

**Working Group on Computer Animations and Simulations
Summary of Discussion**

1. Questions that surround the use of animations and simulations in court tend to focus on how the technology will influence the jury. Research should also examine other ways in which animations can influence the trial process and examine their impact on the parties, attorneys, and judges.
2. Animations are just another tool that attorneys can use to help present their cases, and attorneys should think carefully about whether to use them; they are best suited for particular types of evidence and may not be helpful in many cases.
3. Animations frequently bring about settlements in a case, and are used in arbitration and alternative dispute resolution; these roles should not be overlooked or underestimated. One could study the impact of various types of evidentiary displays on settling cases before trial and whether their use saves judicial and attorney time; this study that would help address whether the benefits of technology outweigh its costs.
4. Information is needed about the frequency with which animations and simulations are generally, both in trial and in cases that settle. Information could be collected from the courts (district, appellate); Lexis/Westlaw, attorneys, and animators or other consultants. The information could tell us when and in what types of cases animations/simulations are used and how often these cases settle before reaching trial, and could identify the admissibility issues regarding animations/simulations.
5. The distinction between animations and simulations is an important one for both legal and research purposes. A refined definition would help clarify admissibility requirements (e.g., “engineering and scientific animation” would indicate that the admissibility rules for scientific evidence should apply). Similarly, research about the differential effects of each could aid in establishing admissibility requirements.
6. Sometimes animations include details that deviate in seemingly irrelevant ways from the facts (e.g., a file folder is green in the animation when it was actually manila; or an ash is hanging off a cigar of an animated person when this may or may not have happened.) Attorneys and judges need to consider the impact of these seemingly irrelevant details. Researchers could help determine what sorts of deviations are most problematic.
7. Animations can put pressure on experts to ensure their facts are correct because, in some instances, incorrect facts or data will be evident as soon as those facts are illustrated in an animation. The burden of responsibility on the expert is increased.
8. Animators do not currently have to meet any certification process. A set of criteria for animators who work with the courts can help attorneys, judges, witnesses, and jurors have a better sense of what questions to ask about an animation, and how to distinguish a “good” (i.e., accurate?) one from a “bad” one. Certification of animators and education of attorneys can make for more informative and useful cross-examinations and depositions of animations and simulations.

9. There are quite a few obstacles to doing research in this area. Many variables influence how jurors (or anyone) perceive an animation in the context of the trial; if you try to control for too many of these, you end up with a scenario that doesn't at all resemble an actual court proceeding. Another drawback is that these types of studies take so long to complete that we risk being overtaken by the technology before the results can get out.
10. To study the effects of animation and simulations, we need to identify why attorneys use them. For example, the question of whether the animation influences the jury's verdict is different from whether animations help the jury understand a part of the case.
11. Animations can highlight monetary differences between sides, and as such, might backfire if the jury believes the side presenting the animation is too scripted, or has too much money. This issue could be studied empirically.