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# Technology in the Courtroom

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## Learning About our friend "Elmo"

(Document Camera, Visual Presenter)

by David J. Ferrell

All El Paso District and County courts now have their own "Elmo" since they were included in last years' budget. The El Paso Elmos allow you to connect your notebook computer to the system which greatly enhances your presentation capabilities. Lynn Packer an attorney/courtroom presentation expert has written a very informative article that I have appended to this paper, with his permission.

The Elmo (a brand name) or video platform (also known as an document camera, evidence camera, visual presenter, or evidence presenter) is simply a small TV camera mounted on an arm that is extended over a platform base that is essentially a light box. The Elmo is lightweight and can be easily transported. It plugs into a standard AC outlet and mobile consoles house "Elmo" along with other technical presentation hardware (VCR and photoprinter). In court, the Elmo is simple to set up. The Elmo is hooked up (connected) by a single cable to a video projector along with several video monitors. The video projector is pointed toward a large screen (usually an eight foot or ten foot screen). The Elmo will then display an image of any item that is placed on the video platform onto the large screen and any connected and empowered monitors.

To be an effective presenter of tangible evidence, you must learn to competently operate an Elmo. It's a terrific low-tech replacement for the overhead projector that you can easily operate to get maximum visual persuasiveness out of your exhibits. Practice using the Elmo before using it for the first time before a jury. Use the video platform to display the

item of evidence before the jury only after you have established any necessary authentication and foundation and obtained permission of the court to display it. In cases of real evidence, the item should be in evidence as an exhibit before you display it on the video platform.

Don't overuse the Elmo to the point that the screen rather than the witness becomes the center of attention. The Elmo evidence presenter is a device that supports (not supplants) your fact witnesses' oral testimony with a visual confirmation. Only in cases where the witness is simply an authenticating witness, e.g., a business records librarian, will the primary focus be on the item shown on the screen and not on the witness.

Should you ever allow your witness to operate the Elmo or should you do it? Obviously, you won't want to turn control of the video platform over to an opposition witness. The decision to turn the operation of the Elmo over to your witness may depend partly on your witness' skill in operating the Elmo and testifying at the same time. A smooth audio-visual witness presentation, with minimal lawyer involvement, may be more persuasive than one controlled by the lawyer. It's a matter of choice. Typically, with lay witnesses, you will operate the Elmo.

### Features of the Elmo

**Zoom Feature:** With a little practice you can learn to operate the Elmo. The zoom ("tele" button) allows you to zoom in on the displayed item, so as to automatically enlarge the size of the item or part of an item on the display screen. If there is a particular part of the document or object that you want the jurors to see, you can use the zoom feature to focus the juror's attention on that portion of the item. The zoom

feature of the Elmo functions in the courtroom as an easily used enlarger of document, photos, and small objects.

**Artificial Light Source:** For most black and white documents and photos, you will need no extra light. The Elmo is, however, fitted with two sets of lights. The external light source comes from two winged extended overhead lights on each side of the platform. You should always use these lights when displaying items in the color mode, e.g., colored photographs. They make the color contrast more vivid. The internal light is contained under the platform. By turning on the internal light below the platform (the button marked "base" ), you can easily display transparencies, 35 mm slides, x-rays and film negatives.

**Negatives and Positives of Negatives:** :The positive/negative switch feature (the button marked "pos/neg") allows you to convert a negative into a positive, e.g., an x-ray's light dark values can be adjusted. There is an adjustment knob on the overhead camera that also allows you to manually adjust the camera for maximum contrast of x-rays.

**Black and White and Color:** The Elmo can be adjusted for displays of colored and black and white documents, photos, and objects. Simply press the color switch (the button marked "color/ b&w"). Turn the color switch off when displaying black and white documents. If you leave the color switch on while displaying black and white documents, the contrast of the black and white document will not be sharp. A colored photo can be changed to black and white by using this switch. (Note: Defense Lawyers - This feature can be useful to blunt the unfairly prejudicial effect of bloody photos that are gruesome and, perhaps, inadmissible.)

Focus: The focus can be set to automatic or manual. When set in the manual mode, there are two buttons that can be used for adjusting focus, near (marked "N") and far (marked "F"). On some Elmos you adjust the focus by turning the bezel around the camera lens. When the item you want to display is a three-dimensional object, you may want to use the manual mode. When it is a two dimensional item that lies flat, such as a document, use auto focus

### Advantages of the Elmo

The Elmo has the advantage of allowing all the jurors to view the displayed item at the same time. It also facilitates a witness, using a pen-sized laser pointer (available for around \$10-\$25 from any office supply store or free from various law book salespersons), in explaining what is being displayed to the jury. The best uses of the Elmo are to display regular-sized documents such as flat photos, simple documents, or small objects that can be easily seen, read, and/or observed. Objects and documents that fit onto the lighted platform are most easily displayed.

The Elmo is a fantastic way of displaying relevant text of admissible learned treatises to the expert. If you can get by the limitation under the hearsay exception that the learned treatise cannot be introduced as an exhibit but must be read to the fact-finder, it can be very persuasive to have your expert or the opposition's expert read to the jury from the selected text of the learned treatise as that text of the treatise is displayed for the witness and jury by the Elmo.

## Practical Tips in Using An Elmo

**ZOOM:** Learn to use the zoom feature to enlarge the item or a portion of it. To do this, first, put the item on the platform and display the whole item, Then, press the button marked "tele" until you get the desired degree of enlargement and focus. It will help to find the desired portion of the item if you place your finger directly under the area to be enlarged. (Make sure your fingernails are clean! They will be magnified.) Don't zoom in haphazardly and try to search the part of interest. Know where you are aiming before you zoom. If you want to pull back to regular field of vision press the button marked "wide." Let the jury see you zoom in from the entire item to the particular part that is of interest. If the enlargement makes your point, remove the item from the platform and zoom out on an empty screen. That way you prepare the camera, i.e., restore it to its normal focus, for the next item you will place upon the platform.

**TELEVISIONING LATERALLY:** You can use the video camera to practice. The camera will customarily be pointed downward toward the display platform. A flip up camera contained in the Elmo allows you to change the direction of the unit's aim. The direction of aim may be changed to allow you to televise to the front. This feature is useful as an electronic mirror for dress rehearsal of yourself practicing your opening statement or argument.

**DISPLAYING SCALE WITH A RULER:** If you are displaying a small object and scale is important, place a 12 inch ruler on the platform beside the item.

**SMOOTHNESS OF PRESENTATION:** Let the jury follow the item you are displaying. Place it on the video platform and allow the entire item to be displayed before zooming into a particular part. You want the jurors to see with their own eyes that you are starting from the entire exhibit and focusing on a part. To find the part that you want to focus on, move it to the center of the platform and put your finger under it. Then look at the screen and zoom in using your finger as a guide.

**BRIGHT LINING WITH COLORED MARKER:** If it is part of a document that you want to display, have the witness highlight the important part with a yellow bright liner marker. It's a bit more clumsy to highlight the document with a colored marker while it's on the platform, though that may be appropriate in some circumstances.

**BUY YOURSELF A LASER POINTER:** As mentioned above buy a laser pointer and keep it ready. The Elmo remote control has a built in laser pointer, but, don't depend on it. The laser pointer goes with an Elmo like ham and eggs. Use the laser pointer to point at the monitor or screen, rather than trying to point at the object on the platform. You can use the pointer or your witness can use it. If you maintain control of the pointer, you maintain more control of the jury's focus. When you identify the area of the visual you are going to discuss, you point the pointer at the image and then turn it on. Do not turn the pointer on before you aim it. Rotate the beam around the object in question to spotlight it. When you are ready for the jury to look back at the witness or you, turn the laser pointer off. If you don't have a laser pointer, don't use your finger to point at the object on the platform. The blown-up finger is distracting (even if the nails are not chewed to the quick) and is not a good pointer. Instead, use a pointed pencil or pen.

If you are interested in reading the Doar manual explaining the video platform or Elmo, a copy of the manual is viewable online.

If you would like to see how the entire Doar electronic communicator system, including the John Madden telestrator, works, you may also view it online.

For a thorough explanation of the system go to [http://www.doar.com/court\\_tech/evidence/court\\_deps.asp](http://www.doar.com/court_tech/evidence/court_deps.asp).