

# Look Out, Perry Mason

The television is taking its place alongside depositions and the attaché case as an important facet of legal life in one New Orleans area law firm. Attorneys and clerks at the Metairie-based law firm of Gauthier, Murphy, Sherman, McCabe and Chehardy, regularly utilize closed circuit television and videotape as perhaps their most effective weapon in preparing for crucial court cases.

"I've found that it's become one of our most important tools," says partner Wendell Gauthier. "We're one of the

few firms in the country that uses television in almost all aspects of our practice."

On the second floor of Gauthier's modern office is a facsimile of a courtroom, complete with a judge's bench, general spectator's area and juror's box. What makes this courtroom different from all the rest is mainly that it isn't real and that a small camera hidden in a corner records most every movement in the room.

Gauthier likes it that way. For almost every day leading up to an important trial, Gau-

thier gathers clerks, clients, fellow associates and pretend jurors, leads them into the fake courtroom and goes over, detail by detail, the best way to present his case. To outsiders, it may seem like so much wasted time and energy. To insiders, the courtroom practice, filmed on videotape for one and all to view later, is an ingenious method of courtroom preparation and one of the reasons why Gauthier is one of the highest paid attorneys in the country.

"Using television has become the first step toward

bringing law into the 21st century," says one New Orleans attorney who applauds Gauthier for his promotion of technological answers. Videotape is presently being used in hundreds of courtrooms across the country as evidence for both the defense and the prosecution. Increasing numbers of lawyers in New Orleans use television and videotape for depositions, and the phenomenon was practically nonexistent as recently as five years ago.

But Gauthier takes television one step further. He not only uses videotape to adequately prepare his cases, but he also uses it as an effective means of coaching witnesses.

"The clients greatly benefit from all of this," says Gauth-

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ier, who has become an international legal heavyweight thanks to his prosecution of such complex damages cases as the suits filed on behalf of the relatives of victims who died in the Kenner air crash disaster in 1982 and the Las Vegas MGM Hotel fire in 1981. "The best part for them is when we put them on the witness stand. If you have a client that is unattractive and appears to be arrogant, it may be hard for you to tell that person, 'You're unattractive and arrogant.' But if they watch themselves on a screen and then see a jury deliberate, and some of the jurors intimate that the client is unattractive and arrogant, that person suddenly knows he has to clean up his act."

While such preparations strike some as playacting, pure and simple, Gauthier has a ready explanation: "If the jury likes the client and finds that he or she is pleasant or believable, they're inclined to give



The law firm of Gauthier, Murphy, Sherman, McCabe and Chehardy utilizes videotape and simulated courtroom situations to prepare legal cases.

them more money."

The 14 attorneys and 35-member staff of the law firm frequently take on the roles of witness, opposing lawyers and even judge when the practice procedure gets under way. The lawyers carefully view the tape later and search for any flaws in their presentations or arguments.

The pretend jurors, meanwhile, are secretly filmed in

another room as they deliberate. A camera hidden in a fake thermostat catches all. What did the jurors think of the case? Was the attorney too aggressive? Is \$11 million too much for a man badly disfigured by a chemical fire? These questions and more are tossed back and forth by the pretend jurors, while Gauthier and his fellow barristers watch closely from a nearby room.

The entire process is then followed through two more times—complete with fake judge, jurors and opposing lawyers. Again the intense jury deliberation, again the secret camera. Gauthier watches all.

What does he get out of it? "It's all preparation," he says. "By the time we go to trial, normally, we're putting the case on for the fourth time, rather than walking in and

trying it out for the first time. We'll have done three mock trials with feedback from the jury."

Does Gauthier, who some critics dismiss as an "ambulance chaser," alter his presentation based upon viewing the tapes? "I would say that from the first mock trial, up to the actual time we go to trial, I've changed my presentation completely, from beginning to end."

The use of television, though, is not viewed as the second coming by everyone.

As more and more video testimony, for example, becomes permissible in court—particularly in the cases involving victims of child abuse, who prefer not to testify in court—some critics are casting increasingly skeptical eyes on the trend.

Concern is growing that videotape can be altered or tampered with. Some makeup and lighting specialists have noted that the way a room or studio is lighted can have a subtle psychological effect on the witness. If the background

is somewhat shaded, some jurors may actually find the plaintiff a little shady.

"It's highly psychological," says Gauthier.

The debate has raged on in many legal journals. Notes the *American Bar Association Journal*: "If a witness is articulate and credible in person, then these attributes will be apparent in videotape presentation. It is possible that witness attributes may be enhanced because of the inherent credibility associated with the television medium. Con-

versely, if an individual presents an inarticulate or poor image live, these traits may be magnified and have adverse results."

Because the lawyers at Gauthier, Murphy, Sherman, McCabe and Chehardy largely confine themselves to in-house television use, primarily for trial practice, such concerns fail to intimidate. "The television is a great instrument. It shows us things we want to see," says Gauthier. "I think we're using it wisely."

—G.B.