



The Future Impact of Technology on Litigation

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The rapid advancement of technology shows no sign of slowing, and corporations, law firms, and service providers are in a constant struggle to stay ahead of the curve, especially in the area of electronic discovery. Most notably, corporations need to address the management of electronic mail and files. Right now, few corporations have adequate control over their electronic files and backup data. But within five years, savvy corporations will have proper protocols that will retain and destroy files in accordance with policies and procedures. Corporations should also be able to easily locate and extract potentially responsive electronic evidence and deliver them to counsel in native file format. Currently, most electronic evidence is converted to some neutral format like TIFF or PDF, but the process is a waste of time and money – a relic of paper-based discovery. The courts will come up to speed and adopt guidelines for the production of electronic evidence in its native form.

Trial technology will also evolve rapidly. Courts are starting to use high-speed bandwidth for email, instant messaging, wireless communications, real time court reporting and video streaming and videoconferencing. That trend will accelerate. The increased use of videoconferencing for expert witness testimony, for example, will reduce costs and shorten trial lengths by up to one-third.