

TECHNOLOGY IN THE COURTROOM



April 6, 2016

**JOHN JOSEPH MOAKLEY COURTHOUSE
BOSTON, MASSACHUSETTS**

Presented with the assistance of the
Massachusetts Chapter
of the Federal Bar Association

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GENERATION X : More and more jurors are members of “Generation X” and are accustomed to receiving information through technology.

EFFECTS OF TECHNOLOGY FAILURES: Technology can greatly enhance communication between counsel and the jury. It can also wreak havoc.

Electronic equipment failures are very similar to every other kind of failure that occurs in a courtroom - failure of a witness to show up, failure to find the right exhibit.

The effects of most equipment failures are lessened by arranging for adequate backups to all equipment. The most important factor is adequate planning.

Many potential problems can be avoided, particularly when bringing equipment to the courtroom, by allowing adequate time to set up and test.

CONSIDER BACKUPS: A backup for the laptop is always a good idea: bring a second laptop loaded with the same software and files that can be substituted in event of an equipment failure. Consider bringing paper copies or acetate transparencies to be used on an overhead projector.

COMPUTER OPERATORS: The Judicial Officer may allow you to bring a computer operator with you, to sit at counsel table. Be sure to make this request at the final pretrial conference.

COURTROOM TECHNOLOGY OVERVIEW

Evidence presentation provides a means of displaying evidence electronically and simultaneously to participants in the courtroom. This technology is useful in a variety of proceedings, including jury trials, bench trials, and evidentiary hearings. It is helpful in cases with security problems, such as exhibits of handguns or drugs, as they can be displayed without being passed among the jurors. It can also enhance jurors’ understanding of evidence presented during trials. Monitors allow jurors to read at their own pace without having to pass an exhibit to the next juror before taking the time to study it.

Videoconferencing provides live, two-way audio and video transmission of speech and images between a court and a remote site, such as a prison. It offers opportunities to conduct certain court proceedings without having all participants in a single courtroom. Videoconferencing is particularly useful when individuals could only be present at the proceedings with great difficulty or cost.

Electronic means of taking the record (realtime reporting) is available from a court reporter providing a realtime transcript. The majority of the official court reporters in this district are certified to use realtime reporting.

Realtime software allows counsel and Article III judges to receive an unofficial, realtime transcript of the proceedings while in progress. The computer on the judge’s bench provides the judge with the ability to review past statements quickly in the event of objections. The realtime record may also be available at the counsel tables.

If trial counsel wishes to use realtime at counsel tables, arrangements should be made with the courtroom deputy clerk 2 weeks prior to trial.

System controls include a kill switch at the bench, allowing the Judicial Officer to control the monitors within view of the jury or the public. The controls also include a touch panel to switch various inputs on and off. For example, if both the evidence camera and a laptop computer are used to display exhibits, the control panel will switch from one of

these inputs to the other as required. The Judicial Officer controls all input and output displays.

Internet access is available to counsel in all courtrooms in the Boston Courthouse from the Court's licensed provider, Courtroom Connect.

Use of this service is subject to approval of the presiding Judicial Officer. To obtain authorization, complete the form found on the Court's website. Submit the completed form to the courtroom deputy for the case at least seven (7) days prior to the scheduled proceeding. A list of courtroom deputies assigned to each judge may be found on the Court's website.

The **jury rooms** of this Court are equipped with touch screen monitors to display evidence (when authorized by the Judicial Officer). Counsel shall be prepared to provide hard copies of all exhibits.

POINTS TO REMEMBER

- ✓ Counsel must supply their own IBM-compatible PC or laptop (or a Mac with a VGA adapter) to use in the courtroom. A backup computer loaded with the same software and evidence is always a good idea.
- ✓ Counsel may bring computers or other electronic equipment into the courthouse by presenting a valid bar ID. Support staff must have written authority from the Clerk's Office to bring electronic equipment into the courthouse. An authorization form is available on the Court's website or from the Clerk's Office.
- ✓ Counsel shall contact the presiding Judicial Officer's courtroom deputy clerk at least 2 weeks prior to the scheduled trial date to schedule an appointment to test equipment in the courtroom.
- ✓ Counsel must bring the same equipment and software to the testing session that will be used at the trial. That equipment must be loaded with the same software and at least some of the evidence that will be presented at trial.
- ✓ Questions about what a particular Judicial Officer may or may not allow to be used in an electronic courtroom shall be addressed to the assigned courtroom deputy clerk.
- ✓ CDs containing exhibits to be used with the JERS software shall be submitted at the direction of the Judicial Officer. Updates to the evidence may be submitted throughout the trial, by CD or by email, at the direction of the courtroom deputy clerk.

FACULTY

COURTROOM 2

Honorable F. Dennis Saylor IV
United States District Judge

Robert Farrell *Clerk of Court*
(Facilitator)

Timothy Watkins, Esq.
Assistant Federal Defender

Craig Nicewicz
Operations Manager

Philip Doreau
IT Administrator

COURTROOM 17

Honorable Allison D. Burroughs
United States District Judge

Michelle Rynne *Chief Deputy Clerk*
(Facilitator)

Peter Levitt, Esq.
Assistant United States Attorney

Richard Nici
Case Administrator Supervisor

Dennis Connolly
PC Administrator



Robert M. Farrell
CLERK OF COURT

JURY EVIDENCE RECORDING SYSTEM

OVERVIEW

The District Court for the District of Massachusetts is using a jury evidence recording system (JERS) that allows evidence admitted during trial to be viewed electronically in the jury deliberation room upon the conclusion of the trial.

JERS provides easy access to evidence during the deliberations through the use of a touch screen monitor in the jury room.

Attorneys of record will be given an opportunity to review the exhibits at the conclusion of evidence. Court personnel, at the Judge's direction, will release exhibits to the jury as deliberations begin.

JERS has the ability to:

- Store all exhibits submitted prior to trial, and then designate just those admitted into evidence for the jury's use during deliberations;
- Capture, through the courtroom's presentation equipment, exhibits that were not submitted prior to trial but later admitted by the court;
- Print a list of the exhibits, by number and by description, that can be released to the deliberating jury; and
- Restrict how the jury may review the exhibit: Audio Only, Video Only, Zoom Off (Zoom Off restricts the jury from enlarging an exhibit on the touch screen in the deliberation room).

The presiding judge will determine how and if JERS will be used during any trial.

At the conclusion of the trial (after the verdict is returned) the clerk's office will produce a DVD of all exhibits presented to the jury for the attorney of record for the plaintiff and defendant.

Questions regarding this system may be directed to:

Boston cases:	Craig Nicewicz	617-748-9161
Springfield cases:	Bethaney Healy	413-785-6802
Worcester cases:	Robert Alba	508-929-9907

ACCEPTABLE FILE TYPES FOR EXHIBITS

JERS will accept electronic evidence only in the following formats as other types cannot be uploaded:

- Documents and Photographs:
.bmp, .gif, .jpg, .pdf, .tif
- Video and Audio Recordings:
.avi, .mpg, .mp3, .wav, .wma, .wmv

Each PDF file may not be larger than 50MB. The size is not limited for other file types.

SUBMITTING EXHIBITS

Counsel shall submit all proposed exhibits on a DVD-R or CD, as directed by the court, at the final pretrial conference or in the final pretrial order. The clerk's office may not accept flash/thumb drives. All exhibits must be on a CD or DVD.

The disc shall be labeled with the title of the case and the name of the party for whom the exhibits are submitted. All the files shall be in one directory on the CD (preferably the root directory). A hard copy of the party's exhibit list that includes the electronic file name for each exhibit shall be submitted with the DVD-R or CD. Unless otherwise directed by the court, the disc will not be returned to counsel. Parties shall be prepared, as is the usual practice, to submit hard copies of any exhibit admitted during trial.

There are two ways for attorneys to electronically prepare exhibits for use in JERS:

Method one: each exhibit file should be clearly named as in the examples below:

exhibit number_exhibit description.file extension,

or, if an exhibit has sub-parts,

exhibit number-exhibit subpart_exhibit description.file extension.

For example:

1_camera footage.wmv
2_contract.pdf
3-a_photo of store from east view.jpg
3-b_photo of store from west view.jpg

Method two: attorneys using exhibit management software may submit (on a CD or DVD-R) exhibits exported using an indexed file method. The CD shall also contain a text delimited file naming the exhibits. The text file must be named "Exhibits.txt" and each line must contain information using this format:
exhibit number-optional subpart|exhibit description|exhibit file name.

For example:

001-001|Camera footage|001.wmv
002-001|Contract.pdf|002.pdf
003-001|Photo of bank from west|003.jpg
003-002|Photo of bank from east|004.jpg

The "Exhibits.txt" file must be in the same folder or directory as all the exhibits.

IMPORTANT: The exhibit description for either method may not exceed 130 characters, including spaces. Quotation marks, brackets, parentheses, and foreign language accent marks MAY NOT be used in the exhibit description.

The exhibit description will appear on the list displayed to the jury.

The file name MUST NOT begin with a number.

Hyphens and underscore characters must be used only as shown in the examples above.

PRIOR TO TRIAL

Counsel shall mark all exhibits as directed by the court, and produce an exhibit list.

DURING TRIAL

There is no real difference for the attorneys or the jury during the trial. Exhibits still will be presented and admitted in the traditional format (i.e., on paper or electronically). The presiding judge will make any decisions on what method will be used to present the evidence during trial.

Attorneys shall have paper copies of all exhibits available to be marked by the clerk when admitted by the court, and for use by the jury during deliberations.

On occasion evidence may be modified by a witness (for example, marking a picture or document) or by the court (redacting certain pages of an exhibit), during the trial. Should there be any change to the evidence submitted prior to trial, the courtroom deputy will work with counsel, prior to the start of deliberations, to substitute in JERS the original exhibits submitted for the new version admitted by the court.

PRIOR TO DELIBERATIONS

The courtroom deputy clerk will meet with counsel prior to the court's charge to the jury and review all exhibits entered in the JERS software, to guarantee that the evidence is labeled correctly.

The JERS software has the ability to permit, or not permit, the jury to zoom in or zoom out of any evidence (other than audio or video submissions). The court may make a determination, when necessary, as to how that function will be used.

The presiding judge will advise the jury as part of his or her charge that JERS is available in the deliberation room and explain that a tutorial is available.

APPEALS

The Court of Appeals requires the submission of hard copies of any and all trial exhibits. Hard copy (paper) exhibits are returned to counsel at the conclusion of deliberations. Counsel must retain those exhibits until the appeal time has lapsed.

United States District Court, District of Massachusetts
Exhibits Log for: 13-90009
US v. Specs O`Keefe et al, 2/26/2013

Exhibit	Description
Gov-1	Photo - Specs O`Keefe
Gov-2	Photo - Tony Pino
Gov-3	armored truck
Gov-4	BRINKS INTERNAL NOTICES
Gov-5	FORENSIC REPORT
Gov-6	Audio file - Sweet Caroline
Gov-8-a	gun 2
Gov-8-b	gun
Gov-9	TREASURY DEPARTMENT REPORT
Gov-10	HERALD TRAVELER NEWS REPORT
Gov-11	mask
Gov-12	tony pino photo
Gov-13	photo of defendants
Def-1	JANUARY 17 INCIDENT REPORT
Def-2	MAP PRINCE STREET
Def-3	money
Def-4	POLICE REPORT
Def-5	STIPULATION OF FACTS
Def-6	armored truck picture
Def-7	TAX RETURN
Def-8	picture of accomplice
Def-9	stack of money
Def-10	detectives at brinks
Def-11	RESTAURANT RECEIPT 1-17-1950

United States District Court, District of Massachusetts
 Exhibits Log for: 13-40004
 US v. Specs O`Keefe et al, 2/26/2013

Exhibit	Identified	Admitted	Description
Gov-1	2/26/2013 2:40 PM	2/26/2013 2:40 PM	Photo - Specs O`Keefe
Gov-2	2/26/2013 2:40 PM	2/26/2013 2:40 PM	Photo - Tony Pino
Gov-4	2/26/2013 2:54 PM	2/26/2013 2:54 PM	BRINKS INTERNAL NOTICES
Gov-5	2/26/2013 2:55 PM	2/26/2013 2:55 PM	FORENSIC REPORT
Gov-8-a	2/26/2013 2:56 PM	2/26/2013 2:56 PM	gun 2
Gov-9	2/26/2013 2:56 PM	2/26/2013 2:56 PM	TREASURY DEPARTMENT REPORT
Gov-11	2/26/2013 3:02 PM	2/26/2013 3:02 PM	mask
Def-1	2/26/2013 3:03 PM	2/26/2013 3:03 PM	JANUARY 17 INCIDENT REPORT
Def-3	2/26/2013 3:03 PM	2/26/2013 3:03 PM	money
Def-4	2/26/2013 3:03 PM	2/26/2013 3:03 PM	POLICE REPORT
Def-5	2/26/2013 3:03 PM	2/26/2013 3:03 PM	STIPULATION OF FACTS
Def-6	2/26/2013 3:03 PM	2/26/2013 3:03 PM	armored truck picture
Def-7	2/26/2013 3:03 PM	2/26/2013 3:03 PM	TAX RETURN
Def-10	2/26/2013 3:04 PM	2/26/2013 3:04 PM	detectives at brinks
Def-11	2/26/2013 3:04 PM	2/26/2013 3:04 PM	RESTAURANT RECEIPT 1-17-1950

SAMPLING OF INFORMATION FOUND ON THE COURT'S WEBSITE

WWW.MAD.USCOURTS.GOV

- Daily court calendar
- Biographical information about each judge
- Announcements
- Cameras in the Courtroom project
- Local Rules and Procedures
- Telephone numbers for court staff
- Attorney handbook
- Opinions search
- Links to CM/ECF and PACER
- Fee schedule
- Information on courtroom Internet access
- Forms, both local and national

Please see the reverse for the menus and
the subsections for each menu.

ATTORNEYS

- Admission
- Attorney Handbook
- CJA
- Courtroom Internet Access
- CM/ECF Registration Form
- Discipline
- Emergency Matters
- General Information
- Lost Password – CM/ECF
- Pro Bono Attorneys

CASE INFORMATION

- Electronic Filing (CM/ECF)
- General Court Orders
- Login | PACER Link
- Opinions Search
- Multi-District Litigation
- PACER Case Locator
- Records Search
- US Party/Case Info

DIVISIONS

- Boston
- Springfield
- Worcester

GENERAL INFORMATION

- Announcements
- Cameras in the Courtroom Project
- Contact Us
- Electronic Devices Policy
- Employment
- Federal Holidays
- Fees, Payments and Interest Rates
- General Court Orders
- Immigration and Naturalization
- Judicial Misconduct
- Media Page
- Mission Statement
- Pro se litigants
- Rules
- Telephone Directory

JURORS

- Federal Jury Duty Information
- Boston
- Springfield
- Worcester

OUTREACH

- Austin Jones Foundation
- Court Assisted Recovery Effort
- Discovering Justice
- Lindsay Fellowship
- Nelson Fellowship
- Slovakia Judicial Comparison

RESOURCES

- External Links
- Forms
- Guides & Publications