



Prep & Presenting Your Case

June 20, 2018

What Will Be Covered Today?

"Preparing & Presenting Your Case"

Learn to build a more focused case and communicate effectively at hearings or trials.

Topics that will be addressed include:

- Collaborating and identifying key case documents (exhibits)
- Establishing key issues and building your case themes and timeline
- Preparing your witness and creating witness folders outlines/folders
- Tools for identifying key deposition testimony
- Best practices for case presentations
- Using technology at hearings or trials



Case Preparation

General Document Collaboration Tools

- OK for attorney work product / notes
- Not a great idea for handling case evidence
 - No litigation-specific functions (i.e. designations)
 - Insufficient security / confidentiality concerns



Google Drive



Dropbox

box

Litigation-Specific Doc Collaboration Tools

- Functionality around litigation workflows
- Searchability
- Organization and tracking
- Capture of work product
 - *Witness folders*
 - *Issue tagging*
 - *Reporting*

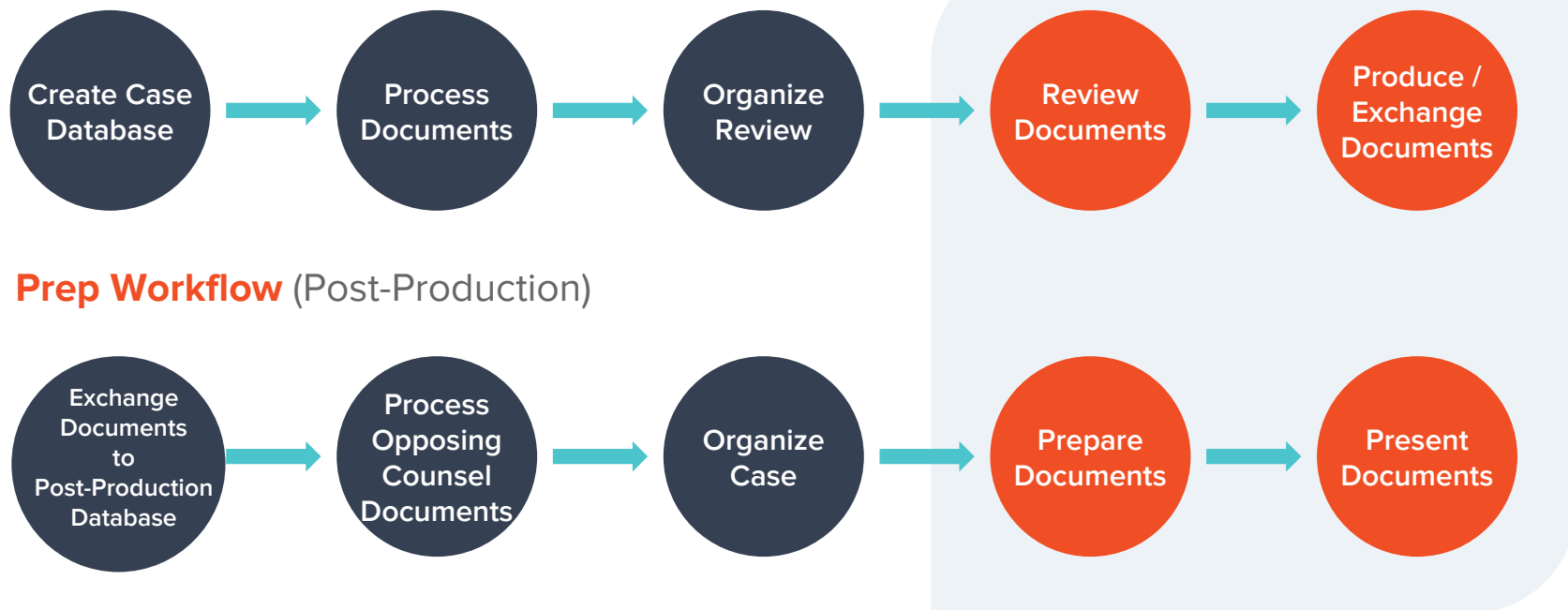
The screenshot displays a web application interface for document management. The top navigation bar includes 'Demo: Enron', 'DOCUMENTS', 'DEPOSITIONS', 'TRANSCRIPTS', and 'MORE'. A search bar is located in the top right corner. The main content area is divided into three tabs: 'Folders', 'Issues', and 'Batches'. The 'Folders' tab is active, showing a table of folders and their document counts. The table has two columns: 'Folders' and 'Document Count'. The data is as follows:

Folders	Document Count
Relevant	1280
Hot Document	27835
Willfulness	2
Trial	5
Respondent	0
Claimant	2
TEST	3
Plaintiff	5
JLTEST	26
Joint	2

Below the table is a 'Show More Folders' link. To the right of the table is a search bar with a search button and an 'Advanced Search' section with a search index up to date. Below the search bar is a 'Filter' section with expandable categories: Folders, Issues, Coding Fields, Depositions/Transcripts, Custom Fields, and System Data. There is also a 'Filter Documents' button and a 'clear filters' link.

Organize Documents: Understand the Workflow

Review Workflow (Pre-Production)



Prep Workflow (Post-Production)



Organize Documents: Identify Your Key Case Documents

Turning your documents into evidence...

- Parse out data from your Relevancy Review database when you're ready to focus on preparing your case.
- Build exhibit folders and lists
- Organize documents in chronological order to find documents that are most critical for use with a witness or when writing your briefs or motions.
- Keep key issues of the case in mind and make notes to how you will use the document when working with your witness.



Organize Documents: Parse Data from Relevancy Review

ADMIN REVIEW PROCESS & PRODUCE USERS SETTINGS SHARE

with ALL matching items:

Select: All 47 Page, None

47 matches found

Previous 1 2 Next

Document

<input checked="" type="checkbox"/>	▼	✉	Re: Europca
<input checked="" type="checkbox"/>	▼	✉	Re: Europca
<input checked="" type="checkbox"/>	▼	✉	Re: Europca
<input checked="" type="checkbox"/>	▼	✉	Re: Europca
<input checked="" type="checkbox"/>	▼	✉	Re: Europca
<input checked="" type="checkbox"/>	▼	✉	Travel Proble
<input checked="" type="checkbox"/>	▼	✉	Re: Travel P
<input checked="" type="checkbox"/>	▼	📄	Europcar Re

NEXTPOINT

Select Docs **Initial Setup** Review Loadfile Initiate **Acceptance** Exchange

Exchange allows you to transfer documents and metadata available in this Nextpoint database to another Nextpoint database in your account, or to an account managed by a third party.

This is a completely secure process, which you may cancel at any time prior to final approval.

01. Select Destination

▼ Create New Database

Database Name:

Database Type: Review Prep

Current Account (Nextpoint Demo)

New/Existing Account

Organize Documents: Build Exhibit Folders & Lists

▼ Trial Prep Training DOCUMENTS DEPOSITIONS TRANSCRIPTS MORE ▼

Search within your prep database... [Copy] [Search] SAVE ADVANCED OPEN FILTERS ▼

Profile 10 Z

Import Files

Folders	Issues	Batches
Search by name...		
Folders	Document Count	
 Plaintiff	:	<u>206</u>
 Defense	:	<u>289</u>
 Enron Produced Documents	:	<u>271</u>
 Jane Smith Dep Prep	:	<u>336</u>
 Anderson Deposition Exhibits	:	<u>3</u>

Organize Documents: Populate Work Product & Metadata

▼ Trial Prep Training DOCUMENTS DEPOSITIONS TRANSCRIPTS MORE ▼ 135

Upload with 0 checked items: Bulk Actions Trash Export Exchange

Select: All 1045 Page, None

Results per page: 25 50 75

1045 matches found

default template Grid View | [Classic View](#)

← Previous 1 2 3 4 5 6 7 8 9 ... 41 42 Next → Skip to Page

	Document	Author	Date ↕	Folders	Issues	Page Count
<input type="checkbox"/>	idlewoodelect_300292		12/26/2015	DGE-1513		1
<input type="checkbox"/>	idlewoodelect_300292		12/22/2015	DGE-1511		3
<input type="checkbox"/>	idlewoodelect_300292		12/21/2015	DGE-1509		3
<input type="checkbox"/>	idlewoodelect_300292		12/19/2015	DGE-1507		1
<input type="checkbox"/>	idlewoodelect_300292		12/18/2015	DGE-1505		2
<input type="checkbox"/>	idlewoodelect_300292		12/17/2015	DGE-1503		5
<input type="checkbox"/>	idlewoodelect_300292		12/16/2015	DGE-1501		5
<input type="checkbox"/>	idlewoodelect_300292		12/15/2015	DGE-1499		6
<input type="checkbox"/>	idlewoodelect_300292		12/14/2015	DGE-1497		5
<input type="checkbox"/>	idlewoodelect_300292		12/12/2015	DGE-1495		2
<input type="checkbox"/>	idlewoodelect_300292		12/11/2015	DGE-1493		5
<input type="checkbox"/>	idlewoodelect_300292		12/10/2015	DGE-1491		10
<input type="checkbox"/>	idlewoodelect_300292		12/09/2015	DGE-1489		3
<input type="checkbox"/>	idlewoodelect_300292		12/08/2015	DGE-1487		2
<input type="checkbox"/>	idlewoodelect_300292		12/07/2015	DGE-1485		4
<input type="checkbox"/>	idlewoodelect_300292		12/04/2015	DGE-1483		6
<input type="checkbox"/>	idlewoodelect_300292		12/02/2015	DGE-1481		6
<input type="checkbox"/>	idlewoodelect_300292		12/02/2015	DGE-1479		4
<input type="checkbox"/>	idlewoodelect_300292		11/27/2015	DGE-1476		2
<input type="checkbox"/>	idlewoodelect_300292		11/25/2015	DGE-1474		3

Search

date:* Search

Group document families ⓘ

Advanced Search

search index up to date

Filter

- ▶ Folders
- ▶ Issues
- ▶ Coding Fields
- ▶ Depositions/Transcripts
- ▶ Custom Fields
- ▶ System Data

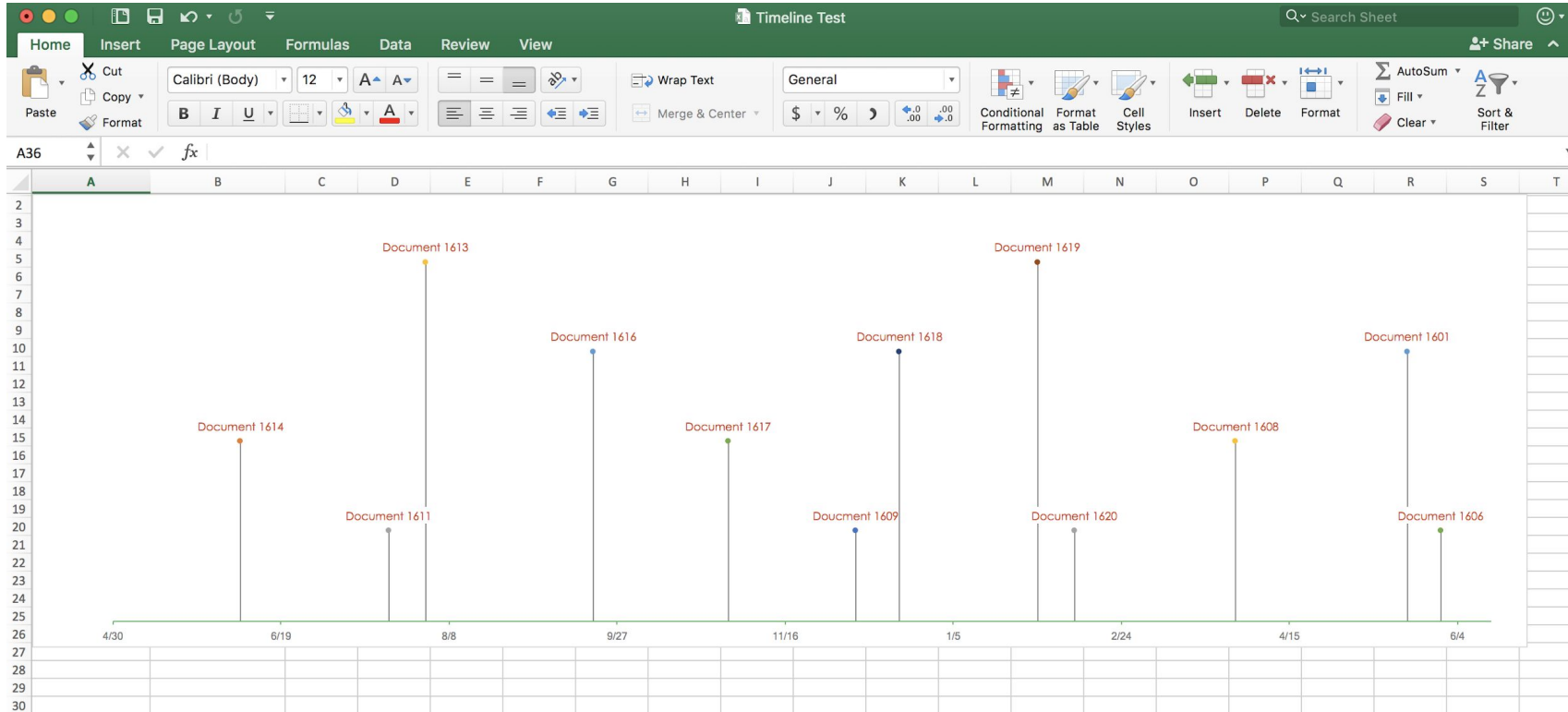
Filter Documents [clear filters](#)

Organize Documents: Export As Indexes

The screenshot shows a Microsoft Excel spreadsheet titled "Test_050217". The spreadsheet has the following columns: NPID, DocumentType, Subject/Title, Date, recipients, and mailbox_file. The data is organized as follows:

NPID	DocumentType	Subject/Title	Date	recipients	mailbox_file
1622	Email Attachment	idlewoodelect_30029250_20151227_6478221_1581087934.pdf	20151226 12:00:00	gandfinvoice@gmail.com	Idelwood_Invoices_2015_2016.mbox
1623	Email Attachment	idlewoodelect_30029250_20151222_6468638_1577977331.pdf	20151222 12:00:00	gandfinvoice@gmail.com	Idelwood_Invoices_2015_2016.mbox
1624	Email Attachment	idlewoodelect_30029250_20151221_6464554_1576566086.pdf	20151221 12:00:00	gandfinvoice@gmail.com	Idelwood_Invoices_2015_2016.mbox
1621	Email Attachment	idlewoodelect_30029250_20151220_6460895_1575659378.pdf	20151219 12:00:00	gandfinvoice@gmail.com	Idelwood_Invoices_2015_2016.mbox
1608	Email Attachment	idlewoodelect_30029250_20151218_6459224_1575003796.pdf	20151218 12:00:00	gandfinvoice@gmail.com	Idelwood_Invoices_2015_2016.mbox
1620	Email Attachment	idlewoodelect_30029250_20151217_6455071_1573744994.pdf	20151217 12:00:00	gandfinvoice@gmail.com	Idelwood_Invoices_2015_2016.mbox
1619	Email Attachment	idlewoodelect_30029250_20151216_6450782_1572366652.pdf	20151216 12:00:00	gandfinvoice@gmail.com	Idelwood_Invoices_2015_2016.mbox
1618	Email Attachment	idlewoodelect_30029250_20151215_6446696_1570597550.pdf	20151215 12:00:00	gandfinvoice@gmail.com	Idelwood_Invoices_2015_2016.mbox
1617	Email Attachment	idlewoodelect_30029250_20151214_6442611_1568145853.pdf	20151214 12:00:00	gandfinvoice@gmail.com	Idelwood_Invoices_2015_2016.mbox
1615	Email Attachment	idlewoodelect_30029250_20151212_6438878_1567131921.pdf	20151212 12:00:00	gandfinvoice@gmail.com	Idelwood_Invoices_2015_2016.mbox
1616	Email Attachment	idlewoodelect_30029250_20151211_6437209_1566434214.pdf	20151211 12:00:00	gandfinvoice@gmail.com	Idelwood_Invoices_2015_2016.mbox
1613	Email Attachment	idlewoodelect_30029250_20151210_6433014_1565074478.pdf	20151210 12:00:00	gandfinvoice@gmail.com	Idelwood_Invoices_2015_2016.mbox
1611	Email Attachment	idlewoodelect_30029250_20151209_6428933_1563652404.pdf	20151209 12:00:00	gandfinvoice@gmail.com	Idelwood_Invoices_2015_2016.mbox
1614	Email Attachment	idlewoodelect_30029250_20151208_6424837_1562146206.pdf	20151208 12:00:00	gandfinvoice@gmail.com	Idelwood_Invoices_2015_2016.mbox
1609	Email Attachment	idlewoodelect_30029250_20151207_6420469_1560483469.pdf	20151207 12:00:00	gandfinvoice@gmail.com	Idelwood_Invoices_2015_2016.mbox
1610	Email Attachment	idlewoodelect_30029250_20151204_6414899_1558775191.pdf	20151204 12:00:00	gandfinvoice@gmail.com	Idelwood_Invoices_2015_2016.mbox
1612	Email Attachment	idlewoodelect_30029250_20151203_6406276_1555810933.pdf	20151202 12:00:00	gandfinvoice@gmail.com	Idelwood_Invoices_2015_2016.mbox
1607	Email Attachment	idlewoodelect_30029250_20151201_6401832_1553982769.pdf	20151202 12:00:00	gandfinvoice@gmail.com	Idelwood_Invoices_2015_2016.mbox
1606	Email Attachment	idlewoodelect_30029250_20151127_6390923_1548713022.pdf	20151127 12:00:00	gandfinvoice@gmail.com	Idelwood_Invoices_2015_2016.mbox
1605	Email Attachment	idlewoodelect_30029250_20151125_6386386_1547353719.pdf	20151125 12:00:00	gandfinvoice@gmail.com	Idelwood_Invoices_2015_2016.mbox
1603	Email Attachment	idlewoodelect_30029250_20151124_6382281_1545834546.pdf	20151124 12:00:00	gandfinvoice@gmail.com	Idelwood_Invoices_2015_2016.mbox
1604	Email Attachment	idlewoodelect_30029250_20151123_6378126_1544459726.pdf	20151123 12:00:00	gandfinvoice@gmail.com	Idelwood_Invoices_2015_2016.mbox
1602	Email Attachment	idlewoodelect_30029250_20151121_6374429_1543569088.pdf	20151121 12:00:00	gandfinvoice@gmail.com	Idelwood_Invoices_2015_2016.mbox
1601	Email Attachment	idlewoodelect_30029250_20151120_6372667_1542834519.pdf	20151120 12:00:00	gandfinvoice@gmail.com	Idelwood_Invoices_2015_2016.mbox

Organize Documents: Use Chronological Order



Organize Documents: Keep Key Issues Top of Mind

▼ Trial Prep Training

DOCUMENTS

DEPOSITIONS

TRANSCRIPTS

MORE ▼



136



Page 1 of 1

IDLEWOOD

ELECTRIC SUPPLY INC.
Distributor of Electrical Supplies and Lighting Fixtures
www.idlewoodelectric.com
114 Skokie Valley Road, Highland Park, IL 60035-4495



BILL TO:

G&F ELECTRICAL INC.
PAUL HUGHES
5120 N. LOVELLOY AVENUE
CHICAGO IL 60630

SHIP TO:

G&F ELECTRICAL INC.
C/O T 2ND RUN-4/3/15
4416 N. WINCHESTER
CHICAGO IL

HIGHLAND PARK, IL 60035-4495
114 Skokie Valley Road
Phone (847) 831-3600
Material Fax (847) 831-3463
Office/Showroom Fax (847) 831-3960

BARRINGTON, IL 60010-3057
317 W. Northwest Highway
Phone (847) 304-8000
Fax (847) 304-8190

CHICAGO, IL 60641-2899
5010 W. Irving Park Rd.
Phone (773) 286-1800
Fax (773) 286-6376

DATE SHIPPED	SHIP VIA	TYPE	SHIPPING ORDER NO.	SHIP FROM CODE	TAX CODE	WRITTEN BY	TERMS
12/26/15	O/T 2ND RUN	RET	3475477	34	3	55	The goods listed below are accepted pursuant to the terms stated on the front of this invoice. Idlewood Electric Supply, Inc. is not warranting quality, credit, performance and delivery guarantees, as applicable. Check all pricing for a return for credit will be accepted only if confirmed by email within 30 days of shipping. In the event of a return, all return items are subject to a restocking charge. The rate period is 90 days in effect at the time of shipment. All charges are for 30 days payment with a return charge of 1.5% per month 15% per amount will be charged. Therefore, any claims for damages, overcharges, or shortages must be noted within 10 days of the date of the invoice, or will be deemed waived. All orders are subject to approval. See www.idlewoodelectric.com for complete terms and conditions.
DATE OF ORDER	CUSTOMER PURCHASE ORDER NO.			SALESMAN	ACCOUNT #		
12/26/15	4416 WINCHESTER 3359039 BRIAN			40	30029250		
QTY B/O	QTY SHIP	MFG-ITEM NUMBER	ITEM DESCRIPTION		UNIT PRICE	U/M	AMOUNT
		10BRDG244 DC	244 DC 1-1/2 S/S EMT CPLG		131.37	C	-13.14 2

Markup Tools

Highlight

Redact

+ Add Another Highlight

Select an Issue:

Contract

Notes:

Invoice sent after contract expired

Highlight

Exit

Organize Depositions: Themes & Issues

▼ Trial Prep Training DOCUMENTS **DEPOSITIONS** TRANSCRIPTS MORE ▼

Search within your prep database...

[Transfer Depositions](#) [Summary Report](#) ^⓪ [Import Deposition](#)

By Name: [A-D](#) [E-I](#) [J-M](#) [N-Q](#) [R-U](#) [V-Z](#)
Category: [30\(b\)\(6\)](#) [General](#) [Plaintiff Witness](#) [Summary](#)

Appleford, Bob edit, 21 documents Volume 0 - 05/29/1997 Volume 1 - 09/22/1997 ● ● ● ●
Ellis, Cathy edit, 19 documents Volume 1 - 09/25/1997 ● ● ● ● ●
Fields, Harvey edit, 19 documents Volume 1 - 05/29/1997 ● ● ● ●
Morgan, James J. edit, 17 documents Volume 1 - 09/04/1997 ● ● ● ●
Osdene, Thomas S. Ph.D. edit, 15 documents Volume 1 - 06/16/1997 ●
Patrick, Elizabeth edit, 25 documents Volume 1 - 06/24/2010 ● ● ●

DESIGNATIONS

Folders

- [Merged test](#)
- [Plaintiff Designations](#)
- [Defense Designations](#)
- [Defense Objections V1](#)
- [Plaintiff Objections](#)

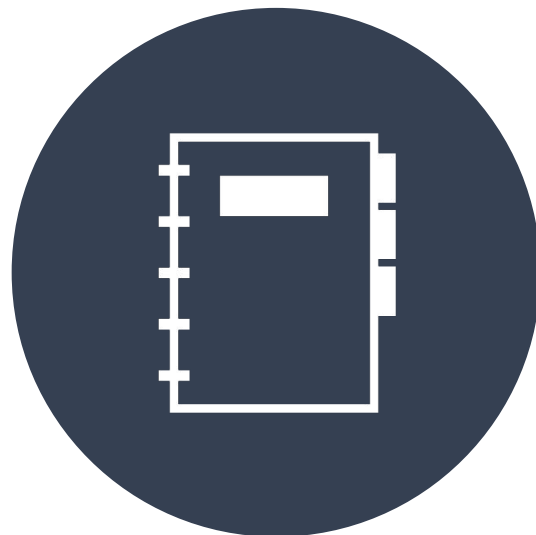
Issues

- [Background/Context](#)
- [Bias/Credibility](#)
- [Evidence](#)
- [Inspection](#)
- [Smoking Gun](#)

Witness Prep: Create Electronic Witness Files & Outline

Create issues and tags for organizing your document by witness to start creating an electronic witness file ...

- Utilize the issue tags to create a set of document for a witness file and order them in a specific sequence based on your witness outline.
- Review the documents electronically
- Create witness binders with clean copies for the witness and highlighted copy with notes for your own preparation.



When to Use Deposition Transcripts and Video

Use depositions for situations such as ...

- In lieu of live witness to admit testimony into record
- Impeachment of witnesses, including video impeachment clips for key witnesses
- To compile and identify testimony segments for briefs, outlines and other presentation materials
- Gather testimony across witnesses for use in motion practice
- Or exchange designations with Opposing Counsel



Types of Deposition Transcripts and Video

PTX

Transcript
Only

LEF

Transcript +
Linked Exhibits

CMS

Transcript Synced
with Video



Case Presentations

DEVELOP | DESIGN | DELIVER

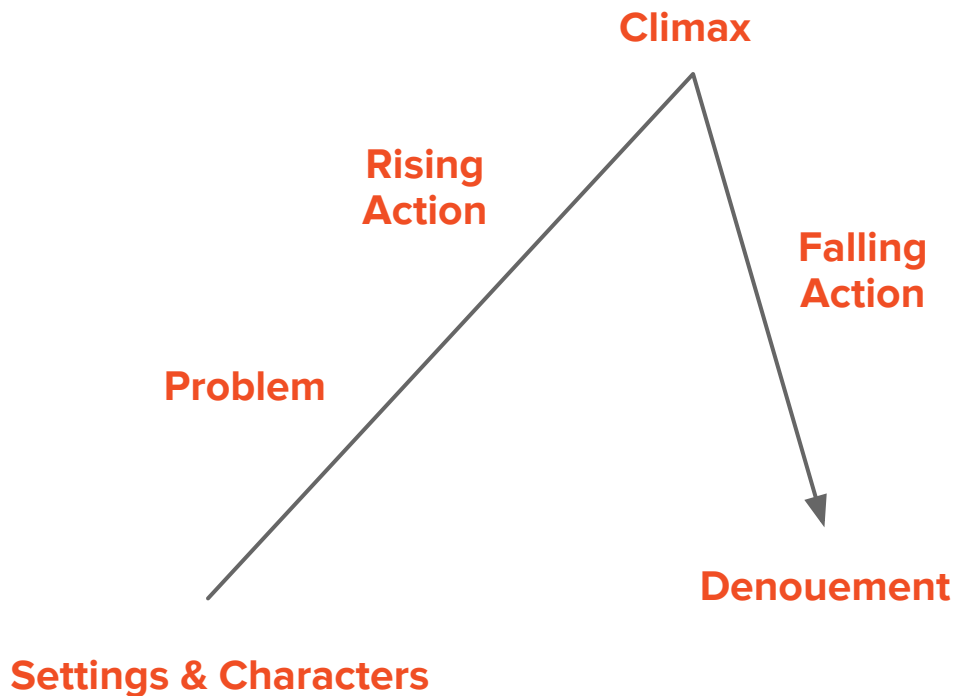


Develop

DEFINE WHAT YOU'RE GOING TO PRESENT

Developing the Presentation

- ✓ Know your audience
- ✓ Focus on the themes
- ✓ Build a narrative
- ✓ Guide the decision
- ✓ Command the physical space



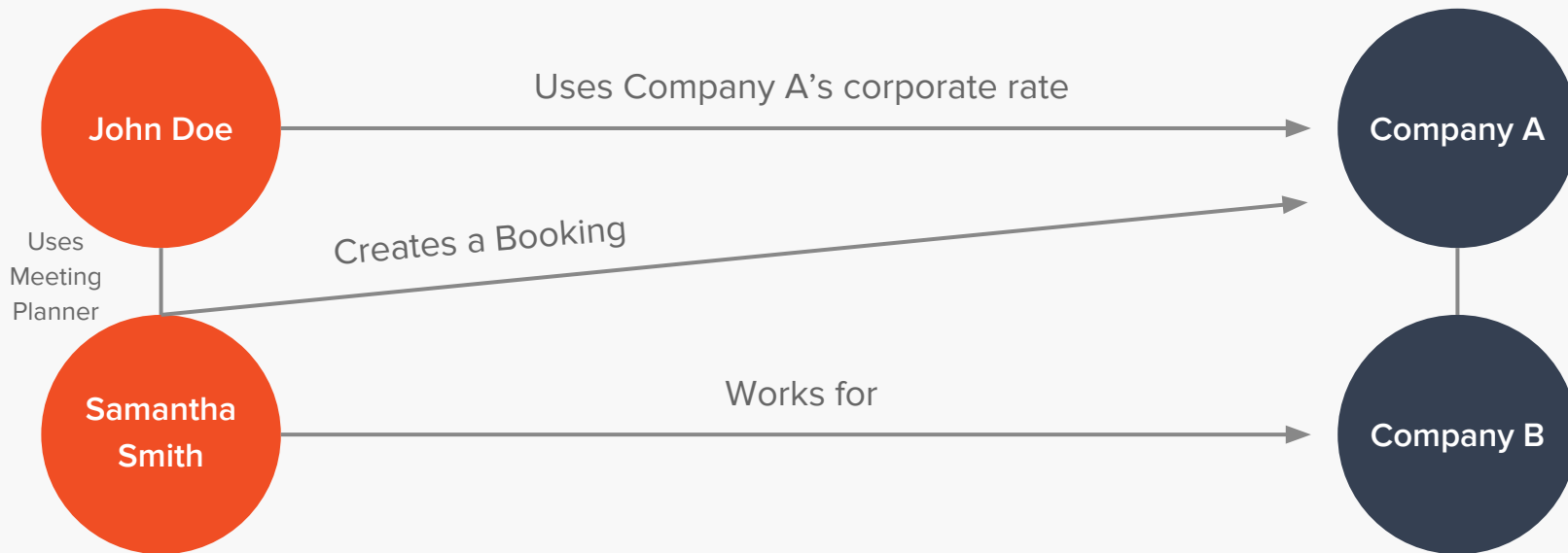


Design

KEEP YOUR AUDIENCE INTERESTED

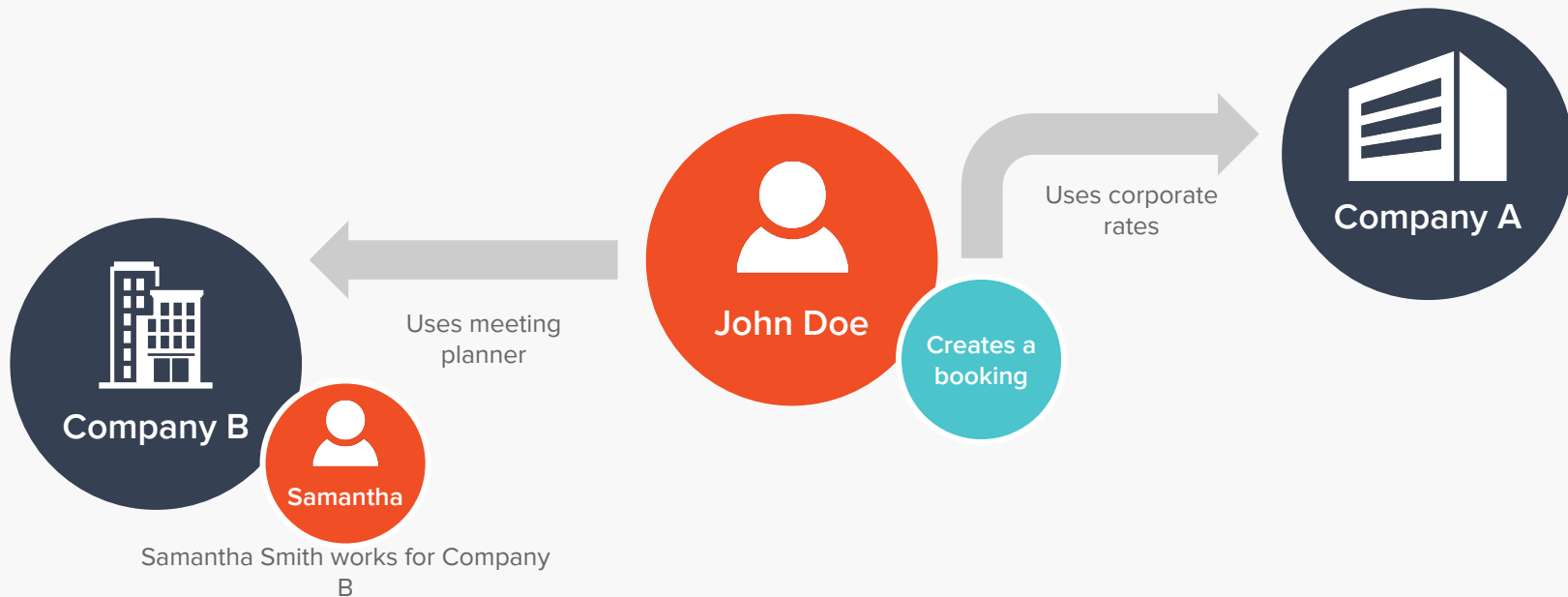
Example: Weak Information Design

CHALLENGE: COMPLEX CUSTOMER RELATIONSHIPS



Example: Strong Information Design

CHALLENGE: COMPLEX CUSTOMER RELATIONSHIPS



Tips for Effective Presentations



KEEP IT SIMPLE



**USE QUALITY
IMAGES**

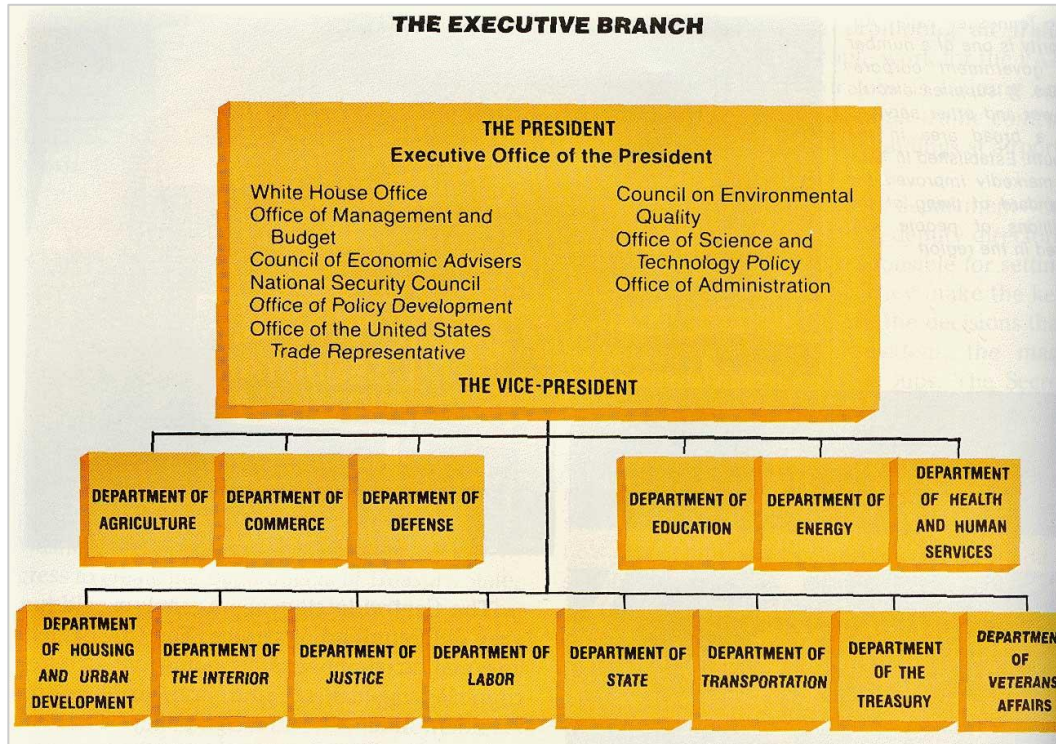


**MIND YOUR USE OF
COLOR**



LIMIT ANIMATION

Keep It Simple



Keep It Simple

U.S. Government *The Executive Branch*



Limit Bullet Points

THE SCIENTIFIC METHOD

1. Ask a question
2. Do background research
3. Construct a hypothesis
4. Test your hypothesis by doing an experiment
5. Analyze your data and draw a conclusion
6. Communicate your results

Limit Bullet Points

THE SCIENTIFIC METHOD



Ask a question



Do background
research



Construct a
hypothesis



Communicate
your results



Analyze your
data



Do an
experiment

Use Quality Images

STOCK IMAGES & PHOTOS

- Avoid Clip Art
- Compfight.com (Pay attention to licenses, some need attribution)
- Google Images
- Photos

Compfight

computer 382,200 images

Support by

Tags only
[All text](#)

Any license
[Creative commons](#)
[Commercial](#)

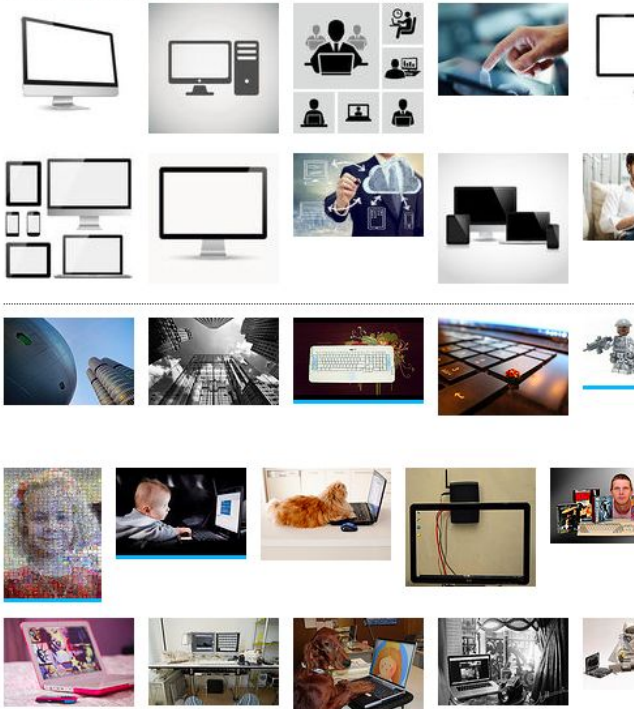
Show originals
[Hide originals](#)
[Only originals](#)

Safe
[Unsafe](#)

Pop Up ON OFF

Please respect all licenses!

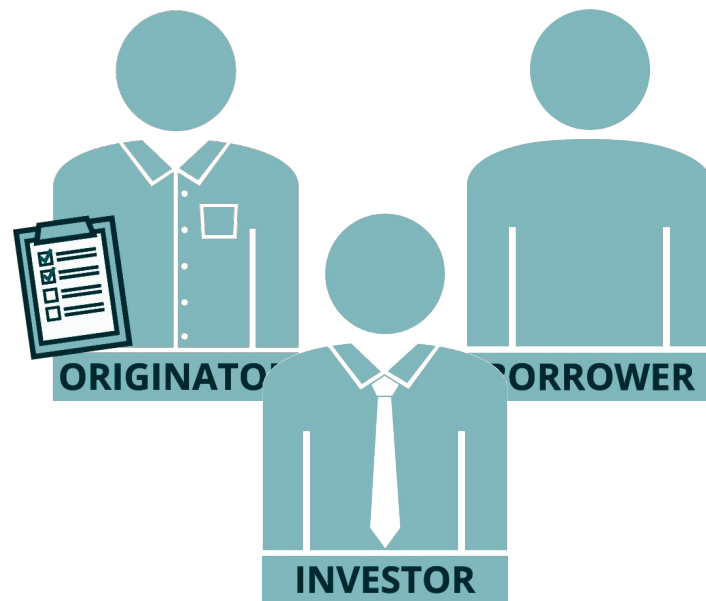
Professional Stock Photos from \$1



Use Quality Images

ICONS

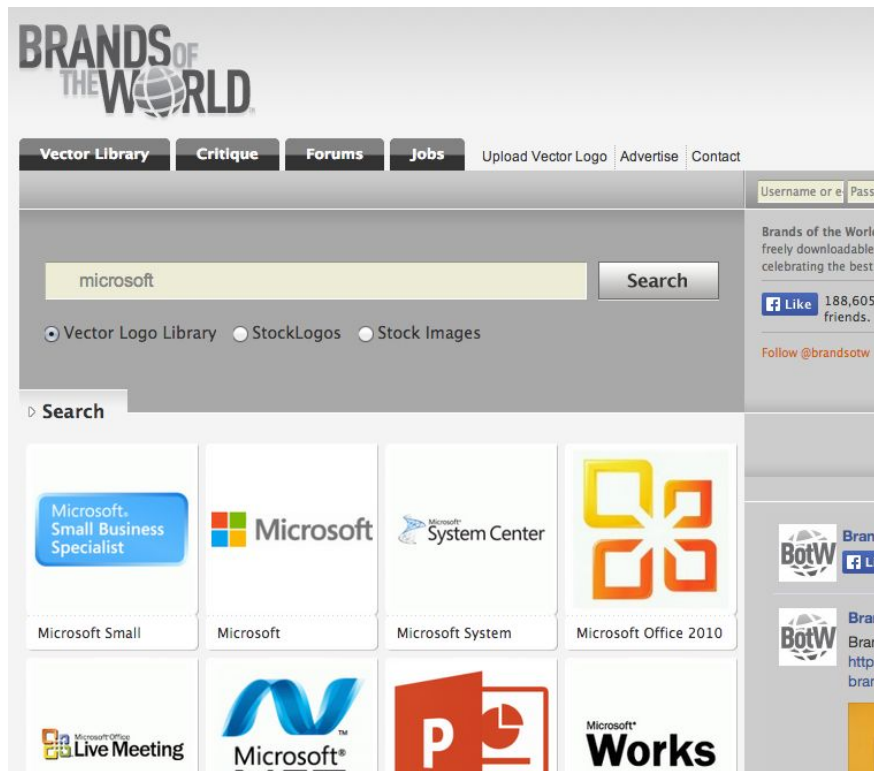
- thenounproject.com
- Buy a membership or use public domain icons for free
- Download and use included PNG file, change color in PowerPoint using “recolor” tool



Use Quality Images

LOGOS

- brandsoftheworld.com
- Download free EPS files and insert into PowerPoint



Use Appropriate Charts

WINTER RECORDS | Most Measurable Snow

2013 - 14: 75.2 inches (as of 12pm 3/5/14)

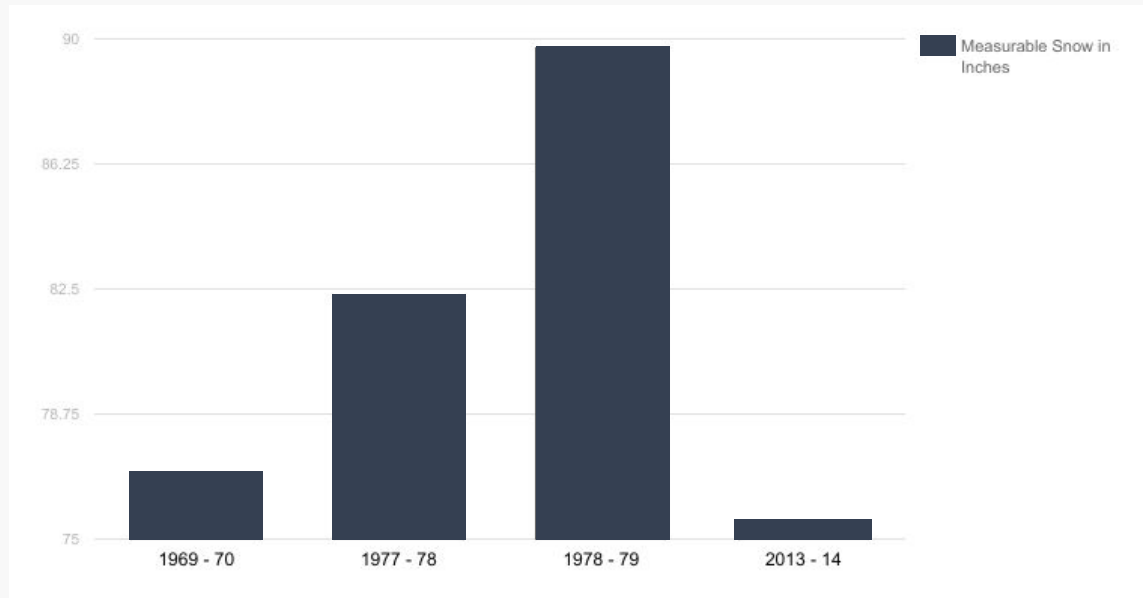
1969 - 70: 77 inches

1977 - 78: 82.3 inches

1978 - 9: 89.7 inches

Use Appropriate Charts

WINTER RECORDS | Most Measurable Snow



Mind Your Use of Color

- Use **color** to highlight the most important idea on a slide
- Highlighting more than the most important idea disrupts the slide's **visual hierarchy**

Limit Animation and Movement

Don't be tempted by flashy animations, stick to the classics:



Fade



Appear / Disappear



Wipe



Grow / Shrink



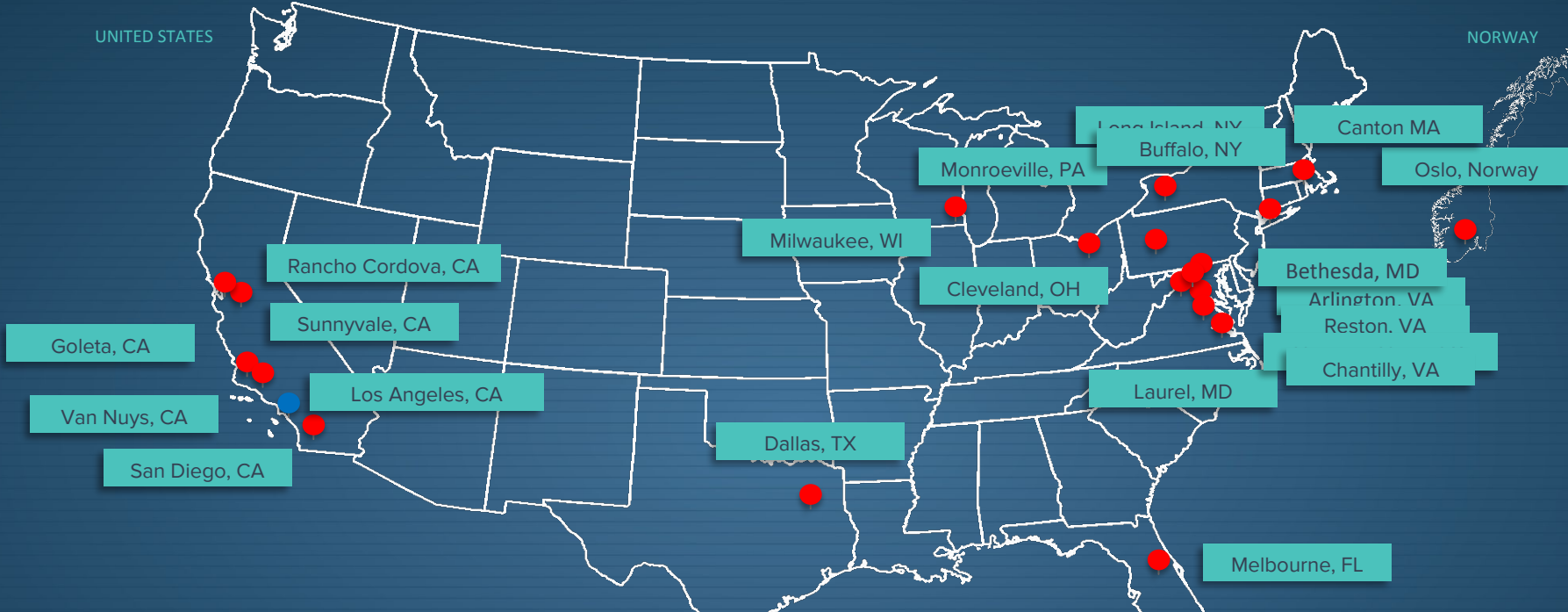
Faded Zoom



Motion Paths

UNITED STATES

NORWAY



1994

Lundman Corporation

1996

Lestinghouse Electric Corporation

1997

Logicon, Inc.

1998

Inter-national Research Institute, Inc.

1999

Ryan Aeronautical
California Microwave
Data Procurement Corp.

2000

Navia Aviation
Comptek Research
Federal Data Corporation

2001

Litton Industries
ESI Group of AeroJet-Gen
eral
Newport News Shipbuilding

2002

Newport News Shipbuilding
TRW, Inc.
Fibersense Technology Group

2003

Illgen Simulation Technologies
XonTech

2005

Integric Corporation
Confluent RF Systems Corporation



Deliver

UTILIZE THE IPAD AND OTHER PRESENTATION TOOLS

Useful Technology for Presentation

SOFTWARE



Prezi



HARDWARE



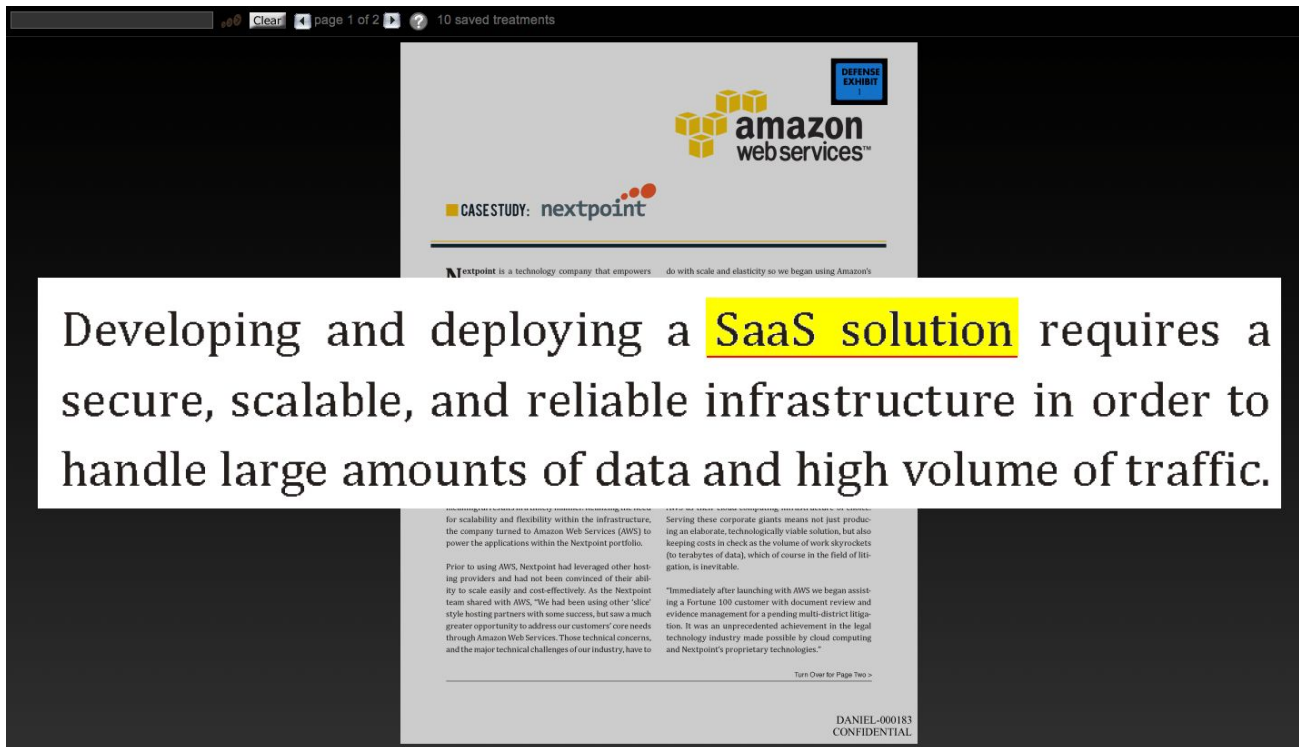
PDF HANDLERS



DOCUMENT TREATMENTS



Calling Out Key Information



The image shows a screenshot of a document page, likely a case study, with a large white text box overlaid on the center. The document header includes the Amazon Web Services logo and the text "CASE STUDY: nextpoint". A blue box in the top right corner of the document reads "DEFENSE EXHIBIT 1". The text box contains the following text:

Developing and deploying a **SaaS solution** requires a secure, scalable, and reliable infrastructure in order to handle large amounts of data and high volume of traffic.

Below the text box, the document text is partially visible, including a paragraph about scalability and flexibility within the infrastructure, and a quote from a Fortune 100 customer.

for scalability and flexibility within the infrastructure, the company turned to Amazon Web Services (AWS) to power the applications within the Nextpoint portfolio.

Prior to using AWS, Nextpoint had leveraged other hosting providers and had not been convinced of their ability to scale easily and cost-effectively. As the Nextpoint team shared with AWS, "We had been using other 'slice' style hosting partners with some success, but saw a much greater opportunity to address our customers' core needs through Amazon Web Services. Those technical concerns, and the major technical challenges of our industry, have to

Serving these corporate giants means not just producing an elaborate, technologically viable solution, but also keeping costs in check as the volume of work skyrockets (to terabytes of data), which of course in the field of litigation, is inevitable.

"Immediately after launching with AWS we began assisting a Fortune 100 customer with document review and evidence management for a pending multi-district litigation. It was an unprecedented achievement in the legal technology industry made possible by cloud computing and Nextpoint's proprietary technologies."

Turn Over for Page Two >

DANIEL-000183
CONFIDENTIAL

Recap

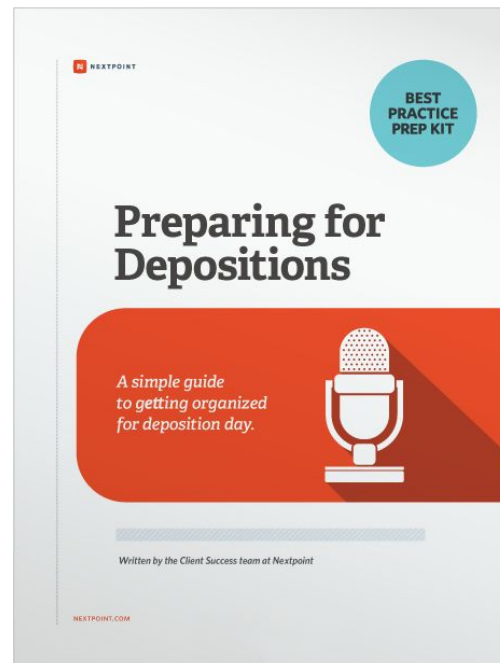
- Identifying the data will become your evidence
- Make a plan for how you will be organizing that evidence
- Best practices for witness preparation
- Creating presentation materials, including creative solutions for presenting your evidence



Download: Preparing & Presenting Your Case

INCLUDES:

- Checklists for scheduling, preliminary preparation and lawyer deposition preparation
- Video deposition tips for attorneys
- Available at: nextpoint.com/depoprep





Questions?

Witness Prep Tips

- Explain the **attorney-client privilege** to the witness
 - If the witness is not a party or party-related witness, the attorney-client privilege won't apply
- Have the witness give an **initial recitation** of the facts in narrative form.
- Review with the witness the nature and **purpose of the proceedings**, including courtroom procedure and what to expect in court
- Discuss **applicable law**
 - Have the witness review all applicable facts



Witness Prep Tips

- **Review** with the witness past depositions, answers to interrogatories, all documentary or demonstrative evidence, and all other material that may be referred to in trial.
- Practice **direct examination**
- Practice **cross-examination**
- Consider a full **dress rehearsal**, perhaps with another attorney playing the part of the opposition (including objections).

