

Low-Cost, Effective Tech. Solutions Make a Difference

■ By **Melissa Hazell Davis**

THESE DAYS, JURIES EXPECT THAT ATTORNEYS will incorporate and use the latest technology during trial because of what they see on television. There are inexpensive and effective tools that can be used by lawyers who want to incorporate technology into their presentation but who do not want to break the bank.

The Solo, Small & Mid-Size Firm Management Committee, Workers' Compensation Section, and the State Civil Litigation Section, along with the Brehon Law Society, presented Philadelphia Bar Association CLE titled "Using Technology at Trial on a Budget" on April 24, to incorporate technology into trials and their every-day practice. The presenters were Laura Laughlin and Joseph Marano, associates at Freiwald Law, P.C.

According to Laughlin and Marano, an attorney only needs the following to use technology effectively in the courtroom: an iPad Pro (or an iPad), a screen, a projector and a video graphics array connector.

They both recommend the application "iAnnotate." iAnnotate, which only costs a one-time fee of \$9.99, allows an attorney to manage, project and manipulate Word documents, deposition transcripts, PowerPoints, Excel spreadsheets, and photo images before and during trial. iAnnotate requires documents to be uploaded from a storage program, like Dropbox or Google Drive.

Once the documents have been uploaded into iAnnotate, the attorney can project them onto the screen, and, in real time, the attorney (or a witness) can highlight important passages in a document, search a document or group of documents for a key term, circle key words or phrases, bookmark important pages, write notes or annotations on documents, or make additions to documents (like maps) by drawing directly on them. The program permits the attorney to save the document as edited by the witness, locking the witness into his testimony and allowing the attorney to access, use and show the document as edited at later points in the trial. Accord-

ing to Marano, most of the application's features do not require Wi-Fi.

According to the presenters, iAnnotate's only limitation is in presenting and using videos (like videotaped depositions) and animations. For that, they recommend

downloading and using a free application called VLC Media Player. Marano also recommended another application, 3D Anatomy, that can be used in personal injury cases or in other such cases where it

continued on page 24



Photo by Thomas E. Rogers

Laura Laughlin (left to right); Joseph Marano and Maureen M. Farrell, chair, Solo, Small & Mid-Size Firm Management Committee, at the Philadelphia Bar Association CLE on April 24.

PRO BONO SPOTLIGHT - GOOD SHEPHERD MEDIATION PROGRAM

Facilitating Dispute Resolution by the Parties Disputing

■ By **Shelby Haverson**

RECENTLY, I FOUND MYSELF IN A RELATIVELY sterile conference room with three strangers. One person was my co-mediator, an accountant I had met just that afternoon. The others were employees of a local nonprofit whose supervisor had suggested mediation because of obvious discord on the job. And now, these same co-workers were hugging each other. In the space of two hours, they went from icy hostility to warm embrace. The Good Shepherd Mediation Program's mediation process gave one co-worker, the only female on the team, a venue to express her discomfort with the gender dynamics in the group. Her co-worker then understood that what he thought was hostility was actually unease. It was immensely heartening to see two people who had struggled in the workplace come to a place of spontaneous hugs.

I found The Good Shepherd Mediation Program through an Internet search on

the topic of alternative dispute resolution. I was looking for creative possibilities for achieving resolution, ones that went beyond probing the faults in the parties' respective arguments and apportioning damages. Google brought me to the website of GSMP and its list of training opportunities.

I signed up for "basic mediation training," along with about 20 other people, most of whom were lawyers. The instruction included a generous amount of role-playing, which gave us ample opportunity to practice our new skills. Completion of the three-day training qualified us to become volunteer mediators with GSMP, after participating in a brief apprenticeship.

Mediation is a collaborative undertaking. The mediator is a facilitator, a means to help the parties explore and clarify their needs and desires, to move past positions and toward a workable resolution created by the parties, not the mediator. As lawyers, we are expected to provide guidance and counsel. Mediators, on the

other hand, do not give advice. Instead, the mediator gently guides the parties to explore their needs. Frequently, this exploration leads the parties to realize that their opening positions are very different from their actual needs.

I have had the privilege of acting as volunteer co-mediator in a variety of cases. In the past few years, I have mediated a dispute arising from a rent-to-own situation, two employment cases (including the hugging co-workers) and two parent-child mediations initiated by parents struggling with a child's behavior or choices. All but one case reached resolution. In each instance of agreement, resolution came directly from the participants.

The most moving session was a parent-child mediation between a father and young son. The son had been begun fighting at school and was being threatened with expulsion. The boy was clearly very emotionally sensitive, but he was struggling to control his response to strong emotion. When asked what would help

him gain control when he felt a surge of anger, he spoke about his 7-year-old cousin who looked up to him. With tears in his eyes, he said, "I'll just think about him and then I won't fight."

Lawyers are trained to provide solutions, to radiate confidence in their knowledge and to use their judgment to offer solutions. As a GSMP mediator, rather than detailing past damages, you can facilitate brainstorming for the future – encouraging the parties to throw out all possible solutions, even those that may seem unrealistic at first, without criticism or comment. Volunteering as a mediator allows you to witness the "a-ha" moment when the parties discover their solution, and, with or without hugs, is truly inspiring.

Shelby Haverson is assistant general counsel at the Kaiserman Company Inc.

Outlook for the Philadelphia Economy Leans Positive

Jobs, income and housing all trending upward in 2017

THE PHILADELPHIA MARKET AREA, which includes the city and surrounding counties in Pennsylvania and Southern New Jersey, is on track to continue its current run of gains through 2017 and into 2018 with service and consumer-oriented industries leading job creation. For this month's interview, I sat down with Kurt Rankin, economist, PNC Financial Services Group, to learn why things seem to be looking up, economically speaking, in the City of Brotherly Love.

Mary Ashenbrenner (MA): What is the current job situation in Philadelphia?

Kurt Rankin (KR): The region should see a third consecutive year of healthy job growth in 2017. Service industry gains are leading the way in the market area, while manufacturing hiring has stalled. However, Philadelphia's overall pace of job creation should overcome this likely-temporary detriment, thanks to consumer spending support and construction industry hiring that is closely tracking the national pace of growth. Philadelphia's unemployment rate ticked up slightly in 2016 due to resurgent labor force gains. The expanding pool of job seekers, feeling confident given the local economy's sustained labor market strength, will mean more resources for employers to choose from in the coming year as payrolls across the local economy should continue to grow.

MA: How do the region's income levels track against the U.S. as a whole?

KR: Incomes in the Philadelphia market area are above the national average, and growth in the near term should closely track the pace for the country. Hiring trends are stable, which means that an expanding labor force should be steadily absorbed, forcing local employers to continue to raise pay in order to attract and retain their most skilled workers. Median household income will not grow quite as fast as average wages, given the broad mix of high- and lower-paying industries add-

ing jobs throughout Philadelphia. However, with still underwhelming consumer price inflation and a measured pace of interest rate hikes coming out of the Federal Reserve, the current lull in median household income growth should not significantly hamper consumer sentiment or spending.

MA: Do these positive trends in both jobs and income mean that we should see an increase in the housing market?

KR: The Philadelphia housing market is likely to see continued gains in the near term. Existing housing supply is enjoying the benefits of demand attributed to sustained job growth, but new residential construction trends are lacking. The local housing market will have to wait for existing supply and demand to rebalance before new construction can again contribute to overall economic activity. Looking toward the long run, however, Philadelphia's housing market is supported by a solid economic base. There should be very little concern that the current sub-par pace of recovery will persist much beyond the next couple of years.

MA: Now that Philadelphia seems to be on firmer economic footing than it was during the recession, will we see an influx of people moving to the region?

KR: Population growth in the Philadelphia area has been slow over the past few years and remains well below the national average. Population in the three New Jersey counties of the market area actually declined slightly as recently as 2013. Because of consistent below-average economic growth, including a long-term decline in manufacturing, Philadelphia's population growth has lagged that of the nation's for decades, and that trend is likely to remain in place for the foreseeable

By Mary E. Ashenbrenner



future. Over the forecast period population growth will stagnate below 1 percent, remaining below the U.S. average, due to a low birthrate and consistently weak net migration. Slow population growth will also weigh on the local housing market recovery, limiting demand-side potential to what prevailing labor market conditions can provide.

MA: Are there any downsides to the economic outlook for Philadelphia?

KR: The consolidating pharmaceuticals industry, which could lead to job losses, as well as a weak European economy remain risks for the market area, but the baseline outlook for Philadelphia is for hiring and income trends that should overcome these risks and keep powering the local economy forward. Looking beyond the near term, the Philadelphia market area's important concentrations in education, health services, and finance will provide a buffer against the worst of national economic slowdowns. While a relative lack of cyclical high-tech industries compared to regional neighbors is likely to prevent Philadelphia from accelerating to among the strongest market areas on the East Coast, economic gains in the market area should remain reliably positive nonetheless.

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Tech. at Trial

continued from page 15

is important for a jury to grasp complicated aspects of a medical procedure. Marano said that showing a jury animations can simplify complicated medical concepts.

Laughlin said, however, that before

trial it is important to know the layout and capabilities of the courtroom that you will be using and the preferences of the presiding judge. If not addressed by a judge in his or her policies and procedures, you may have to call chambers to inquire about whether you can use technology in the courtroom or whether the judge prefers

that you use a dry-erase board and an Elmo projector.

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