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## Video Conferencing: Prime Time Video

By Fredric Lederer

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It has been a long time since videoconferencing was a high-tech gamble. Modern videoconferencing runs over either ISDN lines, network, or internet connections. Dedicated equipment, such as that from Polycom ([www.polycom.com](http://www.polycom.com)) and Tandberg ([www.tandberg.net](http://www.tandberg.net)) is usually high quality and cost-effective.

Videoconferencing is fast becoming a critical adjunct to legal practice. The technology permits everything from meetings of lawyers from different offices, to lawyer-client discussions, to depositions, to remote court appearances, to seminars.

The Wall Street Journal recently discussed how corporate America is using videoconferencing, citing Harrah's Entertainment, where about 20 top executives regularly meet via monitors.

Law firms are no different. Take for example, Lewis Brisbois Bisgaard & Smith, a 500-lawyer firm with 11 offices (mostly in the western U.S.). It conducts videoconferenced meetings using Polycom videoconferencing systems supplied by



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Even government agencies are getting onboard. The U.S. Social Security Administration is moving toward a new disability review process called "Disability Service Improvement."

Disability hearings often require expert testimony. This new plan envisions contract experts who are located throughout the nation — no longer relying on local experts. This will require experts to appear by video hearing. This new DSI process will start in Region 1 (which includes Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island and Vermont) and is likely to take five years for full implementation.

### Motion Program

Later this fall, our Center for Legal and Court Technology at The College of William and Mary will conduct a pilot remote motion program with the Fairfax, Va. circuit court, a major suburban court located in Northern Virginia. Many, if not most, of the lawyers who appear before the court are subject to serious traffic problems, most notably those of the Washington Beltway. Using internet-based computer technology, we will evaluate the pros and cons of permitting counsel to argue routine motions from their desks, rather than losing hours by driving to the courthouse.

Under the current plan, we will conduct a first "proof of concept" experiment using a few lawyers and one judge. We then plan to expand to at least 20 lawyers and multiple judges. We anticipate using an internet videoconferencing system, likely from Insors Integrated Communications Inc. All participants will be able to see and hear all other participants, and to ensure a public hearing, the judge will conduct motion practice in a courtroom with a large display screen that shows the remote participants.

If all goes well, counsel should save an immense amount of time and it may be that clients will reap a cost savings. While telephone arguments have been in use in some courts for years, we believe this video process will improve the proceedings for all parties, by providing not just voices, but visual communication, such as demeanor cues so counsel can see how judge and opposing counsel react.

But videoconferencing's value may extend well beyond merely saving lawyers freeway time. For example, the Fairfax courts are also planning for catastrophic events, such as the predicted avian flu epidemic.

### Recruiting

Another venue where videoconferencing is helping the legal profession is recruiting. One example is our new Law School Connect program, [www.lawschoolconnect.com](http://www.lawschoolconnect.com), a joint effort

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of the Center for Legal and Court Technology and Courtroom Connect.

We are now working toward providing every accredited law school with the ability to conduct remote employment interviews, to help legal employers — including judges seeking law clerks and legal non-profit organizations — interview students via videoconferencing conducted at their law schools.

This helps employers interview potential candidates who might not have had the opportunity if travel had been required.

The program has had a successful but mixed response in its initial roll-out. At present, there are 29 law schools, 36 courts, and 12 law firms involved. Network membership fees are as low as \$100 per month for employers (courts are free), and hourly rates are available for non-members.

Some schools and employers seized it immediately, seeing in it a way to expand recruiting efforts while minimizing both direct and opportunity costs. Some showed guarded optimism. Others have either declined, or more frequently, chosen to sit the first year's operations out, waiting to see what others have to say.

Despite its utility, many lawyers and observers still resist videoconferenced meetings. There are still situations where it's best to be there in person. And the use of remote testimony in some criminal cases remains controversial.

But there's little doubt that videoconferenced hearings and meetings increasingly will be commonplace, especially as the technology continues to improve and the users continue to become more comfortable.

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