



## Practice Trends: tools to cut costs, save time and boost presentations

In an increasingly competitive legal world, both clients and advocates are focused on saving time and money, as well as getting better results for their litigation spending. In this special report, some of MATA's leading trial advocates share their views on how to use modern court reporting tools to achieve these goals.

### Video tools of today

According to the experts, video technologies are more affordable and simpler than ever, and videos have multiple advantages over paper transcripts.

"In large injury cases, you really have to use video testimony now," says Paula Bliss, a highly regarded plaintiffs' mass tort lawyer at Bernheim, Dolinsky, Kelley. "The difference between transcripts and video evidence is night and day in terms of impact on a judge or jury."

Bliss recalls using a video in mediation showing a father who lost his 2-year-old son because of a now-banned cough syrup: "Describing how he learned of his child's fatal stroke on a phone call with his wife, the father couldn't keep it together and began crying. Even the mediator was visibly affected by the video, and the defense lawyers were in tears."

Bliss adds that good videos are sharp tools for preserving the power of testimony by dying plaintiffs, impeaching corporate representatives who are poor witnesses, and helping to keep opposing counsel on good behavior.

"I've even used one camera for counsel and one for a witness. This approach also provides two camera angles so you can get a '60 Minutes' look instead of a [static] talking head," she says.

She also uses video-syncing technology that links transcripts by page and line to specific video marks, making it easy to piece together productions or find relevant clips at trial, a tool that Ingrid Halstrom of the renowned Halstrom Law Offices also favors in her PI, med-mal and other cases.

"It's just so easy now. You click a highlighter icon to choose text, a scissors icon to make a clip, and then upload it to a flash drive, disc or laptop," Halstrom explains, adding that "it can take less than two hours to make all your clips instead of 10 without this tool." Halstrom's firm was an early adopter of affordable video technologies because of their utility. "We use video to record key witnesses, experts and defendants," she says. "It is not just big with juries. It influences adjusters, mediators and focus groups who are all evaluating a case at different stages. Video reveals facial expressions, tone of voice, and other clues that you don't see on transcripts."

Peter Ainsworth, a successful plaintiffs' personal injury lawyer at Meehan, Boyle, Black & Bogdanow, also uses videoconferencing to save air travel costs and time. "A small case might not justify a flight to California for the deposition of a minor witness [but] if you want to see the testimony, videoconferencing is practically like being in the room," he says.

He uses videoconferencing for out-of-state experts as well as other witnesses. "You can see facial features and demeanor ... you can read body language and see a witness when he goes silent," he says.

Ainsworth states that he chooses O'Brien & Levine's award-winning service "because all the setup is done for us on both ends, and I don't have to know how to operate anything. You can use a big screen, or just a laptop and a link [that they provide]."

### Digital repositories

Kathy Jo Cook is the founder of the KJC Law Firm, which represents people who have been injured, treated unfairly in business, or discriminated against in any context. She extolls the virtues of not only video technologies, but online repositories for the easy organization of trial documents, including transcripts of hearings and court proceedings. "Our deposition transcripts, exhibits and other evidence can be securely stored online, making it easy to search through and find anything at anytime from anywhere," she exclaims, commenting that recently she pulled up a deposition taken months prior, including relevant hyper-linked exhibits, while prepping for another deposition at night from a remote location.

"I never have a problem finding anything on a moment's notice. It's very easy to search through anything in the online repository using an index or a search by words or phrases," she adds, remarking that it is also easy to print out full or mini-versions of any relevant document from the repository.

Cook says the digital repository saves hours of time for her and the staff at her firm. "They absolutely love it," she remarks, noting that her staff no longer has to search through stacks of paper or assemble indexed binders just to organize and find things.

### Service scheduling and coordination

Cook also uses her digital repository service to schedule and reschedule depositions with just a mouse-click. "This is a great tool for scheduling out-of-state depositions after-hours or in different time zones," she says. "With a few clicks, they will find suitable locations from east to west and notify you when it's set up."

Bliss uses low-tech with a phone to set

## Trial Lawyers Using More Video

**118%** increase in use of video sync tools (2014 – 2017)\*

**67%** increase in video for depositions, day-in-the-life movies, etc. (2014-2017)\*

**44%** increase in videoconferencing (annualized bookings in 2018 vs 2017)\*

Statistics from Boston-based global agency, O'Brien & Levine Court Reporting Solutions.



up depositions in mass tort cases through O'Brien & Levine's well-developed, thoroughly vetted global network of agency partners. Aided by the use of modern tech tools, the Boston staff and network partners can find the best locations and reporters with relevant experience anywhere in the world on a 24-7 basis.

"They provide one-stop concierge service for scheduling massive numbers of depositions nationwide at suitable and affordable locations," Bliss says. "That would be a huge administrative burden for us to do, and they remove that pressure." She notes that qualified stenographers and videographers are usually scheduled within a few hours for depositions at locations that

are less expensive and better than hotels.

"One call does it. They know us, they remember our preferences, and they make it easy," says Bliss, a former restaurateur who says "they know how to provide consistently great service, and there's no reason to settle for less."

This "Practice Trends" story is brought to MATA by O'Brien & Levine Court Reporting Solutions, a Boston-based global agency, owned and operated by Kenny Zais. For more information, see: <https://www.court-reporting.com/>.

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