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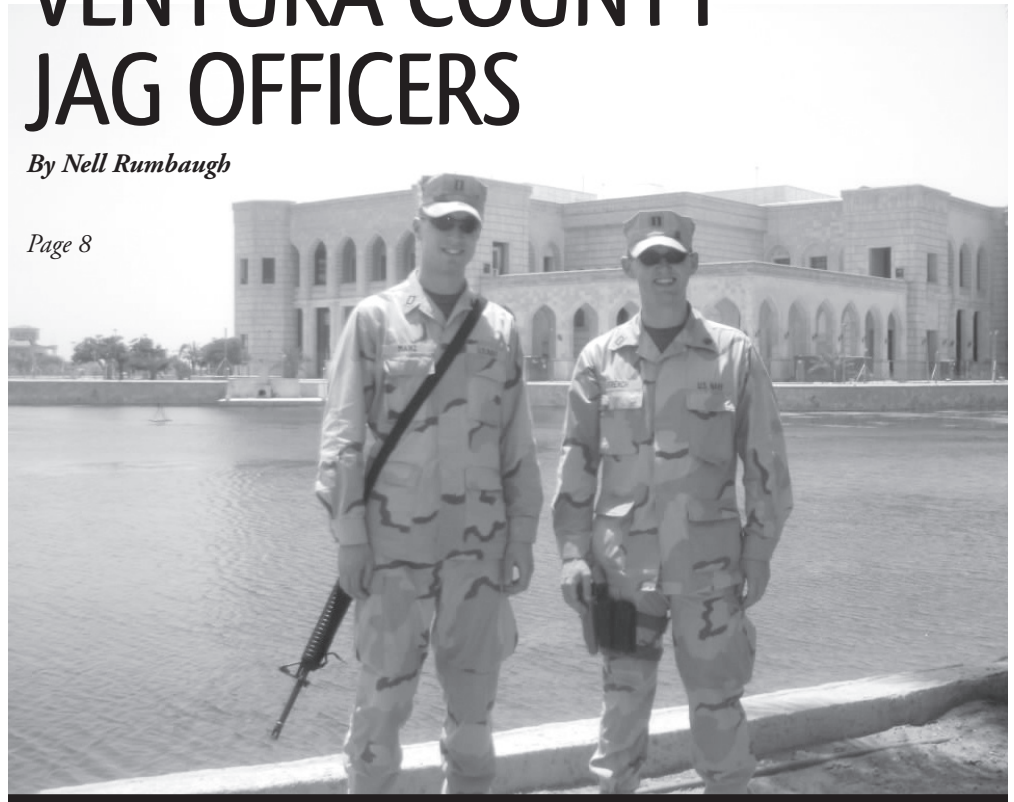
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PRESENTATION TECHNOLOGY – IT'S NOT SMOKE AND MIRRORS

By *Craig Bates*

As **Alex Gutierrez** of Hathaway, Perrett, Webster, Powers, Chrisman & Gutierrez notes, “**Presentation Technology** is a must these days. Through the use of trial technology, an attorney has the ability to control the flow of information as well as to direct the focus of the triers of fact, and can empower an attorney to change the entire complexion of a case.”

Let's be honest. No one in the legal profession invests 3 years (some, many more) of mind-grinding, intimidating brain bashings, followed by endless nights, weekends and holidays of billable hours, frequently missed plays, baseball games, and even more frequent tongue lashings by frustrated spouses, or significant others to *not* be successful.

Success can be measured in many ways, but there's only one measure of success in a client's eye – WINNING! As the field continues to become more crowded, it is vitally important to keep up with the latest technologies that can give you an edge and let you stay focused on winning. While nothing can take the place of a sharp legal mind, certain technologies can prove invaluable when trying to settle a case or sway a jury.

SO WHAT EXACTLY IS “PRESENTATION TECHNOLOGY”?

Presentation technology can encompass several different areas, usually beginning with a videotaped deposition that can be later synchronized and encoded with the transcript for presentation at mediation, arbitration, and, most significantly, at trial. By synchronizing the video, a trial technician will work closely with the attorney to choose and create clips of videotaped testimony that can be easily retrieved in the courtroom with the use of a simple bar code. The testimony can then be displayed with the corresponding text scrolling along the witness.

Additionally, crucial documents can be imported to a database using unique bar codes, and via the appropriate presentation software the documents can be enhanced, magnified, and projected from a laptop computer onto a screen in front of the jurors. The images can be shown side by side (split screen) so as to connect a portion of taped testimony with a relevant exhibit used during the deposition.

SO WHY NOT STICK TO TRANSCRIPTS?

Like most instances in life, you have one shot at a first impression. The visual interpretation of a witness can be considerably more compelling than one dimensional transcripts.

William Slaughter, of Procter, McCarthy & Slaughter, agrees “The use of video depositions is now crucial. When presenting conflicting testimony replaying video is far more effective than simply reading a transcript back to a witness. In a case several years ago, I asked a plaintiff who was on the stand at an arbitration if he was familiar with a specific witness. The plaintiff emphatically stated that he knew the witness, believed him to be a person of poor credibility, and that he was not someone who could be trusted.” Thirty days earlier his deposition had been videotaped during which time he had stated that he did not know the witness. “Simply reading the transcript would not have conveyed the confused look and vacant stare that was picked up on the deposition transcript. In my view, the plaintiff's credibility was totally destroyed at that point.”

WHAT IF WE ARE NOT PLANNING TO GO TO TRIAL? WHY SPEND THE EXTRA MONEY TO VIDEOTAPE?

At the beginning of any case, no one knows for sure whether they will go to trial or not however, having videotaped testimony available in the event may save you money in the long run. Even if you do not go trial, the impact a videotaped deposition can have at mediation, arbitration or settlement talks can be significant.

As **David Tredway**, of Ferguson, Case, Orr, Patterson & Cunningham, notes, “The video depositions were key to settlement of this case. The ability to preserve the unrehearsed facial expressions of the witnesses to the critical questions for use at trial was important to the ultimate resolution.”

Once a decision is made to proceed to trial, attorneys spend countless hours and energy preparing their client to make a good impression on the judge or jury, but no one can erase the memory of a less than star performance during a deposition.

No amount of technology can compensate for poor counsel, but having strong presentation support to enhance your case and let you stay “focused on winning” can be key to a positive outcome. Much like first impressions, you only have one shot at getting a deposition videotaped right the first time. Hiring a firm that has the knowledge, experience and a solid track record, is key to success.



Craig Bates is principal of Telegenics, Inc., a legal video services/litigation support company doing business in Ventura County and around the nation for over 26 years.