

## **A LITIGATION TIP** **USE OF COMPUTERS IN MEDIATION**

Mediation, which is becoming more and more common, is an opportunity in which all of the key players involved in a lawsuit are typically in one room trying to resolve a claim before trial. While you may think that mediation is merely just an opportunity to exchange numbers, it is more. You can continue to be an advocate for your client and present your case in a mediation session in an effective informative way. Computer-generated presentations can outline your client's case, illustrate the strengths and expose the defendant's weaknesses, all in an effective and visual manner.

PowerPoint is an easy-to-use program which can be effectively used to communicate and present your case in a mediation.

- Photographs of damaged vehicles, injuries to your client, and scenes can be scanned and imported into PowerPoint and then presented in your slide presentation.
- Documents, collision reports, medical records, and excerpts from written deposition testimony can also be scanned and imported. You can even highlight and enlarge documents and explain with words as sign posts and use arrows or lines to draw attention to specific words or passages.
- Timelines can be created in which you can recount important events by date and time. For example, a timeline of your client's medical treatment over a period of time.
- Jury instructions and forms of verdict can also be imported into your presentation.

- You can also use a combination of tools. In a recent medical negligence case I had, fetal distress of a baby was the issue. The fetal monitoring strips were scanned and imported, and a timeline was then used as an overlay to show at precise times the levels of fetal distress. We were able to show the actual strip and time, all on one slide.
- Video clips of depositions and video statements can be imported (you will have to digitize them first) and shown as a slide. In a recent case I had taken a video statement of a doctor, then condensed it, and imported it into the presentation.
- Slides can be made that summarize facts and parties in a concise, easy to see and understandable form.
- Themes and points can be utilized on slides and supplemented by your own comments as you are making your presentation.
- Large amounts of information can be consolidated onto several slides. A recent case I had in which a plaintiff had numerous hospitalizations were broken down with short slides for each hospital visit, showing the complaint and treatment.

With work, knowledge of PowerPoint, a computer and a projector, you can give opposing counsel, defendants, insurance claims representatives, and the mediator a true presentation of what your case is about and what they can expect if it goes to trial.

Future litigation tip in upcoming issue: cross examination and opening statements.

If you have a litigation tip you would like to submit, please send it to me.

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