

7 Steps to a Successful Video Settlement Documentary

A Forensic Producer's Guide to Compelling and Effective Demand Packages

by Chris Ballard

One of the obligations of plaintiff's counsel in today's world of litigation is to develop concise plans of disclosure through persuasive communication in order to obtain an early and adequate recovery for your clients. The challenge then becomes how best to convince the claims people and decision-makers on the other side that it would be in their best interest to settle the claim early. The printed settlement brochure and demand package along with PowerPoint presentations has been the standard over the years and has proven to be effective in getting the facts and damages of your case to the adjusters. But with the proliferation of cable TV and the internet, the way we receive, digest and retain information has made video the dominate factor in getting cases settled today.

The video settlement brochure gives you and your clients the power to convey a vast amount of facts quickly and without interruptions. It portrays numerous facts and elements of the liability and the damages of your case that cannot be conveyed through the use of still photographs or the printed word. So, how does one go about producing powerful and effective settlement documentaries? Here are seven secrets from a forensic professional to help guide you:

1. TARGET YOUR AUDIENCE

It is crucial to keep in mind that the video settlement documentary is not produced for viewing by a jury. Its target audience is claims adjusters, committees and the actual decision makers who will sign the check. The success of video settlement documentaries across this country has given rise to a proliferation of all types and qualities of settlement videos. Ranging from hokey videos shot with home camcorders to heart wrenching, sappy music videos produced by non-

professionals, insurance companies have such a range of settlement videos on their desks that they now hold “bleeps and bloopers” contests at their annual conventions!

It is in the best interest of you and your clients to seek out professional, forensic video producers with a track record of experience. Your whole objective in producing this video is to find out what concerns and problems the adjusters have about your case, pinpoint and tackle those problems through facts and witnesses to bring forth an early and just settlement. Only an experienced, professional forensic video team knows how to highlight your case and put together a powerful, compelling and compassionate documentary.

2. STORYBOARD YOUR PRODUCTION

The strength of the liability and damages of your case will determine how to begin production of your video settlement documentary. Remember, you want to stay focused on what the problems and disputes are with your case; then on what will motivate the adjusters to settle. Once you identify those problem areas, then determine which witnesses and demonstrative evidence will best tell the story to resolve those problems. Once that is done, a storyboard is created as to the sequencing of events in your documentary and the sound bites that you need to obtain from your witnesses. Through this process you will automatically develop and identify themes for your documentary and your case.

3. DEVELOPING A SHOT SHEET AND PRODUCTION

From the storyboard of your documentary, you then prepare a shot sheet for your camera crew listing the witnesses, demonstrative evidence and other exhibits that need to be videotaped. Shoots and locations are then scheduled, sets are dressed and then it's lights, camera, action!

4. EDITING AND POST PRODUCTION

After all shooting is complete, the raw footage is captured and logged as to time code and subject matter. Computer graphics, animations and titling is then created for insertion onto the master video. The editing process begins and any special effects, music and voice-overs are generated onto the master video. Once this is all completed you are ready to view a rough edit of your documentary.

5. VIEW AND FOCUS, FOCUS, FOCUS YOUR ROUGH EDIT

This is your chance to make sure that your documentary accomplishes its goals and that no objectionable, confusing or distracting material has been included on the master video. Then show it to audiences you trust and make sure to show it to some crusty, hard-core insurance adjusters. Once you have relayed all of your changes and thoughts to your video production team, the final edit is prepared and ready to be viewed by the other side.

6. CONTROL AND MONITOR THE PLAYBACK

Now that you have spent all this time, money and effort, don't drop the ball when it comes time to present your video to the other side. Calculate carefully when and how best to present your documentary. Some attorneys prefer before mediation, some think after the first mediation. Your strategy will depend on the attitudes and commitments from the other side. With today's fast-paced, media-intense world, an uninterrupted viewing is ideal, so make sure you take the appropriate steps to make that happen. Another tactic a lot of attorneys use is to post their documentary to a secure website allowing them to gather analytics on number of views and time spent viewing by the other side.

7. PRESENTING YOUR OWN MINI-TRIAL

A video settlement documentary gives you the only golden opportunity to tell the story of your case in its entirety without interruptions. It also gives the other side a view of what the jurors will see and hear and helps them to better evaluate your witnesses, your demonstrative evidence and your claim. We have yet to find another way to best present your case without it being sanitized or criticized by the other side. Even if your documentary does not bring your case to settlement, if properly produced it will ultimately enhance the settlement value of your case.

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