



--Future Juror

Today's Juror:

In the middle of a trial in an antiquated, but quaint, courtroom in Auburn, California, a 69-year old juror leans forward toward the defense attorney and interrupts him during his cross examination, says out loud in open court, "Haven't you ever heard of PowerPoint?"

What more needs to be said?

Apparently, his fumbling with the overhead projector, his document being put on upside down, the focus being fuzzy, and the lighting making it hard to read did not meet her expectations of what a prepared attorney ought to be like.

Jurors from all walks of life in all jurisdictions **EXPECT** to be dazzled. Maybe this is a function of court TV shows or how technology has permeated our lives. The reason doesn't matter as much as the fact that jurors will not so much give you credit for using courtroom technology but will give you demerits for NOT using it.

Research is documenting a decrease in our attention spans, which is being attributed to technology. We get pictures and information paired together on our computers, iPhones, iPads, TVs. We carry around thousands of self-selected songs on devices smaller than the palm of our hand so that we can hear our music immediately—not music selected by the radio DJ. The college freshmen who started school this year were born after the invention of the Internet. They have spent their entire lives in the digital age and will begin infiltrating the jury pool in about two years.

Jurors won't wait for you to get to the point over an hour or two.

Hollywood has known this for a long time. The next time you go to a movie, try this experiment. Under your breath, begin to count seconds ("one-thousand-one-one-thousand-two . . .") while the camera captures the action at one angle. Stop counting when the camera changes angles, even just by a little bit. What you will find is that most of the time you will not make it to "one-thousand-two!" Market research and intricate eye movement and attention studies have found that the viewer may lose interest in watching if the angle does not change every 1.5 seconds. Our brains crave stimulation, the kind of stimulation absent in most trials.

Studies clearly show that electronic courtroom presentations (pairing images with verbal explanations) increase:

- Speaker credibility
- Attention
- Comprehension (200% increase in accuracy)
- Memory (300% over a verbal presentation only)

Judges comment all the time on how electronic displays are "kind" to jurors because the visuals are entertaining and make very complex concepts much more understandable. Judges also comment on how trials are moving faster because documents are quicker to find and publish to the jury than ever before. No more fumbling through thousands of pages of binders.

So, the judges like it and the jurors expect it.

What more reason would you need to make the jump into courtroom electronics? How about this: in a recent mock trial our trial attorney took the opposing side of the case, leaving our side to a colleague who was somewhat unfamiliar with the case and had about 24 hours to prepare. However, the unfamiliar attorney had the benefit of a PowerPoint presentation and all electronic documents that we had prepared for trial at his disposal. The trial attorney only had hard-copy paper documents and some poster exhibits. At the end of the mock trial, one juror commented, "You [pointing to the 24-hour attorney] are an organized and on-track person. You [pointing to the trial attorney for our side who had been on the case for three years] were really annoying and disorganized, fumbling through those posters and all. Why don't you have your stuff on a computer?" She was ascribing personality features to the attorneys based on their use or non-use of technology.

Finally, in a federal trial in Houston, the judge ordered our technician to take down the SmartBoard presentation that was being used during cross examination of a key witness, saying our display was "too persuasive." It was the single biggest professional compliment we had ever received. On appeal, the techno-side won. The basic opinion of the appellate court?—the techno-side was denied the chance to fully present its case.

Don't be left behind. Don't let the kid in the picture above hit the "delete" key when he grows up to be a juror on your case. Evolution requires action.

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