

7 STEPS TO CREATING COMPELLING MEDIATION VIDEO

CaseVision™ Litigation Strategists





INTRODUCTION

Mediation videos, or what we refer to as “micro-documentaries,” can be a powerful tool in your litigation arsenal. Because of their impact to the bottom line of many of our cases, we always consider a video documentary when developing our case strategy.

With today’s technology, there is no reason you need to invest heavily in outsourcing mediation videos. This guide will help you get started with the basics for producing compelling video in-house.

7 STEPS

1. Set Your Goal
2. Assemble Your Production Tools
3. Create Your Storyboard
4. Shoot the Interviews
5. Knit the Story Together
6. Fine Tune Your Video
7. Put Your Video to Work



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SET YOUR GOAL

Ultimately, your goal is to win your case without setting foot into a courtroom. While a mediation video cannot do the legal work for you, when done well, it can align opposing counsel with your view of the case and greatly increase your case's value. Set a goal for what you want to achieve and consider if a mediation video can help reach that goal.



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ASSEMBLE YOUR PRODUCTION TOOLS



VIDEO SHOOTING

At the most basic level, a smartphone, tri-pod & lapel mic (or tri-pod mounted microphone) are all you need to capture quality video. Most smartphones (we prefer iPhones) are equipped with broadcast quality video cameras. If you shoot in a well-lit and quiet area, there is little need for additional lighting. Don't overcomplicate the process. Start simple and include other equipment as you become more comfortable with the process. We do recommend using a microphone, as poor sound quality detracts from the story you are trying to tell.



VIDEO EDITING

We prefer editing on a MacBook Pro in either iMovie or Final Cut Pro. Macbooks come equipped with iMovie, so it is the natural starting place. However, PC's can be equally equipped with Adobe Premiere or other video editing software. Think ahead to how much video you anticipate producing and be sure that whatever computer you use has enough hard drive space and Random Access Memory (RAM) to process multiple videos.

AVOID OVER- PRODUCTION

Strive to create a balance between good production value and authenticity. Your audience is your opposing side. They want to view your case as excessive. If you produce an overly polished video, you risk creating an appearance that the video is scripted. Your video should portray the reality of your client's injuries without the need for glossy cinematography, flashy editing techniques, or music that tugs heartstrings.

A teacher in white clothing is sitting on a wooden chair, reading a book. In front of the teacher, a group of diverse children are sitting on blue mats on the floor, listening attentively. The setting is a bright, modern classroom with wooden furniture and colorful supplies on shelves in the background.

PRE-PRODUCTION

KNOW THE STORY

We learn the power of storytelling at a very young age. Stories captivate audiences. Before you turn on a camera, you must know the story you want to tell.

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CREATE YOUR STORYBOARD

YOUR CLIENT

Introduce your client, the main character. Show his or her best and most likeable qualities, through witness interviews and photos.

ENGAGE THE AUDIENCE

Draw the audience into your main character with stories of how full and active his or her life was before the injury.

CONFLICT

Once you have established a bond between the audience and your character, introduce the injury with high contrast.

IMPACT

Tell the full extent of your client's injury through witness interviews and photos, without being overly graphic.

HOPE

Always end with a hope for the future. Audiences need to have something to root for—give them a reason to want to reward your client.

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SHOOT THE INTERVIEWS

Choose 4-7 of your best witnesses from among your client's friends, family and colleagues. Set a location that is well lit and quiet. Set your tri-pod at an angle so that your subject is not directly facing the video camera.

Frame the subject from the waste up so that, if needed, you can crop the frame closer for editing purposes. You, the interviewer, should be near the camera, but unseen.

The subject should be making eye contact with you, not the camera. Your goal is to edit your questions out of the final video, so prepare your witness to answer your questions with complete thoughts. You may need to remind the witness throughout your conversation to repeat what they just said as a complete thought, so that you always have statements in context for your video.





KNIT THE STORY TOGETHER

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Once you have taken all your interviews and compiled all B-roll clips, you will now weave them together in your video editing software of choice. We prefer Final Cut Pro, but you can use whichever you prefer. iMovie is a great starter application, and it comes pre-loaded on iOS computers.

Your goal here is to create a flow that follows the outline of your story (your storyboard). Start by creating 5 titles from your storyboard, and then place the clips within those titles as they apply. Once you have your clips organized into a rough draft, watch it from start to finish and begin reorganizing and eliminating unnecessary clips until the story begins to flow.

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Tips For Fine Tuning Your Video

- Create compelling titles that fit your client's story, rather than using generic titles from our storyboard example
- Make sure each clip falls in line with the storyboard titles without jumping ahead (for example, if your subject says, "he used to be a very outgoing person, but now he is very reclusive," then cut that statement so the outgoing reference is in the beginning half and the reclusive goes in the section dealing with consequences of his injury)

FINE TUNE YOUR VIDEO

- Use editing techniques such as cropping or overlaying photos to eliminate unnecessary words and redundant thoughts, as well as to zoom closer to the subject to intensify emotional moments
- There should be a "hand-off" between each clip, so that each witness statement agrees with the previous statement
- Weave photos and B-roll over clips as they apply to what the subject is saying (for example, if the subject says your client was an avid equestrian, overlay a photo of your client riding a horse)

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REVIEW YOUR WORK

Before sharing with opposing counsel, review your final video again and make sure all witness statements agree with anything documented in depositions. Eliminate any statements that could potentially be misconstrued to implicate fault, malingering, or any other negative perception of your client. Have team members watch the video to ensure it effectively demonstrates the story you want to convey.

PUT YOUR VIDEO TO WORK

FILE SHARING

Once your video is complete, output the file to a format that is widely acceptable for all devices, such as .mp4 (MP4 files are universal and typically have a smaller file size) and upload it to a secure cloud-based file sharing platform. We prefer DropBox because it is secure and has a built-in media player, so recipients can access and play the video in any browser.

PRE-MEDIATION

Within a week of your scheduled mediation, send a sharable link of your video to all appropriate contacts on the opposing side. Make sure they have enough time to review the video prior to negotiations, but not too far in advance so that it will minimize its impact.



CONTACT US

If you have any questions, need help putting together a mediation video, or would like to strategize your next case with us, we'd love to hear from you!

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