

## THE FIRMS

# Why Bartlit Beck is High on Tech

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As we detail in the January 2009 issue of The American Lawyer, Litigation Boutique of the Year Bartlit Beck Herman Palenchar & Scott has made a name for itself winning high stakes cases for such major clients as Bayer AG, E.I. du Pont Nemours and Company, Merck & Co., and Tyco International. But Bartlit Beck also gets the attention of opposing counsel—and juries—for the way its lawyers use technology and multimedia displays in the courtroom. To learn what Bartlit Beck's high-tech reputation is all about, we caught up with Philip Beck, who, as it happens, answered our questions via e-mail.

### **WHAT DOES BARTLIT BECK DO DIFFERENTLY FROM OTHER FIRMS IN TERMS OF WORKING WITH TECHNOLOGY?**

We are all hands-on users of technology, both for trial preparation and trial presentation. In the office (including remote trial offices) we have immediate access to whatever information has been stored on the computers, and we can sort it and analyze it instantaneously, without waiting for help from support personnel.

### **WHAT ABOUT IN THE COURTROOM?**

Because we run our own presentations, we are not captives of the "linear" way most presentation software works. Depending on what a witness, an opposing lawyer, or the judge says, we can jump around within a document or between documents, highlight or underline language we hadn't planned on featuring, or even put two documents side by side on a split screen. All of this is done by the lawyer herself, without calling out commands to someone else.

### **AREN'T LITIGATORS AT MOST OTHER FIRMS ALSO PRETTY TECH-SAVVY THESE DAYS?**

Most senior litigators are still pretty computer illiterate, at least when it comes to anything beyond e-mail. A lot of younger litigators are adept at back-office technology, but few of them can do anything more than run through a PowerPoint show in the courtroom. This may be because they don't try that many cases and therefore don't get much chance to practice, or because the people running

the litigation departments at their firms don't appreciate the importance of having lawyers be in command of the technology in the courtroom.

### **DO LAWYERS AT BARTLIT BECK DESIGN THEIR OWN COURTROOM VISUALS AND DEMONSTRATIVES?**

Usually, our lawyers do the basic planning or design.

Often the demonstratives are simple enough that we can create them ourselves. When more graphics expertise is needed, we use outside designers. People retain more information when it is presented visually, and it is a real challenge to select the best way to present any particular piece of information. Sometimes that is drawing a diagram on a flip chart. Other times it is a complex computer animation.

### **HAVE YOU EVER HAD A REAL TECHNICAL DISASTER WHILE ON TRIAL?**

I have had a variety of technical disasters, or at least glitches, that I have had to deal with. When I was defending Merck in one of the Vioxx cases, my computer went out completely after I was midway through my closing. I didn't want to shut everything down while we investigated the problem. So I just went ahead and orally described each of the exhibits and trial demonstratives I was discussing. It worked fine. Later we figured out that the technical problem was the oldest one in the book. The court reporter had accidentally kicked the cord loose and the battery had run out of power.

