

Litigation animation

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Litigation animation is more than just another computer buzzword. A picture may be worth a thousand words but in the US today, a picture is proving to be worth a weighty court settlement. This type of animation replaces simple courtroom illustration. Using 2- and 3-dimensional computer animation, lifelike scenes are re-created. Modelling programs use known variables such as the speed and mass of a vehicle, to calculate unknown variables, enabling an entire simulation to then be created.

Court reconstruction applies the facts to the case allowing them to be viewed visually and accurately. The facts may be scientific evidence, witness testimonies or victims' accounts. As animation can be used to simulate motor car accidents and reconstruct crimes committed, hours of lengthy and complex testimony can be condensed into mere seconds of animation or into a single image - capable of making a lasting impression on the jury. If the jury is shown what is being described in a realistic manner, such as the spread of a fire throughout a building, there is more of a chance that the jury will comprehend the facts. Jurors are known to retain little of what they hear, some of what they see and much more of what they see and hear. In this respect, animation allows the jury to travel back in time to witness precisely a crime, accident scene, "act of god" or to view that which is "impossible" - such as the malfunctioning of an aeroplane engine component while the aeroplane is in flight.

Courtroom animation can be used to reconstruct a theft or murder scene, show how a product failed or how a personal injury occurred. It can be used in environmental cases - for instance, showing damage to the base of an oil rig deep below the ocean.

Further, in a patent or copyright dispute, animation can work to deconstruct two products and display their similarities and differences.

Legal animation was first used successfully in the US in 1992 when Alec Jason introduced computer graphics into a murder trial. While animation in American courtrooms has been slow, I anticipate that as more rulings are decided by judges on the admissibility of animations, exact guidelines to be followed by animators will be established. Studies in the US have shown that many of the cases making use of animation settle out of court and, of those that do make it to court, many are being admitted.

One US judge, Justice Wiener, has consented to animation being used in court provided it is relevant, a proper foundation has been laid demonstrating that the exhibit fairly and accurately demonstrates that which it intends to demonstrate and it is more probative than prejudicial. His Honour supports the use of technical animation for he feels that it speeds up the learning process for a judge and jury and allows a lawyer to condense a great deal of information and testimony.

In 1995, in *Chavez v American Quarter Horse*, a Utah based law firm represented a party that was involved in sanctioning the results of a Quarter Horse Race. Hughes Aircraft Company used photogrammetry and video recreation techniques to help prove that the head of the jockey did not hit a metal bar. In *Nunez v Mopper*, accident re-created animation proved that a woman must have seen a child run onto the road. Further, in *Faulkner v Lyda*, animation was successfully used to prove that it was vehicle A that first entered an intersection. *Lavergue v Accent Door Company* settled immediately out of court once

a video was shown proving that Accent Door Company had run a red light and hit Lavergue.

Animation was also used recently in two Toronto cases. The first involved a truck tire that broke away from the transport, rolled across the highway and smashed a car, killing the driver. The animation showed the jury exactly what happened. The second case depicted a subway crash which killed several people and detailed the driver error as well as the precise mechanical failure.

Cost has reflected the improvements in technology. When first used, the price of "forensic animation" as it is often called in the US, came close to \$50,000. With more sophisticated hardware and software, increased proceeding speed and the computers ability to conduct time intense tasks without having to use actual people-time, costs have dropped to between \$5,000-\$20,000.

In an industry where "time is of the essence", courtroom animation is efficient in that computer models can be stored on laser video discs enabling access to images in court to be achieved spontaneously and quickly as there is no rewind or fast forward facilities on these discs.

The mid 1990s is a visual world and litigation animation can provide lawyers with a new state-of-the-art tool capable of increasing effectiveness as well as allowing an interesting perspective of that little snail in the ginger beer bottle!

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