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**Litigation Technology**

 **3 credit hours**

**Professor Jennifer Coleman**

**Spring 2022**

**SYLLABUS**

# Course Description

# In this course, law students interested in becoming trial lawyers will learn visual communication strategies and how to integrate technology into their pretrial and trial presentations. Students will learn how to blend old-fashioned pretrial and trial advocacy with cutting-edge software, hardware, and persuasive visuals.

# Class Meeting Schedule

# Class will meet on campus on Mondays from 6-9 pm, unless otherwise noted in advance.

# Instructor

# Jennifer Coleman, Adjunct Professor of Law

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Office hours: While I do not have an office in the building, you may send an email at any time and I will respond as soon as I can. I have also reserved evenings for virtual office hours upon appointment on Wednesdays from 6:30–8:30 pm.

# Required Materials:

*Visual Litigation: Visual Communications Strategies*

Clark, Muscat, O’Toole

ISBN: 978-1-949884-35-7 (paperback)

You may purchase the book or a PDF copy through the bookstore or direct from the publisher: [Visual Litigation: Visual Communication Strategies | Fastcase](https://www.fastcase.com/store/fcp/visual-litigation-visual-communication-strategies-and-todays-technology/)

Additional materials will be distributed via Blackboard.

# Learning Outcomes

The course will use a fictional criminal case*,* and a modified real civil case to develop presentations that persuade. The course will include technology laboratory sections, lecture, and student performance with instructor critique.

Course Outcomes:

1. Understand how technology can simplify discovery
2. Understand why visuals are critical to pretrial and trial presentations
3. Know how to use effective visuals in all phases of litigations – discovery, pretrial, mediation/arbitration and bench and jury trials
4. Be comfortable using linear software such as PowerPoint and non- linear software such as Sanction
5. Understand what professional technicians and visual designers offer and how to work with them
6. Be able to lay evidentiary foundations for the admission of trial visuals
7. Know how to avoid legal and ethical pitfalls
8. Have made pretrial and trial visual presentations in different types of cases

The weekly schedule will include scheduled online sessions. Most sessions will follow a similar pattern as follows:

1. A reading assignment
2. Prepare a presentation relating to the reading. For example, if the reading assignment was to read a chapter on Opening Statement Visuals, the assignment would be to create an opening statement PowerPoint presentation

**Attendance**

The class meets once a week in person unless otherwise noted. Classroom time is devoted largely to performances, group discussions, technology, labs, and lectures. Because your grade is based, in part, on class participation and preparation, you are expected to attend each class or be excused. Please inform me in advance if you are going to miss a class and of the reason for your absence. If you have a significant part to play in class and you are unable to attend, you are responsible for planning for another student to take your place. Unexcused absences will affect your grade (5 points off class participation). Please see the appendix for further details.

# Assessments

There is no final exam in this course. Your grade will be based 70% upon the projects (7 points each) and 30% for your participation in discussions (3 points each).

**Equipment**

You should use a laptop capable of running PowerPoint in every class. We will be using Microsoft PowerPoint along with several other Windows based programs. You are welcome to use a Mac or a tablet if you own one, but you may not be able to use all the software programs demonstrated throughout the semester.

We will demo Sanction litigation software during the semester. There is currently not a Mac version of Sanction, however, it is not required for your assignments. It is a powerful litigation software product. **Sanction offers a limited free demo of their product. Please DO NOT install this free demo until instructed so we can maximize the use of the software during the course.** We will also work with nonlinear alternatives to Sanction’s litigation software within PowerPoint and on the iPad. Contact with questions about software. In a nutshell, you are not required to have a Windows laptop, but you should have access to PowerPoint.

# Policies

# The Law School’s Common Syllabus Provisions, available at <https://go.uic.edu/lawcsp>, are incorporated by reference.

# Schedule of Topics and Assignments

**Session One: 1/10/22**

READ: **Visual Litigation: Visual Communication Strategies-Clark, Muscat, O'Toole**

Chapter 1 (Introduction to Book and Online Supplement) and 2 (Overview: Visuals and Today’s Technology)

Please also read:

<https://www.2civility.org/5-reasons-to-use-technology-in-the-courtroom>

<https://www.illinoiscourts.gov/Resources/2184a8b8-0f4c-4f0a-ac87-8e0e7df86a7c/1152040.pdf>

State of Arizona v. Scott Sucharew, 205 Ariz. 16; 66 P.3d (2003) issued 2/27/03

People of State of Michigan v. Young, No. 317981, Court of Appeals, issued 12/23/14

(unpublished), and

The Sneakiest Way Prosecutors Get a Guilty Verdict: PowerPoint

BY KEN ARMSTRONG, THE MARSHALL PROJECT 12.23.14

<http://www.wired.com/2014/12/prosecutors-powerpoint-presentations/>

Introduction to Course—Ethical expectations regarding the use of technology, Demonstration of all facets of litigation technology from real trials, discussion of cases and articles listed above.

**1/17/22 Martin Luther King Day – no class**

**Session Two: 1/24/22**

READ: **Visual Litigation: Visual Communication Strategies-Clark, Muscat, O'Toole**

Chapter 9 (Creating Demonstrative and Video Evidence)

**DOWNLOAD AND INSTALL THE FOLLOWING SOFTWARE PRIOR TO CLASS**

PowerPoint, Audacity, and Camtasia (free demo is fine) workshop. Creating demonstrative slides and case themes. Use of template material in argument. Basic visuals, slide management, and animation. Please download and install Audacity and Camtasia (free demo) if you wish to follow along. You can find them online.

[**http://audacity.sourceforge.net/**](http://audacity.sourceforge.net/)

[**https://www.techsmith.com**](https://www.techsmith.com) (Note you must do this in advance of class as sometimes it takes

over 24 hours to obtain your demo License-Mac and Windows versions available).

In Class Assignment

Be prepared to discuss the substance of Chapter 9 in *Visual Litigation,* including software that can be utilized in preparing a computer slideshow presentation.

**Session Three: 1/31/22**

READ: **Visual Litigation: Visual Communication Strategies-Clark, Muscat, O'Toole**

Chapter 3 (Opening Statement Visuals), 4 (Closing Argument Visuals) and 10 (Ethical and Legal Issues)

REVIEW: *Law of the Visual Trial Outline* (from course website)

Assignment for class

Be prepared to discuss opening statement and closing argument visuals as well the ethical and legal boundaries for what can be shown to the jury. Pick a case from the *Law of the Visual Trial* outline that is interesting to you. Be prepared to discuss the case.

REVIEW: **Visual Litigation: Visual Communication Strategies-Clark, Muscat, O'Toole**

Chapter 3 (Opening Statement Visuals)

Opening Statement Lecture

We will discuss how to present an Opening Statement using PowerPoint. We will discuss the law and strategy of Opening Statement

Assignment for class

After the Opening Statement presentation and lecture you will have an opportunity to work on your opening slides

Present 4-8 min opening statement using linear software program (eg. PowerPoint) with compelling evidentiary slides.

**Session Four: 2/7/22**

READ: **Visual Litigation: Visual Communication Strategies-Clark, Muscat, O'Toole**

Chapter 12 (Nonlinear software), 13 (Linear Software), and Chapter 14 (Tablets and Litigation Applications)

REVIEW: Demo videos from YouTube--Sanction, Exhibit View, and Trial Pad

<https://www.youtube.com/watch?v=pa31ANHB8ys>
<https://www.youtube.com/watch?v=JKFRcBqSmAU>
<https://www.youtube.com/watch?v=CfZ5R719CqM>

Assignment for class

Sanction rep to present on the product

Be prepared to discuss the benefits and limitations found with each product.

**Session Five: 2/14/22**

READ: **Visual Litigation: Visual Communication Strategies-Clark, Muscat, O'Toole**

Chapter 5 (Direct Examination Visuals), 6 (Cross-Examination Visuals), and 8 (Evidentiary Predicates)—Exercises in class

Assignment for class:

Be prepared to discuss the Criminal Case materials (found on course website) and practice in class

**Session Six: 2/21/22**

READ: **Visual Litigation: Visual Communication Strategies-Clark, Muscat, O'Toole**

Chapter 16 (Criminal Case Synopsis)

Criminal Case File (summarized in book/materials found on course site)

REVIEW**:**

**Visual Litigation: Visual Communication Strategies-Clark, Muscat, O'Toole**

Chapter 5 (Direct Examination Visuals), 6 (Cross-Examination Visuals), and 8 (Evidentiary Predicates)

Assignment for Direct/Cross in person class #1:

This assignment will be based on class size. Half the students will be prosecutors; an equal number of students will be defense attorneys. You will flip-flop for the next classes. Three students will also be witnesses.

The prosecutors will conduct direct examination on the assigned witness then a defense attorney will cross examine the witness.

Prosecutors, please admit one video exhibit and two other exhibits. Defense attorneys, you may use the prosecutor’s exhibit or any other exhibit in the case. Assume they have all been admitted by now. Use one video and one other exhibit on cross.

Total time allotted will depend on the number of students in the class.

**Session Seven: 2/28/22**

Continuation of Directs and Crosses from the prior week

**Session Eight: 3/7/22**

Continuation of Directs and Crosses from the prior week

**Session Nine: 3/14/22**

**GUEST SPEAKER(S):** Presentation from a high-tech trial attorney. Best practices, tips, strategies.

**3/21/22 SPRING BREAK NO CLASS**

**Session Ten: 3/28/22**

READ: **Visual Litigation: Visual Communication Strategies-Clark, Muscat, O'Toole**

Chapter 11 (Professional Technicians and Visual Designers)

Outside of Class:

Visit websites for professional visual designers and technicians.

Take notes regarding what they have to offer and prepare to discuss what you have learned with the class.

Assignment for class:

Be prepared to talk about one professional visual design vendor whose website you visited. Be ready to explain what the vendor has to offer.

**Session Eleven: 4/4/22**

READ: **Visual Litigation: Visual Communication Strategies-Clark, Muscat, O'Toole**

Chapter 7 (Alternative Dispute Resolution) and 16 (Civil Case Synopsis with proposed testimony of witness TBD)

REVIEW: **Visual Litigation: Visual Communication Strategies-Clark, Muscat, O'Toole**

Chapter 9 (Creating Demonstrative and Video Evidence)

Assignment for class: Your client is a plaintiff in a civil case and has agreed to mediation. This assignment is to create a visual of 1-2 slides to use to persuade defendant to settle and to convince the mediator of the strength of your case. There will be time to work on this in class.

**Session Twelve: 4/11/22**

READ: **Visual Litigation: Visual Communication Strategies-Clark, Muscat, O'Toole**

Chapters 4 (Closing Argument Visuals)

**Closing Argument Lab: Come prepared with an outline of a closing argument with draft visuals. During class we will collectively discuss** strategies and best practices for a visual closing argument.

**Session Thirteen: 4/18/22**

**READ: Visual Litigation: Visual Communication Strategies-Clark, Muscat, O'Toole**

Chapter: 15 (Hardware and Effective Courtroom Presentations)

Assignment for class: Present your 10-15 min closing argument on problem TBD using linear software

Discussion about the future: Setting up a high-tech law office. Tips for a new lawyer to set up a budget-friendly, high-tech practice.

Course wrap up.