

# AV VIDEO

& multimedia producer

June 1997 Vol. 19/No.

## from Visuals to Verdicts

Denver law firm  
produces a strong  
case for new media

Holland & Hart's Doug Filter

### VEGAS WINNERS

The Editors' Choice  
Awards for NAB '97

### SOUNDS ILLEGAL

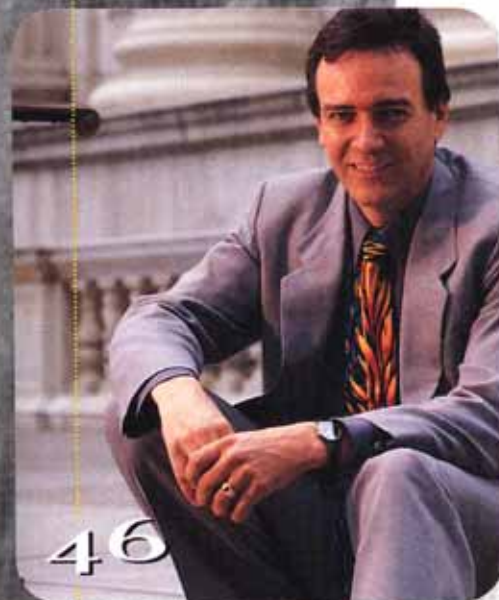
The Zoning Out of  
Small Recording Studios

### FIRST LOOK

The Industry's First Review  
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# LEGAL

To keep his job, Doug Filter must prove beyond the shadow of a doubt that his media-production department is not guilty of draining corporate profits. He must persuade a jury of more than 200 lawyers that he and his staff are not only vital to winning cases; they are crucial to the very survival of "the firm."

Doug Filter may be the only media producer in the world who bills his time in tenths of an hour. In fact, every minute he and his staff spend goes into the accounting computers at Denver-based Holland & Hart to be charged against one of the more than 400 trials the law firm handles each year. Each employee is assigned a set billing rate that is based on his or her job description or skill level. The lead graphic artist, for example, bills out at \$120 per hour, or \$12 for six minutes. The video editor's rate is \$95 per hour. A percentage of the billing goes to salary and benefits; another portion goes toward covering corporate overhead. The rest becomes the operating budget for Filter's graphics, video and multimedia department.

It's an unusual system for billing creative production work. But that's how lawyers bill their clients and that's how Filter has to do it if he is to make a case for the existence of his seven-person department, one of the few—and certainly the largest—in-house law-firm media departments in the world.

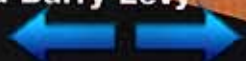
## **Doug for the Defense**

The O.J. Simpson trial may have codified the role of technology—and loud neckties—in the courtroom, but the opinion among legal eagles has yet to swing fully in favor of courtroom persuasion enhancements such as large-screen monitors, computer graphics, 3D animation and interactive multimedia. Though Holland & Hart ranks as one of the largest and most respected law firms in the region, it still labors under the conservatism that characterizes the legal profession. The attorneys Filter serves, particularly the 108 partners, are a stern and demanding panel of judges.

# MANEUVERS

BY ROBERT L. LINDSTROM

Photography by Patricia Barry Levy



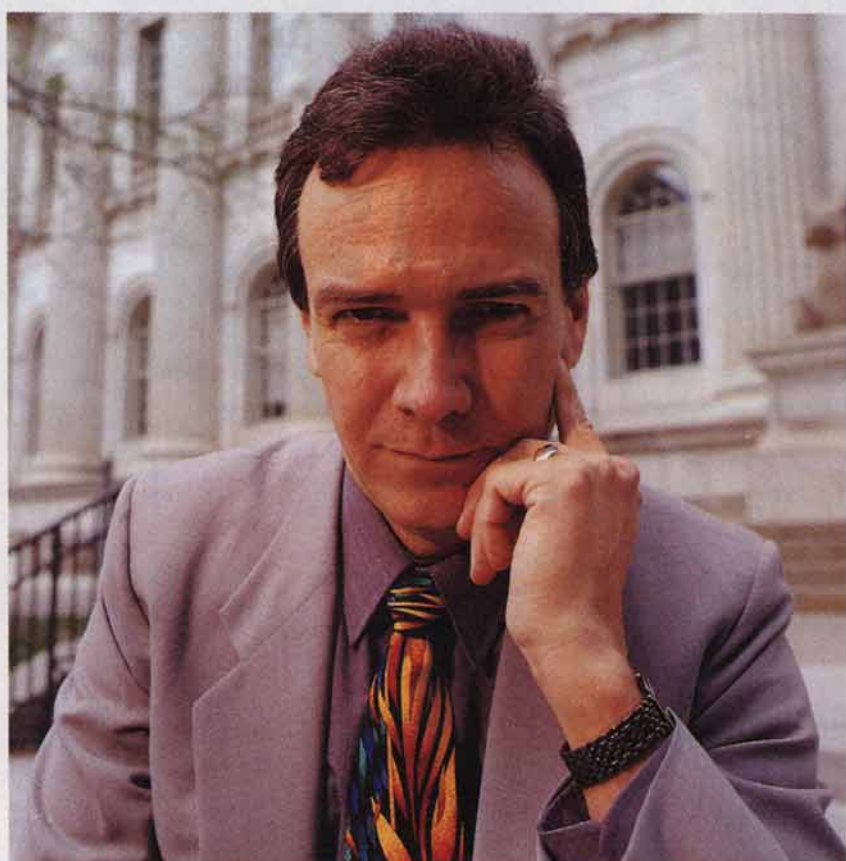
**M**ost law firms that use the new technology subcontract courtroom presentation visuals to outside production companies. But in 1991, Holland & Hart made the daring decision to bring the production of trial presentation graphics in house. Six years and many successful cases later, despite the presence of strong internal champions within the firm, there are skeptics who continue to scrutinize the evidence and question the validity of supporting an in-house department.

Rising to his own defense, Filter has become a self-described intra-preneur. He relentlessly promotes his department via e-mail, a departmental intranet, videos, seminars and anything else that can help him make his case. This magazine article, for example, could be labeled, "Filter vs. Holland & Hart, exhibit 23b."

"I'm a salesman," Filter says. "My clients are the lawyers, and I am advertising to them—selling to them—all the time."

### The Toughest Clients

Imagine what it must be like to work for more than 200 attorneys. It must be like ... well, like working for more



than 200 attorneys. All of them are skilled professional communicators. They have experience and successes in the courtroom; therefore, they all have very strong opinions

about how to present concepts and persuade juries. Ironically, Filter explains in diplomatic tones and terms that sound like an attorney discussing his client's case with the press, not many of the firm's lawyers stay on top of trends in communications technologies.

"Lawyers don't take classes in visual communications," he says. The reason is less an unwillingness on their part to adopt new techniques, and more an overriding need not to fail. "You can't practice an actual trial," he explains. In any given case there may be millions of dollars at stake, not to mention property, reputations, careers and even lives. Experimenting with new presentation technologies and techniques is fraught with dangers.

Filter says that some of the firm's attorneys accuse him of not listening carefully when they tell him how he should prepare their visuals—a misconception on their parts, he says: "Most of the time, 20 percent of what I tell them is what they already told me."

In addition to managing a full-

## AT A GLANCE

# Holland & Hart LLP

- **FOUNDED:** 1947
- **HEADQUARTERS:** 555 17th St., Suite 3200, Denver, CO 80202
- **PHONE:** 303-295-8000
- **FAX:** 303-295-8261
- **BRANCH OFFICES:** 9
- **FOUNDING PARTNERS:** Josiah G. Holland and Stephen H. Hart
- **PARTNERS:** 115
- **ATTORNEYS:** 210
- **PRINCIPAL BUSINESS ACTIVITIES:** Corporate and securities law, complex civil litigation, international law, international property law, environmental litigation
- **MEDIA-DEVELOPMENT DEPARTMENT:**
  - **STAFF:** Full-time, 7; part-time, 5
  - **FACILITIES, IN SQUARE FEET:** Courtroom studio, 1,032; video control room, 260; graphics production, 984
  - **PROJECTS PER MONTH:** Approximately 40
  - **CAPABILITIES:** Graphics, animation, video, multimedia, CD-ROM mastering, courtroom presentations, color enlargements





time staff of graphic artists, editors, programmers and technicians, Filter spends much of his time working with individual attorneys. He puts the tools into their hands and critiques their performances. Filter, who has a pilot's license, likens the one-on-one instruction to putting pilots through flight-simulator training. He wears a broad grin as he describes what happens when he puts the presentation technology into a nosedive by suddenly pulling the plug on the computer. "They have to learn to react in a crisis, just like a pilot," he says, making it obvious that he enjoys the experience a bit more than he should.

### Backup Pro Quo

Fear is the overriding emotion when attorneys employ technology in the courtroom, he says. Other than preparing the attorneys to be ready for all contingencies, the best defense is a reliable backup system.

**This floor plan created by Holland & Hart's media department exemplifies the detail of the graphics that the firm presents in court. A large portion of the department, designed in 1993, is the 1,032-square-foot mock-trial room where attorneys practice with mock juries and judges. The department also includes a video control room and a graphics production area with six networked workstations. The facility is wired with more than one mile of RGB cable.**

The attorneys are less likely to be nervous about the performance of the technology if they know there are backup systems, Filter explains, emphasizing again that there is zero tolerance for failure in the courtroom. He and his technicians go into every trial prepared with several backup systems. "My middle name is redundant-redundant," he says.

A recent case in Amarillo, Texas, involved the use of six hours of audio clips and two hours of video clips. The materials were stored on a 9 GB hard drive and linked to a bar-code system for retrieval. Backup included a second duplicate 9 GB drive, a set of CD-ROMs and a DAT player. On the eve of the trial, one of the drives

failed. Even though the backup drive worked, Filter and his staff had another drive flown in the next day from the manufacturer in California.

When the trial began, the attorney didn't know that he was working from the backup drive. Filter kept it a secret; when he finally revealed the truth, the attorney demanded, "Why didn't you tell me?"

"Because you would have reacted just like you're reacting now, only worse," Filter replied.

What does this sort of backup do to Filter's budget? The lawyers and their clients don't even flinch, he says. "Everyone understands the importance of backup. They give me whatever I need."



## Dollars on the Docket

Just because the Holland & Hart parking area is chock full of luxury cars and Filter's department looks like a multimedia dealer's showroom, that doesn't mean Filter has carte blanche on spending. The attorneys demand that the media department pull its own weight, financially speaking. By charter, it is not supposed to turn a profit; the firm's aim is to make money by practicing law, not by producing animation. The financial goal of the media department is to break even.

"We have to operate as a business," says Filter, whose work contributed 1,200 billable hours to the firm in 1996. Every dollar billed that does not go to salaries and overhead is directed back into resources for the department. "We spend our profit margin," he says. "That's how we are continually able to invest in new equipment."

For very large pieces of capital equipment, Filter must find ways to recover his investment as quickly as possible. That's where his intrapreneurial skills come in handy. For

example, when the firm needed a large-screen presentation system for a series of trials in San Jose, California, he realized that the Holland & Hart client was paying \$8,000 per trial to rent the necessary monitor and equipment. The other side was paying \$14,000. Filter found a \$30,000 Sony system on sale for \$24,000 and installed it for the duration of the trials. He charged \$5,000 per trial to the client and rented the same system to the other side for \$5,000 per trial. The monitor not only quickly paid for itself; it generated a surplus that allowed Filter to purchase more display equipment. The media department now owns—and sometimes rents to opponents—one Sony, one Barco and two Mitsubishi large-format presentation systems.

Filter's rule of thumb is to keep

the equipment and production costs that he charges back to the firm's clients at between 75 to 85 percent of the market price. That way clients do not have to be concerned that they are being taken advantage of by an in-house service that inflates its costs. Filter estimates that his department's contribution to the firm's revenue in 1996, including new business development, mock-trial services, billable

hours and equipment rental, exceeded \$1.1 million.

## Converting the Choir

Filter's department has been on trial since the first day he was hired as a part-time, one-man media center. John Tredennick, the chief information officer who put his own credibility on trial when he hired Filter,

*Continued on page 152*

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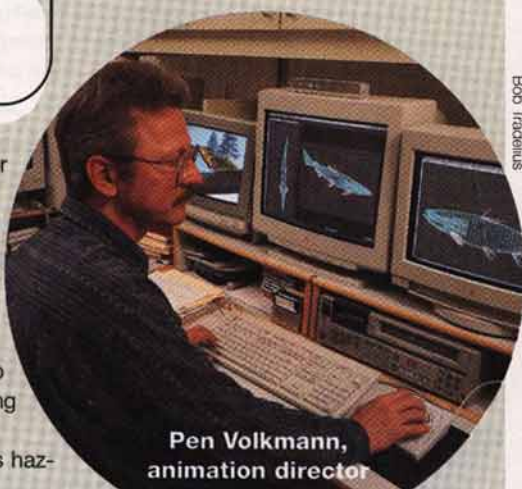
## SIMULATED SUFFERING Endangered Fishes

Doug Filter's media-production department at Holland & Hart had to prepare for a major lawsuit materials to demonstrate the damage of natural resources. "We created a mesh from geological data of the area so we could look at the selected plot from several viewpoints," says Filter. "We pulled a piece of the river out of the landscape, then slowly zoomed in and darkened the background. Next, in ElectricImage, we localized the habitat to view close-up features including submerged terrain."

To show the redevelopment's hazardous effects on wildlife, the firm's animators used formZ and ElectricImage software to show fish swimming, wiggling, mating and suffering from the effects of environmental hazards.

Animating the fishes' gills and intestines let Holland & Hart's attorneys show effects on biological processes such as protein absorption, Filter says.

—Steven Klapow



Pen Volkman,  
animation director



## LEGAL MANEUVERS

Continued from page 52

admits that it has been a challenge for the media department to gain acceptance. But the number of converts has grown rapidly, says Tredennick, a devout technology disciple whose personal mission is to propel Holland & Hart into the next techno-century.

"We want to be the first [law firm] to harness the power of new media," Tredennick says. Lawyers have always used communications tools to tell their stories, and now, "technology has brought us new tools that have far more power than the old ones," he says. When he hired Filter, it was almost unheard of for a law

**"We want to be the first law firm to harness the power of new media," says John Tredennick, CIO at Holland & Hart.**

firm to have a graphics person in house. "The firm didn't know they needed him," he says. But just a few weeks into the job, when Tredennick asked Filter how he was doing, he

replied, "John, there aren't enough hours in the day to work here part-time."

Filter, 47, who started out in his career planning to become an architect, was soon a full-time member of the firm. He and his department soon added a level of service to the firm that no one had anticipated: The in-house capabilities proved to be a draw for new business. Filter and his department became a marketable asset.

The competitive battle among law firms is fierce, Tredennick says. The supply of lawyers is increasing even as technology reduces the demand. Firms need to find ways to stand out from the crowd. "They need differences that clients can see," he says.

Connie Proulx, client service director for the firm, agrees that the media department has become an important marketing tool. "The fact that we have these capabilities has brought business in," she says. "Having all the capabilities in house allows us to differentiate ourselves. It sets us apart from the pack."

She credits Filter and his positioning of the media department as a selling tool. "Doug is very good at business development. He helps bring in new clients," she says. "He is good at selling himself and the service." Filter frequently goes along with the firm's attorneys when they pitch potential new clients, a ritual internally referred to as the beauty contest. Filter has prepared a laptop-based multimedia presentation that shows off the capabilities of his department. The presentation, which he delivers on a 3M 8650 1,000-lumen portable LCD projector, focuses on the fact that most attorneys are trained to communicate by talking and writing. But at Holland & Hart, attorneys communicate in a media-rich language. "We emphasize that our attorneys offer something different," says Filter.

QTVR'S

## Home Run

When Doug Filter first saw Apple's QuickTime VR technology he was sure that it would be a useful presentation tool in the courtroom. He admits, however, that after purchasing the hardware and software two years ago, he wasn't quite sure what he was going to do with it, or when.

His chance came just 10 days later when Holland & Hart took the case of *Lewis v. Colorado Rockies Baseball Club Ltd.* The firm was hired to represent a group of street vendors who had been chased from the front of Denver's Coors Stadium by the Rockies' management. The Club claimed the sidewalks in front were covered in its lease with the city; the vendors said that the area was indistinguishable from adjacent public property and they, therefore, had the right to be there.

A video was prepared to support the expert testimony in court, but Holland & Hart's attorneys felt that, although it communicated some important information, the video was limited by its fixed perspective and lack of interactivity. Still 35 mm photos could be used to show details, but could not clearly show the relationship between elements of the scene.

The lead attorney took Filter and his graphics staff to the site and discussed what was needed. A two-person team returned that day and shot the scene with a QTVR camera rig. They processed the image and introduced it in court. The judge and the opposing attorney had never seen the technology before, but accepted it with minimal objections, Filter says.

The image was displayed on a large-screen monitor and controlled by Filter. The expert witnesses, the judge and attorneys for both sides used the image to navigate the area on screen, zeroing in on such details as the lack of private-property signs and the similarity of the sidewalk in both public and private areas. When the opposing attorney requested a site visit by the jurors, the judge deemed the trip unnecessary—he felt that QTVR provided an adequate introduction to the landscape.

The jurors ruled in favor of Holland & Hart's client. Just what the QTVR presentation contributed to the favorable verdict is hard to say. But, clearly, Filter had made his case for QTVR.

—R.L.L.

### Trial by Wire

It's no accident that when the firm





remodeled its offices in 1993 the floor plan positioned the media department in such a way that it became an integral part of the client tour. The tour begins in the \$500,000 mock-trial room, where attorneys can try out their arguments on mock juries and judges. They can also do a dry run with the technology. The room includes four ceiling-mounted video cameras, monitors built into the attorneys' tables, Audio-Technica microphones concealed in the ceiling, outputs for a large-screen presentation monitor, and a projection screen that disappears into the ceiling when it is not needed. It also includes a wireless Fleetwood audience-response system to measure jury attitudes.

**After every trial, Filter sends e-mail to every member of the firm, citing the roles played by his staff and the technology.**

The tour passes into a video-editing suite that includes a centralized switching matrix with 32 inputs and 32 outputs. Using a Telemetrics remote video system, an AMX controller, a Panasonic digital mixer, and Hitachi and JVC video cameras mounted on JVC pan and tilt heads, the video operator can record activity in any of 10 locations in the building, including the three high-tech conference rooms. Video can also be fed to monitors or projectors in all locations. The suite houses a Media 100 post-production editing system and a CD-ROM jukebox that is used to feed scanned documents and other images directly to the mock-trial room. The entire facility is wired with more than one mile of RGB cable.

From the editing suite the client tour continues through the graphics department where staff artists and programmers work at six networked workstations. They use a range of computers and peripherals from Apple, Compaq, Dell, Power Computing, UMAX and others.

Clients are given a close-up look at the six Apple Power Macs that have been networked to create a graphics-rendering farm. They are also shown the four IBM ThinkPad presentation systems that are used in the courtrooms. Holland & Hart's graphics department is equipped for MPEG encoding and makes heavy use of Apple's QuickTime VR technology.

The array of technology includes an ENCAD NovaJet Pro 36-inch Color Inkjet Poster Printer, a Tektronix Phaser 540 Plus color laser printer, an Xante Accelerator 8300 1200 x 1200 dpi

laser printer and a couple of HP 1600 color inkjet printers. Assorted VCRs, a video projector and even a couple of Sharp Hi-8 Viewcams are available for use by attorneys who do not want a video crew to be present during video depositions.

"We've pretty much got all the toys," says Filter, who spends about \$60,000 annually on software purchases. "We designed the layout to make it easy for clients to see where their money goes."

### **Broadcasting at the Bar**

After every trial, Filter sends a detailed e-mail to every member of the firm, citing the roles played by his staff members and the technologies that were used. "It's all about communicating better with our lawyers," says Filter. "I broadcast my successes." He sees his job as more



than just creating compelling visuals, he adds. It is his responsibility to help the lawyers at Holland & Hart understand what resources are available to them and how they might use those resources to be more effective in court.

To extend his reach to the rest of the firm, Filter is constructing a media-department intranet based on a Windows NT server. The intranet will let anyone in the company see what the department is doing. Attorneys will be able to examine graphics from past and present cases. They also will be able to consult an "idea book" for inspiration on how they might use visuals for upcoming trials. In addition, Filter will post online presentations and tutorials designed to help the

attorneys learn how to use graphics tools such as Microsoft PowerPoint.

Videotapes are another of Filter's favorite means of promoting his department. Taped copies of client presentations and sample graphics are routinely sent out to the firm's nine branch offices. In March, for example, he organized a seminar about new media for local lawyers and clients. The session, which was moderated by John Tredennick and held at the firm's headquarters, included presentations by a former media department employee who now works at LucasFilm and an author who specializes in multimedia business presentations. Although the Saturday morning session drew only a handful of attendees, Filter had it

recorded. Videos were sent to all branch offices as well as key partners inside the firm.

### The Verdict

Filter's advocacy seems to be paying off. To date, he has done work for 102 of the 108 partners at Holland & Hart. Wiley Mayne, a partner and former managing partner at the firm, says that lawyers have always used audiovisual techniques, but new media has greatly enhanced an attorney's ability to tell a story. "The media department gives us access to better ways to communicate," he says. "It allows us to get the message across with fewer words, fewer documents and fewer witnesses."

Robert Connery, a practicing attorney for 30 years who claims to be the last member of the firm to start using a computer, is now one of Filter's most enthusiastic converts. "Attorneys are a natively conservative group of people wedded to the way they do things," he says. The use of media, he adds, "has transformed the way I do virtually everything." Displaying a graphic from one of his trials, he says, "We are having the best year in our firm's history. I am persuaded to a certainty that it is partly because of this."

Eventually, Filter hopes to persuade the firm to let him take his case to a wider audience. He talks of plans for a range of seminars, training programs and industry conferences. Ultimately, he would like his firm to be a recognized leader in the field of visual communications inside and outside the legal profession.

Based on his performance, Filter is likely to sway the jury. "I'm a pretty pushy guy and I know how to play politics," he says, obviously relishing the fact that the verdict almost always goes his way. ■

*Robert L. Lindstrom is a Los Angeles-based freelance writer and former editor of Multimedia Producer. Comments about this feature can be e-mailed to avmmp@kipi.com.*

## The Lure of Animation

Armstrong International Incorporated of Stuart, Florida, thought there was something fishy about the sonar fish locator that a competitor had recently introduced. Though it didn't look exactly like the one Armstrong had patented, its features and operation were too similar to be coincidental. When Armstrong decided to file a patent-infringement suit, it went trolling for a law firm and found Holland & Hart. According to Tom Morris, general counsel for Armstrong, his tour of the Holland & Hart media department was a major factor in choosing the firm. "We found their capabilities to be very impressive. [The media department] was certainly a factor in our decision to go with them."

The fish locator and its technical features are far beyond the comprehension of most non-engineers, but a thorough understanding of the engineering was exactly what Armstrong needed to convey at trial. "In a patent-infringement case, it's always a challenge to communicate the details to the judge and jury," Morris says.

Using ElectricImage software, Macromedia's Director and autodessys's formZ, the Holland & Hart media department created a 3D animation that simulated the operation of both the Armstrong device and the knock-off. When the two were juxtaposed, "you could see the similarities quite graphically," Morris says.

The opposing law firm also displayed animations created by an outside graphics company. The trial became a battle of the super-simulations. Armstrong and Holland & Hart emerged victorious. "Our animations were superior," Morris says. "They played a valuable role in the outcome of the case."

—R.L.L.

