

Document Cameras in the Courtroom: Still There When You Need Them

By Fredric Lederer

For most courts, the modern age of courtroom technology began with the introduction of a document camera. In today's computer age, the document camera may seem archaic to some, but there are still circumstances that warrant and even require its use. If the time comes, all litigators should be prepared to use a document camera in the most effective way.

A document camera—a vertically mounted television camera aimed downward at a (usually) white base—permits the user to display exhibits, including documents and real evidence. The image from the document camera is usually displayed on monitors for the judge, counsel, witnesses, and jurors. Also it is sometimes projected onto a screen. Before computers in courtrooms, a document camera gave lawyers the ability to display evidence immediately—especially to jurors. The evidence can be annotated it, even if only by using a marker on the exhibit. A document camera's ability to magnify a document allows persuasive closeups of the exhibit that signal, "Pay attention; this is important!" (at least if not done too frequently as to annoy the jurors). Having a document camera at the witness stand allows a witness to interact with the evidence. This is especially useful when diagrams are referred to in testimony.

Today, document cameras, complete with electronic annotation, remain commonplace in high-technology courtrooms. However, experienced litigators tend to use the more versatile computer, which often has sophisticated trial software that allows litigators to show previously prepared document images. Even with the prevalence of computers in the courtroom, these litigators often use document cameras as a backup, along with paper copies of the computer images, in case of computer glitches. They also use document cameras to display evidence not yet loaded onto their computers. Some courtrooms have display systems that are only compatible with document cameras. Therefore, all litigators who depend on technology in the courtroom should be prepared to use a document camera.

Modern document cameras are highly competent at displaying document images. They all have basic display capability along with a zoom-in function. Some can also display slides, but most cannot display x-rays without optional equipment. Many are now digital with high resolution and can capture digital images for later use and or even rotate images. Remote controls are commonplace. Some remote controls show the lawyer exactly what will be displayed through lights that illuminate only the part of the exhibit that will be visible. Notably, many document cameras are easily portable, even in this age of difficult airline travel.

Litigators should consider that many courtroom display devices cannot display a full page of text large enough for jurors to read. In these cases, litigators should use the document camera to enlarge a portion of the page and then move to the remainder of the document.

Document cameras also can be used successfully in the jury room. This allows jurors to display documentary evidence on a large screen to assist in deliberations.

As is true of all forms of displayed electronic evidence, unless an associated printer or other form of capture device is used, a document camera image, including annotated images, will not be preserved for the appellate record. Therefore, when employing a document camera, make sure to consider alternative methods of preservation.

Document cameras have been the workhorses of evidence display in the courts for years. Their great advantage for the lawyer who is new to high-tech trial practice is that they have nearly no learning curve, can be used personally by the litigator, and can be highly effective. This makes the document camera a potentially essential tool for any good litigator.

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