

Electronic Evidence in Montana's Federal Courtrooms

U.S. District Court and U.S. Bankruptcy Court in Montana provide electronic evidence presentation capabilities and integrated video conferencing in all the federal courthouses (Billings, Butte, Great Falls, Helena and Missoula).



What does “electronic” mean in the courtroom?

“Electronic” means the digital display or delivery of paper, photographic, audio and/or video evidence.

Available methods of digital display/delivery are:

- document cameras for paper, x-ray or photographs
- connections for computer-based evidence presentation, i.e. laptop, iPad, Surface
- ergonomic podiums and witness stands with touch-screen displays for annotation and printing
- integrated video conferencing
- digital audio recording



Sound Systems

All courtrooms are equipped with state-of-the-art sound systems which include:

- Room-wide speaker system
- Microphones at lecterns, counsel tables and witness box
- Wireless microphone for jury selection
- Audio inputs at counsel tables
- Hearing impaired/interpreter infrared headphones
- Jury audio-masking system for sidebar conferences (white noise)
- Audio Conferencing (teleconferencing)



Video Systems

- VGA & HDMI computer-based connections at counsel tables and/or lecterns, i.e. laptop, iPad, Surface (see individual courthouse locations for specific information on what is available at that site)
- Integrated video conferencing systems for remote appearances

*Video inputs: Standard male cable connections for VGA 15 pin or HDMI or both at counsel tables and/or lectern.

- Courtrooms with VGA-only, support only Standard Definition (SD), standard-screen (4:3) video.
- Courtrooms HDMI support High Definition (HD), wide-screen (16:9) video.
- Courtrooms with both support both.



Digital Audio Recording

For The Record (FTR) is predominantly used in Bankruptcy proceedings and in each Magistrate Judge courtroom for District proceedings.

Article III District Court proceedings mainly utilize court reporters.

Consult District Court's and Bankruptcy Court's websites for more information on transcript requests and RealTime availability.



Types of Software Required to Present Electronic Evidence in the Courtroom

Since electronic evidence is simply a straight video/audio display from a laptop or similar device, the Court does not have any electronic evidence presentation software requirements.

Basically, the software is dependent on your law firm requirements, ease of use, technical support and financial considerations. There are many software applications available.




What happens if my laptop doesn't work at trial?

There are a few options available during trial:

1. Paper and photographic evidence hard copies can be displayed on the document camera by the courtroom clerk and will be viewable on all courtroom monitors.
2. Audio/video evidence may be played by the courtroom clerk through their computer, which will be viewable on all courtroom monitors. Please keep in mind to test this backup method prior to trial to ensure that the audio/video works.
3. The Court may call a recess to see if the issues can be resolved. Court IT personnel will be contacted to assist in troubleshooting.

REMEMBER: The proceedings will not be stopped or continued due to technical difficulties.

If electronic evidence is not working, the Court will provide further instructions.



How do I request to use electronic evidence for court?


The District of Montana does not allow the use of any electronic devices, including but not limited to: cameras, transmitting or recording devices, cellular smart phones, laptops/notebooks/netbooks, and tablets except as otherwise provided for in Local Rule 1.3(d).

Electronic evidence presentation, video testimony, wifi access must all be granted by the Court prior to the proceeding. Please refer to the case Scheduling Order for more information on requesting these items.



Digital Annotations to Evidence

- Electronically displayed evidence (i.e. documents and images) can be digitally annotated by the attorney's touchscreen monitor at the lectern and witness' touchscreen in the witness stand.
- Each touchscreen allows its operator to freehand draw colorful lines and pointers to highlight displayed documents for discussion. These annotations are an overlay to the evidence and are not permanent modifications to the evidence.
- The annotated evidence can be “captured” at any point during examination with a print-screen feature and printed in color by the courtroom clerk.
- **Annotated evidence is not an exhibit unless printed during the proceeding and admitted as an exhibit.**
- Be sure to clear all annotations when examination is completed. Annotations can be cleared by either touchscreen or by the courtroom clerk.



Does every courthouse in Montana have the same technology?

The following charts show the available technology for each courtroom:

Electronics Available By Courthouse Location: Billings

Courtroom	Audio Conf	Video Conf	Digital Audio Recording	Interpreter System	Listening Aid	Evidence Presentation	Wifi Access
Big Horn	✓	✓	✓	✓	✓	✓ HDMI & VGA*	✓
Snowy Mountain	✓	✓	✓	✓	✓	✓ HDMI & VGA*	✓
Ella Knowles	✓	✓	✓	✓	✓	✓ HDMI & VGA*	✓
						HDMI preferred as VGA requires a converter and can make images blurry	

Electronics Available By Courthouse Location: Butte

Butte Courtroom	Audio Conf	Video Conf	Digital Audio Recording	Interpreter System	Listening Aid	Evidence Presentation	Wifi Access
District & Bankruptcy	✓	✓	✓	✓	✓	✓ VGA & HDMI	✓

Electronics Available By Courthouse Location: Helena

Courtroom	Audio Conf	Video Conf	Digital Audio Recording	Interpreter System	Listening Aid	Evidence Presentation	Wifi Access
District 1 (Haddon)	✓	✓	✓	✓	✓	✓ VGA and HDMI	✓
District 2 (Lovell)	✓		✓	✓	✓	✓ VGA only	✓

Electronics Available By Courthouse Location: Missoula

Courtroom	Audio Conf	Video Conf	Digital Audio Recording	Interpreter System	Listening Aid	Evidence Presentation	Wifi Access
District CR	✓	✓	✓	✓	✓	✓ VGA & HDMI	✓
Magistrate CR	✓	✓	✓	✓	✓	✓ VGA & HDMI	✓
Bankruptcy CR	✓	✓	✓		✓		✓



Jury Evidence Recording System (JERS)

The U.S. District Court for the District of Montana uses the digital Jury Evidence Recording System (JERS) to allow evidence admitted at trial to be viewed via touchscreen monitor by the jury during deliberations.

JERS reduces the need to handle physical evidence while allowing the jury to view evidence multiple times, play audio and video recordings, and zoom in on pictures and documents.



Submitting Exhibits to the Court

- Counsel must submit all proposed exhibits to the clerk's office on a DVD, CD, or USB/flash drive within the time prescribed by the judge's scheduling order or no later than the Wednesday before trial.
- The disk or USB/flash drive must be labeled with the case title, case number and the name of the party for whom the exhibits are submitted.



Submitting Exhibits to the Court

- Each of the files contained on the disk or USB/flash drive must be saved using the naming convention required and in the orientation (portrait or landscape) to ensure the greatest ease of viewing.
- See scheduling order for case-specific instructions on trial exhibit submissions.



Acceptable File Types for JERS

- Documents and Images:

.pdf, .txt, .jpg, .bmp, .tif, .gif, .png

- Video and Audio Recordings:

.avi, asf, .mpg, .mp3, .mp4, .wav., .wmv, .3gpp



Required Naming Conventions

- Exhibit files must be named using the following format:

exhibit no._exhibit description.file extension

- Exhibits consisting of multiple smaller files must be named using the following format:

exhibit no.-exhibit subpart_exhibit description.file extension

- Examples:

1-a_photo of store from east view.jpeg
1-b_photo of store from west view.jpeg
2_camera footage.wmv
3_contract.pdf



Remember....

- Exhibits must be marked with exhibit numbers on the lower right hand corner of the document.
- File names and descriptions will display on the exhibit list provided to the jury during deliberation. They must be accurate and not argumentative.
- File names must not contain single or double quotation marks.



Is there training available?

For a demonstration and/or questions on electronic courtroom equipment and JERS, please contact one of the Systems Administrators below:

- Billings: Michael Cuthbert at (406) 247-2322
- Great Falls: Alli Kelly at (406) 497-1253
- Missoula: Brian Skeels at (406) 542-7265
- Butte/Helena: Alli Kelly at (406) 497-1253