

## **Practice Area G: Visual Communication/Trial Technology**

This practice area concerns trial consultants who provide litigation graphics and/or trial presentation technology services, while adhering to the professional standards of the ASTC. Ethical principles as stated in the preamble are incorporated by reference. ASTC members within this practice area accept and abide by the following:

### **STANDARDS**

- 1. Members shall ensure the confidentiality and security of all counsel and client communications;**
- 2. Members shall continually strive for the most accurate use of evidence;**
- 3. Members shall be aware of and abide by the letter and spirit of all laws and regulations governing the development and presentation of visual evidence;**
- 4. Members shall be aware of and follow general rules of evidence specific to the venue and rules of the court;**
- 5. Members shall maintain professional levels of integrity while in contact with clients, opposing parties, witnesses, court staff, judges, jury members and members of the public;**
- 6. Members shall maintain a current familiarity with visual presentation and multimedia standards and protocols;**
- 7. Members shall coordinate with other consultants and professionals involved in the matter as deemed necessary and appropriate.**

### **GUIDELINES**

- 1. Members shall ensure the confidentiality and security of all counsel and client communications.**
  - a. Members in this practice group shall at all times respect and safeguard confidential information encountered during the course of their service.
  - b. Confidentiality, for these purposes, is described in the ASTC Code of Professional Standards – General Professional Standards (1) Consultant-Client Relationship.
- 2. Members shall continually strive for the most accurate use of evidence.**
  - a. Members who provide litigation graphics and/or trial presentation technology services shall avoid and eschew any presentation which intentionally misrepresents the facts or the data.
  - b. Members enlisted to assist at mock jury or other research exercise will follow the same guidelines for the ethical presentation of evidence as employed in a trial before the court.
- 3. Members shall be aware of and abide by the letter and spirit of all laws and regulations governing the development and presentation of visual evidence.**
  - a. With the increasing case law regarding visual evidence, it is necessary for specialists in this practice area to maintain awareness of the statutes, regulations and rulings that may affect the presentation of evidence in any given case.

- 4. Members shall be aware of and follow general rules of evidence specific to the venue and rules of the court.**
  - a. Rules of evidence vary by venue; members should be familiar with and abide by the rules affecting the proceedings.
  - b. Individual courts often have specific rules regarding the use of technology in the courtroom and/or protocols for the presentation specialists; members shall be familiar with the rules and procedures of the specific court in which they operate.
- 5. Members shall maintain professional levels of integrity while in contact with clients, opposing parties, witnesses, court staff, judges, jury members and members of the public.**
  - a. When and if required to communicate directly with opposing counsel and legal team, members shall ethically maintain the confidentiality and security of such communications, and should disclose any such communications to the client, as appropriate.
  - b. Presentation and/or technology services may be rendered for opposing parties only upon agreement by counsel and/or ruling by the Court; in such instances, safeguards must be in place to prevent compromising privileged information and confidential work-product.
  - c. Whenever possible, and with approval of counsel on both sides, a Trial technician should coordinate with opposing counsel's technician to ensure the most efficient and effective equipment is utilized - whether it is that installed by the court or provided by one or more of the technicians or vendors.
- 6. Members shall maintain a current familiarity with data on visual presentation and multimedia learning.**
  - a. Trial technologists shall be intimately familiar with the software they are using to effectively utilize tools for the display of evidence.
  - b. Members shall be familiar with various options for presenting visual information and choose the tool/medium that presents the information in the most effective and/or efficient manner.
  - c. Members should maintain awareness of current data on the way jurors interpret visual information.
- 7. Members shall coordinate with other consultants and professionals involved in the matter as deemed necessary and appropriate.**
  - a. Members shall work with experts and consultants hired by the client as required or necessary.
  - b. Trial technicians and graphics specialists shall provide consultation in accordance with their skill and experience.

## **Appendix I:**

### **BIBLIOGRAPHY**

- “Modern Visual Evidence” Gregory Joseph
- “Multimedia Learning” Richard Meyer
- “The Trial Lawyer” David Berg
- “The Visual Display of Quantitative Information” Edward Tufte
- “Beautiful Evidence” Edward Tufte
- “Slide:ology” Nancy Duarte
- “Resonate” Nancy Duarte
- “Presentation Zen” Garr Reynolds