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High Court Amicus Brief Features Video Clips From Senate Debates

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Editor

Two Greenville attorneys have turned in an electronic brief to the state Supreme Court that includes hyperlinks to cases — and video clips of a Statehouse floor debate.

The multimedia brief was prepared by Keith D. Munson and Heather Ruth, who submitted it in a legal dispute over the recently enacted Life Sciences Act.

Munson and Ruth wrote the brief on behalf of ChangeSCNow, a non-profit group that filed as an amicus party in a pending case. The two attorneys co-wrote a standard 53-page brief and also sent in an electronic version on CD-ROM. Among its features:

- Significant cases in the brief contained a hyperlink. Clicking on the citation opened an embedded file of that opinion, drawn straight from the official reporters.

- The authors inserted pictures of senators engaged in floor debate over the Life Sciences Act. Clicking on a hyperlink below the photographs opened video and audio clips (see illustration, page 14).

- A folder on the disk included the final version of Act 187 — and its 11 earlier versions.

- Another folder contained newspaper articles about the political controversy over the act.

Munson said electronic briefs held advantages over their paper counterparts by putting various components of the record just a mouse-click away.

"There's an ease in use for the courts, particularly where you might have a 600-page record you're submitting with your brief, and in a case where you also have video depositions and documents or maps you used at trial," Munson told *Lawyers Weekly*.

"You can bundle up the paper map and send it to the Supreme Court, but when you're sitting down reading the arguments, you may not always get up to find the map that is referenced in the brief. Even if you do get up, you may find someone else has already gone and gotten the map, so it's not there.

"In a hyperlink situation, it's right there," Munson said. "You click on the icon and jump right to the map, or document or video deposition. That's very powerful in terms of making whatever the point is."

Multimedia briefs could soon be common in legal battles as varied as criminal trials and real estate disputes, Munson said.

"The application of this kind of thing may be



Munson

much more important in cases where you have maps, and fingerprint analysis, or photographs, that are relevant," he said. "Our case was one of original jurisdiction at the Supreme Court, and it was more difficult to get things electronically because it hadn't gone to trial. The reality is, if I were going to have relevant trial information such as

maps or video depositions, I would have already put it on disk and into something like a PowerPoint presentation. They'd be ready to insert in a brief."

'Bobtailing'

The Life Sciences Act at issue in the Supreme Court case was originally intended to provide research and economic opportunities in biotechnology and related fields. As the bill moved through both houses and into conference committee, lawmakers tacked on various amendments, a practice known as "bobtailing." The bill's final enacted version contained 33 pages and 12,000 words — more than five times the bill's original size.

Among the amendments were measures to set up an international convention center in Myrtle Beach and a culinary program at Trident Tech. Another amendment permitted USC-Sumter to offer four-year degrees.

Gov. Mark Sanford vetoed the bill on March 15, saying it contained unnecessary spending and was unconstitutional in scope. The state House and Senate overrode his veto the following day.

Gov. Sanford then filed a legal action, which is now pending before the state Supreme Court. He argued lawmakers contravened the South Carolina constitutional requirement that every act be limited to one subject.

Article III, Section 17 of the South Carolina Constitution states: "Every Act or Resolution having the force of law shall relate to but one subject and that shall be expressed in the title."

The brief from ChangeSCNow is aligned with Gov. Sanford's position. The legal issues are fairly cut and dry, according to Munson.

"If you really took this particular case in its most narrow view, you could just say, 'Here's the constitutional provision, and here's the final bill that was



Ruth

passed," Munson said.

A little legwork turned a straightforward brief into an interactive one. Munson, who quoted extensively from the Senate floor debates on the bill, hunted down video footage of those arguments.

"Public television broadcast the Senate debates live," Munson said. "But they only keep the tapes for two

weeks. For some reason, they had not thrown away tapes from one of the days that they deliberated on the life sciences bill so we were able to find them."

Munson's law firm converted those videotapes from an analog VCR signal to a digital format. Putting the digital images into a Word document was a two-step process.

"My secretary saved the video clip as a file known as an 'mpg,' then all she had to do was insert the link into the document," he said. "The same program that converted analog to digital also allowed you to capture a still photo. So we would capture a still photo of, say, Sen. David Thomas, and save that as a file. We'd save the video clip as a file, then insert the photo into the Word document, and underneath type 'Sen. Thomas .mpg' and hyperlink to the file."

In creating the case law links, Munson saved his research in a PDF format, an option available through Westlaw.

"I downloaded those as PDFs, did my regular case citations, highlighted it and created a hyperlink in Word to the PDF," Munson said.

The most complicated aspect of the project was compiling the different versions of the life sciences bill, according to Munson. He collected 11 versions of the bill, as well as earlier versions of the amendments that were added to it.

"We had a computer-literate summer associate in the office who pulled those together, but the way they were added into the brief was the same," Munson said.

To see an online version of the brief, visit *Lawyers Weekly's* website at www.sclawyersweekly.com.

— Questions or comments may be directed to the writer at mdayton@sc.lawyersweekly.com.