



Litigation e-Newsletter

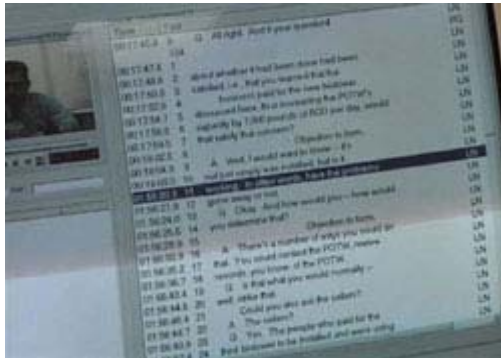


Under Construction

Plans, layouts, foundations, and site inspections - elements of a construction project or a breach of contract case? As the trial team constructed their case in a multi-million dollar construction project gone awry, the similarities began to surface.

Planning the case

The first challenge was to manage the large number of depositions given by the many parties involved in the breach. A large-scale building project such as this often



involves many different contractors, subcontractors and sub-subcontractors. In this particular case, there were 8 different defendants. Early planning allowed for the creation of a database to

manage all evidentiary materials including documents, drawings, depositions and contracts.

Pre-trial preparation also involved the digitization and media conversion of discovery documents and deposition testimony. This information was coded and stored within the database for quick search and retrieval. Being able to show video depositions to the jury proved to be a valuable component in the plaintiff's case.

The database also helped the trial team during cross-examination of witnesses. Through the use of on-the-fly document pullouts, counsel was able to highlight basic components of the contract allowing



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jurors to see how the defendants failed to satisfy even their basic obligations under the contract.

Building the foundation

A sound foundation for the case was built upon jury research findings. In-venue [focus groups](#) and mock trials



were conducted to gauge jurors' understanding of the complex issues within this case and to test the use of demonstratives within a courtroom setting.

The results of the research indicated that potential jurors

would benefit from a basic understanding of the engineering and architectural framework that was supposed to be employed at the building site. To provide this information, CAD drawings, PowerPoint slides and graphic boards were developed to show a step-by-step chronology of the construction. Counsel was able to use and refine these graphics throughout the mock trial process due to the unique combination of services found within DOAR's [Digital Court Facility](#). Researchers, artists and technicians worked in tandem with the trial team to create a fine-tuned presentation that visually represented the important points of the case.

Site Inspection

Given the nature of the case and the evidence to be displayed, which included numerous documents, trial boards, graphic animations and videotaped deposition testimony, the use of technology was deemed critical to the successful outcome of



the trial. DOAR trial technicians conducted a courtroom site inspection and installed various display devices that were hooked up to the trial team's laptops. All systems were connected to the court's wireless communications system for accessing the web and printing locally. This was the first trial in which this technology, provided by Courtroom Connect in conjunction with the court, was employed. It enabled counsel to communicate imperceptibly with other trial team members via instant

Feedback

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messaging, and allowed them to order additional documents and graphics from DOAR. The courtroom also allowed for streaming of the trial transcript in real time to the war room back at the firm for witness preparation and planning the next day's events.

The Results

The groundwork done by counsel for the plaintiff proved worthwhile as the jury returned a significant ruling in their favor, in excess of \$16 million. Consolidation of litigation support, jury research, trial graphics and trial technology solidified the trial team's case. Perhaps it is time for the construction industry to adopt the DOAR model and consolidate services under one roof...

[Go to top](#)

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