

How to be a "Super Lawyer": Success at Trial - Suggestions on Techniques and Handling Challenges

Alfred P. Vigorito, Esq.

Vigorito, Barker, Porter & Patterson, LLP, Valhalla

J.K. Hage, III, Esq.

Hage & Hage LLC, Utica

W. Russell Corker, Esq.

Law Offices of W. Russell Corker, PC, Huntington

John L.A. Lyddane, Esq.

Dorf & Nelson LLP, Rye

Alicia Ouellette, Esq.

President and Dean, Albany Law School, Albany

NEW YORK STATE BAR ASSOCIATION
TRIAL LAWYERS SECTION
SUMMER MEETING

SUCCESS AT TRIAL – AUGUST 3, 2018

MODERATOR'S COMMENTARY

By: Peter C. Kopff, Esq.

I. RECORD REVIEW

Personal injury cases require scrupulous review of the medical records in order to effectively represent your client. Medical records are organized in sections by physician's progress notes, orders, medications, and nursing notes. It is important to prepare a chronology early in the case where you take the important notations from each of the various types of notes in a hospital record and organize them chronologically so that nothing is overlooked. A nurse notes the patient had a carbuncle on her nose nine days prior to the diagnosis of her brain abscess. The defendant is claimed to have failed to give antibiotics to the patient to prevent complications from a bacteremia during dental treatment 21 days prior to the diagnosis of the brain abscess. At trial, plaintiff's expert, the treating neurosurgeon, conceded that a carbuncle on the nose nine days prior would be a more probable cause of a brain abscess filled with peptostreptococci than dental treatment 21 days prior. When confronted with the nurse's note, the witness was stunned. He had never read the nurse's note. The plaintiff's case was lost. An attorney must scrupulously review all the records and digest them prior to depositions and certainly prior to the trial.

II. IDENTIFY FACTS THAT CONTRADICT

As you review the hospital chart, police reports or ambulance reports, isolate statements that should be the basis of a question at deposition or trial to contradict the claims of your

adverse party. Jurors may question the veracity or reliability of a witness who gives one history to an emergency room physician or nurse and a totally different version at a deposition or trial.

III. TREATING PHYSICIAN AS EXPERT WITNESS

It is important in the above-referenced case that counsel used a treating physician as his trial expert. Such a choice is tempting for any plaintiff's attorney. The witness effectively treated the brain abscess in the young plaintiff, a nurse. But, many treating doctors are vulnerable to cross-examination on their own notes and certainly vulnerable to cross-examination on the treatment notes in the hospital record when they are not familiar with the details.

IV. PREPARATION ON THE MEDICINE

Preparation of a meticulous chronology is critical to your effectively representing your client. Basic research, reading a medical textbook or online literature on the subject involved in your case is essential for the attorney to be familiar with the vocabulary that you must know to cross-examine an adverse expert witness. You also must learn the basic methods of treatment involved with the medical condition at issue.

V. SUMMATION

The most effective way to prepare your summation is to take time near the end of each trial day to outline the important facts obtained during that day's testimony with respect to key witnesses. It is also recommended that you order the daily transcript of every witness and review the same with an eye toward your summation. On careful review of trial testimony, you will find statements that help your case that you may have missed in the courtroom. Review of the transcript will stimulate ideas for undermining certain witnesses and bolstering other witnesses.

When you have made daily notes on each witness, it will be much easier to organize your summation the weekend or the night before you have to give it.

VI. *IN LIMINE* MOTIONS

Do not surprise the judge. Submit a memorandum of law on controversial issues so the judge can make a correct ruling.

VII. DEMANDS OF TRIALS

You owe your client a duty to be physically fit to endure and prevail in a demanding trial. Trials require hard work and organization. You need to get sufficient sleep to be alert for the next day of trial.

Long term you need to deal with stress constructively. Physical exercise is one option.

You owe your clients a duty to be the best lawyer you can be, knowing the law, knowing the evidence, and being physically fit to zealously represent your clients.

Respectfully submitted,

Peter C. Kopff, Esq.
PETER C. KOPFF, LLC
1055 Franklin Avenue, Suite 306
Garden City, New York 11530
(516) 747-0030
pkopff@kopffllc.com

**How to be a "Super Lawyer":
Success at Trial -
Suggestions on Techniques and Handling Challenges**

W. Russell Corker, Esq.

Law Offices of W. Russell Corker, PC, Huntington

Excerpted from *Medical Malpractice in New York*, copyright New York State Bar Association.

Reprinted with permission

TECHNOLOGY AS A TOOL OF PERSUASION IN THE TRIAL OF A MEDICAL MALPRACTICE CASE

W. Russell Corker, Esq.

INTRODUCTION

In the six years since this chapter first appeared in this book, the use of technology in the courtroom for the trials of medical malpractice actions has changed from novelty to expectation. The digital revolution is now solidly ensconced in the courtroom and available to all trial attorneys. Even the most skeptical of medical malpractice litigators, long schooled in the oral tradition, now embrace technology as another tool to assist them in presenting their cases more effectively. It is now easier than ever before to create professional looking presentations for any size case. Even judges now welcome the use of technology in their courtrooms to speed up trials. As the use of technology in litigation increased, so also did significant improvements in the hardware and software necessary for the presentation, making it more reliable and easier for any practitioner to use.

Medical malpractice cases are uniquely suitable for the use of technology because of the complexity of the cases and the ability of technology to both organize and present evidence more efficiently and effectively. There are now multiple products to choose from to suit the needs and abilities of every trial attorney. The presentation technology and equipment is now so affordable that no case is too small for its use. Having the necessary knowledge to know when and how to use technology in a trial of a medical malpractice case is now a required litigation skill.

In addition to keeping the evidence more organized, easier to access and present, technology keeps the jury more engaged with the presentation of your evidence. Not only does a technology-based presentation permit simultaneous viewing of documents, images and videos, but it increases the pace of the presentation. Trial attorneys know the importance of an effective trial presentation in the art of persuasion. Many studies have demonstrated that most jurors are primarily visual learners, processing, comprehending and retaining information better when it is presented in a visual format. Developing a visual strategy to harness the infinite number of facts in every medical malpractice action is a critical skill required of all successful medical malpractice litigators. This chapter will focus on the basic technology tools and skills required to make an effective presentation. The companion skills of imagination and creativity, necessary for an effective presentation, do not come easily for most left brain thinking lawyers, but can be acquired with practice and study. The focus of this chapter will be to acquaint medical malpractice litigators with the equipment, methods and means to effectively harness the power that technology can bring to a courtroom presentation.

EQUIPMENT

First comes a brief discussion of the equipment (hardware) required for a proper presentation. The LCD projector is the critical link between your computer or iPad, with the data, and the image displayed to the jury. Projectors currently are not only significantly cheaper to purchase, but considerably lighter in weight and have more features than even a few years ago. Projectors come in many degrees of brightness and resolution, but to make your presentation with the lights on in the courtroom, the

projector should have at least between 2000 to 3500 lumens in brightness, be high definition and project at a native 16:10 aspect ratio, which matches most laptops. A projector with a wide angle lens and the ability to project at short distances works best in cramped and less than optimal courtroom situations. An LCD projector that displays an image that is large and clear is essential when presenting medical records with a great deal of text that is difficult to read at a distance.

A portable screen is required in any courtroom that is not equipped with monitors, which means just about every courtroom. I have three screens that I use depending on the layout of the courtroom. My smaller screen folds down into a very convenient carrying case and can be set up on counsel table when space is limited. My medium sized screen is on a conventional tripod, and my very large screen is braced in the back, sits on the floor without a tripod and folds into a metal carrying case.

It is helpful to carry a large assortment of adapters that permit your computer or iPad to be plugged into a courtroom monitor system or hardwired to the projector. If you are hardwiring your computer or iPad to the LCD projector, you will need to have HDMI cables of varying lengths, again depending on the courtroom. A 25-foot cable, which is the maximum length that will still permit a good transmission of data, is long enough for most courtrooms. A shorter cable, always preferred, can be used when the distance between the computer or iPad is close to the projector. A large extension cord, a shorter one, and power strip, are necessary because most courtrooms do not have easy access to an outlet. A roll of duct tape should also be in your bag to tape the cords down when necessary. You will need a small portable table to position your projector and possibly

an Apple TV module if you are going wireless. Of course, a notebook computer and/or an iPad to store your data and presentation software.

COURTROOM SETUP

The court rooms where most medical malpractice cases are tried were built long before technology evolved to the level that it is today, and consequently there are very few courtrooms that are technologically friendly. Visiting the courtroom in advance is more important than ever before to see how technologically challenging the forum is going to be. Never assume that any courtroom has any of the necessary equipment for your presentation. Check with the clerk of the part, ask where prior presenters positioned their equipment and find out if the judge has any particular requirements.

As in all courtroom presentations, the ability of the jury, judge, witness, adversary and yourself to view the presentation must be taken into account. The optimum setup permits all to see the image at the same time, but this is rarely possible in most courtrooms. The majority of presentations utilize a projection screen to display the image, which must be large enough for the image to be clearly seen by the jurors from across the room, while not obstructing the view of the opposing counsel and judge. To accomplish this goal, position the screen in the middle of the courtroom, between counsel tables and far enough from the jury so that the judge can also see it from the bench. This requires the image to be as large and clear as possible, permitting the jury to see the image clearly, otherwise they will stop looking.

Once the position of the screen is determined, consideration must be given to the placement of the projector. The bulb in an LCD projector runs very hot, requiring a fan to keep it cool. When purchasing a projector, it is prudent to evaluate the noise made by the fan, and purchase one that is as quiet as possible. Also, an LCD projector with a short throw can be positioned closer to the screen and further away from the jury, so that the noise does not distract them. The portable table holding the LCD projector must be on axis with the screen and not in the area between the lectern and the witness stand, if possible, to permit ease of movement if necessary. Depending on where the computer or iPad is located, it may be necessary to bring an additional table for that purpose, since many lecterns are too small to accommodate a computer, notes and exhibits at the same time, and it is desirable to always be close to your computer or iPad. If you have no other options, the computer can be placed on counsel table, but frequently results in the questioner repositioning to that location.

It is always important to know in advance whether the courtroom is equipped with Wi-Fi, the lifeblood of technology. Most courthouses now have Wi-Fi available in the common areas, but the signal frequently does not penetrate into every courtroom. If you are using a wireless set up, discussed in more detail later, you will likely need to bring your own hotspot, which is a separate piece of small equipment supplied by your cell phone provider. Do not rely upon your Wi-Fi hotspot on your telephone, because there are other resources that will interfere with the signal, causing a disruption between your computer or iPad and the projector. Beware, however, if you must bring in your own Wi-Fi hotspot, you will be using a tremendous amount of data. β

ORGANIZE YOUR EVIDENCE

An often overlooked advantage of technology is its ability to organize evidence. Medical malpractice cases invariably involve hundreds if not thousands of pages of medical records that must be organized in such a way that they can be accessed quickly and predictably when needed. Long pauses during the trial, while a litigator searches for the correct page in a hospital chart, promotes boredom with the jury and makes him seem unprepared. Litigators who can present the desired document quickly are perceived as being more prepared and in control by the jury. A number of tips will be discussed later in this chapter to improve this necessary skill. It goes without saying, however, that modern litigation software is extremely effective at organizing data, but many practitioners lack the experience to use these features effectively. A majority of medical malpractice trial attorneys have been using a paper-based method for most of their careers, and old habits are difficult to overcome.

In most medical malpractice cases, the medical records are the largest group of documents to be managed. All of the currently available litigation software programs can accommodate large amounts of data. A typical presentation during a trial, however, rarely requires more than a limited number of documents to prove the case. I recommend creating a separate folder on your computer for every hospitalization and health care provider during the discovery phase of litigation. In preparing for trial, these folders can be imported easily into the software programs. The actual paper copies of these medical records will physically be in evidence. Numbering the pages (Bates Stamp) of a hospital record before bringing them into your litigation software program makes coordinating the presentation images with the hardcopy that is in evidence that much easier. Witnesses often use the hardcopy records that are in evidence, so

coordinating the pages makes the process faster. There are many software programs that will place numbers on your documents, such as Adobe Acrobat Pro or DocReviewPad.

When naming documents before bringing them into the litigation software program, is best to limit the number of characters if a search becomes necessary on-the-fly. All of the litigation software programs permit thumbnails and indexes to be printed in hard copy, and I have found annotating the summary documents with longer names, such as the pathology report, or operative report, is the most efficient way to handle the problem. Many of the programs do permit renaming of exhibits once they are in the software, but this involves duplicating efforts and is unnecessary if the appropriate advance preparation is taken.

Litigation software permits a robust and quick search of stored documents, making it is usually fairly easy to find the required document when necessary. I would recommend keeping the most important documents in separate and smaller folders for ease-of-use. All of the primary litigation software programs permit evidence to be organized in subfolders for ease-of-use as well. I also recommended that separate folders be set up for openings, each witness and summation in order to make finding the document easier.

It is important to keep in mind when you are digitizing medical records, graphics or other images, the best format for the particular software program that you will be utilizing. Additionally, if your iPad is going to be your principal presentation tool, some consideration to using smaller files is important. A good practice to get into is to put all of your trial documents into your litigation software program early on in the litigation. I

find having all of my documents available on my iPad to be very convenient when I attend conferences in depositions.

CIRCUS PONIES NOTEBOOK

One of my favorite programs is Circus Ponies Notebook, an electronic notebook that permits you to keep notes, documents and images all in the familiar format of a multi-tabbed notebook. Finding documents, transcripts, medical records or outlines is easy and fast, permitting the notebook to be used as a standalone program during the trial.

As the name implies, the program creates a separate notebook for each of your cases. The organization of the notebook is facilitated by tabs. You can create as many tabs as needed, and each can all be customized with text and by color. A typical notebook might be organized as follows: a separate tab entitled "General," which has subsections for the chronology, notes, insurance information, etc. A tab entitled "People," containing the cast of characters. When you click on one of the names, a new page opens for this person, where you can add your notes, transcripts, copies of his/her medical records, photos, or any other digital data relevant to the person. Another tab might be entitled "Legal" into which you can bring copies of the bills of particulars, expert exchange information, court orders and discovery responses. A tab for all of the "Medicals," which will create a list, which will open when selected to the scanned copy of the actual medical record. Perhaps another tab, entitled "Medicine," to keep all of your notes and actual medical articles. The iPad version synchronizes with your computer version automatically. Bringing items just into your iPad, is accomplished by using Drop Box. The computer version supports drag and drop. Having the entire case,

organized and accessible, on your iPad permits you to carry your entire file to every deposition, court conference and trial.

One feature that I find useful when using the “Person” tab is viewing the document in “Steno.” First, I bring in the complete transcript, which until opened, is represented by a small copy of the first page. I then make an outline of the deposition, including page numbers, below the actual transcript. In “Steno” view, a line down is drawn down the middle of the page, with my outline of the deposition testimony on the left side and additional notes or questions on the right side. You can enhance your notes with annotations, such as highlighting, stickers, sticky notes, and keywords. I then use these notes in this format to cross-examine the witness at the time of trial, sometimes using my iPad or often printing the notes out to hardcopy.

BASIC POWERPOINT FOR TRIAL LAWYERS

The mother of all presentation software programs is PowerPoint (1990), by far the most well known and most used presentation software. It is inexpensive, versatile and easy to use. Its use as a presentation tool at trial was immediately obvious. My first courtroom presentations in the early 1990s were made using PowerPoint. Although originally designed for the Macintosh computer, PowerPoint became PC based when Microsoft bought the company. Since that time, PowerPoint has been introduced in many versions, now up to Microsoft PowerPoint 2013, with an update in 2015. There is also a Mac version, as well as a competing product by Apple called Keynote.

Although newer dedicated litigation software is now available, PowerPoint has continued to improve and is now easier to use than ever before. PowerPoint is still frequently used when the presenter has complete control over the sequence of the

images and presents them in sequential, linear fashion. This use adapts well to openings and summations. When greater flexibility is needed, however, dedicated litigation software programs permit random-access to the data, permitting any document or image to be brought up at any time and in any order. Although PowerPoint/Keynote is usually thought of as a linear presentation program, typing the number of the desired slide will cause that slide to be presented. Additionally, right clicking a slide, presents a screen the permits navigation to any slide in your presentation.

All of the functions or tools for creating a presenting slideshow are located at the top of the application, and over time have been perfected so that now the icons are familiar to most people, making them easier to use. One simply has to decide what they want to do next, find the appropriate icon and the process becomes somewhat mechanized.

When creating a new presentation for use at trial, the basic setup goes as follows. Start with a blank slide by clicking on the 'New Slide' icon. Decide on the slide's orientation; if the presentation is going to be primarily photographs or bullet points, landscape is the preferred mode. For medical records and documents, select the portrait mode. Set up the basic background for the slides, which should be conservative, free from extraneous clutter and consistent throughout the presentation. This is done by going to the menu bar, selecting "Format" and then clicking the background option. Select a color, and check the small box to apply this format to all of the slides in the presentation. Do not worry too much about the order of the slides, since the slides can be easily rearranged once they have been set up by clicking and dragging them to the desired location.

Here are a few presentation tips. To go to the next start slide, hit the “N” key or click the mouse or spacebar. To return to the previous slide, select backspace or “P.” If an objection is made during the presentation, or you simply want the screen to go black or white while you speak to the jury to keep the attention on you, hit “B” on your keyboard for a black screen or “W” for a white screen; hitting the key again returns to the presentation. To get completely out of the presentation, hit the “Esc” key.

The best formats for PowerPoint are .jpg (photos, images), .gif (animation), .tiff (large format, good detail), .bmp. and PDF, as well as many other less popular formats. To insert a PDF file, bring it in as an object. PowerPoint also easily handles most video file formats, as well as audio file formats. There are selection buttons on the ribbon for movie and sound, accessed through the insert button.

One feature not available until fairly recently, is the “Presentation View,” which makes a presentation so much easier. The view permits the speaker to see his/her speaker notes, the next slide, and a timer while the jury sees only the notes-free presentation slide on the LCD projector. You can even bring up out of the view of the jury thumbnails of all of your slides, and select the slides out of sequence. To set Presentation View up, first go to the computer’s preferences or control panel. In the Display Settings dialog box, on the monitor tab, select the monitor icon that you want to use to view your speaker notes, and then select this as the main monitor. Select the monitor icon for the second monitor (LCD projector) seen by the jury, and then check the extend my Windows desktop onto this monitor check box. In PowerPoint, select Slide Show tab, in the setup group, and select use Presenter View. On a Mac, in preferences, click Display, and make certain that the monitor is not in “Mirror View,”

which would create identical images on your computer and to the audience. Click on “Arrangement” tab and make sure the “Mirror Displays” is unchecked (deselected), which permits the computer and LCD projector to show two different screen views. In PowerPoint, click on the Slide Show tab, and you will see the setting for “Two Displays”, and select Presenter View.

BULLET-POINT PRESENTATIONS

Bullet point presentations, with or without scanned documents, should be used to augment, not replace, the oral argument. Bullet point presentations are only headlines; they should be kept brief, unnecessary words should be edited and phrases should be used rather than sentences. Jurors remember short phrases and words better than long sentences, and retention is one of the goals of your presentation. Bullet-point slides should be kept to four or five lines to avoid visual clutter; use two slides if necessary rather than having too many lines on one slide. Most experts recommend using no more than six or seven words for each bullet point, but less is even better. The basic bullet point slide also has a title, which should be made as memorable and descriptive as possible, rather than simply putting on a label that does not convey a message.

To create a bullet point slide, select “new slide”, and then select the “bullet slide layout” from the group of presented layouts. The layout involves a title with bullet points. The title and the bullet point working spaces are separate, and can be resized separately to make them more visually appealing. The initial word of each bullet point should be capitalized, with the remaining words in lower case. The “enter key”

advances to the next bullet • point. Bullet points can be put into a different order by clicking and dragging. Animation can be added to the slides by assessing the “animation tool.” Animation permits each line to appear on the screen one at a time, thus preventing jurors from reading ahead, and also adds a dynamic sense to the presentation. Select a simple animation scheme, such as “dissolve in one line at a time”, which displays one line at a time and advances with a simple touch of the space bar. The same is true for transitions from one slide to the next; keep it simple and not flashy.

INSERTING PHOTOS AND GRAPHICS

Bringing photographs into a PowerPoint presentation is a simple process. From the insert tab, you will be presented with a number of options, including bringing in a picture from your computer or going straight to your photo album. There is also a picture icon in the toolbar. One image per slide can be brought in, or multiple images for a side-by-side presentation. If you are using labels, you can bring the image into a slide, resize it to leave room for text, and then add the text quite easily. To bring a photograph into the slide, simply select the layout entitled ‘picture with content’ or ‘title and content’, click on the picture icon of a mountain. Navigate to where the picture or graphic is stored on your computer, click on it and add it to the slide. When importing images, photographs or graphics, it is important to use the proper resolution and size. If you have to make the image larger by 20% to 25%, the image may pixelate and become fuzzy. A PowerPoint slide works effectively with a resolution of 72 DPI (a PowerPoint slide is 960 pixels wide by 720 pixels high). Resizing, cropping, adding text and annotations can then be

performed as desired, although it is usually best to resize the original image in its native environment first to ensure the best detail.

LINKING DOCUMENTS, PHOTOS AND INTERNET WEBSITES

There are situations where you may want to link a document, hospital record, medical image or internet website to a PowerPoint slide, particularly if you are showing a timeline and want to display a hospital chart entry. A basic bullet point/talking point slide can be expanded to link additional information to the text. For instance, if you have four bullet points, each can be linked through action settings to the specific document or image that supports the specific talking point. When you click on to the bullet point, it links to a slide with a copy of the actual document. Adding a hyperlink to a relevant document is easy. For instance, if you have a graphic that contains shapes, such as rectangles with text in it, you can link this graphic to the actual document, such as a page in a hospital record. First, select the shape or text that you want to use as the base object. In the ribbon, select 'Insert' and choose "Hyperlink". In the "Insert Hyperlink" dialog box, under "Link To", click "Place in This Document". Click the destination slide. To check to see what it looks like, select "Custom Shows", select "Show and Return."

SMART ART

PowerPoint has a useful feature called, "Smart Art Graphics" that can significantly reduce the amount of time to create a design. First, go to the "Insert Tab" of the PowerPoint ribbon and click on the smart art button, which will open a dialog box. You will then see a number of different configurations, many of which are excellent for courtroom presentations. You are limited only by your imagination as to how to

effectively use the many shapes during your courtroom presentation. Creating a graphic presentation of an argument by using the templates and smart art is easy and very effective. You can create lists, hierarchies, cycles, relationships and pyramids with a click. For instance, if you want to demonstrate a positive feedback system that is often seen in a disease process, click on “Cycles” where you will see arrows pointing to the next arrow in a clockwise fashion, with space to add text. Hierarchy templates can be used to create algorithms, which received approval in the *Hinlicky v Dreyfuss*, 6 N.Y.3d 636 (2006) case.

EMPHASIS TOOLS: GET IN FOCUS

One of the goals of a good visual is to get the audience to look at and actually see what you want them to see. For example, if you display an important document, there are usually just one or two lines that support your theory of the case; this is where you want the jurors’ eyes and attention. PowerPoint has very useful highlighting, underlining and color tools, which are easy to use, and help bring focus to the presentation. Boxes, which can be placed around words, phrases or objects, arrows and other shapes, are also available and easy to use tools which add focused emphasis. To underline or highlight the important line, click on the tool palette desired, such as a straight line, select the desired color, and then using the mouse, underline the selection. The same process is used when putting a box around the desired text or object, with the additional step of removing the “fill color” to permit the text or object to be seen. Go to the “Fill Tool”, and instead of selecting a color, select “None”, which will then expose the desired text or object. There is also a transparency tool that will highlight the box while still permitting the text to be viewed.

To create a slide, select “New Slide”, and for “Content Layout” choose the icon with a picture of the sun coming over a mountain. This will bring up a dialog box that permits importing the photograph into the PowerPoint slide. Navigate to the folder where the image has been scanned and stored, insert it and click import. To resize the image to fill the slide, while maintaining the same proportions in the photograph, activate the workspace by clicking on it, and click and drag from the corner. To view two photographs side-by-side, select the appropriate template for two photographs, and import the images into each section. Presentation software permits cropping of photographs within the program, which can be used to eliminate unnecessary clutter and provide greater focus. Labels can be added to the photograph by using the toolbar, selecting “text box”, placing the mouse where the text box needs to be positioned, eliminating the fill, typing in the text, and resizing when necessary. The borders to the text box can be edited by selecting the appropriate tool from the toolbar, choosing a color and, in most cases, increasing the size of the lines that make up the box. Instead of eliminating all of the fill color, utilize the transparency slider to make the color more transparent so that the text shows through. Adding an arrow is done much the same way. Select the arrow from the toolbar, and while holding the left mouse button, move to where the front of the arrow should be positioned. Utilizing the “line color tool” in the toolbar, change the color and size of the line as desired.

EXHIBIT NUMBERS

Electronic exhibits are easy to edit. Exhibit numbers can be put onto the slide, which are scanned and digitized copies of the originals, to correspond to the actual exhibits that are marked into evidence. The preferred method is to put the exhibit

numbers onto the slides before using the exhibit slide during a trial to promote clarity for the record. The same format should be used with all of the slides. In PowerPoint, select the “text box” tool, place it on the exhibit, remove the “fill color” and type in the appropriate exhibit number. Trial Director has a dedicated exhibit slide tool for doing the same task.

TITLES

Attention must be given to titles when creating graphics. Titles quickly convey important information to the viewer about the graphic, such as what the graphic is all about, and frequently is the most memorable part of the display for jurors. Titles must not waste key informational real estate. Putting useful information in the title, rather than merely identifying a document is more effective. If there is something within the document itself that is useful, turning that into the title can be effective. In addition to a memorable title, where appropriate, a citation should also be added at the bottom of the exhibit to show the jury the connection to the original document.

LITIGATION SOFTWARE

PowerPoint was the first product used in the courtroom for presentations. Since that time, numerous dedicated litigation software products have become available to the medical malpractice litigator, for both PCs and Macs, as well as iPads. All of these programs have the capability of making multimedia trial presentations. Each of these programs has certain pros and cons discussed below. When deciding which program best suits your needs, download the demo first and try it out before committing to purchasing it. While the interfaces for these various programs often have similar features, the programs that will accomplish your goals and are the easiest to use are

usually best; more is not always better. It has been my experience that there are a limited number of features necessary to present even the most complicated medical malpractice case.

Almost all of the major litigation software programs have both a computer and an iPad version, with the latter usually having fewer features but with every bit the functionality of its larger brother, the computer. I always have a computer, in my case an Apple air, in the courtroom as well as two iPads, one of which is my principal tool for presentation. I match the software on each piece of equipment. Perhaps the biggest distinction between computer software and iPad software is how the majority of the data copies into the program. Computer programs typically permit you to drag-and-drop the documents into the software. The iPad software programs require syncing to a cloud-based product, such as DropBox, and importing the documents by way of Wi-Fi. I do not find this to be a problem since I store all of my documents in DropBox as a matter of routine as one of my several backup strategies.

The three major trial presentation programs for the computer are Trial Director, Sanction, and Visionary. They all perform many of the same basic tasks, and are very feature rich but can be technologically challenging to the newly initiated. When I began using litigation software in the courtroom for the first time, Trial Director was my tool of choice. These programs do offer the advantage of having a much larger storage capacity compared to the iPad, which is currently limited to 128 GB. The interface for all of these programs has improved over time, permitting a solo litigator to operate his equipment on trial without the assistance of a technology expert being in the courtroom. I have never used a technology assistant, but many trials lawyers find it helpful. Trial

Director 6 permits hosting of your video in the cloud. These programs also permit video editing to create video clips for use at trial, unlike most of their iPad rivals. With all of this advanced capability, much of which is unnecessary for presenting most medical malpractice cases, comes a hefty price. A single user license for Trial Director 6 is \$795, plus an annual maintenance fee, which compares to \$89 for the iPad applications, which do not have annual maintenance fee requirements. Trial Director is a PC based product.

IPAD LITIGATION SOFTWARE

Since the introduction of the iPad in 2010, it did not take too long for developers to come up with dedicated litigation software that took advantage of the iPad's size, easy to use touch screen, and ability to store large amounts of data. The iPad has been my tool of choice for some years, primarily because I can do everything that I need to do with it, and it is much easier to handle in the courtroom, particularly now that I have the ability to go wireless.

Litigation software for the iPad has all of the important features found in the more robust computer-based programs, with the ease and functionality found in the iPad's touchscreen. Because the software utilizes familiar iPad functionality, including icons and a touch screen, these programs are familiar to most and are considerably easier to learn and to use in a courtroom. The software for iPads has all of the significant annotation tools to help bring focus into any courtroom presentation. Creating a callout on the fly is as simple as touching the icon and then using your finger to block the area in question. The text becomes significantly larger and is brought to the foreground, making even the most cluttered medical record easier to read. Standard tools, such as a

highlighter, arrows and circles are readily available, and all you need is your finger to use them. There is even a redirect tool that permits you to hide text from the view of the jury. Any exhibit that is annotated utilizing the software can be saved without changing the original image. The saved images can then be sent to a printer and a hard copy made if required. The programs have the ability to display two documents at the same time (TrialDirector can display four, but this is rarely needed in a medical malpractice case). The screen is cleared of the annotations by the “Clear” button.

The two main iPad programs are TrialPad (my favorite) and ExhibitView iPad, both of which are full-featured courtroom presentation tools for an iPad. The two programs are very similar, and although I own both programs, I use TrailPad when on trial, so my remarks are specific to Trialpad. This program supports multiple file formats, including PDF, JPEG, PNG, TIF, Multi-Page Tiff, TXT, and all audio and video file formats supported by iPad. When holding the iPad horizontally, all of your exhibits are located on the left side in an exhibit library and easily viewed and selected. The presentation area is on the right side with all of the annotation tools. There is also a feature permitting side-by-side document comparisons. TrialPad has five presentation tools: call out, highlight, pin, redact and laser. The program permits bringing an exhibit into the presentation screen, making certain that it is the one that you want, annotating and when the slide is ready, with the touch of your finger on the presentation button, the slide is then exhibited to the jury. Having this feature avoids the jury viewing unwanted documents while you are searching for the one that you wish to display. Because they utilize retina graphics for iPad, the images are very crisp and clear. There is a feature that permits putting exhibit labels on the presentation documents and another that

permits tracking admitted evidence. An entire document or a single page from a document can be marked as a "key document." Accessing the important documents is easy, efficient and saves time from scrolling through numerous document thumbnail images on the left side of the screen to find the correct one. When there are numerous pages in a hospital record or trial transcript, this feature is a real timesaver. If your expert marks up an exhibit, it can be saved as a key document, together with the original unedited image. These programs also have the capability of displaying video files.

The iPad Air 2 supports a "split view", permitting two apps to run side-by-side. By having two apps open, the presenter can have all of the medical records in TrialPad and then immediately switch to a 3-D anatomy program to demonstrate an anatomical structure. Similar, although not identical, is the ability for an updated iPad to use "slide over", which reveals a list of other apps very quickly. One use of this feature would be to have your presentation outline in one program, such as Note, and then quickly bring up TrialPad when necessary. To engage this function all that is required is to sweep from the right edge with your finger, and all of the programs on your iPad are displayed as icons in a scroll down menu. The audience will not be able to see your outline, and the outline will not project onto the output screen. To get back into TrialPad, simply tap on the TrialPad side to bring it back into full view. To see a different secondary app, bring up the app again and tap the scroll down line at the top, and pull down, revealing all your apps on the iPad.

WIRELESS

The ability to present your evidence wirelessly using an iPad, communicating through a small Apple TV device that is connected to the LCD projector, literally cuts the cord between the iPad and the projector, permitting the attorney more options in moving around the courtroom without the added concern of dealing with a connected HDMI cable. I initially tried using a Wi-Fi hotspot on my telephone for service but discovered that telephone calls and data interfered with the signal, resulting in a loss of communication. I then purchased a dedicated Wi-Fi receiver, which worked fine, but used a great deal of data on my phone plan. The best situation is to be in a courtroom that has Wi-Fi. Setting up a wireless connection is not difficult, and is the same process used to connect your iPad to your home television set via Apple TV. Both the Apple TV and the iPad must have Wi-Fi access and be on the same network. Swipe up on the iPad screen to reveal Control Center. Tap Airplay and then the name of your device, and you are connected. The Apple TV connects to the projector by way of an HDMI cable.

DEPOSITION TRANSCRIPT SOFTWARE

The stenographic industry has kept pace with developing technology, and almost all agencies provide transcripts in multiple formats, which easily import into a computer or iPad. Once the transcript is imported, it can be brought into one of the dedicated transcript managers, for more effective use. These programs permit you to read and review legal transcripts more efficiently than ever before. The programs permit the transcripts to be highlighted, annotated and used with presentation software. Another interesting feature is that they permit the trial attorney to create issues, and then block

relevant deposition testimony from various witnesses and assign it to the appropriate issue. Reports can then be generated of the verbatim testimony of each witness on a particular point. The issue assignment ability also permits the attorney to create a digest of selected questions and answers that can be used as the basic structure for cross-examination. Additionally, because all the words are indexed, searching for a relevant answer during a trial is infinitely more efficient and faster than looking at the index in a hardcopy transcript.

A program, such as TranscriptPro 2, supports PDF, ASCII and video synchronize transcripts. TranscriptPad is made by the same company which makes TrialPad, and is my favorite transcript software. The universally accepted file format for transcripts created by court reporters/stenographers is an ASCII file that is delivered in TXT format. Transcripts must be in TXT format to work in TranscriptPad (exhibits can be in PDF format). This format preserves all of the original formatting contained in the hard copy transcript.

VIDEOTAPED DEPOSITION

Impeaching a witness with his transcript is effective, but using a videotaped deposition of that same exchange is far more persuasive. Anyone who has ever read a deposition transcript during a trial to the jury knows how boring it can be. Where a witness has given several contradictory answers during his deposition, it is much more powerful to display the video to the jury than merely reading the transcript. Although there is no obligation to read the entire deposition transcript, for whatever reason, many lawyers feel compelled to do so. This practice violates many of the cardinal rules of

persuasion, not the least of which is that the message might get buried in the tedium. The same is true with videotaped depositions. There is no obligation to start the video at the beginning and run it to the end in a linear manner. Editing video to enhance focus and eliminate boredom is essential. Once converting video into digital format, it is easy to bring up the segment desired immediately, which is unlike analog videotape that must be advanced or rewound to get to the desired point. If the videotape is used during the trial, when a witness testifies in a matter inconsistent with his prior videotaped deposition, immediately displaying the video to the jury testifying in a contrary fashion is simple and fast. VHS video, which is analog, can be easily converted into a digital format and brought into dedicated software programs for editing. Trial Director has a built-in video editing feature that is easy to use and very effective. Once converted into digital format, it is much easier to edit and present in the order and manner desired. The software for doing this editing is readily available, and with more families making home videos, the expertise for such editing is now within the realm of many trial lawyers. However, there are many commercial businesses that will do video editing. The only issue sometimes is on deciding where the edit cuts should be placed, which requires a great deal of coordination. On the other hand, there are few more effective techniques than presenting short snippets of edited videotaped depositions by several witnesses on the same point contradicting each other.

3D ANATOMY SOFTWARE FOR IPAD

Presenting anatomy to the jury using an iPad has been one of the best tools for a medical malpractice attorney. Instead of presenting a flat, two-dimensional blow up or a static digital image from your computer, there are now available a number

of reasonably priced anatomy programs that make the presentation in 3D. There are so many programs available that contain a complete Atlas of the human body, as well as dedicated programs for muscles, skeleton, nervous system, digestive system, heart, kidneys, brain, respiratory system and urinary system. These programs permit the attorney to manipulate the orientation, for instance of the heart, in a 360 degree, up and down manner, thereby permitting the desired area to be displayed. It is easy to zoom in or out on a structure for better focus using familiar iPad movements. There are tools that permit marking up the image. By touching an area, a dialogue box gives you an identifying label, and even will pronounce the name of the structure. These programs also permit the overlying anatomy to be removed to permit viewing of structures beneath, something that can be particularly effective when trying a surgery case, where the overlying structures can be removed quite easily from the image to permit exposure of the area in question. There is also a short videos demonstrating function. One of my favorites, Human Anatomy Atlas, Visible Body only cost \$19.99. This 3-D anatomical model of the human body has over 4600 structures in both a male and female model. It also includes microanatomy models of senses, 3-D animated models of muscle actions. I have all of the systems listed above on my iPad at all times. Beware, these programs are very large and take up a considerable amount of space, so always buy an iPad with the maximum amount of storage available.

MEDICAL ILLUSTRATIONS

Medical illustrations can assist medical witnesses to explain anatomy, surgical procedures and equipment/instruments relevant to the case. Because of the

ease of use, many more images can be scanned and presented with PowerPoint than might otherwise be used with a standard blow-up on foam board presentation.

One of the concerns when using anatomy drawings from a standard textbook is the amount of excessive detail which frequently obscures the point of interest. As with most exhibits, the less clutter, the better. The Internet can be a great source for medical images, but many of these images are too small to be effectively used in PowerPoint because they lose their definition and clarity when enlarged to fill the screen. The classic textbook of human anatomy, entitled "Atlas of Human Anatomy" by Frank H. Netter, M.D., is wonderfully illustrated but in many cases has much too much detail for effective use. Children's books can be a good source of simple diagrams and graphics that can be effectively used in the courtroom.

VIDEO

Video can dramatize what would otherwise be hard to imagine, eliminating the need for prolonged presentations of proof. Video cameras have been in common use for many years and offer many opportunities for use at trial. Pre-accident videos, such as marriage ceremonies, sporting events, and family gatherings frequently convey important pre- injury information concerning a physical condition much more effectively than an oral description. Conversely, a video taken by the adversary frequently can be devastating to claims of inability to function. There is no limit to how to use video during a trial. In addition to using a traditional videotape machine, all of the presentation software discussed above will display video.

Many events can be videotaped for more effective presentation. For instance, videotaping the monitor during an EMG study showing spikes in the waves, can

augment the doctor's testimony at trial as he explains how the study demonstrates damage to the nerve. Videotaping a physical therapy session can be effective where the patient is unable to go through a normal range of motion.

IMAGING STUDIES

Imaging studies, such as x-rays, MRIs, and CT scans, are critical for diagnosing conditions and are therefore an important piece of demonstrative evidence in most personal injury actions. Traditionally, the physician testifying concerning the significance of the imaging study does so utilizing a small shadow box, either at the witness stand or directly in front of the jury. MRIs and CT scans used to come in sheets containing multiple smaller images presented in a serial fashion. Observing detail at a distance is very difficult.

Most imaging facilities now only use digital data displayed on computers, printing hardcopy only upon request. Digital images can be obtained and loaded directly onto your computer and displayed through presentation software, which usually comes with the disc. On those occasions where you can not get the images to open, a free software program, OsiriX, will convert almost any study. If only one or two images are needed for your presentation, I would recommend simply taking a screenshot of the image and bringing it into your presentation software. Presentation software permits blowing up of smaller images so that the detail can be appreciated better by the jury. Enlarging imaging studies are not objectionable, except where the imaging study itself is in controversy, such as the proper interpretation of a mammogram, where at least one court ruled that a blow up unfairly represented the image seen by the radiologist at the time of the interpretation.

The major advantage is that annotation tools embedded in the software permit greater flexibility in bringing focus for maximum impact. Putting a circle around, or an arrow pointing to, the point of interest on an imaging study is more effective in most cases than having someone merely verbally describe it or put a finger on it. Because images can be displayed so quickly, it is often easier to organize and then present a serial presentation of imaging studies in sequence over time to illustrate a point. For instance, when following degenerative changes in a knee, showing imaging studies over time can demonstrate the joint space getting smaller. Presentation software permits side-by-side comparisons not afforded when using a single shadowbox in the courtroom.

TRIAL GRAPHICS

Trial graphics can be another tool in the teaching process and used at trial. Transforming a concept into a trial graphic can be very challenging. Illustrating important parts of your case can be a useful organizing tool as well. The goal of graphics is to simplify information and present it in a manner that will be memorable to the jury. There are no limits to the types of different graphics that can be used to convey effectively information. Successful trial lawyers spend a great deal of time at trial educating jurors, and graphics can be of great assistance. Graphics can also help make the case easier to understand. First, the trial lawyer must have the imagination to identify critical concepts that need to be communicated to the jury. Coming up with the most effective graphic is frequently more challenging. Deciding which medium to use to display best the trial graphic to the jury is the last and easiest part of the process. A

visual presentation in conjunction with oral information can make a more effective impact on the jury than mere testimony alone.

Presenting information in graphic form one piece at a time can enhance focus. Presenting the first piece of information causes the jury to focus on it. When adding the second piece of information, the jurors' attention naturally goes to that, to the exclusion of the first piece. Completing the graphic, using the same baseboard but adding to it step-by-step can be very effective. With presentation software like PowerPoint, this is very easy to do. Start with a basic slide. Click on the slide in the slide/outline section that is displayed on the left side when not in slide show mode. Click 'CTRL' 'D' to duplicate the slide; click on that slide and bring it into the workspace, add additional information, and continue in the same manner, completing the final slide. This layering effect also acts as a good pacing device to assist the lawyer in the presentation. By presenting the information step-by-step, and breaking the whole into smaller, but related parts, the jurors will not be overwhelmed as they might otherwise be if presented with the information all at once.

If the plaintiff has a permanent injury and can be expected to experience pain for the rest of her life, it is often difficult to get jurors to comprehend the concept of time. One way to do this is to take a graphic using small icons of calendars to display 10, 20 or 30 years. Leaving a simple graphic such as this on the screen while you talk about permanency will cause some jurors to reflect upon the difficult concept of "duration of time."

If the case has multiple characters, and identifying each person's respective role is important, using a graphic with the icons of people with their names underneath

organized in such a manner as to make their roles clearer is easy and effective to do. The organization or labeling of each person's involvement can help bring focus on the individual or individuals who are most important to your case.

There are many ways to present information, some more effective than others. Trial lawyers seem to have a preference for information rather than putting pictures into their graphics. Symbols, or icons, can be effectively used on graphics, and frequently are more powerful. Using icons as symbols frequently permits more information to be put into the graphic utilizing less space, and is often easier for the jurors to comprehend. For instance, demonstrating a series of telephone calls on a graphic timeline by using telephone icons is more effective than writing the word "telephone call", or using 20 or 30 icons of a therapist to represent physical therapy visits rather than putting in the name of the therapist.

TIMELINES

Medical cases are frequently presented in a chronological structure. Having an effective timeline often serves as the underlying foundation for the flow of all information presented to the jury throughout the trial. Technology has made creating professional quality timelines accessible to any litigator, facilitating transforming case facts into high-quality visual timelines very quickly and easily. Timelines usually have a time bar that has important events connected to it. In addition to written entries, time bars can utilize icons (small pictures, such as of a doctor demonstrating doctor's visits), that frequently can be more convincing and easier for the jury to comprehend when there are many entries. When setting up a time bar, selecting the appropriate unit of time and its position in the graphic is the key to an effective visual. For the timeline to be effective,

the graphic must not be visually cluttered. When necessary, break the timeline into multiple graphics. Alternatively, present a timeline that spans a longer period, and then use additional graphics to focus in on key periods. As in other graphics, do not feel compelled to cram in every single fact of the case; remember, focus is the key. When putting in the written entry connected to the timeline, edit down to the bare essentials to eliminate visual clutter.

Litigation support software programs, such as Timemap, TimelineXpress, Easy Time Line and Beedocs are inexpensive and cost effective. MS PowerPoint and Keynote also create timelines but require greater expertise. Many of the dedicated software timeline programs, however, can be imported directly into PowerPoint for presentation purposes. Built in templates (TimeMap has 30 pre-set templates) make creation of professional looking timelines easy. Adding dates and events to a New Fact Box, which can be customized for such things as color, and then added to the timeline, which will automatically rebuild, making all of the necessary adjustments. Fact boxes can be adjusted up or down or side to side so as to not compete with an adjacent fact box. If using a companion product, such as Casemap, the data can be directly imported into a timeline without recreating the fact boxes. These timelines can be printed and then blown up and presented on foam board if desired, or displayed using a computer and LCD projector. TimeMap's timelines can be transferred to PowerPoint using a simple one step operation, which then permits presenting the events of the timeline, one event at a time by pressing the spacebar on your computer. PowerPoint's annotation tools can be used to create timelines by using text boxes and joining them to a horizontal or vertical timeline.

An added feature to these products is the capability to link an actual exhibit to a timeline entry. Being able to have the document zoom out from a time entry can be very visually compelling. MS PowerPoint has had this capability for many years, but creating timelines is more technologically challenging than in the dedicated software programs. Now, the dedicated software programs can also add hyperlinks to documents. In TimeMap, for instance, an image is selected and hyperlinked to the timeline. To add a link, choose “Edit,” Add Link,” then type or paste the URL. The main difference between this program and MS PowerPoint is that when the attached exhibit is clicked on, TimeMap opens a new window and launches the default software for the linked image. To facilitate easier viewing, the linked image can be prepared in advance for optimal viewing by having the specific text already placed in a call out or annotated. Moreover, most of these programs can expand or compress to show more or less detail. To ensure the degree of focus you want from the jury, it is often a good idea to display one event at a time and build the timeline by adding one event at a time.

CHRONOLOGICAL LISTS

Chronological lists display important dates but do not necessarily relate them temporally. The list has a column with dates and next to which a written description that corresponds to the date. While timelines are better for showing temporal relationships, there are times when a simple chronological list, showing important dates, can be more effective. Chronological lists generally are presented vertically rather than in the landscape format frequently utilized for timelines. A chronological list can be an effective reminder during opening statements and summations, and can assist in delivery. Chronologies can be digitally created using PowerPoint and bullet-points.

FLOW CHARTS

Flow charts condense evidence and allow for presentation in both a visual and linear fashion. The information exhibited on the flowchart often comes from the oral testimony at trial. Flowcharts are particularly convincing when attempting to demonstrate cause and effect relationships. Flow charts can also summarize voluminous records, and merely act as proxies and organizational tools for matters already admitted into evidence.

The verdict form is, in essence, a flowchart. A well-constructed flowchart, incorporating the evidence, can be an effective way to assist the jury to analyze the evidence as it relates to the law of the case. Utilizing the concepts in the jury interrogatory, a flowchart that addresses the major questions that the jury will be required to answer, arms the jurors who are in your favor so that they can argue your case for you during deliberations. An effective flowchart shows the jury how to get to where you want them to be.

CHECKLISTS

A checklist is usually a series of rhetorical questions followed by boxes that can be checked “yes” or “no.” The answers are revealed one at a time, while the evidence is examined, and acts as a pacing device with the attorney making a presentation. Using a checklist tends to keep the jurors more involved each time the trial lawyer returns to it to make the next point.

Checklists can be made using PowerPoint with successive slides checking off the correct answer. Once the master slide is created with the rhetorical questions, a duplicate slide is created by typing “CTL D.” With a little bit of practice, a checkmark can

be animated to duplicate the two strokes necessary to create a checkmark, or can fly into the box at the appropriate time. PowerPoint has animation tools that control how characters appear and disappear on a graphic slide. Checklists can also be effectively presented using foam boards and blowups. This approach can be particularly persuasive if multiple witnesses will be testifying on the same point and giving the same answer. Checklists are persuasive for framing the questions in a manner that is most beneficial to your case. Clearly, there is an advantage if the jury adopts your questions from the checklist as the critical questions to be answered in deciding the case.

OPENING STATEMENTS

The purpose of the opening statement is to explain to the jury what the case is about, what the issues are, and what the proof will be at trial. The jury is given a chronological overview of what happened, the key players are introduced, critical technical terms are explained, and important documents and exhibits discussed. CPLR §4016 does not address the permissible scope of opening statements. In most cases, the court will limit the use of graphs, charts, photographs or other exhibits in the opening statement without the consent of your adversary, or unless the parties have pre-marked exhibits. As long as it is not an improper argument, there should be no objection to allowing a party to state its intention to introduce into evidence, subject to the court's discretion pursuant to CPLR §4011 and §4016, and then to show that evidence in graphic or other demonstrative form, as long as there is a reasonable basis for believing it will be admissible at trial.

Many trial courts permit writing part of the opening on a blackboard for emphasis. Presentation software is the functional equivalent of a blackboard. If you can say it in

opening statements, there should be no prohibition against writing it. Bullet point presentations, which are not actual exhibits, should be permitted even if documents and other exhibits are not permitted to be used.

There are unique issues, however, associated with using visuals during an opening statement, and certain precautions that should be undertaken. There is also a distinction between using PowerPoint with bullet points to augment the oral argument, and displaying documents that are not yet admitted into evidence. While there is a trend to pre-mark documents that will be going into evidence once the trial commences, there is no guarantee that your adversary or the court will do so.

Several things should be done to facilitate the use of demonstrative evidence during opening statements. First, notify the Court and your adversary in advance that you intend to use PowerPoint during your opening to avoid interruptions during your opening statements. An opening statement should not be an argument, but should be a statement of the facts that you intend to prove at trial. When using a PowerPoint presentation, avoid the use of “adjectives” and “adverbs” during any bullet point presentation to avoid the objection that the opening statement is being argumentative. Frequently, your adversary will ask to preview the PowerPoint presentation. In those situations, attempt to have the judge preview the presentation out of the presence of your adversary. If that fails, it is still better to permit your adversary to preview your PowerPoint presentation rather than to have frequent interruptions during opening statements. Another objection frequently encountered is that PowerPoint slides come up so quickly that your adversary has insufficient time before the jury sees the visual. Previewing the PowerPoint presentation effectively deals with this objection. Unlike

traditional hardcopy blowup exhibits, a PowerPoint presentation can be edited immediately, and slides removed or changed quickly if there is an objection, thus offering a tremendous amount of flexibility not afforded by hardcopy exhibits. Additionally, if there is an objection to a PowerPoint presentation, merely pressing the letter “B” immediately blacks out the screen, pressing the letter “B” again resumes the presentation.

The purpose of any argument is to persuade; to persuade you must bring focus to your presentation. When presenting documents to the jury during opening statements, ideally the jury should be focused on the points in the document that reinforce your theory of the case. Keywords can be underlined or labels used to accomplish this goal. It is very easy to do this using PowerPoint. It is important, however, when using documents with added focus during opening statements that all labels are fair and noncontroversial.

An effective way to bring focus to your message is to use a “text pull.” An image of the original document is displayed, with highlighting of the portion of the document that is important to your case. The highlighted section is linked to a callout or text pull, which is enlarged for easier reading by the jury as well as reinforcing the desired focus. In many situations, a citation can be placed in the corner of the slide presentation to show where the document originated. To do that most effectively,

Complex cases frequently involve many key players that are difficult to keep straight. A simple graphic, using clipart for the people with their names and titles, can assist both the attorney making the presentation and the jurors. Actual pictures of the individuals can be obtained from their videotaped depositions or other sources if

available. Simple graphics can also be produced that place individuals in certain locations, such as at an accident scene or perhaps in a factory setting.

EXAMINATION OF WITNESSES

Direct and cross examination of witnesses is considered by many trial attorneys to be the most significant events that take place in a courtroom. Well-choreographed examinations are one of the most important skills required of any trial attorney. Technology can be an effective tool to keep your own witness on message, lend credibility to the oral testimony, as well as providing a structured foundation for cross-examining an adverse medical witness. Medical records are the foundation of most medical malpractice cases, and technology not only assists in organizing the multitude of documents but facilitates their use in a much more streamlined fashion. I have seen experienced trial attorneys trying medical malpractice cases using hundreds of blowups of the pages from a hospital chart. After only several days of trial, it becomes exceedingly difficult to find the desired blowup of the document without disrupting the flow of the examination, with a corresponding drop-off in interest by the jury. Technology, if properly used, facilitates the easy handling of these documents. Moreover, with the use of the animation tools and callouts, the information is usually easier for a jury to see because it is not only larger but in the age of HDMI, sharper and clearer.

All of the litigation software programs have features that permit all of the documents needed for a particular witness to be arranged in a defined folder, either as key documents or by witness name. It has been my experience that most cases only

require a limited number of pages from a hospital record to prove or disprove a case. In preparing your documents, is often better to copy key exhibits and rename them using the witnesses first initial for ease of ready access.

When preparing to examine or cross-examine a witness, a decision must be made as to which exhibits to use with the witness in what order to introduce these exhibits. Medical records usually are already in evidence, but medical illustrations, graphics in other argumentative slides must be reviewed in advance with the witness to ensure that the proper predicate foundation questions permit their use. Most medical illustration exhibits are used for demonstrative purposes only, so that when using technology, the attorney has a far greater opportunity to present a more complete the monster presentation then when he attempts to do so through the use of blowups.

When examining your expert witness on direct, it can be effective to have the witness step down from the stand and interact directly with the media being presented on the screen. The witness should stand on the right side of the screen facing the jury if he is right-handed so that he does not block the jury during his presentation. Prepare the witness to use the iPad software annotation tools when necessary, saving a copy of the edited image for later use. On the other hand, when cross-examining an adverse medical witness, you should do all of the underlining.

Preparing a series of bullet point words and phrases that are relevant to the lawsuit can be easily displayed to the jury while the witness is asked to define the term and explain its significance to the case. In most medical malpractice cases, teaching the important terms not only helps win cases but build credibility with the witness. A timeline, can be brought into the litigation presenting software or PowerPoint, and the

witness can use it as a foundation for his testimony. When you are attempting to explain a complex medical issue, using a linear slide presentation that addresses the fundamentals of the principle is an effective teaching tool. A presentation that not only defines the key medical terms but explains the expert's methodology for arriving at his opinions, can be very persuasive. Imaging studies and medical records can be integrated into this linear presentation very easily. By presenting the evidence through the use of technology, the presentation becomes much more streamlined and organized. Moreover, because you are not limited by the number of graphics or medical images that you use, it is considerably easier to layer your information, one slide at a time.

When it comes to cross examination of an adverse medical witness, very few things are more important than preparation and control. Technology can help organize information and how it is presented to the witness. Organizing your notes for cross-examination of a medical witness can be a daunting task, even for the most seasoned trial attorney. Circus Ponies Notebook can be useful when cross-examining a defendant doctor, as explained above. I also use TrialPad's feature that permits the creation of issues and the assignment of deposition testimony to that specific issue. A report can be created and printed if you feel more comfortable using hardcopy, or an iPad can be used, keeping the podium uncluttered. I often use a dedicated iPad when questioning a witness, so that my connected iPad remains free for visual displays. On those occasions when you obtain significant concessions from a prior witness, daily transcripts can be either digitized or obtained in electronic form, and quickly and easily put into a litigation presentation program and displayed to the witness for added control.

Because the exact response from the witness is being displayed, it also avoids the usual objection that the witness did not so testify from his attorney.

There are few things more powerful than a concession obtained during cross-examination. One method is to prepare in advance a limited number of major points already established during the deposition of the adversary witness. As you ask the question and get the locked in response, bring it up one at a time on the screen. For instance, if the witness concedes that a radiologist is required to identify all abnormal findings on a CT scan, bring that up on the screen as: “identify all abnormal findings.”

SUMMATION

Summations afford a perfect opportunity to use litigation software, which can not only facilitate the trial lawyer’s delivery but make for a more coherent and understandable argument to the jury. Making a proactive argument is easily accomplished with PowerPoint if you are able to stick to a script. The simple act of putting together a well thought out PowerPoint presentation will help the trial attorney organize his thoughts and lead to a more coherent and organized presentation. Moreover, using a wireless, Bluetooth mouse, or even an application on your iPhone, the trial attorney can advance the slides and still have the freedom to not be in front of the computer.

For instance, the jury questionnaire that they will be called upon to answer can be easily scanned and used as a talking point for closing remarks. Make a slide with the significant words, such as “Reasonably Prudent Doctor,” and then orally explain that this means a doctor who acts reasonably and is cautious (prudent) when treating a patient. Repetition of trial themes can be easily displayed and discussed. Rhetorical questions

can be presented to the jury in visual form for more effect. Presenting damages, likewise, can be effectively presented using presentation software that permits adding new lines of items until the total is reached. 'Yes' and 'no' checklists can be easily created using PowerPoint, again to add focus to your case. Such techniques deliver a logical message intended to illustrate the theory of your case. Decision tree charts, utilizing easy-to-use templates provided by PowerPoint, can help reinforce your trial message. The decision tree can be revealed, one piece at a time, for greater effect. Making a list of the facts and issues that the witnesses agreed upon can limit the issues for the jury to resolve, and can quickly be created on the evening before summations. Portions of the trial transcript can be scanned and displayed, with emphasis on the desired portion, while discussing its significance at the same time. Presenting a document with argument points next to it on a screen can reinforce important portions of your argument. Linking a graphic to the jury instructions or jury questionnaire is always a good idea when possible. It is often best, particularly when using a program like PowerPoint, to either use blank slides or to hit the B key, which automatically brings up a black screen, when you do not want the jury looking at the screen.

CONCLUSION

Trial lawyers are always looking for an "edge", a better way to present their case and more effectively represent their client. It is not sufficient to have the better case; you must be able to present your case effectively to the decision makers, the jury. It only takes being upstaged one time by an attorney who effectively uses technology in a courtroom, to make you realize how powerful technology has become as a tool of persuasion in the courtroom.

CROSS-EXAMINATION IN THE MODERN ERA

W. Russell Corker

INTRODUCTION

In 1903, “The Art of Cross-Examination” by Francis Wellman gave trial lawyers what was to become the leading text on the subject of cross-examination. In 1975, “The Art of Cross-Examination” was the same title for a lecture given by Irving Younger, where he set forth the “Ten Commandments of Cross-Examination.” While there is much to commend in the advice given by these two giants in the field, a trial lawyer following these edicts comes away with the sense that much more can be lost from cross-examination than can be gained. For instance, rule one commands that the examiner should “be brief,” reasoning that the shorter the time spent cross-examining, the less opportunity for screwing it up. The examiner should limit cross-examination to making no more than three points. Continuing with this same theme, the ninth commands that the examiner limit questioning, and never ask one question too many, leaving the argument for the jury. The tenth and last commandment directs that the ultimate points should be made at summation, and not during cross-examination. The overriding message is that cross-examination is more of an art than a scientific method, and only the few who are endowed with special abilities can truly perform a good cross-examination. The rest of us should simply try to get it over with as soon as possible before the case is destroyed. It is very difficult to square the cautious advice given to generations of trial attorneys with the most famous maxim of all that cross-examination is the best means to establish the truth.

Most seasoned trial attorneys would agree that a successful cross-examination is the single most important deciding factor in the outcome of a trial. The behavioral scientist who studied how and why juries make decisions agree that information obtained through cross-examination has more weight than most other evidence. If these two points are true, then trial lawyers of today must balance the caution advocated by the past with the challenge of using cross-examination to prove their case. The method for constructing a fact-based cross-examination was first discussed in the 1993 in one of the best books on the subject, "*Cross-Examination: Science and Techniques*" by Larry Pozner and Roger Dodd. This article is a short introduction to a methodology of constructive cross-examination that limits the opportunity for cross-examination to go wrong while maximizing the dramatic impact of an effective cross-examination to teach and prove the theory of the case to the jury.

THE AUDIENCE

Cross-examination is a tool of persuasion. Persuasion begins and ends with how the fact finder understands, retains and uses the information provided to them to prove the theory of the case. The human mind is capable of understanding points when they are presented in a particular sequence and in a certain way. First, however, the mind of the juror has to be engaged. It is well known that most people will stop listening once the material seems too complicated or disorganized. Even a reluctant listener is easier to engage when the message is well organized and presented in small segments, with each segment proving one particular point. To best accomplish this, the information should be organized going from a general statement and proceeding, stepwise, to a conclusion. Additionally, this must be done with a limited amount of questions because

even attentive juror's minds tend to wander off. The method must engage the minds of the jurors. If the information is not presented this way, as is frequently the case, without tight organization and in a particular sequence, then each juror must re-organize all of these facts into their own coherent story. It does not require further comment that getting a group of people to re-organize the facts, in the same manner, is near impossible.

Knowing how jurors process information and make decisions is vital to constructing meaningful cross-examination. In 1956, Professor George A. Miller, Harvard University, discovered that the magic number seven, plus or minus two, is the limit of most people's capacity for processing information. When constructing a method of cross-examination, we should limit the amount of information conveyed to the jury at any one time in light of most people's limited ability to process large amounts of information. This principle requires that information be broken up into digestible groups, each designed to establish just one point, by limiting the number of fact questions presented to seven, plus or minus two.

FACT-BASED CROSS-EXAMINATION

Litigation involves cases that routinely have thousands of facts. Many of these facts are clearly related and easily understood by a jury, but many are desperate and need organization to make them comprehensible and relevant to resolving the dispute. All too often, cases are presented in a chronological manner, where each fact is presented as a discrete point, poorly organized, and not presented in such a way so as to lead to a definite conclusion. Merely presenting data in one long chronological succession gives up control of the message being presented and relies too much on the

jury reassembling the facts to reach the desired conclusion. It is almost like asking jurors to do a complicated mathematical problem in their head. That same difficult, perhaps impossible, problem becomes easier once it can be written out and visualized.

It is well established that most people are better visual learners than when they use other senses. Because trials historically have primarily relied upon oratory, perhaps the poorest of the vehicles for learning, an attempt must be made to create visual images using language. To do this, the trial lawyer must first begin to see the case more as a series of visual images and then construct questions that will reconstruct that image in the minds of the listener, the same way that great writers can. Applying this to our method, each series of questions should lead logically, one fact at a time, to the visual goal in hopes of creating an image in the minds of the jurors.

Facts, not conclusions, are the essential building blocks of effective cross-examination. As Daniel Patrick Moynihan said: "Everyone is entitled to his own opinion, but not to his own facts." The failure to grasp this important rule, and it is significant enough to be called a "rule," has frustrated many attorneys trying to cross-examine a witness. Effective cross-examiners must develop the skills and ability to discern the difference between facts, conclusions, and opinions. Effective cross-examination, one that controls the witness, deals with facts. It is always easier to get a witness to agree to a fact rather than to get him to agree with your conclusion or your opinion. Effective cross-examination is about controlling the information presented to the jury and controlling the witness to accomplish that goal. The focus on facts is the key to doing this. Facts often have immunity from adversarial bias, whereas conclusions do not. To use this to our advantage, we must create coherent fact-based cross-examination that

will lead to a specific conclusion without explicitly requiring the witness to roll over on the stand and admit defeat. Presenting questions in such a way there can be only one conclusion, which the jury will understand without additional help.

After the facts are gathered, the facts are analyzed and broken down into various categories. Every case has large groups of uncontested fact that do not depend on the credibility of a witness or some other factor to establish. These are "facts beyond change." The best example of this are the facts contained in a document, such as a contract or perhaps a hospital record. Whenever possible, it is good to work with these facts when structuring your cross-examination. The next group of facts relies upon the credibility of a witness or an inference based upon some other fact. This group breaks down into facts that are likely provable, and those that are either contested or beyond what can be proved.

DETAILS

This method requires a greater focus on facts and paying closer attention to details. Most people often speak using conclusions, for many reasons. A questioner will rarely get a witness to agree with his conclusion that he was negligent, but that same witness, through controlled questions, will readily concede facts. For instance, that the road was straight, there were no obstructions to his view, the intersection had good lighting, that there were skid marks left on the road, that the pedestrian was wearing white, that he, the driver, was looking straight ahead, that there were no distractions, that location of the impact was in the middle of the intersection, etc. Too many lawyers would try to get the witness to admit that he was driving too fast for the conditions,

which is a conclusion, instead of taking the time to step by step build the image in the minds of the jurors.

This fact-based method requires closer attention to details. Instead of presenting an essential point in a few steps, or questions and answers, that same point is developed in greater detail. While this might seem to some to be contradictory to the points made above about attention spans, the opposite is actually true. First, when information is presented to the witness, and thus to the jury, one fact at a time, devoid of color, and by color, I mean adverbs, adjectives and argument, there are fewer objections from your adversary. This serves the dual purpose of keeping the message moving along without interruption and speeds up the overall presentation. Often it is these long arguments about the question that takes up so much time, permitting jurors to mentally wander off. Moreover, when the question is a short leading one, the answer is likewise short, usually "yes" or "no." At the end of the session, much more information is presented in a shorter period. Learning to think in greater detail is an acquired skill. It often requires that an event, or a point, like he failed his fiduciary duty, be analyzed with more intense focus, bracketed, and subjective bias removed.

ORGANIZATION: THE LOST ART

The next step is to organize all the data in the file to create material for cross-examination. Lawyers are trained to work with complex cases, organizing and distilling them down to the essential data. What is typically lacking, however, is further organization into units that can then be turned into an effective cross-examination. This organizational structure can, and should, be started at the beginning of the case,

continued throughout the discovery phase, improved after the depositions and finalized for use as cross-examination at trial.

Over the course of many years of being in courtrooms, I have often witnessed even experienced trial attorneys cross-examining without an apparent coherent method. The examinations take place as if it is an argument between two people who are oblivious to the jury. There is rarely a consistent method of questioning that is designed so that the fact finders can easily follow the line of reasoning leading to a conclusion. What follows is a short introduction to such a method that factors in the average human capacity to process and remember information, while improving question organization so that jury can remember the information and make the necessary connections to establish your case.

Every case, even simple ones, often involve a series of scenarios. Scenarios are outlines or synopsis of the entire case and are comprised of a sequence of related events that can often be imagined or visualized. For instance, in a complicated medical malpractice case, there are a number of scenarios, such as the initial office, the hospitalization, and the immediate after care. Imagine the case as if you were producing a documentary. All movies, indeed all books, have numerous scenarios that are sequenced together to present a story. Once the case has been broken down into important scenarios, keeping in mind that over the course of litigation many more scenarios can be added or deleted, then the larger scenes are broken down into smaller events for more intense analysis. This is where the real work takes place.

The events, topics, and issues that make up the larger scenarios are then analyzed to determine which are the most critical for advancing the theory of the case.

Obviously, those that are the most important to establish the theory of the case deserve the most attention to detail. This requires more focused attention on developing the facts that best support the theory of the case. I have found that once I began using this method of greater attention to detail on the important events, issues, and topics, I was able to see facts that were there all the time, but I had glossed over without appreciating the richness that they could bring to establishing my goals. Once the events are identified, a closer analysis of the various issues and topics within those events become easier to identify and organize. The facts of the case are analyzed and often re-analyzed, to identify all the facts that are associated with the particular issues and topics within the numerous events making up the various scenarios. Another point worth mentioning is that most humans, trial lawyers included, tend to think in more conclusory ways. Learning to think in greater detail is often a skill that requires practice but pays dividends when attempting to create an image in the minds of the listener. This exhaustive analysis of the facts will frequently permit larger groupings of facts to be broken into even smaller groups, which is always the aim. The smaller the topic of discussion, and by that I mean the fewer questions it takes to make the point, the easier it is for the jury to comprehend.

CONSTRUCTING THE CROSS

There are several other fundamental concepts necessary for a successful cross-examination. The first of these is that by the time the case gets to trial, most of the cross-examination has already taken place at the deposition. Trials are not the place to be conducting discovery. Much of what I am discussing takes place during the deposition, long before the information is presented to the jury. If you lose the battle of

cross-examination at the deposition, you will likely meet the same fate at trial. It is important to use this method at the deposition, not only to get the practice, but lock in the answers in way that will be most useful at trial. The cross-examiner at trial begins with a tight script that he rarely needs vary from if he has done an effective job of cross-examination at the deposition.

The essence of this method is to break down the case into a series of separate question groups, or pages based upon a close analysis of all the events, issues and topics in the case. Each group of questions is given its own page. Each page should generally have no more than ten questions. Each page should be set up as if there is a discrete discussion on a specific topic. The format is always the same. First, there is the goal that is being established. Such as, to prove that the witness was in a position to have seen the accident, or the witness has a bias. The facts that support this conclusion are arranged going from general questions on the topic to increasingly more specific questions, all with the design to establish a factual goal. There is always a well thought out beginning and an end. The cross-examiner is attempting, through words, to create an image in the minds of the jurors. Remember, each of these pages is to be considered as establishing a separate point. If the facts are carefully selected, the conclusion will be self-evident and will not require the witness to agree with your conclusion, which is a logical inference that the jury will be quite capable of drawing for themselves. Again, think about the facts as if you are shooting just one scene in a documentary. If you pay close attention to movies, you will notice just how quickly the camera angle changes, creating different effects and inviting the viewer's eye to capture small images in their minds, all leading to an overall impression.

Once these pages are created using as many facts beyond change as possible, then the pages must be appropriately sequenced. Remember, as an advocate, you are not required to give the jury every single fact in the case to consider. You are a director, and it is your job to select what they will see and hear, always being conscious of what your adversary will be able to present. The proper sequencing of the discrete topics will ultimately be linked together to support your theory of the case.

Another factor to consider when constructing the questions is attention to the vocabulary. By asking only leading questions, the questioner has the advantage of controlling the vocabulary. If open-ended questions are asked, as they frequently are at depositions to explore areas where additional information is needed, it is the witness who gains control of the vocabulary. Once you get an affirmation of a fact or phrase contained in your leading question, that new fact can then be reinforced by the rhetorical device of looping. The new fact is used in the next question, without re-asking the fact, by attaching the looped fact to a safe fact in the next question. While the who, what, when, where and how questions are still relevant at the deposition, these words should seldom be used during the cross-examination at trial.

When preparing the separate topic pages, place the goal of the line of questions at the top of the page. Place the facts that support this goal into short, simple questions, one fact per question, and proceed from general facts to more specific. With practice, only the facts will need to be listed; the questions will flow naturally from knowing what fact you want to establish. Next to the question, if possible, should be the source of the fact. Where a fact comes directly from a document, such as an office note entry, that page is copied and stapled to the back of the questions. When facts are presented one

at a time, the ability of the jury to comprehend the significance of the fact improves dramatically. Because the jury is hearing these facts for the first time, restricting the questions to one fact gives them more time to absorb the message. Remember, each goal-oriented page must be developed independently, which means that there is a beginning and an end to the sequence of questions. By bringing order to the questioning, keeping the questions short and containing only one fact, without conclusions, even a reluctant juror can maintain focus.

THREE RULES OF CROSS

At trial, there are three simple rules to be followed. First, ask only leading questions. Much has been written about this subject, but using the method described here will make doing so much easier. There is an enormous advantage to the questioner being the teacher. Leading questions permit control of the vocabulary, topics discussed, the sequence of presenting information, and most of all, control of the witness. Every time an open-ended question is asked, the witness becomes the teacher, you lose control. To be a good leading question, it must make a short declarative statement, not just suggest an answer, in the form of a question. You are presenting facts, not asking questions. Second, each question must only present one new fact. This point has been made above, but not only does this improve comprehension by the jurors, but it improves the likelihood of getting an affirmative response from the witness. There are advanced cross-examination techniques, such as looping, that permit linking multiple facts in one question, but one fact has already been established by the preceding question. Third, organize questions in such a way that

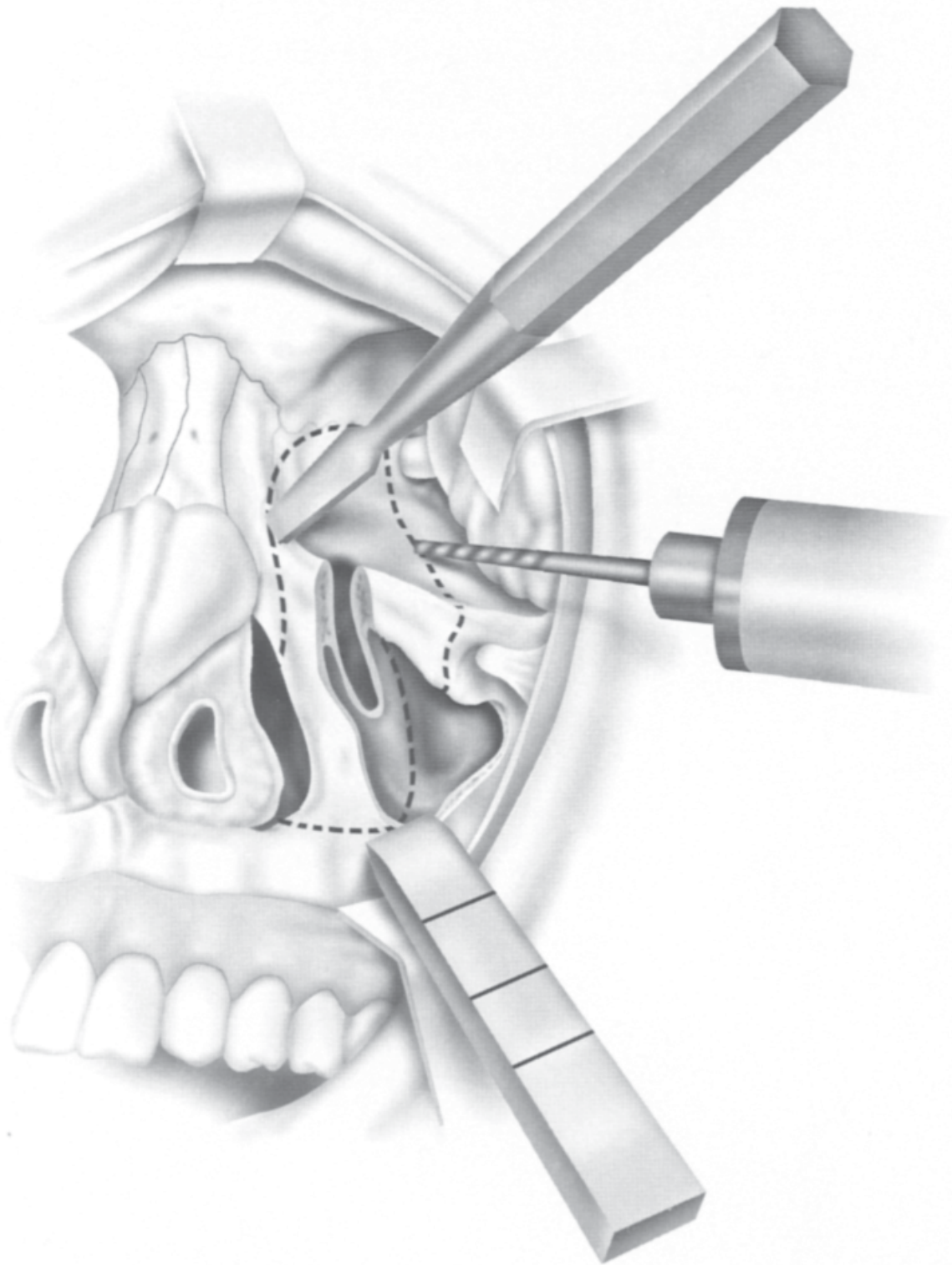
they progress logically to a specific goal. The goal in this context means what particular point the examiner is trying to make.

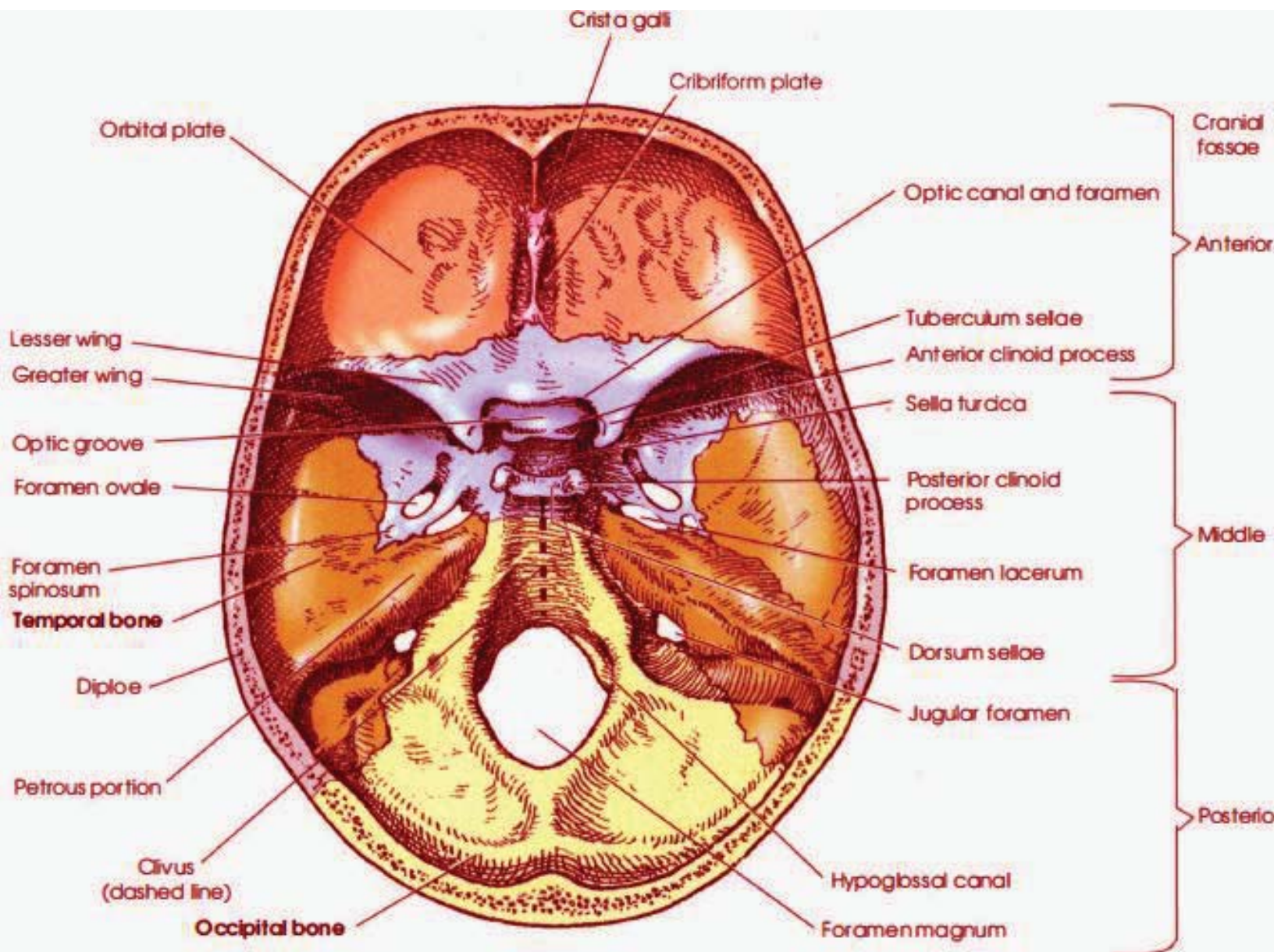
CONCLUSION

Fact-centric cross-examination has many advantages. Learning to see our cases in more detail helps the questioner present facts that create better images for the jurors. Most importantly, asking questions containing one fact at a time gives the examiner more control over the information, the witness and the juror's comprehension of the goal of the line of questions.

**How to be a "Super Lawyer":
Success at Trial -
Suggestions on Techniques and Handling Challenges**

John L.A. Lyddane, Esq.
Dorf & Nelson LLP, Rye





Copyright © The McGraw-Hill Companies, Inc.

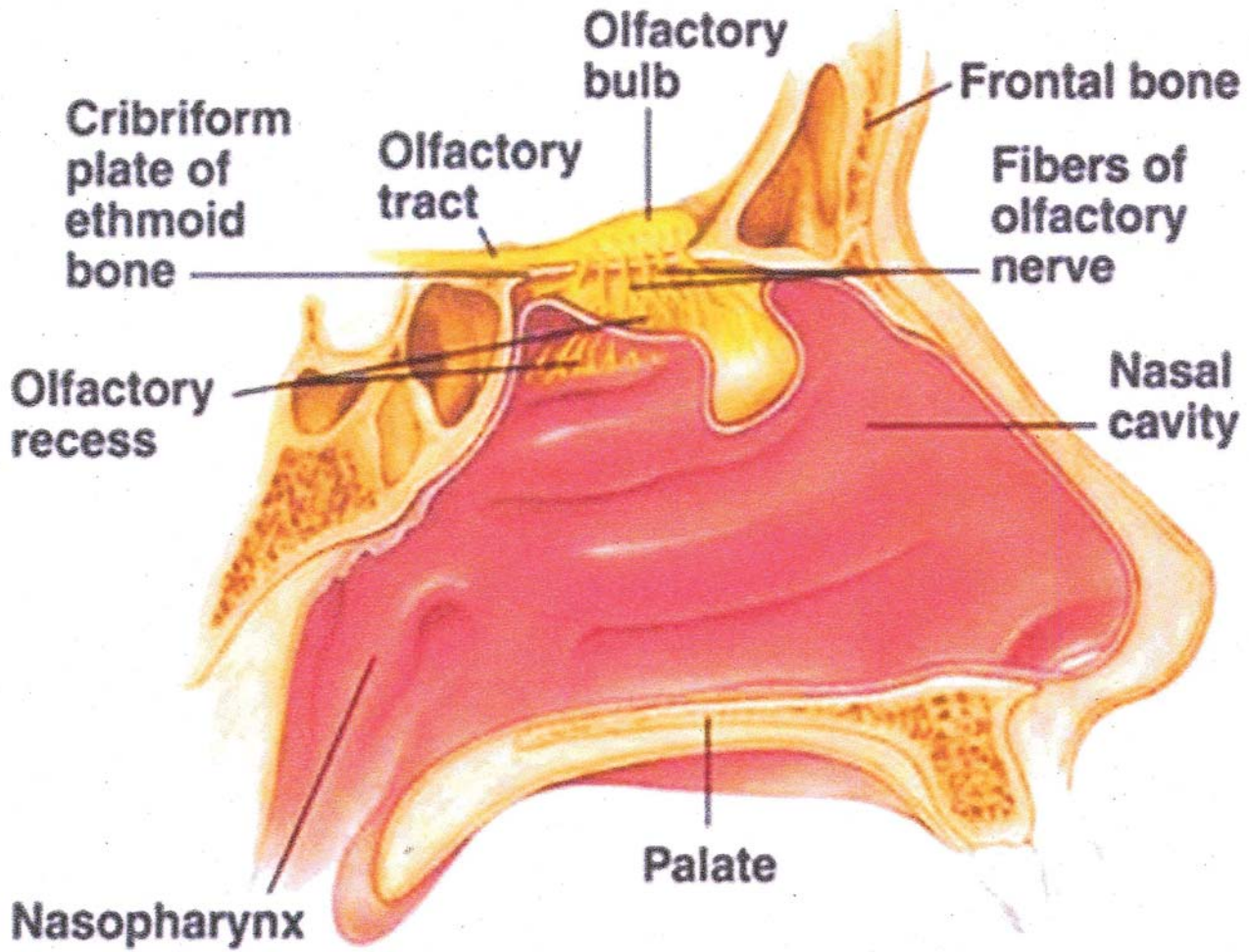
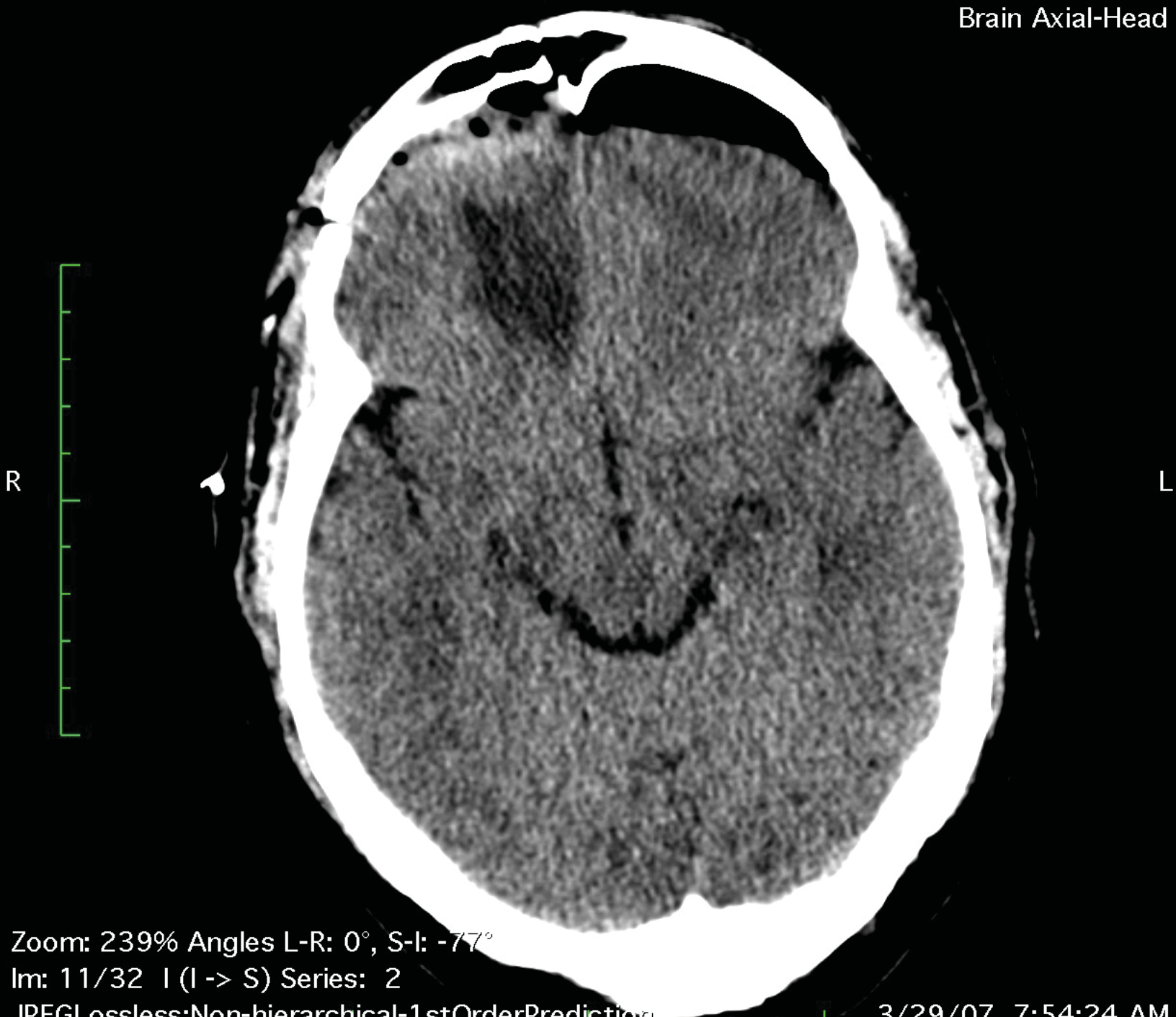


Image size: 512 x 512
WL: 40 WW: 47

AS

John 5307840 (60 y , 49 y)
Ct Head W-O Contrast
Brain Axial-Head



Zoom: 239% Angles L-R: 0°, S-I: -77°

Im: 11/32 I (I -> S) Series: 2

JPEGLossless:Non-hierarchical-1stOrderPrediction

Thickness: 5.00 mm Location: 156.59 mm PI

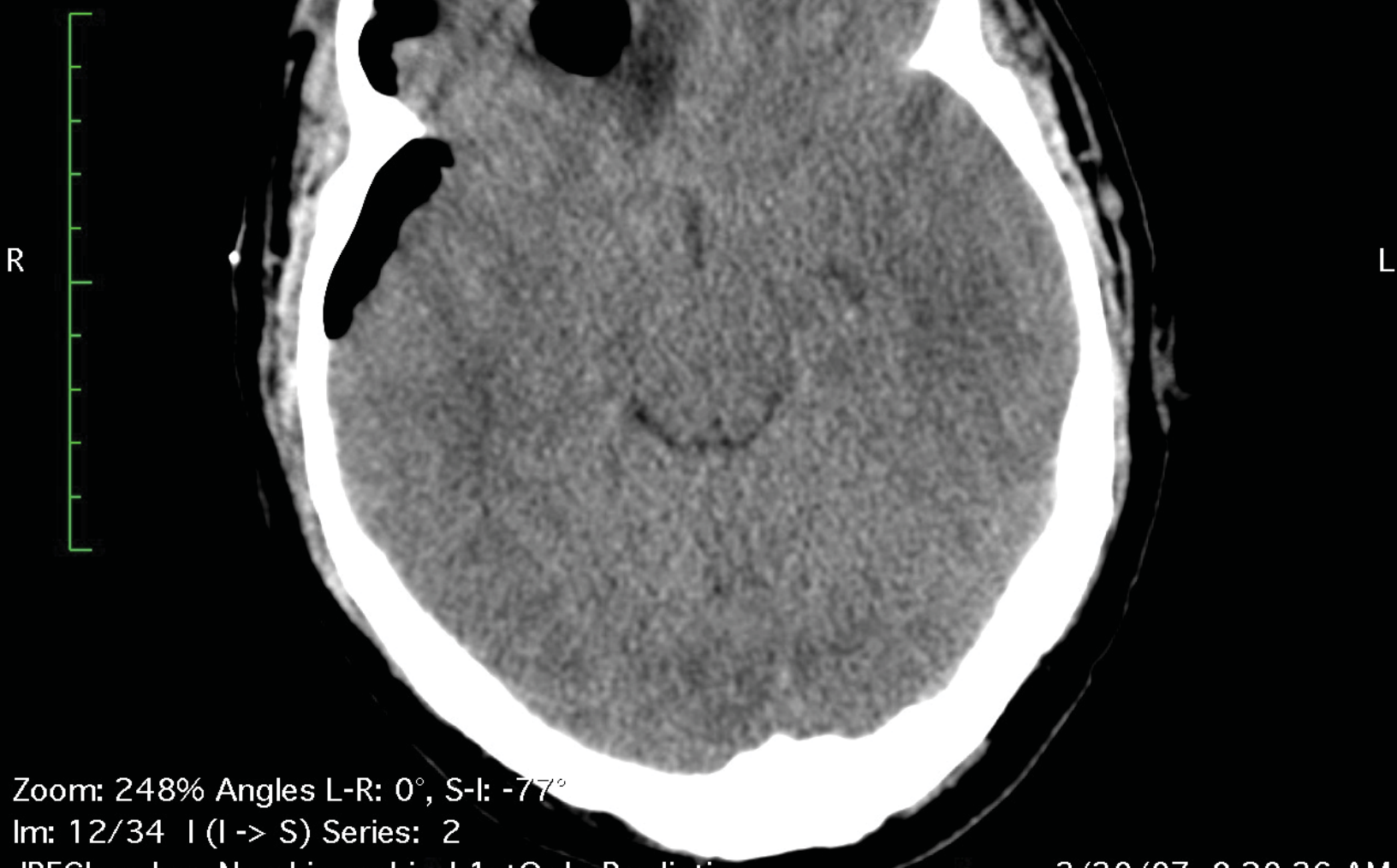
3/29/07, 7:54:24 AM

Made In OsiriX

Image size: 512 x 512
WL: 40 WW: 78

AS

John 5307840 (60 y , 49 y)
Ct Head W-O Contrast
Brain Axial-Head



Zoom: 248% Angles L-R: 0°, S-I: -77°

Im: 12/34 I (I -> S) Series: 2

JPEGLossless:Non-hierarchical-1stOrderPrediction

Thickness: 5.00 mm Location: 146.94 mm PI

3/30/07, 8:20:36 AM

Made In OsiriX

Image size: 512 x 512
WL: 35 WW: 71

AS

John 5307840 (60 y , 49 y)
Ct Head W-O Contrast
Brain Axial-Head



Zoom: 234% Angles L-R: 0°, S-I: -76°

Im: 16/34 (I->S) Series: 2

JPEGLossless:Non-hierarchical-1stOrderPrediction

Thickness: 5.00 mm Location: 170.07 mm PI

4/1/07, 11:00:00 AM

Made In OsiriX

Image size: 512 x 512
WL: 35 WW: 71

AS

John 5307840 (60 y , 49 y)
Ct Head W-O Contrast
Brain Axial-Head



Zoom: 267% Angles L-R: 0°, S-I: -76°

Im: 17/34 (I -> S) Series: 2

JPEGLossless:Non-hierarchical-1stOrderPrediction

Thickness: 5.00 mm Location: 1218.66 mm

PI

4/2/07, 8:59:00 AM

Made In OsiriX

Image size: 512 x 512
WL: 40 WW: 78

AS

John 5307840 (60 y , 49 y)
Ct Head W-O Contrast
Brain Axial-Head



Zoom: 234% Angles L-R: 0°, S-I: -68°
Im: 13/34 I (I -> S) Series: 2

JPEGLossless:Non-hierarchical-1stOrderPrediction
Thickness: 5.00 mm Location: 147.60 mm PI

4/5/07, 9:18:47 AM
Made In OsiriX

Image size: 512 x 512
WL: 40 WW: 80

AS

John 5307840 (60 y , 49 y)
Ct Head W-O Contrast
Brain Axial-Head



Zoom: 269% Angles L-R: 0°, S-I: -71°

Im: 14/34 I (I -> S) Series: 2

JPEGLossless:Non-hierarchical-1stOrderPrediction

Thickness: 5.00 mm Location: 160.36 mm

PI

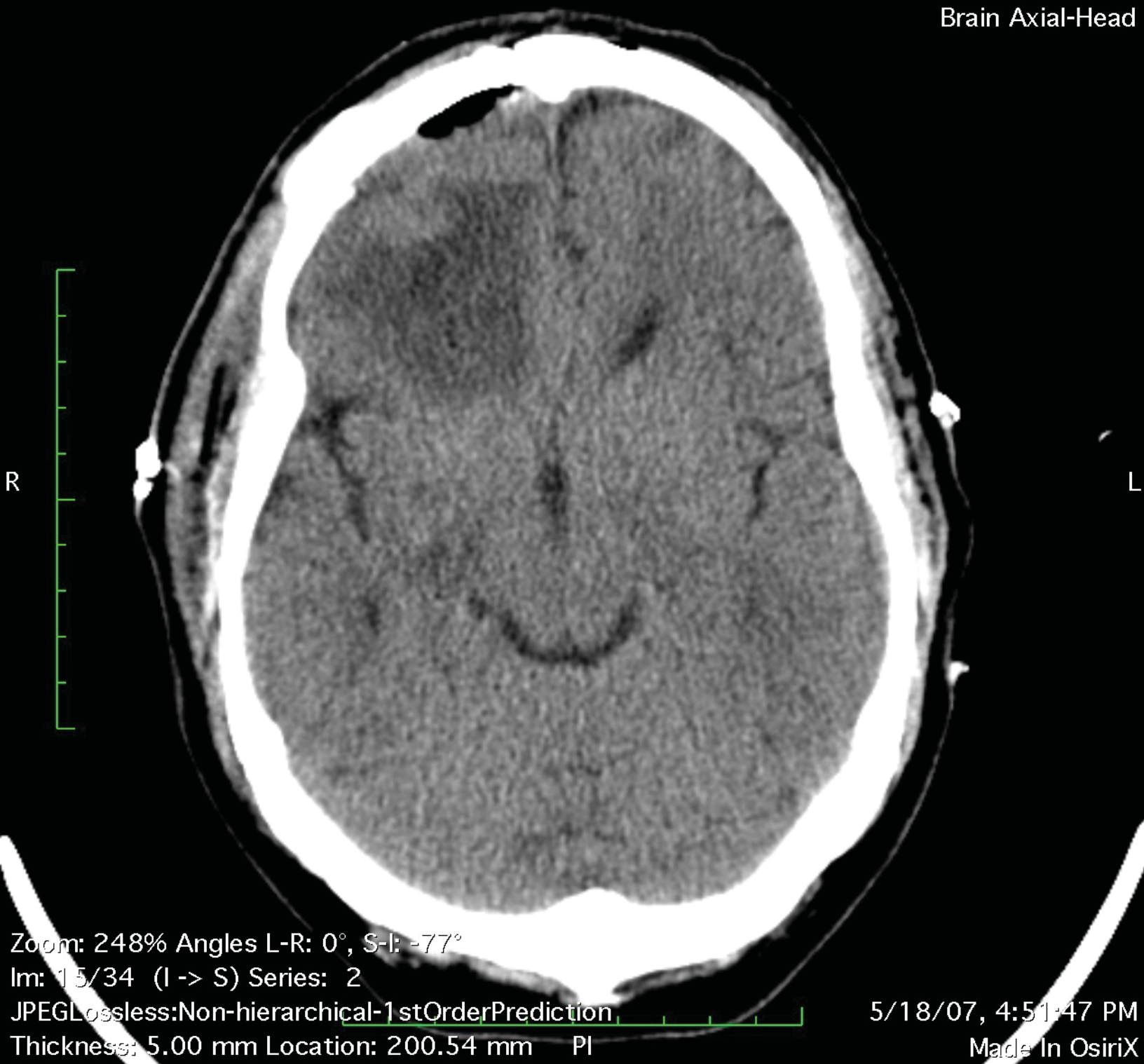
4/7/07, 9:14:51 AM

Made In OsiriX

Image size: 512 x 512
WL: 37 WW: 79

AS

John 5307840 (60 y , 49 y)
Ct Head W-O\T\W- Contrast
Brain Axial-Head



R

L

Zoom: 248% Angles L-R: 0°, S-I: -77°

Im: 15/34 (I -> S) Series: 2

JPEGLossless:Non-hierarchical-1stOrderPrediction

Thickness: 5.00 mm Location: 200.54 mm PI

5/18/07, 4:51:47 PM

Made In OsiriX

Image size: 512 x 512
WL: 40 WW: 47

AS

John 5307840 (60 y , 49 y)
Ct Head W-O Contrast
Brain Axial-Head



Zoom: 239% Angles L-R: 0°, S-I: -77°

Im: 11/32 I (I -> S) Series: 2

JPEGLossless:Non-hierarchical-1stOrderPrediction

Thickness: 5.00 mm Location: 156.59 mm PI

3/29/07, 7:54:24 AM

Made In OsiriX