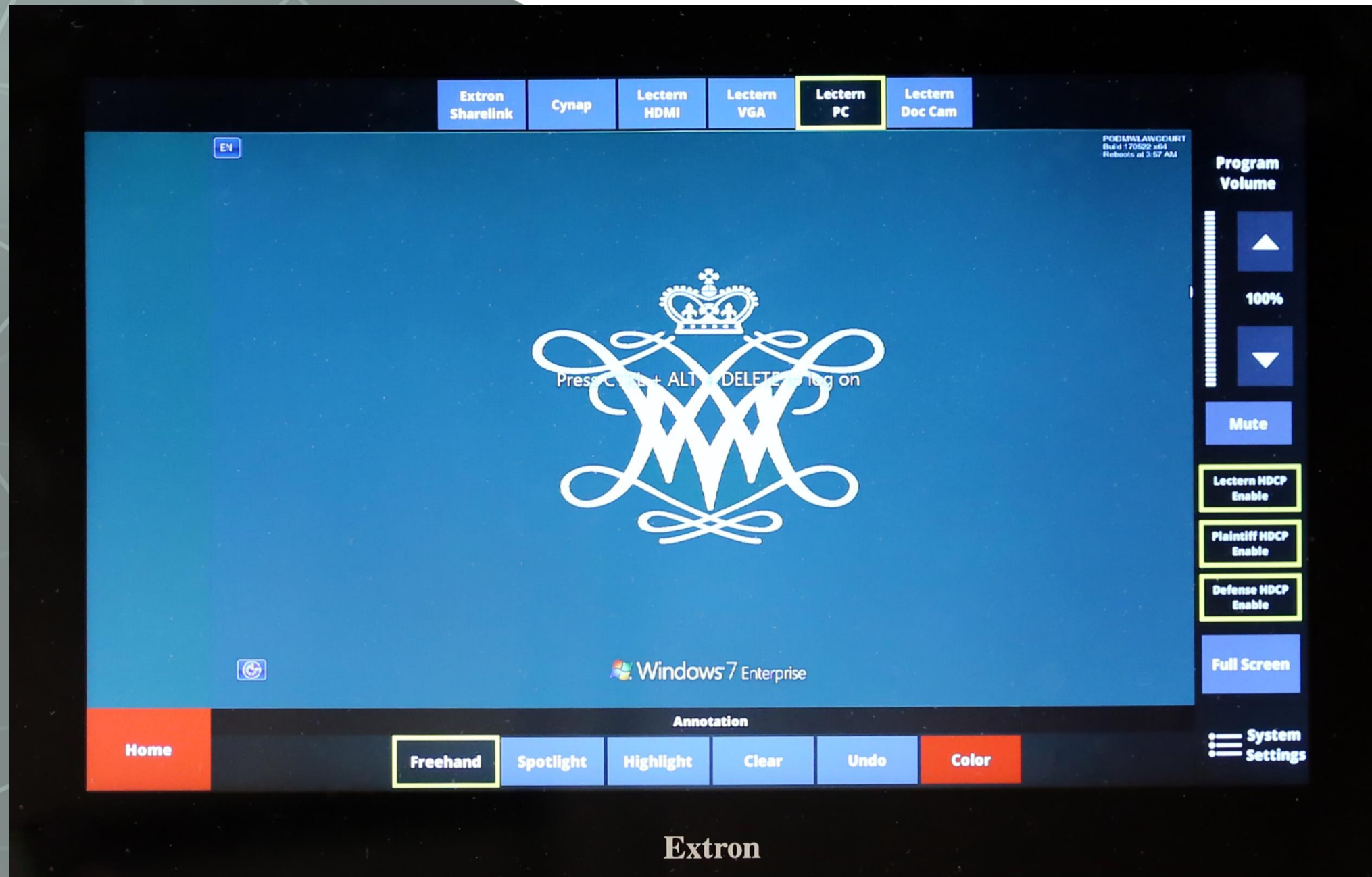
- Tomorrow – maybe data collection, analysis, and even jury selection by Artificial Intelligence.
- You can already analyze past rulings by a given judge to learn how best to present an argument.

“Courtroom technology” includes

- Infrastructure
- Evidence presentation
- Court record
- Video communications
 - Including remote court interpretation
- Assistive technology

Decisions

- Who operates the equipment?
- What must counsel know at minimum?
- Who troubleshoots?



“Toggling” the Computer and other needs



Visual Evidence Presentation

- We believe that fact-finders better understand, remember, and are persuaded when they see as well as hear evidence, opening statements and closing arguments.
- We have different tools available for this.

From Document cameras:



To digital devices of all types



Killer Rearing



Killer and Kids



MATTHEWS ACCIDENT
REPORT



MATTHEWS CCNY
PSYCH NOTE



MATTHEWS CONTRACT



MATTHEWS EMAIL



MATTHEWS MAYER MD
BILL



MATTHEWS
PSYCHOLOGICAL DIAGN...



MATTHEWS THERAPY
BILL



SM110909



jerry mitchell depo 6-10-
04



mathews v. morton
pleadings



morton



Morton Riding School & Stables

Contract for Riding Instruction

I contract with Morton Riding School and Stables (Morton) for a series of 5 riding lessons, each lesson to last, unless otherwise jointly agreed, for one hour. I will pay Morton thirty dollars (\$30.00) by check or in cash at the close of each lesson. Morton will supply a trained instructor, a suitable horse, with all appropriate tack, and appropriate instructional conditions and surroundings.

I understand that horses are unpredictable potentially dangerous animals and that serious and even fatal injuries have occurred to some people incident to riding horses.

In order to help Morton pick a proper horse for my lessons, I declare that I have the past riding experience:

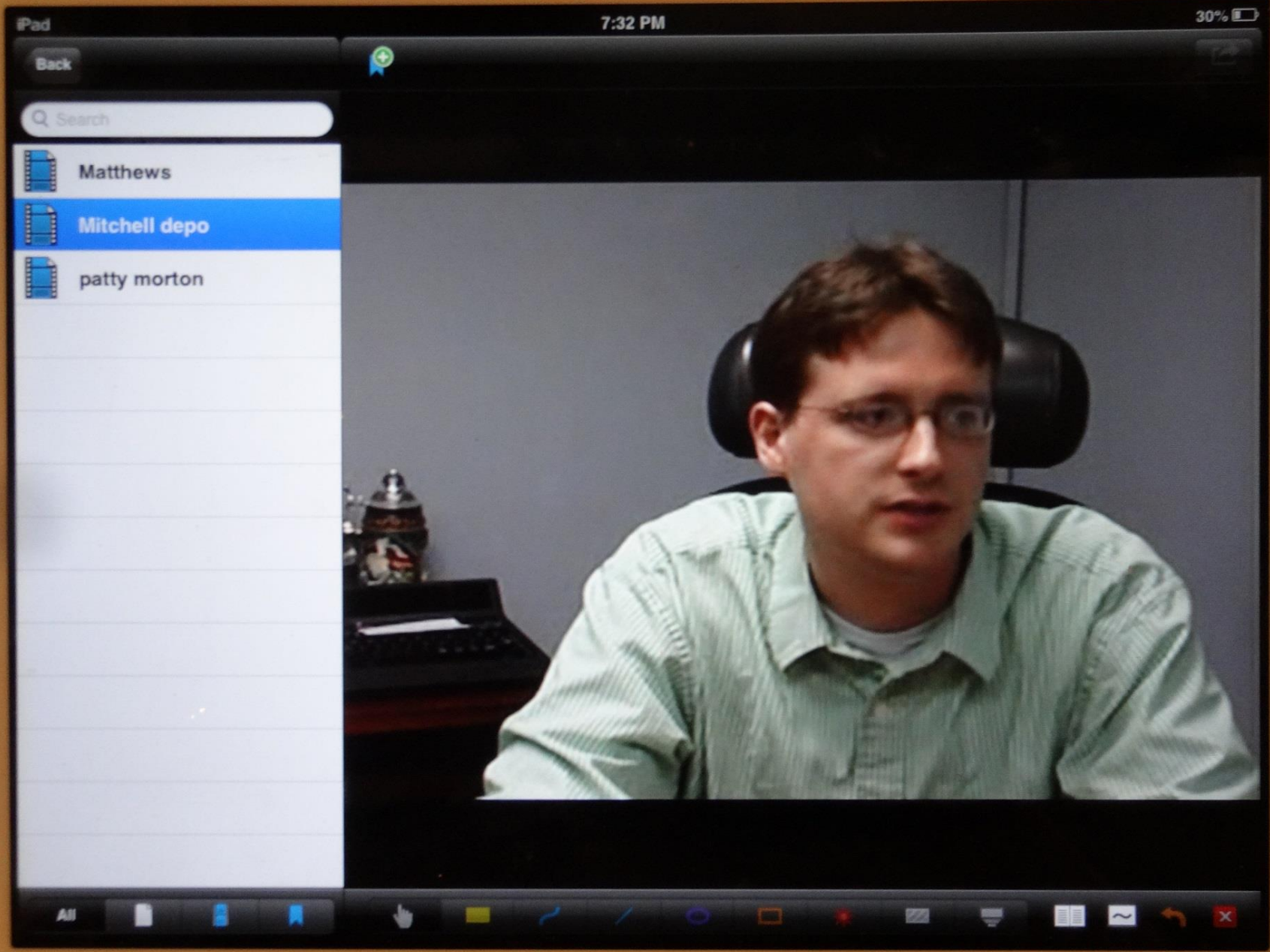
- ☒ Beginner; I've never ridden before.
- ☐ Some experience
- ☐ Experienced

Steve Matthews

Student

Patricia Morton

Morton



Back

Search



Matthews



Mitchell depo



patty morton



Displays

- Large projection screens
- Large monitors
 - Including annotatable ones such as SmartBoards and Microsoft Surface Hubs
- Monitors
- Tablets

“Courtroom in a box”

- Internet linked tablets showing at least still images (e.g. documents) from notebooks, tablets, or phones
 - NO infrastructure other than a WIFI network and a software or hardware connection.

From: Robert Arman [<mailto:robert@mdu.com>]
Sent: Sunday, February 23, 2014 4:09 PM
To: See Thomson william.thomson@gmail.com
Subject: THE FUTURE IS HERE!

Investors,

Wait no longer for the future is fast approaching. Matter Duplicators Unlimited (MDU) is an innovator of cutting-edge 3D printing solutions for all consumers. MDU's plastic 3D printers are reliable, long-lasting, efficient printers capable of tackling any project. Plastic printing, however, is only the beginning.

Our award winning team of engineers is on the cusp of a significant scientific breakthrough. METAL 3D printers. Transitioning from plastic to metal is simply the natural evolution of such groundbreaking innovations. We firmly believe we have the human capital and resources to take our company to the next level. Join us in welcoming the future on March 1, 2014 at the Innovation Summit hosted by Seating restaurant in Norfolk! When we're done, this will be a silver opportunity.

Sincerely,

Robert Arman
President of MDU





**“High tech” evidence exists and will be
more common**



- We have also used 3D and holographic evidence.



First 3D evidence

A Verbatim Court Record

- Stenographic
- Voice writing
- Digital recording

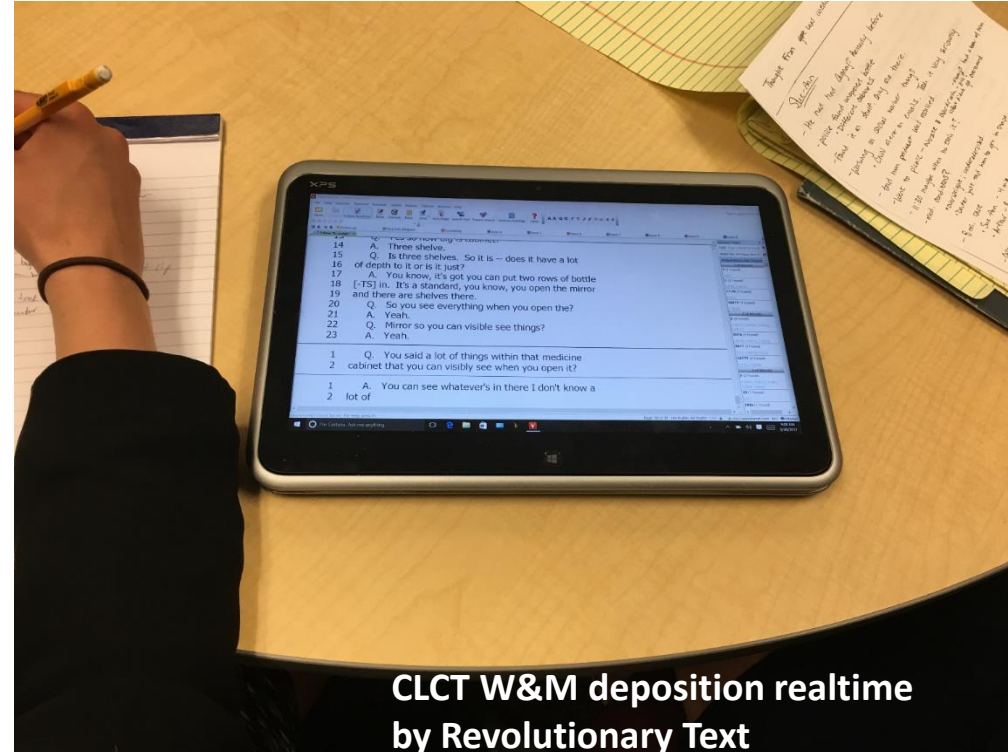
Court Record – is also a trial tool

- Useful for impeachment, legal and closing argument, preparation of jury instructions.

Remote Record

Stenographic court record
(including realtime)

- Now available remotely



**CLCT W&M deposition realtime
by Revolutionary Text**

Voicewriting



Winning on Appeal?

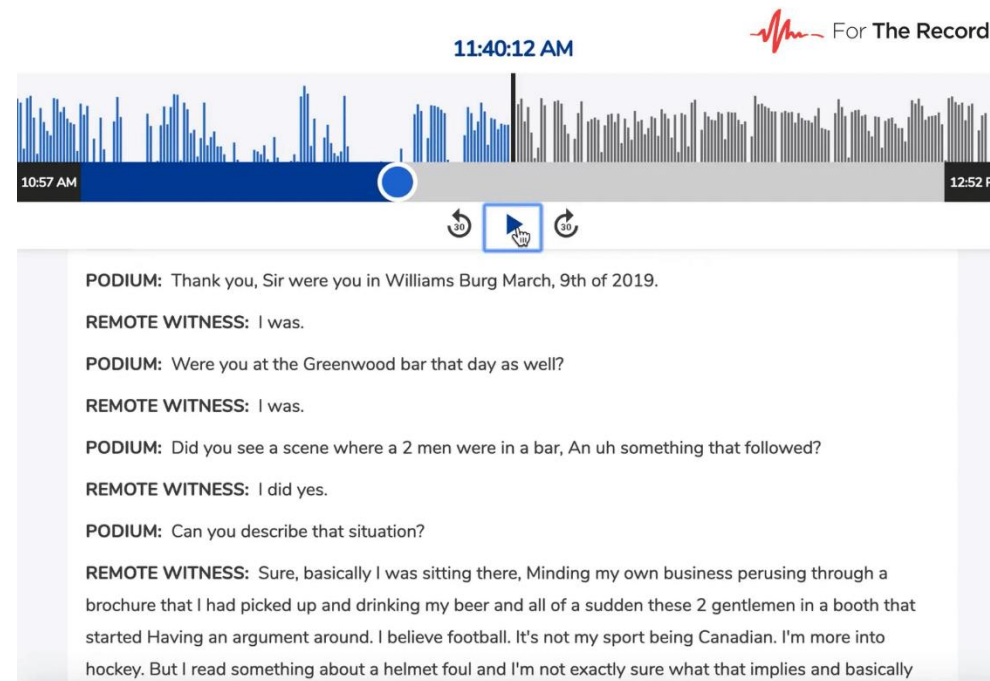
Virtual Reality Court Record



AI-based speech to text

- Demonstrated April 5, 2019

Now – AI-based open microphone transcript demonstrated in 2019



United States v. Paul, 2019

Multi-media Court Record

Shared Documents - labtrial - Windows Internet Explorer

http://sharepoint.legaltechcenter.net/shared%20documents/labtrial.aspx

File Edit View Favorites Tools Help

Shared Documents - labtrial

CLCT Sharepoint Site

 **The Center for Legal and Court Technology**

% Polls ? Ask LIVE Slide 107 of 107 Options ? Help powered by mediasite


Playing 68:07:00.00

CLCT Lab Trial 2008
Presenter(s): CLCT
Date: 9/13/2008
Time: 9:00 AM EST
Length:
Info


Details


Check 632: Edit
Details
-\$150,000.00 \$55,422.31

Live Transcript

53:20	A.	Yes. It was an investment.	10:46:04
53:21	Q.	In what?	10:46:06
53:22	A.	In an oil company.	10:46:06
53:23	Q.	Can you tell us more about that investment?	10:46:08
53:24	A.	I really depend on my broker	

Streaming text provided by Speche Communications

Internet | Protected Mode: On 100%

AI-based lie detection?

- Companies are working on this.
Whether it will be accurate is unclear!

Remote appearances and proceedings

- Before Covid:





EXIT



Confrontation Clause Issues in Criminal Cases

No problems

- Motion practice
- Civil cases
- Language interpretation

Remote Mandarin interpretation, March, 2016





After Covid

- Likely to continue in part.

Assistive Technology

“Wearables” – including remote “agents”

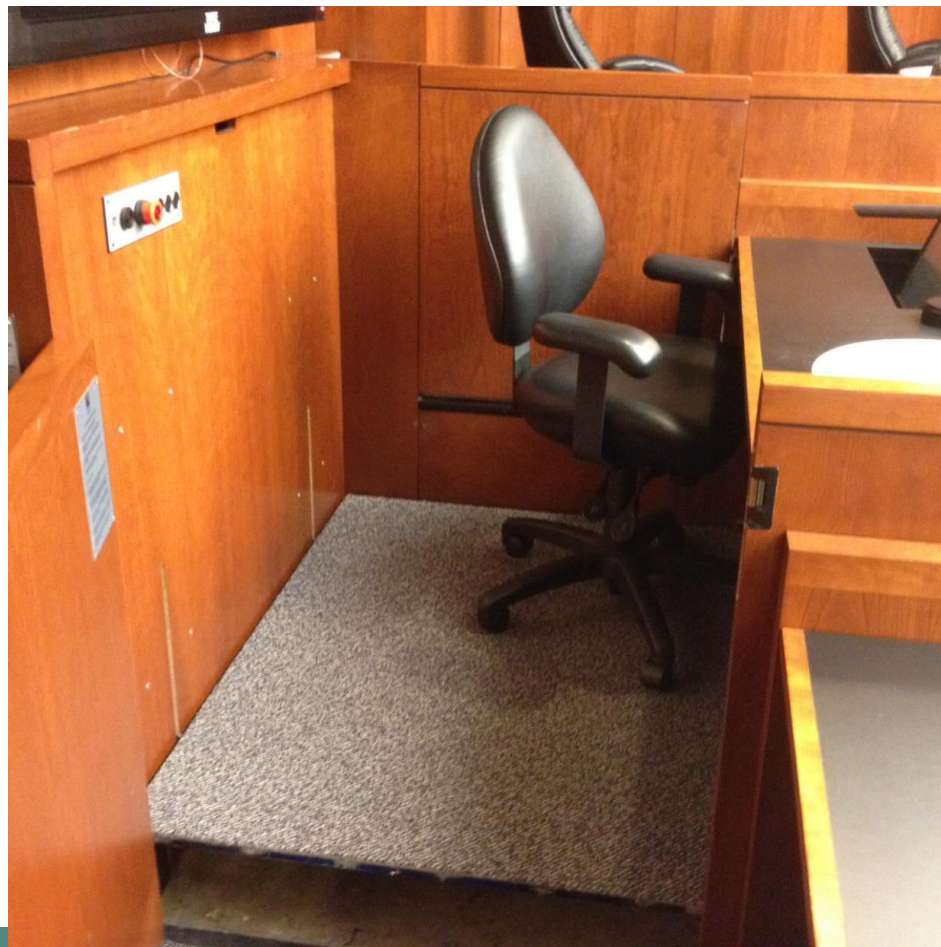
- “Aira develops transformative remote assistive technology that connects the blind with a network of certified agents via wearable smart glasses and an augmented reality dashboard that allows agents to see what the blind person sees in real time. Agents, serving as visual interpreters for the blind, help users accomplish a wide range of daily tasks and activities - from navigating busy streets to recognizing faces and literally traveling the world.” <https://aira.io/about>





From Israel: https://www.youtube.com/watch?v=Bgmli_aEIYY

Lift-U Wheelchair Lift











The Effects of the Pandemic

- Many trial lawyers have discovered that technology is useful and not difficult.

- We look forward to our collective future!