

IT'S NOT YOUR FATHER'S OLDSMOBILE – OR COURTHOUSE – ANYMORE

FAIRFAX COURTHOUSE GOES HIGH TECH

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Lights! Camera! Action! Let your inner Steven Spielberg come out and play. In the new high tech courtrooms of Fairfax County, the possibilities are almost endless.

Attorneys are truly embracing the technology. At a recent CLE on the technological capabilities of the new courtrooms, the room was packed and the presenters were so peppered with questions that they had to ask the audience to hold questions so that they could get through the presentation.

These six courtrooms bear only a superficial resemblance to courtrooms of old. The walls are composed of 4 5/8" sheets of drywall – very soundproof. The courtrooms are designed with “lines of sight” in mind, so everyone can see both the people and the screens. The floors are raised to hide the cabling. There is over 10,000 feet of copper wire in a single courtroom. Every courtroom has an AV closet tied into a central AV control center. The furniture is all tech-enhanced, with cables running through the legs of the counsel tables. Lighting can be adjusted to accommodate presentations. There is a central control panel (something like a TV remote, but much larger) at the counsel podium, which contains a wealth of AV equipment. There is a real time court reporting network and assistive listening devices. A very long way from “your father’s courtroom” of yesteryear.

So what kind of whizbang do these courtrooms offer? Certainly, the most utilized tool is the document camera. Place your photograph or document on the base, focus and voila, it is now on all the large plasma screens as well as the individual screens for the jury and the judge. X-rays are often used, and can be shown in regular or negative mode, to achieve maximum clarity.

Got a DVD or a CD to play? You’re covered. Ditto for playing VHS. PowerPoint? Easy stuff. Need to hook up a digital camera, webcam or iPod? Yup, you can do that too. There are have all kinds of video and audio connections.

Need to get testimony from an ailing witness in California? Done, albeit you’ve got to get the other side to agree or, if the motion for this is opposed, convince the judge. What kind of facility do you need in the remote location? Any place with videoconferencing technology – it could be a law firm, a hotel (very common) or a Kinko’s. In the words of this generation, just Google what you need. Need a protected witness or sexually abused child to testify? Simple, with testimony occurring from a room adjacent to the courtroom itself. There’s even a “bat phone” on counsel’s table so you can talk to your client

privately if needed. PIPT (Pretty Important Practice Tip) – if using the phone for that purpose, do remember to mute the mike.

The screens are smart screens too. Want to insert an arrow on a graphic displayed on screen? You can do that from the counsel podium or counsel table – just make the arrow with your fingertip. The opposition and witness can annotate as well, using a different color arrow. And it can all be saved and entered into evidence, complete with annotations. Or you go backwards and delete all annotations by using the touchscreen controls.

Video arraignments (now called advisory hearings) with the defendant still at the Adult Detention Center? Happens all the time – and think about how much money that saves for a process that often takes 60 seconds or less, without the need for staffers to provide security and transport. Even the prisoners like it – it’s just them and the judge, from their perspective, since that is all they see. Right now, these remote hearings can only be done within Fairfax County, but the court is working with sister courts to make this multi-jurisdictional.

Can each piece of evidence be seen everywhere, all the time? Perish the thought. The judges have control. They can preview the evidence and then “publish” it upon approval. Also, they have a “stop” switch to mute everything at once or they can mute selected screens, at their discretion. As an example, in a gory murder trial, the judge might choose to make certain photos visible to the jury, but not to the general audience. If the technology being employed is especially complex, or maneuvering the screens is a big issue, attorneys can request the presence of a court clerk to be a kind of “production director.”

Can you go DIY with this technology? The answer is a resounding “maybe” – and you’re probably the best person to evaluate how well you can juggle technology with lawyering. If the combination sounds daunting, bring a colleague, a paralegal or an outside consultant. It’s hard to sound like Abraham Lincoln when you keep punching buttons repeatedly in a hapless effort to make a video fast forward.

What happens if the technology doesn’t work? Well, you are likely to receive some small measure of patience for the judges, who are themselves adjusting to this new world. After receiving a modicum of patience, you’d better be prepared to charge forward in the old paper world.

What do you need to bring for a high tech trial? Your own laptop and any needed adaptors and cables (e.g. for iPods, audio cassette decks, etc.). If you are going to bring your own presentation equipment, don’t forget to pre-arrange this with courthouse security.

How do you enter through the gates of this new world? First, get trained. Fairfax County courts, as we go to press, is starting a series of CLE training sessions for lawyers with the help of volunteers from the Fairfax Bar Association’s Technology Committee,

specifically geared to the use of the court's new technology. Second, it is mandatory that you test everything at least the day before you go to court (court technologists will work with you). If there are problems, you've got time to resolve them. Test again, 30 minutes before you go live. You'd be amazed how often what worked yesterday bellies up today. Third, remember to reserve the courtrooms as soon as you know they'll be needed. Fourth, make sure you have an "attorney badge" issued by the court, so you can bring your laptop into the courthouse without an issue.

Don't forget the formalities either. While the technology is the same for all three courts and supported by a centralized Courtroom Technology Office, the internal processes and procedures may differ. For any business before the Circuit Court, you need to set a Friday motion or contact Calendar Control to obtain approval from a judge before you use the high tech courtrooms. You need to fill out and submit the "Video conference and Evidence Presentation Request Form" found at http://www.fairfaxcounty.gov/courts/circuit/Evidence_Presentation.htm. You need to reserve the courtrooms at least two weeks in advance. Remember that they are available on a first-come, first-served basis. Call the Circuit Court IT Department Help Desk at 703-246-2366 or e-mail them at: ccrhelp@fairfaxcounty.gov to arrange for the two required pre-trial test connections. The General District Court and the Juvenile and Domestic Relations District Court are revising their policies to adapt to the technology.

As far as we've come, we're not done yet. Nine new high-tech courtrooms are expected by late summer 2009 for the Juvenile and Domestic Relations District Court. Beyond that, some of the older courtrooms will be renovated and retrofitted to become high tech. Pretty soon, none of us will be practicing in courtrooms that look like those our fathers and mothers knew.

So, roll the credits, put your name in lights and direct your own high tech trial. The future is now.

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