

## TechnoFeature™

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### Review: TrialDirector Version 5.1

By Bruce A. Olson

#### TechnoScore: 4.8

1 = Lowest Possible Score; 5 = Highest Possible Score

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#### INTRODUCTION

As a longtime user of trial presentation technologies, I'm always interested when a new release of TrialDirector comes along. I've worked with the program since the 1.x days, and continue to marvel at how the program has improved over time. Now, all aspects of document, transcript, and video management, as well as trial presentation management, have been combined in one program with a familiar Windows Explorer interface. It makes TrialDirector much easier to learn and work with day to day.

#### INSTALLATION

In my case, I downloaded the software from inData's Web site as an update to my existing software. With high-speed Internet access the download time period was not excessive, but after installation I had a few problems accessing the sample case due to registry entries from my prior installations.

I called tech support and they very efficiently identified the problem with a Webex consultation and were able to correct it. I could then activate the software online. I doubt this problem would have occurred if I was dealing with a clean install from a disk. If you have older versions installed and want to be sure you can access the sample case to use for training, you may want to give tech support a call before you start. I'm sure they'll be happy to help.

#### COMPATIBILITY WITH EARLIER VERSIONS

Enhancements in TrialDirector 5.1 require that you run Windows XP or Windows 2000 (SP4). It will not work with older versions of Windows. It is also Windows Vista compatible, though I have not tested it myself having not yet made the move to Vista. It is recommended that you use XP or Vista.

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It is important to note that if you have a prior version of TrialDirector Version 4.5 or earlier, you will not be able to view color issue codes added to the case in 5.1 if you open the case using the older version.

There is also a significant difference in the way video overrides are managed in 5.1. While most synchronized transcript video clips created with a prior version will work in 5.1, you need to test them on a case by case basis. Recreate them where needed. I'd also confer with tech support if you have existing cases that you want to use with 5.1 to make sure there aren't any other minor tweaks that need to be made.

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## INTERFACE

With the release of TrialDirector 5.0 came a majorly improved interface. The interface is now designed with a Windows Explorer layout, with Windows standard navigation, buttons, and menu styles. Previously the program had separate modules — DocumentDirector and DepositionDirector — that you had to open and work in separately.

TrialDirector now combines all components in a single application. Workbooks have replaced folders. The layout is cleaner and easier to use. In 5.1 you can now close and reopen the Case Explorer with one click. This enables you to maximize the available desk space as you work on a particular item.

I will address additional substantive enhancements added to 5.1 below.

## NEW FEATURES

### Presentation Preview

Perhaps the most important new feature in 5.1 is the “Presentation Preview.” If you are presenting items at trial using the presentation view, and are using a dual monitor setup where one monitor is your laptop and the other is the projector or monitor sets viewed by the judge and jury, you can now preview your exhibits in the Presentation Preview window on your desktop before publishing them to the jury.

Once you’ve made sure you’ve got the right exhibit on your desktop, you can send it to presentation mode by simply clicking on the Present Preview button at the top of the Presentation Preview Window. You can control where the item is placed on the desktop enabling you to easily set up multi-item comparisons before the jury sees them.

Furthermore, you can add your annotations on the item in the Presentation Preview Window before displaying them to the jury. As you add a new annotation you just click Present Preview and it will update the image displayed to the jury. This enables you to double check the accuracy of

each annotation you make before it is published. You can still do it live on the presentation screen if you want using the annotation tools that have been available with the presentation mode for some time, but you now have the ability to avoid making mistakes in front of the jury by making changes in Presentation Preview.

This feature eliminates the need to have a second monitor at counsel table and an idiot switch to check your presentation before it is published to the jury. This is a great advantage when you are working in a crowded courtroom with small counsel tables, or you don’t have any help with your trial presentation equipment. Set up and tear down is simplified since you only need a laptop and you’re ready to go.

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You can load items onto the preview window by blind typing the document ID or the Trial Exhibit number or double-clicking on the item in the list in the Case Explorer. You can also drag and drop the items from the Item List to the Presentation Preview window. I particularly like this last option, especially when I scroll to the right at the bottom of the list window so I’m displaying the title field that describes the particular item descriptively rather than by document ID or Trial Exhibit Number. Dragging and dropping from the list is preferred when trying to place multiple items on the screen for a multi-document comparison.

### Conversion to PowerPoint

Probably the second most important feature in 5.1 after the Presentation Preview is the new tool that enables you to take video clips and convert them so they can be presented in PowerPoint.

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You can create clips and provide them to people who do not have the TrialDirector program. You can even use this tool to create a presentation that will automatically attach to an email that you can send to your client, an insurance adjuster, or an expert witness. They can use PowerPoint to view the presentations in presentation mode with both video and associated transcript text visible.

In fact, because you select an appropriate background slide to use as part of the process, you may even decide due to aesthetics that you would prefer to make your presentations using PowerPoint instead of using the Presentation mode in TrialDirector. There is an easy-to-use wizard that takes you through the process from selecting the clips in TrialDirector to generating the slide show in PowerPoint.

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### **On the Fly Editing**

Another important new feature in 5.1 enables you to easily edit a given item directly from the Item List in the Explorer view while working in the Case Library. This means you do not need to open the coding tab to edit in full database spreadsheet or form view. Simply select the item in the list, right click and select edit, or alternatively press F2, and a floating grid-like view will open. You can then edit the coded information for that item in the grid on the fly.

### **Global Re-Pathing**

First added in 5.0, the global path editor is another great new feature. This feature enables you to easily change the pathing information when

you need to change the location of your imaged documents or other case items due to a relocation of the files, copying of the files to another computer, or storage of video files on an external drive.

### **Organizing with Workbooks**

While working in the Case Library, you can now send items from the list view to a Workbook (f/k/a “folder”) by first left clicking on the target workbook to give it focus, and then right clicking on the item to be sent and selecting “send to workbook.” You can still use the conventional drag and drop method as well. This enables you to easily copy case items from the main list into workbooks for particular witnesses or categories of information. Any changes or annotations made when items are accessed through the main list will automatically update in the associated workbooks.

### **Issue Coding and Bulk Video Clip Creation**

With TrialDirector 5.1 you can also now automatically create multiple deposition video clips by using issue codes. In 5.0 the ability to add issue codes for particular transcript testimony was added, including the ability to color code the issues and to set up function keys as hot keys to designate selected portions of transcript by issue. In 5.1 you can now create multiple clips by issue automatically. This is particularly useful when creating transcript designations of video testimony for use at trial. Just create one issue as plaintiff’s designations and one for defendant’s designations. Then use the “create clips from issue codes” option from the clips drop-down menu to create multiple clips all at once.

### **Enhanced Video Editing**

Another nice feature when editing video is the new segment editor tool which includes an oscilloscope type display of the audio files associated with a particular clip. You can use this display to easily adjust start and stop points by dragging the slider bar to move the insertion point back and forth. You can use this tool to eliminate lengthy pauses between spoken testimony.

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### **Exhibit and Video Synchronization Wizard**

The ability to attach and synchronize exhibits to transcript video clips that will cause the exhibit to automatically appear and then disappear at

designated points in the testimony as you play the video clip is another great feature. To add the exhibit to the clip you just need to find the spot in the transcript where you want it to appear, right click and select "Attach synchronized exhibit." A window will appear and you simply type in the exhibit identifier. Then find the line in the transcript where you want the exhibit to disappear, right click and select "Clear synchronized exhibit." When you play the clip in presentation mode the video will appear on the upper right of the screen, the exhibit will appear when scheduled in the upper left, and the transcript text will appear with scrolling highlights across the bottom of the screen.

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In my experience inData has traditionally maintained a high level of tech support and that tradition continues in supporting TrialDirector 5.1.

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There are many other great features but I'll leave it to you to explore the program and learn for yourself.

### **TRAINING AND LEARNING THE PROGRAM**

A number of good online tutorials are now available at the inData Web site that will give you a good start on the TrialDirector interface, organizing with Workbooks, working in the presentation mode, preparing video clips using the segment editor, and creating and assigning issue codes. In addition, regularly scheduled training Webinars are available online. You can even hire a trainer directly from inData to train in-house if you desire.

### **WISH LIST**

The one feature missing in this program, as well as in all other trial presentation programs to my knowledge, is what I call the trial notebook feature. While it's great to organize clips, exhibits, etc. in workbooks by witness, I really want the program to take the next step and give me a window where I can drag and drop a thumbnail of the item onto my desktop and then type my questions for my direct or cross examination regarding the exhibit. Then, as I work with the witness proceeding through my script, I can right click on the thumbnail and the exhibit will be launched in the presentation mode.

The beginnings of the concept can be found in Microsoft OneNote. I keep hoping the folks at inData will think about integrating these concepts so we can truly try the entirety of a case from just a laptop.

### **TECH SUPPORT**

Tech support remains top-flight. I worked with them to help familiarize myself with various technical issues while writing this review and to address some installation issues and they were timely in their response and very friendly as they worked with me to address my concerns. In my experience inData has traditionally maintained a high level of tech support and that tradition continues in supporting TrialDirector 5.1.

### **CONCLUSION: THE BOTTOM LINE**

The enhancements to TrialDirector 5.1 have made an already outstanding product even better — I give it a TechnoScore of 4.8 out of 5.

If you have used TrialDirector before, it is certainly worth the upgrade cost of \$297.00 plus an annual maintenance fee of \$119.00 if you are upgrading from a prior version of TrialDirector, and you are not on regular maintenance. The same pricing applies if you trade in a competing product.

Network installs of 5 users (\$2,380 plus \$476 maintenance), 10 users (\$4,760 plus \$952

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maintenance), or 20 users (\$9,529 plus \$1,904 maintenance) are also available.

If you are new to the world of trial presentation technology and haven't used TrialDirector before you will find the cost of a new single user license of \$595.00 plus \$119.00 for maintenance to be money well spent.

If you are not sure, you can also take advantage of the free evaluation download and test drive the program to see if TrialDirector is right for your litigation practice.

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#### **ABOUT THE AUTHOR**

Bruce A. Olson, is a shareholder in the Milwaukee based law firm of [Davis & Kuelthau, S.C.](#) A trial attorney and nationally recognized legal

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