

Experts 2.0 Using Technology to Put Your Expert Witnesses in the Spotlight



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Wearables, Google Glass, Apple Watches and iPad Pros are all the rage these days. But do they have a place in your practice—particularly when it comes to working with experts?

We believe the answer is yes.

We often joke that lawyers would still be using quill pens if they could. The legal profession can trace its origins back thousands of years. Too often it seems that precedent dominates not just case law, but also the tools that lawyers use.

That's not to say that technology always makes the practice or the presentation of experts better. It doesn't. For all of the successes we've had with technology, we've had more than our fair share of tech fails. By acting as a technology guinea pig and trying new ways to innovate in our practice, we've seen the good, the bad and the ugly. The use and presentation of expert witnesses, however, is one area in particular where we've seen technology shine.

Moving From Words to Action

For more than five years, we've used iPad-based video demand packages to reinvent conventional demand letters. With the iPad, we present video settlement demands

that showcase our clients as well as case documentation, exhibits and experts. We send the tablets and Bose noise-canceling headphones to opposing lawyers and decision-makers in metal briefcases.

We generally create these presentations in-house, combining video interviews, photos, diagrams, explanations from our expert witnesses and com-

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puter-generated imagery (CGI) to build a picture of, or even re-create, the events in question.

There's a lot of power that comes from giving opposing parties, mediators and decision-makers access to the individuals you intend to present at trial. A great report from an expert says nothing about how compelling a witness will be with a jury. We know that's what decision-makers want and need.

If a picture is worth a thousand words, what's a video worth? We often prepare these packages before a lawsuit is ever filed. This frontloaded approach forces the decision-makers to view our story while the case is still fresh. Equally important, if the matter isn't resolved, we're in a position to swiftly move forward. That advanced preparation lets us dictate the pace of the matter and any potential litigation.

You might be shaking your head, asking, "Aren't you giving the opposing party a roadmap to your case?" Yes, we are. But even if we're tipping our hand, we're showing that we're willing and able to devote the resources necessary to create a product like this.

Getting Attention

We've heard stories that opposing firms have actually gathered their teams to view our presentations. As a lawyer, that's invaluable. You're not just a letter in a pile. You have everyone's attention and, more significant, our clients and expert witnesses have their attention too.

Accomplishing this requires an investment in time and money. To feature our clients and expert witnesses in the best possible light, we work with animators who create reconstructions and animations that are included in a video. Ultimately, when we

send the iPad at the pre-litigation stage, we let our opposing party be the judge. Because of this, our experts must shine.

Want to make your own video package on a budget? The video camera on the latest iPhone is more powerful than high-end devices from five years ago. By making a modest investment for a tripod and a microphone, you're ready to get started.

Rethinking Your Expert-Screening Process

But how do you find a tech-friendly, camera-ready expert? Our process typically starts by combing through our database of trial experts here at the firm, reaching out to tried-and-



Attorneys Marc Lamber (left) and James Goodnow hold a gift from a successful mediation: an Atari 2600 home video game console, circa 1977.