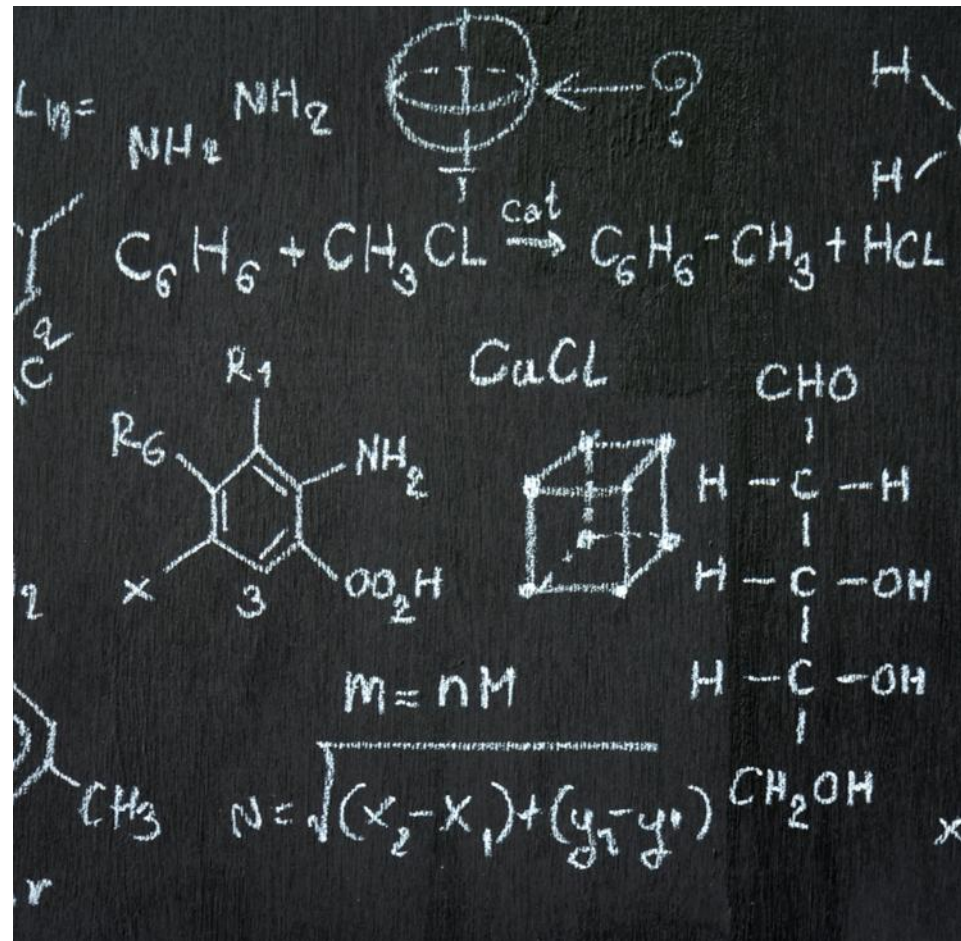


# **CIVIL LITIGATION AND ADVOCACY TODAY**

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**THE INTERNET, AND NOW  
ARTIFICIAL INTELLIGENCE ARE  
CHANGING THE WAY TRIAL  
LAWYERS WORK.**

**-- ARTIFICIAL  
INTELLIGENCE**



**THIS TALK IS ABOUT  
“LI”**

**LAWN “LIMITED”  
INTELLIGENCE**

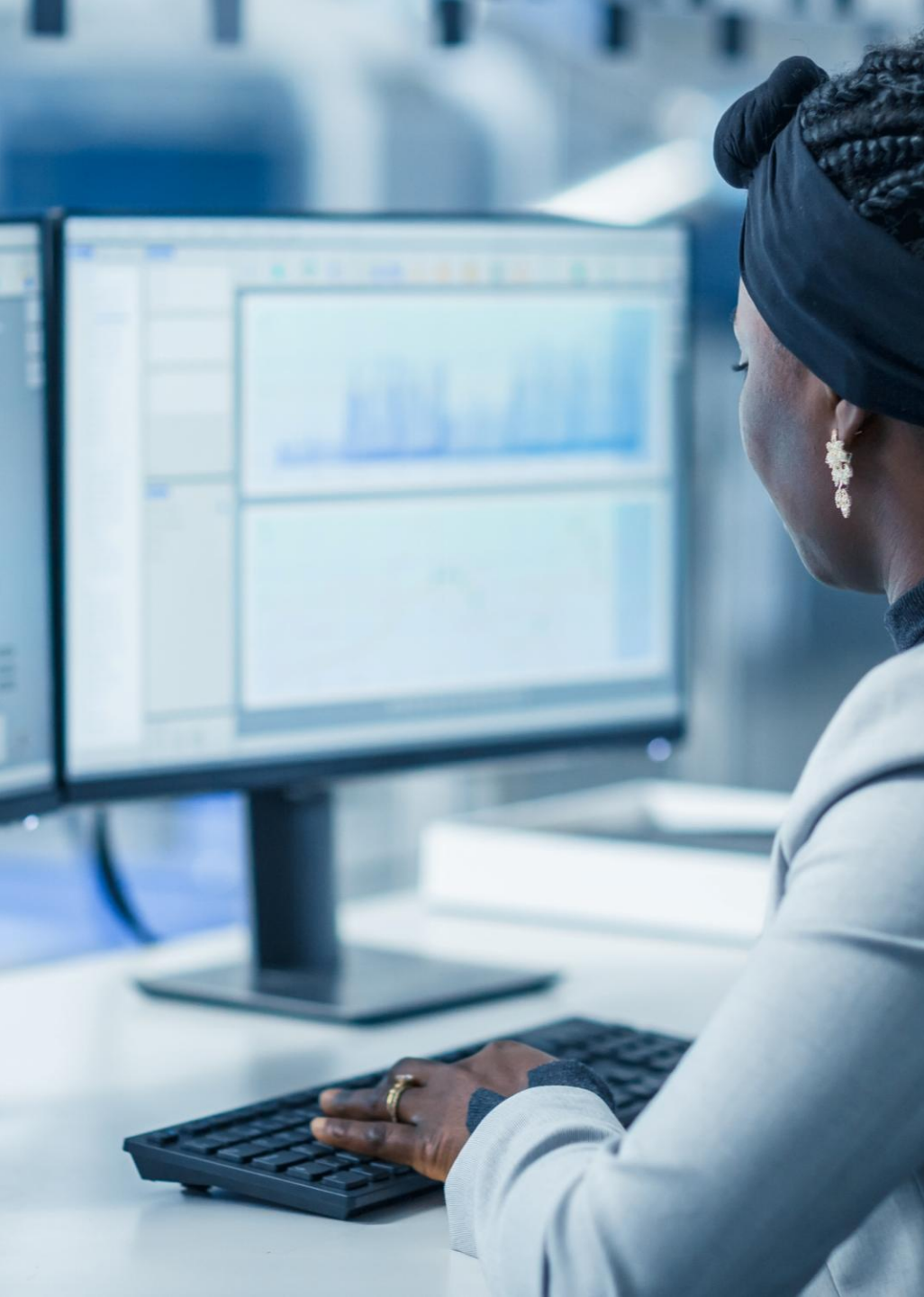
Your take away is – *if he can do this stuff, anyone can.*





# **TECH IS NOT A SUBSTITUTE BUT IT SURE DOES MAKE LIFE EASIER.**

- The evaluation, preparation and trial of even the most complicated cases have been made tremendously easier, and cheaper. The same skills and preparation are necessary – just capable of being performed much more efficiently.
- Litigators who used to haul multiple trial bags, countless boxes, blow-ups, easels and markers to the courtroom can now try even the most complicated case with just a laptop and projector.



# THE INTERNET = THE EQUALIZER

- DEFENDANTS CHECK PLAINTIFF'S SOCIAL MEDIA
- FOR PLAINTIFFS – PROPER SEARCHES CAN PUT YOU NEARLY ON EQUAL FOOTING FROM AN INFORMATION PERSPECTIVE AS THE DEFENDANT.
- GOOGLE IMAGES; YOU TUBE VIDEOS; ADVERTISEMENTS; PUBLIC FILINGS ;
- A DEFENDANT'S WEBSITE AND SOCIAL MEDIA POSTS
- FIND OWNERS MANUALS; AUTHORITATIVE PUBLICATIONS
- RESEARCH THE EXPERTS AGAINST YOU.
- VIDEOS HOW SOMETHING WAS BUILT, REPAIRED, OR A SURGERY IS PERFORMED.

# AS BASIC AS A GOOGLE EARTH PHOTO



**41 Snake HI Rd**  
Susquehanna, Pennsylvania

 Google Street View

Nov 2023 [See more dates](#)



# INITIAL CASE EVALUATION

- No matter the case type – you can begin your research before even meeting with a client.
- A Surgery; Fall from scaffold; business dispute.
- Example -Referral attorney called asking me to speak with a family member who ended up with an eye injury from a FESS procedure.
- Within 30 minutes of that call: Functional Endoscopic Sinus Surgery - watched it performed in YouTube videos. Read the chapter in the leading ENT text. Read about it on the websites of several of the leading hospitals in the country.

As a result, we should be much better prepared to conduct a much more productive initial client meeting.



# USE IT THROUGHOUT THE CASE

1. DRAFTING COMPLAINTS
2. DISCOVERY REQUESTS
3. PREPARING FOR DEPOSITIONS
4. TAKING DEPOSITIONS
5. EXHIBITS FOR DEPS AND TRIAL
6. CROSS EXAMINATION

## SOME EXAMPLES

DEATH AT A LARGE PUBLIC CONSTRUCTION PROJECT. —Preservation of evidence letters out the day of initial meeting.

Societies, organizations of which party or witness is a member: For example AUA

1. [https://www.auanet.org/guidelines-and-quality/guidelines/diagnosis-and-management-of-priapism-aua/smsna-guideline-\(2022\)](https://www.auanet.org/guidelines-and-quality/guidelines/diagnosis-and-management-of-priapism-aua/smsna-guideline-(2022))
2. Diagnosis and Management of Priapism: AUA/SMSNA Guideline (2022)
3. Guideline Statements:

In patients presenting with priapism, clinicians should complete a medical, sexual, and surgical history, and perform a physical examination, which includes the genitalia and perineum. (*Clinical Principle*)...

**Clinicians should obtain a corporal blood gas at the initial presentation of priapism.** (*Clinical Principle*)

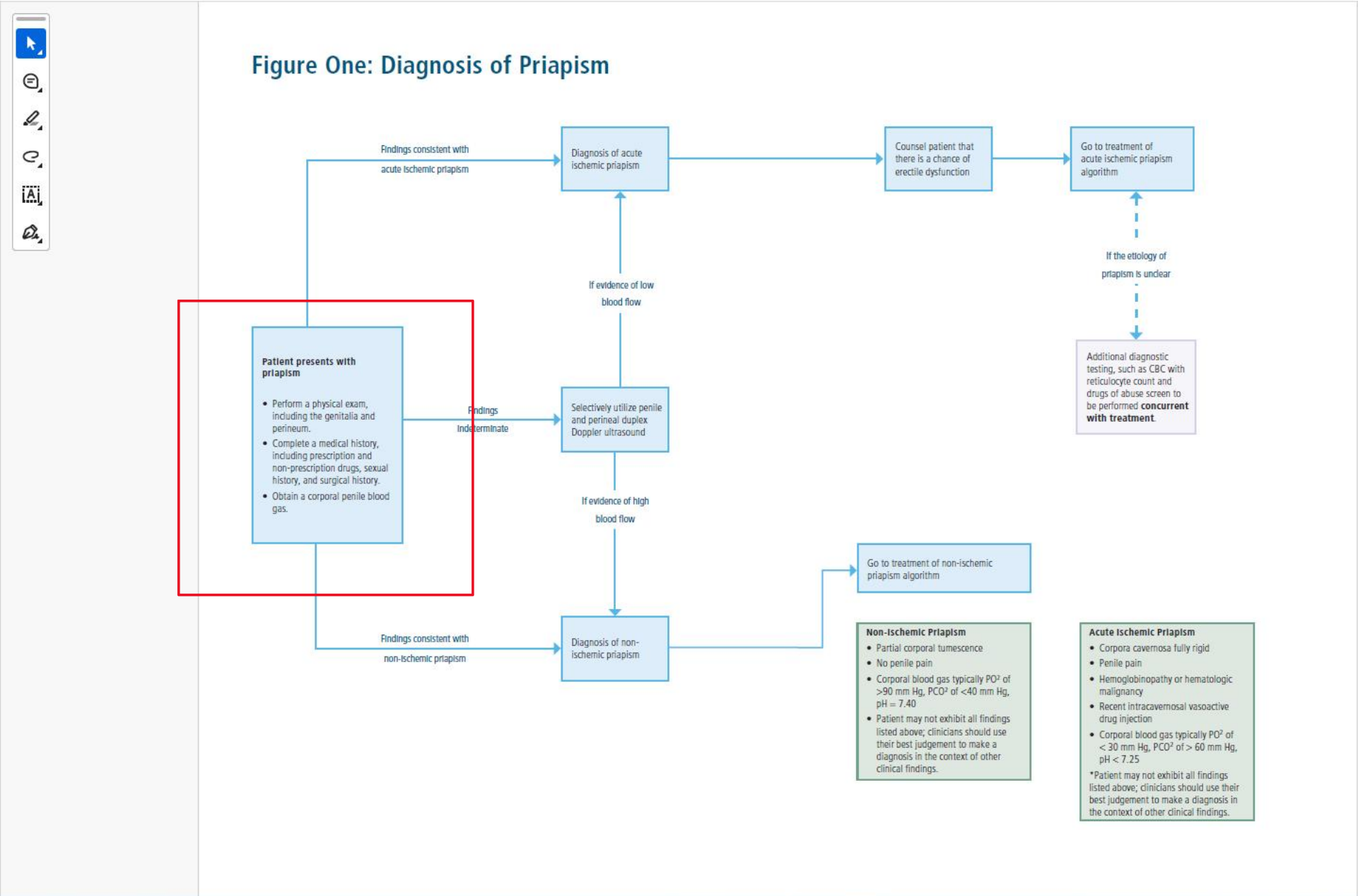
The defendants failed to do the blood gas test, and treated as “high flow” (non-ischemic) when in fact it was “low flow” (ischemic) --- providing the exact opposite treatment causing catastrophic injuries.

**All tools**

- Export a PDF
- Add comments
- Request e-signatures
- Fill & Sign
- Create a PDF
- AI Assistant
- Generative summary
- Add a stamp
- Use a certificate
- Measure objects

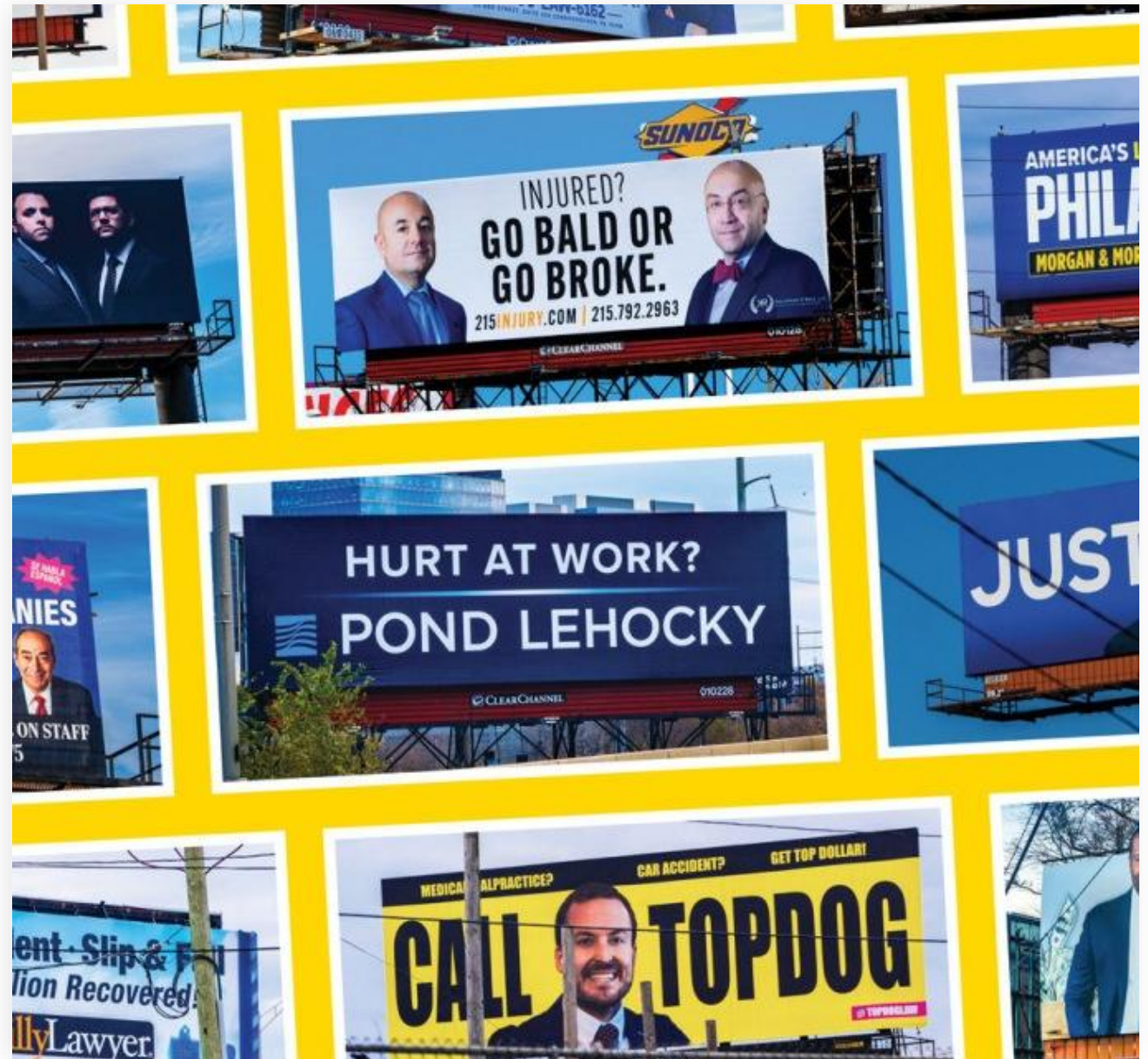
Store and share files in Adobe's cloud storage

[Learn more](#)

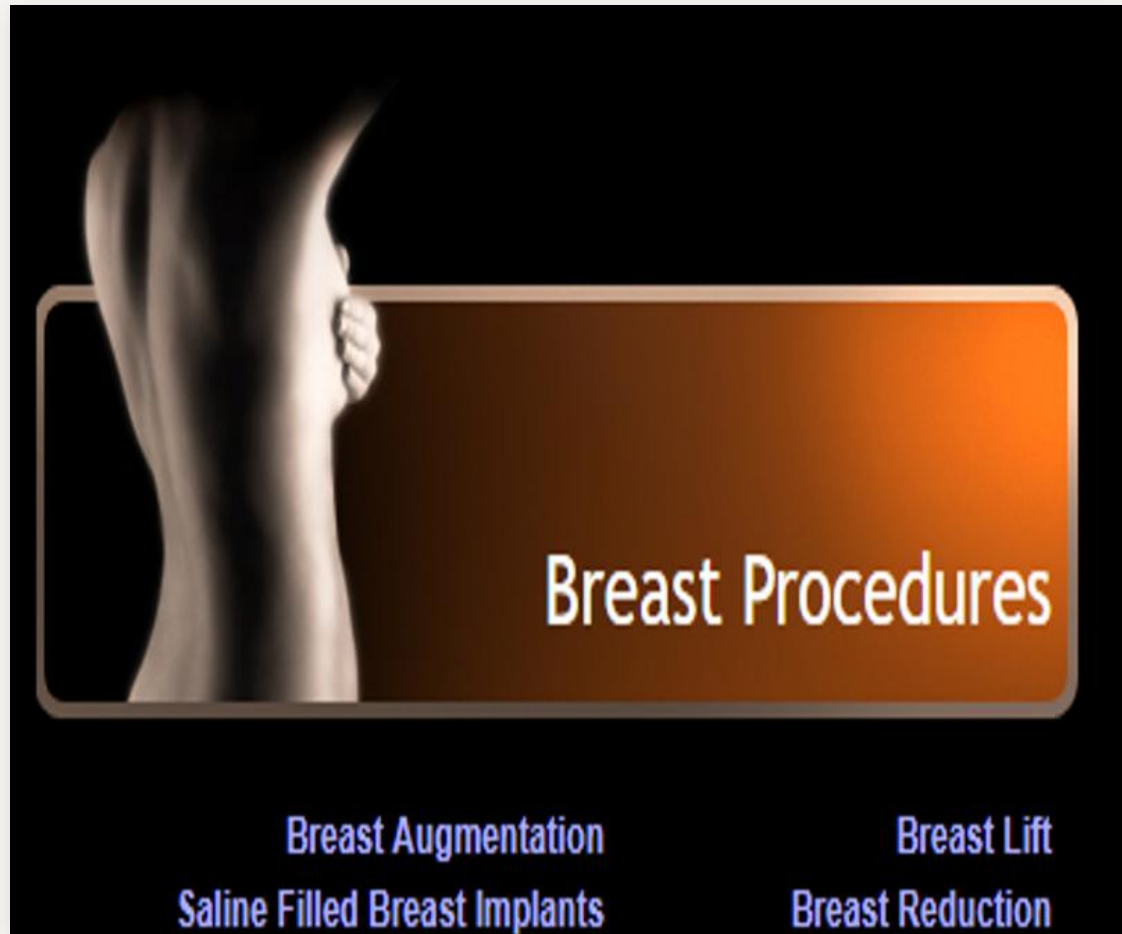


# OPPONENT'S WEBSITE, SOCIAL MEDIA POSTS, ADVERTISEMENTS

- Believe it or not, folks other than personal injury lawyers advertise. When they do, they are prone to “puffing”. Find those ads and see how they can help your case.
- Hospital TV ad on its ranking by Heart Association for the time from ED to Cath.
- *may discuss “standards”. May cite some authorities, literature, societies.*
- Even if not “admissible” at trial – can be widely used
- Electric company’s website before and after being served with the lawsuit.



**HAVE EVEN USED THE ABSENCE OF MATERIALS WHEN CROSS EXAMINING AN OPPONENT'S EXPERT AT TRIAL.**



A side profile of a woman's head and neck, with her hand resting on her chin, set against a dark background. The image is framed by a thin white border.

## Breast Procedures

Breast Augmentation  
Saline Filled Breast Implants

Breast Lift  
Breast Reduction



A smiling woman's face, looking slightly to the side, with her hands resting on her chin, set against a dark background. The image is framed by a thin white border.

**r C** The Reed Center for Plastic Surgery  
[info@thereedcenter.com](mailto:info@thereedcenter.com)

## Procedures

### Face Procedures

Facelift  
Browlift  
Eyelid Surgery  
Nose Surgery

Lip Enhancement  
Restylane®  
Turkey Neck Surgery

# THIS WAS A CASE ARISING FROM A PLASTIC SURGEON'S TREATMENT OF A BURN VICTIM.



## Turkey Neck Procedures

- Younger Patients
- Mild Hanging Skin
- More Extreme Cases

Probably an unfortunate term during the Thanksgiving season, but one that has gained wide acceptance and recognition. There is, however,



## Body Procedures

|                                    |                  |
|------------------------------------|------------------|
| Body Sculpturing                   | Tummy Tuck       |
| Minimal Incision Transaxial        | Liposuction      |
| Brachioplasty (Sagging Upper Arms) | Cosmetic Vaginal |
|                                    | Rejuvenation     |

① LOCATION - LOWER C  
UPPER T

② MULTIPLE  
NERVE ROOT AVULSION

③ SUB-DURAL  
BLOOD

④ NORMAL FETAL MOVEMENT

⑤ DYNAMIC CLINICAL PROCESS

⑥ SNAP OR POP

P26D

# TECH CAN BE A BLESSING AND A CURSE

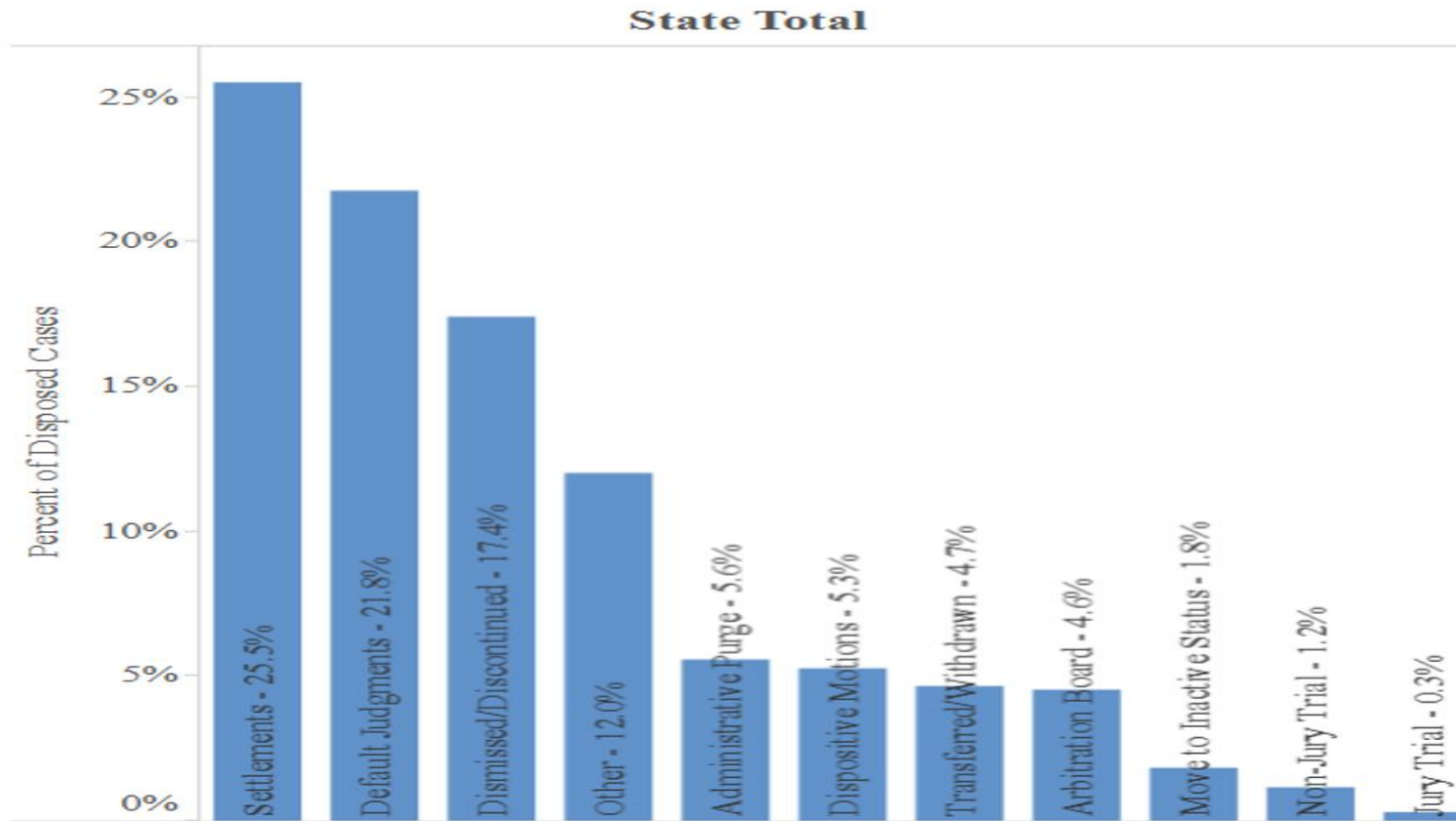
- tell jurors something
  - Show jurors something
  - Create something in front of (with) the jurors they.
- 
- I try to create at least one exhibit in front of the jury during trial.



## **TODAY, CASES RARELY GO TO JURY VERDICT**

- Rare is the case that is disposed of by way of jury verdict. Today more so than ever, it is critically important that your case be prepared with an eye toward who may likely be deciding it.
- Your case must be worked up in a manner that makes it capable of being effectively presented to opposing counsel, adjusters, mediators, arbitrators and judges – as they are much more likely than jurors to decide your case, and its value.

# AOPC – CIVIL CASE DISPOSITIONS 2024



# FRANKLIN COUNTY CIVIL 2024

- Pending at beginning of the year: 810
- New cases filed: 1,178 \*
- Cases processed: 913
- Civil jury verdicts: 3

\* (4 med mal, 66 MVA, 19 premises, 6 products)



# WORKING UP THE CASE FOR THE “DECISION MAKERS”

Will it change the way we work up a case ?

What questions we ask at deposition ?

What do we share or not share in mediation memoranda?

Do we save a silver bullet for the jury ?

# FESS CASE : GLAD I KEPT AN ACE UP MY SLEEVE

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- Trial in Allentown – May 2012.
- Surgery performed July 29, 2009
- Defendant's op note dictated November 17, 2009.
- he had prior surgery at that hospital – op note dictated same day. Repair surgery op note dictated same day.
- defendant received a final report from subsequent surgeon dated November 13, 2009 – then dictates his report.
- **Added Bonus** – found the hospital's policies on line – defendants did not know I had them. Policy manual required Op Note to be dictated within 24 hours – under no circumstances more than 30 days.

# VIDEO DEPOSITIONS

- Avoid word fillers.
- Must be concise.
- Question must be answered – so that it can be a stand alone sound clip.
- Test theories – get acceptance of your theory
- Go on offense.



# DAY IN THE LIFE AND SETTLEMENT/ MEDIATION VIDEOS

- Break up day in the life videos to be used with multiple witnesses.
- DVD – Chapters
- Settlement videos – to let the “decision makers” on the other side see your case.
- Mediation statements- confidential section entitled – “response to defense arguments”.

