

# KEEPING PIRATES AT BAY

Software giant Microsoft Corp. steps up its anti-piracy campaign with the help of Jack Tanner, business litigator for Denver's Fairfield & Woods, Don Knox writes. PAGE 3.

# LAW WEEK COLORADO

## MONEY ROLLS IN

### Colorado Bar Association Commits \$700K With Taxes

By Carolyn Matthews  
LAW WEEK COLORADO

DENVER – The campaign opposing Amendment 40, the measure that would set term limits on Colorado judges, has gained rapid momentum over the past two weeks.

The "Vote No 40" campaign, also known as Citizens to Protect Colorado Courts, reported contributions totaling \$382,300 from almost 50 donors including the Colorado Bar Association, Qwest, and Denver law firms including Sherman and Howard and Dorsey & Whitney.

Reported contributions to date from the Colorado Bar reached \$219,250, but the



association's board of governors Sept. 6 agreed to increase their total campaign commitment to \$500,000, Assistant Executive Director Dana Collier Smith said. With taxes owing because of the Colorado Bar's non-profit status, the association is ponying up nearly \$700,000.

When asked whether the Colorado Bar would pledge even more money, Smith said, "You never know."

The Denver Bar Association's board of trustees agreed Thursday to contribute \$100,000 - \$135,000 with taxes – to fight Amendment 40, Smith said. The U.S.

See Judges on Page 4

## Lit Firm Proves Seeing Is Believing

### Denver's Visual Advantage Aids In \$39M Judgment

By Amber Miller  
LAW WEEK COLORADO

DENVER – Times are changing. Litigation has evolved. New technologies allow lawyers to transition from projected documents to interactive timelines to video depositions with ease.

Even lawyers in practice before Ted Bundy escaped from the Pitkin County Jail accept technology in their cases. They have at least used PowerPoint presentations.

"There are not many trial lawyers left that will not use as many visual aids as possible," said Stan Garnett, partner in the Denver office of Brownstein Hyatt & Farber.

A self-admitted "good ol' boy," Garnett used multimedia for the first time in a recent win concluded with a \$39 million judgment for a client represented by Garnett and fellow attorney Annie T. Kao. The law firm hired 10-year-old Denver litigation support firm Visual Advantage to aid in the case.

In particular, Garnett and his team used simplified timelines created by Visual Advantage to demystify monetary transactions.

While others in his firm had retained the services of Visual Advantage with nothing but rave reviews, Garnett remained a "foam board and butcher paper kind of guy" until



See Visual on Page 13

Diarmuid Truax, Lisa Hipp, David Hersch of Visual Advantage.

## BUT IS IT LITTLE?

'Black Book' underway.

Plans are in the works for the Corporate Counsel Black Book, designed as a resource for in-house lawyers, says Denver's Black Book Co. The company says the book, planned for 2007, "connects corporate counsel to the best private practice lawyers ... by identifying practitioners deemed the best in the business in the areas of law most used by corporate counsel."



## DEFINITELY 20-20

Our readers' eagle eyes.

Yes, we're ahead of ourselves. Last week's *Law Week Colorado* was incorrectly numbered Vol. 4, Issue 34, instead of Issue 33. So to return us to the proper ordering, this is also Issue 34. Confused? So are we!

# VISUAL

From Page 1

this case. He only worried that technical glitches would hurt the flow of his case.

That's a common misconception, said Lisa Hipp, Visual's president and CEO. Technological improvements in recent years make this less of a problem.

Visual Advantage even offers lessons to their clients on how to use projectors and software programs, Hipp said. It and other firms also employ people to operate the technology at trials.

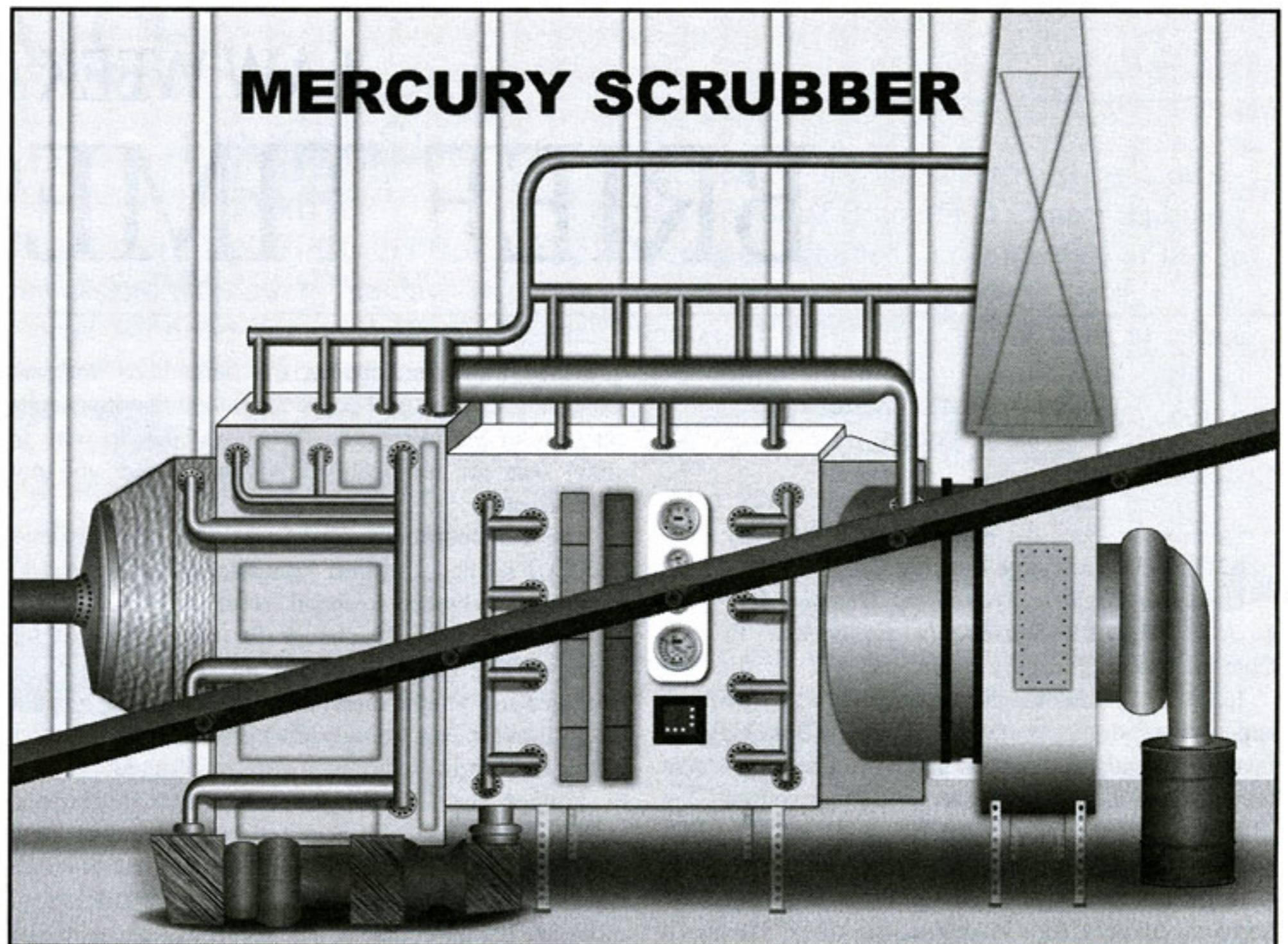
"You know some lawyers are doing good just to check their email," Hipp said.

Although Garnett did not specifically relate his success in the Florida case to Visual Advantage's presentations, he said the visuals were valuable.

"It is hard to know how much of an effect they had," Garnett said. "When you lose, lawyers think everything they did was a mistake. I do know we used the visuals at the beginning, middle and end of the trial."

Using a projector to illuminate documents rather than printing and handing out packets of paper helps to speed along trials and is just one way litigation support helps attorneys save time, Hipp said.

Technology in the courtroom allows juries



Above is an example of a visual prop Visual Advantage creates.

to become acquainted with hard-to-understand subjects. Visual Advantage often works in complex intellectual property and environmental cases.

Multimedia resonates with people better in this day and age, Hipp said. Having information that moves between different media

captures juries' and judges' attention. It also maintains it.

The new technologies also save time because they choreograph lawyers' presentations, Hipp said.

Litigation support firms may give an unfair advantage to a side that has more money, Garnett said. But money is an advantage regardless of whether it goes toward visual aids or something else.

"It is money well spent," Garnett said.

Shel Friedman of Denver's Isaacson Rosenbaum agrees. He believes so strongly in electronic evidence he wrote a book, "Litigators Guide to Electronic Evidence and Technology," published in August 2005.

The popularity of electronic evidence has surged in the past three to four years, Friedman said. Electronic presentations let litigators manage multi-tiered exhibits while allowing trials to become less time consuming. In return, this gives the courts the ability to hear more cases.

Friedman used to teach an electronic evidence class to students at the University of Denver Sturm College of Law. Starting this semester, he is teaching at the University of Colorado Law School a trial practice class called "Discovery of Electronic Evidence."

"It will give students a better background for employment," he said. "And it will educate them in the courtroom to become better litigators."

If he could, he would make classes like his a requirement, he said.

## ECONOMIC ANALYSIS EXPERT WITNESS

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- Breach of contract or warranty
- Anti-trust violation
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