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Things You Need for the Perfect Deposition

If a deposition is important enough to take, then it's important enough to videotape. If you're not videotaping the depositions of the defendant and non-party witnesses, now is the time to start.

But that's just scratching the surface of an effective videotaped deposition. You need equipment that will simultaneously show photos, documents and the deponent during the video testimony, allow you to make annotations on exhibits in real-time and make everything easy and large for your audience (the jurors) to see.

The Equipment for a Perfect Deposition

You only need 4 things for the perfect videotape deposition: (1) CAMCORDER with the capability to time and date-stamp; (2) AV MIXER; (3) DOCUMENT CAMERA; and (4) MONITOR. Here's what we recommend:

#1: Camcorder: Panasonic AG-AC30: Handheld high definition camcorder with superb low-light capability.

Camcorder comes with double SD card slots that enable concurrent super high resolution recording onto 2 cards. When the first card becomes full, the system automatically switches to the second card. Video is time and date-stamped, as required by New York for videotaped depositions. You only need to focus and zoom. Cost: \$1,190.

#2: Audio and Video Mixer: Roland AV Mixer VR-3EX: Audio/Video mixer that is simple to use and streams directly to YouTube Live.

Just connect the camcorder to the AV Mixer. You can easily switch the video recording from the deponent, exhibits/photos or simultaneously show the witness and documents with picture in picture, split screen or quad screen with the touch of a button. The AV mixer has 4 video screens that allow you to see what you're recording. Cost: \$1,590.

#3: Document Camera: HiteVision QView QD3900 (a/k/a "Elmo"): Document camera (a/k/a "Elmo") that allows your audience (e.g., jurors at trial) to see exactly what you and the witness see.

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(above) Our Son, Alek, and his mom, on his big day. Very proud of our boy!

With this 1080p high resolution document camera, you can capture images and screenshots from exhibits/photos during the deposition, and scan images to preserve deposition exhibits. This makes for easy sharing of electronic copies of the deposition exhibits.

This document camera has a 12x optical zoom and a motorized camera head, so you can easily zoom in and out with a touch of a button during the deposition. You can switch from the document camera to your computer to display images or video from your laptop (also works great for presentations). This document camera has built-in annotation capabilities, allowing you to easily mark digitally projected documents, e.g., photos of the scene of a wreck, on the spot. Cost: \$1,250

#4: Monitor: Vizio D32F-E1, 32 inch with 1080p HD resolution and built wifi. Buy a stand to mount the monitor on a table. Cost: \$159

Why You Should Get This Equipment

Yes, this equipment is a bit expensive (\$4k), but it will last for 3-5 years and you can buy the equipment used for half the price. You can use this equipment for depositions, trials and public speaking presentations. After a dozen depositions, the equipment pays for itself and you've got easy to use and highly functional equipment that will be the envy of your peers.

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LAWYER

ALERT

Stopping Me

How to Make Your

Wildest

Dreams Come True



When you were a kid, you had the wildest, craziest dreams. You wanted to be the centerfielder for the Yankees or the President of the United States, but then something strange got in the way: your parents, teachers and friends told you to stop dreaming. Not in those exact words, but you were told to get realistic and get your head out of the clouds. Eventually, you realized that your family, teachers and friends must be right and you let go of your dreams. And that, my friend, is a damn shame.

Dreaming is what makes life worth living. When you dream, you come to life—anything is possible for you, your family and your law firm. Life is full of possibilities. The limitations imposed by others are no barrier to what you can achieve. But did you ever stop to think that your staff members have dreams too? What if you helped your staff achieve their biggest dreams?

When you help your staff identify, articulate and fulfill their dreams magical things happen. You become someone other than the boss. You become a dream manager. You become the only employer (and perhaps only person) in your employees' lives who took a personal interest in making their dreams come true. And not only is that really cool, it can be transformative for your law firm.

Breaking Out From the Ho-Hum Conundrum

We basically live ho-hum, boring lives (known as the "ho-hum conundrum" by dream manager, Dan Ralphs). We tend to let the past create a cycle of behavior, so that our future will be similar to the past. All of our decisions are based upon our past experiences and we try to keep our lives how they've been in the past. This is our known and familiar territory (a/k/a "the rut") and it has a

strong power over you.

"Dreaming is identifying possibilities that are not part of our routines."

Dan Ralphs, Dream Manager

When you experience something new and different, you take a small leap out of the rut. Taking a step out of the rut might be as simple as going to a yoga class for the first time, but a dream has to be something that is desirable and makes you happy. Case in point, losing weight is not a dream. Losing weight might be something you want to do, but a dream should be something that lights you up and excites you.

When you get outside of your comfort zone, the "rut" becomes a little bit bigger. The new territory becomes old territory—you're building a bigger house and the whole world seems more accessible. And dreams that before seemed impossible now seem possible. With the horizon open to new possibilities, you have increased confidence in yourself.

What is a Dream?

To qualify as a dream, it doesn't have to be realistic—it is just a fun possibility. Your dream might be to end extreme poverty in the world. Realistic in your lifetime? Almost certainly not, but this would be a helluva legacy that you spent your life working to end poverty.

"What is something for you that would just take a miracle?"

Dan Ralphs, Dream Manager

There is a difference between a dream and a goal. Goals are specific, measurable, attainable, realistic and time-bound

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("SMART"), while dreaming has a much looser interpretation. You should dream without limitation—anything is possible. Dream management deals with the future, not the past.

Give Words to Your Dreams

A dream has live in language—you have to give it words. Once you give the dream words, it has power. Allow yourself to imagine and write a list of dreams to bring them to the surface. Now, ask your staff to do the same.

"Just writing down a dream can have a powerful effect on our ability to accomplish it."

Dan Ralphs, Dream Manager

As you identify things that are desirable, it allows you the opportunity to take specific action in the real world. Identify the dreams that you have courage to do and take a little action. What is the future and where do you want to go? Now, just go and do cool stuff.

What Type of Dreamer are You?

The four types of dreamers are the Idealist, Architect, Inventor and Adventurist. Once you identify the type of dreamer you are, you will have a better idea of your strengths, struggles and what you need to focus on. Take a 1-minute quiz to find out what type of dreamer you are. Go to TheDreamBlog.com/quiz.

The Idealist: The "Idealist" has an incredible imagination, but struggles with consistency problems in pursuing a dream over time. An Idealist should focus on simplifying the dream and discovering what they love.

"Be willing to step into fear, not knowing the ending."

Dan Ralphs, Dream Manager

The Architect: The "Architect" is strong with execution, organization and perseverance, but struggles with dismissing dreams too quickly and feeling that they have permission to pursue dreams. The Architect should focus on creating space for imagination and trust that others around them will be supportive.



Making dreams come true at the launch of our firm's Dream Manager Program with Dream Manager, Dan Ralphs.

The Inventor: The "Inventor" is the analytical type (most rare type of dreamer) and their strength is problem solving and learning new things. The Inventor struggles with taking the first step and their dreams tend to be practical and pragmatic. The Inventor should focus on getting something on the calendar for their dreams.

The Adventurer: The Adventurer has no lack of passion and is courageous and fearless, but struggles with following through, taking care of the details and long-term commitment. The Adventurer should focus on getting organized and committing on one dream over the long term.

The Types of Dreams

Spend a day in the imagination state with no electronics or interruptions. Make a list of your 100 biggest dreams. Just write down your dreams without committing to doing them. Always think of the "and" rather than the "or" when writing your dreams. If you need help, go to BucketList.org for a list of 5k dreams.

Bucket List Dream: This is a one-time event, such as climbing Mount Kilimanjaro.

Achievement Dream: These are the big achievements of your life, e.g., getting a law degree or Ph.D.

Habits/Attributes Dream: These are the attributes or qualities you want to have, e.g., "be wise, be healthy".

Legacy Dream: This is the legacy you want to leave behind, such as ending world poverty, and has a big impact and is transformative.

How to Get Started Dreaming

Start your list of dreams and share 1 dream that you can accomplish in the next 12-18 months. Make a list of what you can do to give more to the world. The dreams of your employees will surprise you, e.g., "I bought a grand piano and want to learn to play".

With the Dream Manager Program, your employees will meet with the Dream Manager once every month to discuss what they're doing to achieve their dream and receive guidance and resources to help them. The Dream Manager will facilitate the dreaming by asking 2 questions, "Tell us more" and "What can we do to support you?"

The Power of a Dream Wall

Spend time in the dreaming space and make a list of your dreams and bring them to the surface. Put a whiteboard in your "Dream Room" for your staff to write their dreams (a/k/a the "Dream Wall") and add another board for the fulfillment of dreams (a/k/a, the Fulfillment Wall). You will be surprised by your staff's crazy dreams and they will appreciate that—for the first time—you've taken a genuine interest in their dreams.

"We pursue dreams better when we do them together."

Dan Ralphs, Dream Manager

As dreams are fulfilled, have your staff cross them off on the Fulfillment Wall. Celebrate and throw a small party when dreams are fulfilled. Recognize the

fulfillment of dreams at firm meetings and encourage your staff to share their dreams.

Why Chasing Your Dreams Down is a Good Thing

You will grow into a much different person as you begin to pursue your dreams. Those who have accomplished dreams are far more generous than those who haven't.

What are your excuses for not pursuing your dreams? For almost everyone, the excuses are the lack of time and money. So, what can you do about this? Make more money and create more time. How much money do you need to live your wildest dream? Once you know what that number is, you can work to make it happen.

Why Every Law Firm Should Have a Dream Manager Program

Once your employees know that you care about their dreams and have implemented the Dream Manager Program to make their dreams come true, they will walk through walls for you. There is no more powerful way to motivate your staff and they will reward you with their loyalty, dedication and gratitude. The Dream Manager Program might be the best thing you've ever done for your law firm.

If you're interested in learning more about the Dream Manager Program, you should contact Dan Ralphs, one of the world's foremost experts on the power of dreaming. Dan has an amazing ability to help people discover their dreams. Before founding Dream Coach, Dan was the facilitator of the Dreaming Program at Infusionsoft (a software company in Chandler, Arizona), where he helped its employees to identify, articulate and accomplish their dreams.

Dan Ralphs can be contacted at DreamLeadershipConsulting.com, 2019 E. Mia Lane, Gilbert, Arizona 85297 (480-272-2244).

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Questions Every Plaintiff's Lawyer Should Ask During Jury Selection

When the Judge limits the time for jury selection and you have to get right to the point, consider asking these questions.

Question #1: Intentional vs. Inadvertent Wrongdoing

"This is not a medical malpractice case; this is a medical negligence case."

Why You Should Ask This Question: Jurors must understand that you are not claiming intentional wrongdoing by the doctor. Juries equate medical malpractice with intentional wrongdoing, whereas medical negligence is equated with inadvertent or unintentional wrongdoing.

Question #2: Burden of Proof

During jury selection, most plaintiffs' lawyers will simply state that beyond a reasonable doubt does not apply. This means nothing to jurors, who are only familiar with beyond a reasonable doubt. You must do something more without violating New York's Uniform Rules of Trial Courts applicable to jury selection.

Without using the words, "preponderance of the evidence", give an example that illustrates the burden of proof:

If a container has 4 black balls and 3 white balls and I pick one randomly and cover it in my hand, what is the most likely color of the ball?

[Answer: Black]

If I show the ball to you, then you know the color of the ball [without using the words, "beyond a reasonable doubt"].

If I don't show the ball to you, it is more likely than not a black ball.

Why You Should Ask This Question: This helps the jurors understand the distinction between preponderance of the evidence and beyond a reasonable doubt without using those words.

Question #3: Give the Jurors a Reputation to Live Up To

Give the jurors a reputation to live up to.

"Can anyone tell me a time that you stood up for something?"

"Can you give an example when you showed courage?"

Why You Should Ask This Question: When you give the jurors a reputation to live up to, a verdict for your side is a courageous verdict.

Question #4: Find Out Whether the Jurors are against Lawsuits

Ask the jurors whether they would sue:

"If you were injured through the negligence of another, would you sue?"

Why You Should Ask This Question: If the juror would not sue, or would only sue if they were seriously injured, they will apply these same beliefs to your case. These jurors are against lawsuits and will be partial to the defense.

Question #5: What are the Jurors Most Passionate About

Find out what matters most to the jurors.

"Other than your family and faith, what are you most passionate about?"

Why You Should Ask This Question: Jurors will be more likely to open up when talking about what matters most to them and once you get the conversation started, get the others involved in the discussion.

Question #6: What Evidence Would You Like to Have

After describing the contentions of the plaintiff, ask the jurors what evidence they want.

"What evidence would you like to have to make your decision?"

Why You Should Ask This Question: When you ask this question, the jurors will tell you what they want and you can tailor your trial presentation accordingly. You should always caution that you will provide the evidence that the jurors want if permitted by the law.