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TECHNOLOGY REPORT

Video Deposition Synching for Presentation Made Easy

By Ryan Hodge

We all know that presenting impeachment evidence after a witness has testified to the contrary can be devastating. However, presenting this evidence during opening while the witness is testifying to the contrary can set the stage for the rest of the trial. How can you get a witness to testify during opening, you ask? Read on!

I have a car wreck case involving a relatively minor impact to my client's car. I depose the defendant. During the deposition the defendant testifies that there was absolutely no damage to my client's car after the wreck. Now I have pictures that clearly show otherwise. The following is a step-by-step instruction for using these two pieces of evidence for maximum effect during opening statements.

Videotape the defendant's deposition. You can hire someone to do it or, if your state rules permit, you can do it yourself. I use a Sony camcorder and a Sony ECM R100 microphone. Any mini-digital video camcorder will work fine. The ECM R100 microphone is designed to record lectures and conferences. It sits in front of the deponent and picks up everyone in the room very clearly. I found this method worked better than having three clips on wireless mikes and a mixer. You will need to make sure your court reporter provides you an ASCII copy of the deposition.

Use iMovie or similar software to import the digital video to your computer. I use a Macintosh, and iMovie comes free with all Macintosh computers. If the deposition is long, it will be imported in several clips in iMovie. After the deposition has been imported, use iMovie to export the video into a single mpeg file. The resolution of the export required will depend on how big the image will be at trial. I use an eight-foot screen at trial, so I need pretty high resolution. iMovie handles this with ease. My last video deposition was almost 8 gigabytes.

Use VISYNC or similar deposition transcription software to synch the text of the deposition to the video. VISYNC is a cross-platform deposition synching software. It's easy to use, but a little expensive. It costs \$695. However, VISYNC is a great deposition program. I was able to use it to present a witness by videotape in a recent trial and edited out objections the judge ruled on the morning before I presented the witness in less than 15 minutes.

With VISYNC you can create clips of key deposition testimony. As I prepared for trial, I viewed the deposition for key clips that I wanted to use during opening and created the clip of the deponent saying there was no damage to the car.

Next, I used Snapz Pro X v2 by Ambrosia Software. Snapz is a screen capture utility that allows you to make mpeg movies of what you see on your computer screen. Snapz

is available at www.ambrosiasw.com as shareware for \$69. With VISYNC, I played the clip I just created and captured it using Snapz. This takes some practice, and, depending on how tight you want the video, you may need to take the mpeg and do some editing with iMovie. When capturing video with Snapz, I found that setting the video capture to a lower frame rate (about 10 frames per second) did a better job of preserving the audio than a higher video frame rate.

Another program that I have used for many purposes in openings and closings is called Still Life. Still Life allows you to load one or more JPG files and then save a pan and zoom across the photo as an mpeg. In other words you can make a motion picture from a still photo by zooming into one area then panning across the photo to another area then zooming out to the whole picture again or whatever you want. Still Life can be purchased for \$24.95 from www.grantedsw.com. Videographers commonly use this technique in settlement brochures. In this instance I used Still Life to show the entire picture of the car and then slowly zoom into the area of the bumper near the wheel well where there was the most damage. Still Life allows you to test your movie and make modifications as you go. You can also control how quickly you zoom or pan and the delay at any point before the view begins to move or zoom again.

Once I got something I liked I exported the routine to an mpeg. I should note at this point that if you have a critical document instead of a picture, you can do the same thing just as effectively. You just need a .jpg file of the page you want to use. This can be done by taking a document that has been scanned as a tiff or PDF and exporting it from Acrobat (not Reader) or graphic converter to a .jpg file. Alternatives to this include scanning the page as a .jpg or taking a picture of the page with a digital camera. However you do it, just get a .jpg of the document you want to display. Then use Still Life to pan and zoom across the document and save it as an .mpg. I was able to create several motion pictures with the first page of a three medical journals where I zoomed to the title then scanned and zoomed down to the critical text in the document in less than 10 minutes.

Now I have two mpeg files that I want to display at the same time. There may be a way to do this with Keynote from Apple, but PowerPoint will not display to .mpg files at the same time on a single slide. PowerPoint will display one .mpg and then the other in consecutive fashion. To solve this problem I used a program called Multimedia Tiler. Tiler can be purchased for \$9.95 from www.chaoticsoftware.com. I will warn everyone that Tiler is buggy. There are some quirks in how it operates that take some getting used to. I was able to work with it until I got it to do more or less what I wanted it to do. Tiler allows you to display one or more images on the screen at once and will allow multiple .mpg files to run at the same time. After I selected the .mpg files I just created in a two-row format, I used Snapz Pro again to do a screen capture of the two .mpgs running at the same time. Once you have this final .mpg you can use iMovie to do a clean up edit on the front and back end of the .mpg.

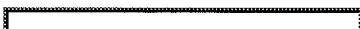
How long does all this take? Well, the first time through it may take a while to get used to how the process works. Once you get the hang of it, you can easily take a deposition clip and a still image to final product in under 20 minutes. The final result is a presentation during opening that can set the stage for the entire trial.

What's the cost? The digital camcorder and microphone are the most expensive investment. Once you have the hardware, the software expense is as follows:

1. iMovie—free with the Macintosh
2. Snapz Pro—\$69
3. Still Life—\$24.95
4. Tiler—\$9.95

Total Cost: less than \$105 and about 20 minutes of time. To have a professional do this would easily cost \$200—\$300.

Ryan Hodge has been in practice since 1994. He works with two other lawyers in a general practice law firm. Ryan concentrates his practice on personal injury. Ryan Graduated from Law School at the University of Kansas in 1993, got an MBA at Eastern College in St David's, PA, and got his undergraduate degree from Baylor University. Ryan has used technology extensively in the courtroom for about 6 years.



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