

Litigant's Manual for Courtroom Technology



Fargo,
North
Dakota



Bismarck,
North
Dakota

Foreword

By the Honorable Rodney S. Webb
For the District of North Dakota

I am pleased to have been asked to write this foreword to the “Litigant’s Manual for Courtroom Technology” which has been prepared by the court support staff. I also take this as a means of thanking Ms. Sheila Beauchene, Assistant Supervisor of the Office of the Clerk of District Court, and Mr. James Snyder, Systems Manager in the Office of the Bankruptcy Court. These individuals have prepared this short manual which I believe will be of assistance to attorneys who present matters in the Federal Court of the District of North Dakota. We are very proud of the courtroom facilities within this district and believe that the technology offered is the best available to assist litigants in presenting various civil and criminal causes.

The purpose of providing modern electronic technology in the courtroom is, of course, to aid in the persuasive presentation of evidence. Additionally, the technology should also save time and expense. If trials and hearings can be presented in a more efficient manner, litigants can save time in court and thereby save expense. Our experience with courtroom technology in this district has certainly proven these propositions.

The visual evidence presenter, sometimes referred to by trade name as the “ELMO,” was first used in this district in July of 1992. It is my view that the visual presentation system is the most dramatic advance in courtroom technology since the use of the blackboard. I am impressed by the way the visual presenter focuses attention of jurors and court participants on the same item of evidence and facilitates more efficient understanding of that evidence. Since 1992, we have been through several generations of monitors and visual presentation devices.

Interactive television permits the use of live testimony from remote locations. This type of presentation was previously limited to prisoner cases, but we have now been able to use it in actual trial, saving travel, time, and expense, though at the loss of the senses of touch and smell. In our rural court this trade-off often provides a viable alternative to live witness presentation. The ability to forward live activity in the courtroom has often been used in this court as an educational tool at the University of North Dakota School of Law, where students have been able to watch expert attorneys give actual closing arguments to juries. The attorneys find that a videotape of their presentation is helpful in critiquing their own advocacy skills. Interactive television also facilitates conferences of court staff and has been successfully used for simultaneous conferencing with attorneys in several locations within the nation.

Real time court reporting has proved to be a cherished tool in the courtroom. Judges who use this service now available through technology and the court reporter’s skill are spoiled and have difficulty working without the real time service. This new courtroom tool, while expensive, provides attorneys with new ability to analyze testimony and present their client’s causes with precision and information never previously available - daily copy transcripts are now archaic by comparison. Other new technologies available through the

use of infrared equipment provides for sound enhancement and interpreter service through a wireless system. Smart tables within the courtrooms allow attorneys to connect laptop computers to the court's presentation system and connect with their own office as well as conduct legal research or Internet searches from courtroom table's. The latest court cases are thus available immediately in the courtroom through this system.

The Judicial Conference Committee on Automation and Technology directed a study of technology in the courtroom in about 1996. A subcommittee designated as the "Electronic Courtroom Project" was formed; I was invited to participate in this very interesting project along with several other federal circuit, district, magistrate and bankruptcy judges, as well as high-ranking staff members of the Administrative Office of the United States Courts. A national result of this study is that at least one federal courtroom in every district is now authorized to be equipped as an electronic courtroom. At my request, Todd Dudgeon, Deputy Clerk of Court, and Todd Kraft, former Law Clerk to Judge Paul Benson, researched and prepared a proposal for submission to the Electronic Courtroom Project to secure funding for the electronic courtroom in North Dakota. This proposal was submitted in October of 1996 and came to fruition in October of 1998 with the installation of electronic technology in courtrooms in Fargo and Bismarck. Subsequent to the Fargo installation. The Eagle courtroom and court room number one in Bismarck were similarly equipped. The district was successful in securing in excess of \$400,000 to provide initial equipment and installation in the North Dakota Federal Court. The imaginative and dedicated work of Messrs. Dudgeon and Kraft is acknowledged and appreciated.

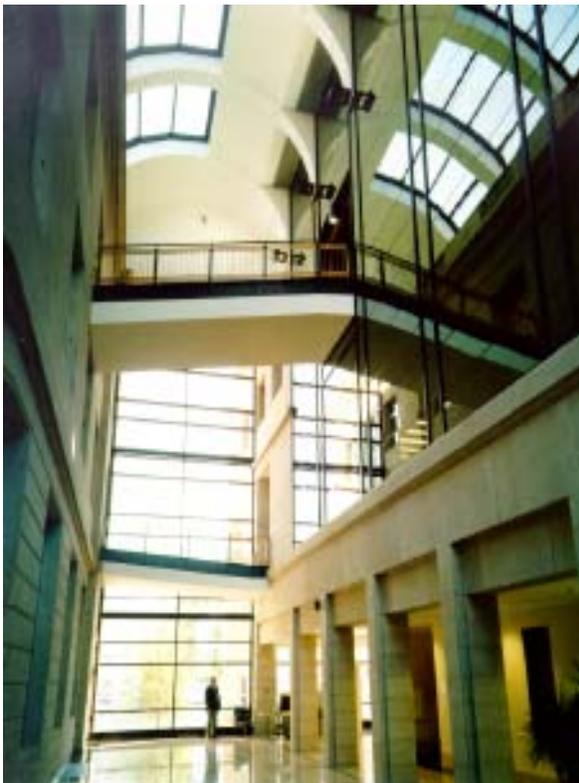
Certainly, the electronic courtroom cannot be a static matter. New equipment and new technologies are constantly being developed and presented. Students at the University of North Dakota School of Law all receive training in the use of courtroom technology, and lawyers are increasingly becoming knowledgeable and skillful in the use of this technology. The use of technology has certainly resulted in the more efficient and effective presentation of evidentiary matters within the North Dakota Federal Court. Courtroom technology is here, and it is a part of our legal culture. It will continue to serve litigants. It will improve in the future.

Overview

The U.S. District Court, District of North Dakota launched a program several years ago to provide state-of-the-art technology for evidence presentation in the courtroom. A key goal was to provide systems that are sophisticated, user-friendly, and flexible. This effort has resulted in a choice of evidence presentation technologies to satisfy the requirements of the litigants. Chief Judge Webb stressed that both evidence presentation and remote witness testimony through video conferencing are critical in helping reduce trial time and will ultimately save money for the litigants. With the valuable assistance of the Electronic Courtroom Project at the Administrative Office of the U.S. Courts, the district successfully completed the project in 1998.

In order to save time in the courtroom, Chief Judge Webb requires all evidence to be displayed to the court and jury on an Elmo Visual Projector in courtroom number one in Fargo and in courtroom number one in Bismarck. As an officer of the court, litigants must coordinate with the clerk's office to schedule a practice time to become familiar with the equipment prior to any appearance before the court. Contact the clerk's office in Fargo at 701-297-7000. You can reach the clerk's office in Bismarck by calling 701-530-2300. In Fargo, Darlene Jose, Courtroom Deputy can be reached by email at darlene_jose@nidd.uscourts.gov to schedule training. Likewise Don Emineth, Courtroom Deputy can be reached by calling the clerk's office in Bismarck or sending email to don_emineth@nidd.uscourts.gov.

This guide is an operational manual for the courtroom equipment explaining how to run each of the technical components of the system. The Clerk's Office staff will be happy to assist and answer questions regarding court technology.



Atrium in the Quentin N. Burdick Federal Building.

Courtroom # 1 - USDC - Fargo, ND

The technology implemented in both Fargo and Bismarck allows litigants to display evidence using a VCR, a visual presenter, and a computer. The VCR and visual presenter are located in front of the counsel tables. Connections in these counsel tables allow litigants to connect their computer to the presentation display system for both video (VGA) and audio displays.



A touch screen panel for the presentation display system is controlled by the judge or courtroom deputy. These controllers operate both the audio and video systems; they are the control center, or “brain,” of the entire system. The litigant needs to notify the courtroom deputy as to which source to select, lectern or counsel table, when implementing technology. The visual presenter and the VCR is selected by the deputy using the touch screen panel. However, if an attorney wishes to switch between these two devices during the course of a presentation, the attorney is responsible for switching. The touch panel on the Judge’s bench and the touch panel on the Clerk’s bench can be operated independently and each will reflect the status of any choices made to the other.



The Lectern

The lectern is both mobile and height adjustable. If the lectern needs to be moved, it is usually done before a hearing or jury argument begins. The courtroom deputy and court reporter can assist with the placement of the lectern.

The lectern has a motorized height adjustment feature. The switch is located below the top in the upper right corner of the front panel. Adjust the lectern until it is at a comfortable height for your presentation. The lectern is located in courtroom number one. In Bismarck the lectern does not have an automatic height adjustment.



Visual Presenter (ELMO)

For instructions on use of the Elmo visual presenter, see attachment one. The document camera (or “Elmo”) allows any item(s) that are placed on its display surface to be viewed on the courtroom monitors. The document camera is located on the top of the presentation cart. The document camera can display 3-D objects, transparent sheets, slides, and opaque presentation materials. Choose a black-and-white display for more clarity or the color display. The negative/positive switch is used for items such as X-rays. This visual presenter projects a clear image of evidence so that all counsel, the witness, and the jury have the same perspective of the exhibit.

VCR Operations

To play a videotape:

The VCR displays video on all of the courtroom monitors.

Follow these steps for use:

- Turn power on. (The power switch is located on the upper left side front panel).
- Select the VCR button on the ELMO.
- Insert the VCR tape.
- Press PLAY on the front panel or the hand-held remote control.
- Use the controls on the handheld remote control to adjust the portion of the tape you want to view.



Important Note

The VCR power button must be “on” in order to use the VCR. If you want to use the document camera, make sure the ELMO button is selected. The internal switching devices will display on the courtroom monitors depending on the device selected.

DISPLAY DEVICE (Proxima)

This device projects the output of your computer. Anything that would normally be displayed on your monitor can be displayed through this device to a large screen.

The resolution can be projected up to 1024 x 768 and can project on screens up to 300" diagonal and offers full three-dimensional audio. (This device is also available from the Clerk’s office for your use in the courtroom).



Video Printer

(Sony UP-1200 Color Video Printer)

The color video printer allows the printing of a digital picture from the currently selected video source. Anything viewed on the courtroom monitors can be printed for evidence purposes.

The printer is located on the presentation cart.

To use the color video printer:

- **Turn the power on. (The power switch is located on the lower left side of the front panel.)**
- **Make sure the paper tray is stocked. (Load paper glossy side up).**
- **Press the MEMORY IN button to capture the desired image you want.**
- **Press PRINT.**
- **Be patient: printing takes about 30 seconds.**

Important Notes:

- **To change the stored image, press the SOURCE/MEMORY button and then the MEMORY IN button.**
- **Captured images will be lost once the power is turned off.**
- **An audible and visual warning will indicate errors.**



Annotation Tablet with Video Marker (at far right)

Main Annotation Unit (center top)

The annotation tablets, provided on the presentation table and at the witness stand, enable the attorney and the witness to draw or mark on any video that is currently being viewed on the courtroom monitors. The attached video marker works like a pen: press the tip of the marker on the pressure-sensitive tablet while watching the monitor. Different shapes and sizes of pointers, as well as different colors and widths of lines, can be used. Use the marker pen to choose the option you want from the menu at the top of the tablet.



Practice using the tablet. It takes a little getting used to.

Here are some guidelines:

- Select the color and line width by pressing the tip of the pen on the appropriate menu item (located at the top of the tablet).
- To drop a pointer onto the video screen, place the pen close to the pad and click the button located on the side of the pen. Select the pointer style on the menu at the top of the tablet.
- Clear the screen by pressing the pen tip on “Clear,” located at the top of the tablet.
- To draw on a blank screen, press “Chalkboard” on the menu.

The attorney and the witness can each draw on the same video display using different colors to make different marks.

Important Notes:

- Pressing “Chalkboard” on the pad template will disable any video images. Press “Video” to view the video source on all monitors.
- Turn the pointer on and off at any time by pressing “Pointer On/Off” on the menu.
- Some of the menu items are non-functional.

Microphones

Attorney Locations:

On the base of these desk microphones is a privacy mute button. Press and hold this mute button to mute this microphone in all speakers and recording devices. If the button is accidentally hit with a book or other object, it will not mute because the button is human touch sensitive. This is the only fully private mode. Voices will be picked up by the court reporter, even if the system is in the “All Audio Off” mode. Counsel also has available for their use a hand held microphone and a lapel or lavalier microphone.



Judge’s Sidebar Microphone:

This microphone is located on the corner of the Judge’s bench and where counsel should approach when a sidebar is needed.

Infrared System
(Infrared Equipment:
Dual Channel Headset Receiver)

This is a two-channel system:
Channel 1 broadcasts the language interpretation;
Channel 2 broadcasts the proceedings for the hearing impaired.

A transmitter is mounted on the ceiling in the corner opposite the jury box. The transmitter sends audio signals to the H-200 headsets using infrared waves.

Five H-200 infrared headsets are provided in the courtroom for the hearing impaired and for foreign language speakers. The courtroom deputy and interpreter will set up and coordinate the use of this equipment.



Real Time Court Reporting:

The official court reporters for the District of North Dakota have the capability to provide real time court reporting for the court and counsel. In order to utilize this option, a software package must be purchased (approximate cost \$200) and a computer is needed. All cables are contained in the “smart” tables in the courtroom. If you have further questions about utilizing this technology in Fargo, contact Doug Ketcham: 701-237-0275; in Bismarck, contact Al Emineth: 701-255-3513.



Courtroom Number One in Fargo



Courtroom Number One in Bismarck

Courtroom number one in Bismarck uses plasma screens and a full size pull down screen where evidence is projected for court, counsel, and jury.

To connect a computer in the courtroom:

The court will provide the necessary computer cables to connect attorneys' laptops at the counsel table or lectern. Please ask the courtroom deputy for assistance regarding your specific needs. Contact the deputy a week prior to your trial or hearing. Almost all computer systems can be connected to the evidence system.

Video Conferencing:

Video conferencing in its most basic form is the transmission of video and audio between two or more physically separate locations. This is accomplished through the use of cameras (to capture and send video from your local endpoint), video displays (to display video received from remote endpoints), microphones (to capture and send audio from your local endpoint), and speakers (to play audio received from remote endpoints).

Please notify the Clerk's Office in Fargo by calling 701-297-7000 or the Bismarck office at 701-530-2300. Please call at least one week prior to using the video conferencing equipment. Sufficient time is needed to test the connections and equipment at the other site.

Attachment One: The Elmo Visual Presenter

Operating Procedures:

Printed materials/objects:

1. Place the document/object on the flat display surface, face up. While observing the image on the monitor, adjust the zoom button to obtain the optimum size.
2. Press the auto focus button for focusing.

Please note: The Elmo is not able to display a readable image of a full-page view of an 8 ½ x 11 document. It must be viewed in sections. Also, the maximum height of an object which can be displayed clearly is approximately four inches.

Transparencies/X-Rays:

1. Press the lamp button marked "BASE."
2. Set the posi/nega button to the positive mode, "P."
3. Set the Color / B&W to "B&W."

Control Panel Features

LAMP:

Use the "UPPER" lights to obtain a clearer image with better color rendering. After a few seconds, the fluorescent lamps will come on. To turn the lamps off, press the lamp button again. Use the upper light for viewing printed materials and 3-D objects. Use the base light for viewing transparencies. When the lamp button is pressed, the indicator flashes.

POSI/NEGA :

This function is used to view negative film as positive images. The normal position is "P."

COLOR/B&W:

Use "B&W" for viewing black and white materials such as documents. This will give you a clearer image and avoid color blur. For normal use, set to "C" (color mode). Pressing the COLOR/B&W button alternates between color and black and white.

ZOOM:

Pressing "TELE" enlarges the image. Pressing "WIDE" reduces the image.

MANUAL FOCUS:

The two buttons marked “manu” are the manual focus controls. “N” is for near and “F” is for far. This function is best used to view 3-D objects with markedly varying depths; Use the manual buttons to focus on a particular part-- N for the section nearer the camera head, and F for the section farther from the camera head.

AUTO FOCUS:

When the auto focus button is pressed, the indicator lamp flashes during focusing. Once focusing is completed, the auto focus function is released. Even if the object is moved, the focus remains unchanged.

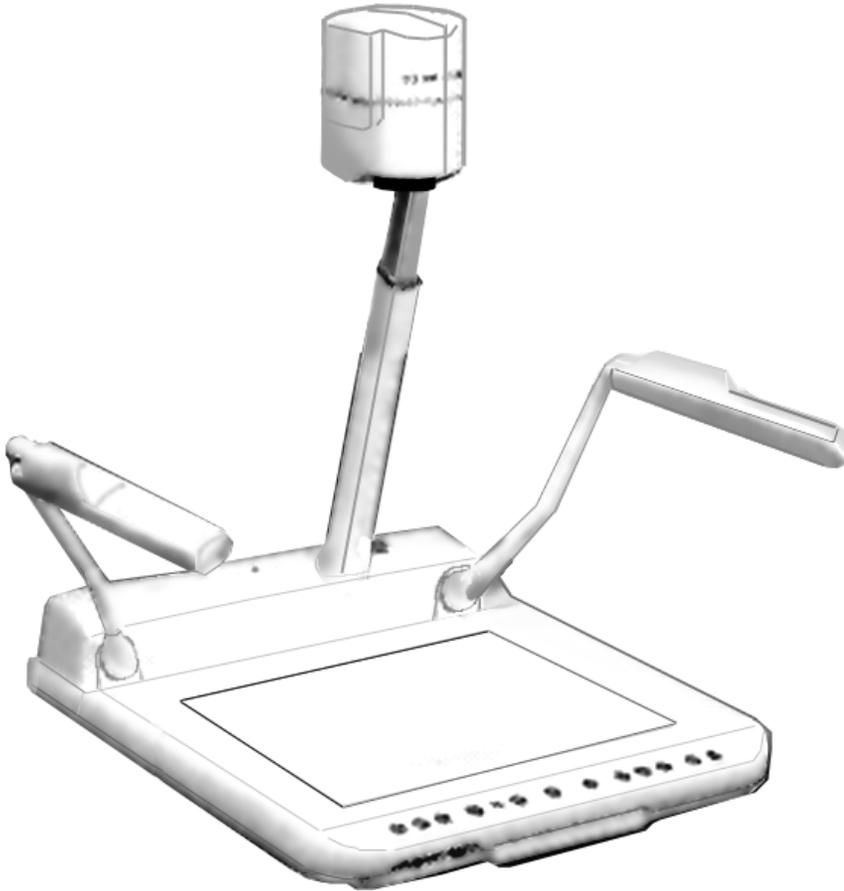
To focus the image with the auto focus setting, set the zoom button at the extreme telephoto position so a more accurate image can be obtained; then press the AUTO button.

In the following conditions, the auto focus may not work satisfactorily and manual focus may be necessary:

- the object bears little or no contrast
- the object has a fine, repeated pattern such as lateral stripes or a checkered pattern
- the object is bright or reflects strong light
- the object has a bright background

VISUAL PRESENTATION EQUIPMENT

Document Camera - Elmo



Elmo EV400AF Document Camera

Note:

It is possible to use the VCR & ELMO for simultaneous presentations. Press "STOP" on the VCR if a tape is playing. Then switch to the ELMO. (See page 5, VCR operations).

The VCR input source must be set to "A1."



Quentin N. Burdick U.S. Courthouse
655 1st Avenue North, Fargo, North Dakota



William L. Guy Federal Building
220 East Rosser Avenue, Bismarck, North Dakota