

U.S. DEPARTMENT OF COMMERCE
National Technical Information Service

PB-257 124

Courtroom of the Future - Court Related Use of Videotape Recordings

National Bureau of Standards

Prepared For
National Institute of Law Enforcement and Criminal Justice

July 1976

NCJRS

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U.S. DEPT. OF COMM. BIBLIOGRAPHIC DATA SHEET		1. PUBLICATION OR REPORT NO. See Item 15	2. Gov't Accession No. PB 257 124
4. TITLE AND SUBTITLE Courtroom of the future. Court related use of videotape recordings.			5. Publication Date July 1976
			6. Performing Organization Code
7. AUTHOR(S) J. C. Richmond			8. Performing Organ. Report No.
9. PERFORMING ORGANIZATION NAME AND ADDRESS NATIONAL BUREAU OF STANDARDS DEPARTMENT OF COMMERCE WASHINGTON, D.C. 20234			10. Project/Task/Work Unit No.
			11. Contract/Grant No.
12. Sponsoring Organization Name and Complete Address (Street, City, State, ZIP) National Institute of Law Enforcement and Criminal Justice, Law Enforcement and Criminal Justice Law Enforcement Agency*			13. Type of Report & Period Covered na
			14. Sponsoring Agency Code
15. SUPPLEMENTARY NOTES (Proc. Seminar on Civil Trial Advocacy, University of Kentucky, Lexington, KY, Jan. 23-24, 1976), Paper in Report of Seminar on Civil Trial Advocacy, pp. 43-45 (Office of Continuing Legal Education, University of Kentucky, Lexington, KY, July 1976).			
16. ABSTRACT (A 200-word or less factual summary of most significant information. If document includes a significant bibliography or literature survey, mention it here.) The presentation consisted of showing the videotape "Courtroom of the Future", plus showing slides giving more detail about certain features of the Courtroom of the Future at the McGeorge School of Law in Sacramento, California. The equipment for recording trial proceedings on video, and precautions for court security were emphasized. *Department of Justice, Washington, DC.			
17. KEY WORDS (six to twelve entries; alphabetical order; capitalize only the first letter of the first key word unless a proper name; separated by semicolons) Closed circuit television; court proceedings; court security; trial proceedings; videotape recording.			
18. AVAILABILITY <input checked="" type="checkbox"/> Unlimited <input type="checkbox"/> For Official Distribution. Do Not Release to NTIS <input type="checkbox"/> Order From Sup. of Doc., U.S. Government Printing Office Washington, D.C. 20402, SD Car. No. C13 <input type="checkbox"/> Order From National Technical Information Service (NTIS) Springfield, Virginia 22151		19. SECURITY CLASS (THIS REPORT) na UNCLASSIFIED	21. NO. OF PAGES 4
		20. SECURITY CLASS (THIS PAGE) na UNCLASSIFIED	22. Price 3.50 2.25

REPRODUCED BY
NATIONAL TECHNICAL
INFORMATION SERVICE
U.S. DEPARTMENT OF COMMERCE
SPRINGFIELD, VA. 22161

USCOMM-DC 29042-P74

COURTROOM OF THE FUTURE
COURT RELATED USE OF VIDEOTAPE RECORDINGS

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National Bureau of Standards
Washington, D.C.

There are several courtroom uses of video recordings. The first use is to record and present testimony primarily in the form of depositions. The second is to record and present evidence. This medium of videotape recording can be used for anything that photography and particularly motion picture photography can be used for. It is being used fairly widely now in criminal trial work, particularly by police departments to record the action of defendants after their arrest for driving under the influence of alcohol or drugs, for recording lineups in police stations where the defendant has been identified as being connected with a crime, and for recording confessions. The third use is to serve as the official record of trial proceedings. The reason for this is twofold. First it presents a more accurate record of what has occurred in the trial in that it shows not only the words of the participants and particularly the witnesses, but also their demeanor and their actions, which in many cases are just as important as the words. Second, several studies have shown that the trial recorded on videotape is much more accurately recorded than is a trial that is recorded in the usual way by a court reporter. Apparently the court reporters miss some words and in some cases the missed words may be very important.

A fourth use that is being made of this medium, on an experimental basis so far, is in recording a complete trial in the absence of the jury. This is being done in one county in Ohio. They are recording all of the trials on the civil docket on videotape in the absence of a jury. The tape is then reviewed by the presiding judge and all of the parts of the tape that he has ordered stricken from the record are deleted and the edited tape is then presented to a jury for their verdict. This has resulted in about a 50 percent reduction in the backlog of trials in that jurisdiction. They have found that this technique speeds up the trial procedure significantly. Also they feel that it is more equitable because a judge can order something stricken from the record, but he can't order it stricken from the minds of the jury. Some lawyers try to get things presented in a trial that they know will be ordered stricken from the records, simply because the jury will not forget it.

A fifth use that has only come to my attention recently is not directly connected with courtroom use, but it is very definitely a legal use of videotape recording. They're beginning to use videotape for recording the signing and witnessing of wills. They report that in many cases this makes it much more difficult for the disgruntled relatives to contest a will if the signing and witnessing of the will have been recorded on videotape. It certainly can show that there has been no undue influence, which is one of the frequent claims when contesting wills.

We will now show the videotape of the courtroom of the future. This is a videotape of the Center for Legal Advocacy in the McGeorge School of Law of the University of the Pacific which is located in Sacramento, California. This facility was developed for four specific purposes. First to serve as a classroom. Second, to provide an opportunity for the student to get practice in court procedures and to record the actions of the students in the mock trials on videotape for later review and critique. Third, for use as a laboratory both for instruction and for research, particularly to try innovative trial procedures with the hope of either expediting trials or increasing the equity in the trial procedure. Finally, when it is not being used as a classroom or as a laboratory, it will be made available to the local courts for actual trials.

REFERENCES ON USE OF VIDEOTAPE RECORDING IN COURTROOMS

1. The Federal Judicial Center has issued a report entitled "Guidelines for Pre-Recording Testimony on Videotape Prior to Trial". I am informed that the present supply of these reports is exhausted, but a revised edition will be available in a few weeks. Copies may be obtained from:

Mr. Charles Harrell
Federal Judicial Center
1520 H Street, N.W.
Washington, D.C. 20005

2. The National Center for State Courts has prepared a four volume report, covering essentially all of the problems involved in the use of videotape recording in criminal courts. Copies of the full report should be available from the National Center for State Courts through your State Representative on the Council of State Court Representatives.

While we do not agree in every particular with the statements made and with some of the recommendations, it is a useful reference that contains much information.

3. National Bureau of Standards Report 10869, entitled "Potential Uses of Court Related Video Recording," available from the National Technical Information Service, 5285 Port Royal Rd., Springfield, VA 22161, as PB 214 209.

4. A Report entitled "Videotape Recording in the California Criminal Justice System," prepared by Ernest H. Short and Associates and the McGeorge School of Law of the University of the Pacific. If copies are available, they may be obtained from:

Gordon D. Schaber, Dean
McGeorge School of Law
3200 5th Avenue
Sacramento, CA 95817

5. The Law Enforcement Standards Laboratory of the National Bureau of Standards has in preparation NILECJ Guide 0302.00, entitled "Guide to Video Tape Recording."

for Courtroom Use." This will be available within a few months. For copies
write to:

Law Enforcement Standards Laboratory
National Bureau of Standards
Washington, D.C. 20234

6. Law Enforcement Communications (Published by United Business Publications,
Inc., a Subsidiary of Media Horizons, Inc., 750 3rd Avenue, New York, N.Y. 10017)
for June 1975, has the following articles:

James L. McCrystal - A Strong Case for the "PRVTT."

Frederick T. Williams - For the Record: The Video Transcript

Michigan State Univ. Legal Communications Research Team - The Peoples

Choice, Can Video Sway Juries?

Grayson Mattingly - The Electronic Witness Comes to Federal Court.

Michael D. MacNeilly - New Development: The Legal AV Department

Laurence B. Stone - VTR/VCR Equipment--A Technical Primer

COMMENT BY MR. COMBS: I'd like to ask the trial lawyers and trial judges here
how many of you believe that a trial judge can nonverbally, during a jury trial,
influence the outcome of that trial by nonverbal communication with the jury?
I'd like to see a show of hands. Both my hands go up! I see in the model
courtroom that they plan to perpetuate a courtroom that will permit this to go
on. I've been fighting this battle for a long time. I'd like to put the jury
in front of the bench, put the witness in front of both of them. They do this
in Virginia and it's beautiful. I do hope that you will think about that when
you design the courtroom of the future.

END

10/10/10