

The Federal Lawyer In Cyberia

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A Hidden Gem in the New Release of Microsoft Office 10™

In the next few months, I expect that I will be representing clients at several trials. (For me, they always seem to come in bunches.) For at least the last 30 years, I've always secretly harbored a belief that there is a "small-g" god somewhere out there in the ethers who protects litigators. There is no other way to explain why it is that certain cases are settled just at the right time, allowing me—and those like me—to somehow focus intently, as we need to, on those cases that are genuinely going to go to trial. It is uncanny.

I think it was when I was with the U.S. attorney's office—carrying a caseload of more than 90 active civil cases—that I first became a true believer in the god of litigators. In those days, with that caseload, I prayed to the god of litigators regularly. Now, with a much saner caseload, I may pray less frequently, but I am no less a true believer. So in addition to praying, one of the things I'm doing this month is lining up the hardware and software I will be using in these upcoming trials.

A few months ago, I received a beta version of the new Microsoft Office 10 suite. (The final version is now available from vendors, and a trial version can be downloaded from the Microsoft website.) Like any busy litigator, I tended to focus immediately on the new developments that have taken place in Microsoft Word™, which is the most used software by litigators and other lawyers alike. In my opinion, the new version of Word has a lot to recommend it. Some of the inconsistencies that were glaringly apparent in the last version have disappeared. Word Version 10 is a much better product.

I'll have to come back to that assessment in a later column, however. In my beta haste to focus on the new version of the more-often-used word processing software, I had overlooked PowerPoint 10™ as a "new" litigation tool. Older versions had grown stale. In many instances, I would either downsize to something like a "white board" or move up to more sophisticated trial presentation software like Sanction™ or Trial Director.™ PowerPoint was so yesterday, as they say.

I have *always* believed that it was a huge mistake to use PowerPoint at trial as though it is merely a script that could be read to the factfinder. (Were that the case, litigators would be much better off with a

TelePrompTer™.) But times change. PowerPoint 10 is, in my opinion, perhaps the greatest tool in the entire suite from the standpoint of preparing for litigation. Let me digress.

I remember years ago, when my daughter worked at Intel for one of its heavy hitters, a guy who regularly gave presentations on behalf of the company to audiences in excess of 5,000 people. When she went to work for him, he told her that one of her assignments was going to be to prepare the PowerPoint presentations he would need to accompany his talks.

He then told her that he never liked to have slides with words written on them. Yikes! So he handed her a small stack of CDs and suggested that she review them so that she could begin to emulate his style. She told me that it was uncanny, reviewing the CDs, to see how easily she could guess what the subject of this talk had been. The slides were evocative, but they truly contained no words.

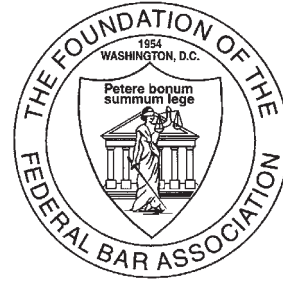
Although I have never gone to the same extreme in my own use of PowerPoint in presentations, I do find that I am at least mildly offended when I attend a performance that is accompanied by PowerPoint slides that are simply read to the audience from the screen. I'm not offended by the use of key words. I am not even offended by bullet points. However, I sometimes almost reach a point of screaming when the screen is filled with sentences that the presenter merely reads to me.

I guess the preceding paragraph more or less sums up how I feel about such presentations. I wouldn't dare read PowerPoint screens to a judge or a jury! May the god of litigators turn me to a pillar of salt if I ever do!

I have just discovered that the new PowerPoint 10 can embed movies right into a presentation. Wow! My daughter's former boss would be turning cartwheels—one movie (even a silent movie) being worth, I suppose, many thousands of words—were he not now retired and clipping his proverbial coupons.

Oh, sure, it was always possible to insert very short "AVI" video clips, but even they were very slow to open. Generally, in my experience, the screen would go black for about 30 seconds to one minute before the video clip would play, and, quite often, it would foul up the whole works and PowerPoint would "hang" in the middle of the presentation. Horrors! Oh, there have been add-ons available. One that I have had at least some familiarity with is called





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PlaysForCertain™ (www.playsforcertain.com). It is actually a family of Microsoft PowerPoint add-ins that were combined and developed to make the use of video and audio in a presentation work. PlaysForCertain would “process” video and audio files into a format that would play correctly in PowerPoint and allow for adjustments in quality settings, predefined animations, and even the use of video from commercial DVDs. You could actually play defined DVD video “clips” in full DVD resolution. And, as an “add-in,” everything was done directly in PowerPoint. The add-in would automatically process all standard Windows media files into a format compatible with PowerPoint, and PowerPoint viewers would promote better linking by storing the media with the presentation. The add-in would also significantly reduce the file size of the media, reducing or eliminating the sense of laboring so common when video clips were cueing up. (If you’re still looking for a solution that may work with an earlier version of PowerPoint, be sure to consider PlaysForCertain, which has a trial version, and also be sure to look at the tutorials found at www.playsforcertain.com/tutorial.htm.)

By the way, in my experience, it sometimes made a difference if the movie and PowerPoint itself were in the same folder before inserting the movie. And it was always a good trick or tip to put the folder directly on the C drive (never in “My Documents”), because long file paths would almost invariably seem to stump PowerPoint—and always at the wrong time.

Well, the god of litigators has touched the earth yet again. The new PowerPoint 10 can assimilate movies on its own, with no add-ins needed. I predict that PowerPoint’s new audio and visual capabilities will help litigators prepare crisper openings and closings, clearer demonstrations, and other courtroom techniques that are as easy to create as they will be powerful to watch. With these new and improved internal tools, litigators can add polish to presentations on their own—and even on the fly—that will captivate juries, and perhaps, even judges.

Conclusion

Maybe it is time to take a fresh look at PowerPoint as a litigation tool. See you next month in Cyberia! **TFL**

Michael J. Tonsing practices law in San Francisco. He is a member of the FBA editorial board and has served on the Executive Committee of Law Practice Management and Technology Section of the State Bar of California. He also mentors less-experienced litigators by serving as a “second chair” to their trials (www.Your-Second-Chair.com). He can be reached at mtonsing@lawyer.com.

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