

THE SKY'S THE LIMIT

Drone Footage in the Courtroom

By Colleen Cochran IMS Consulting



Based on an interview with IMS Trial Consultant Andrew Buckley, this article discusses techniques for drone video capture, examples of cases in which these recordings are useful, and the many ways drone footage can enhance courtroom presentations.

Most people think of drones in terms of their ability to capture images of large expanses of land and sea—and they are great for that purpose. But Andrew Buckley, trial consultant and certified drone pilot, knows drone cameras are capable of capturing much more than top-down, wide-lens aerial photos and videos.

“Drones offer a variety of options beyond the typical Google Maps-type shot,” he shared. “Drone cameras can take still and video shots from all sorts of angles, both high and low. They can pan large expanses and zoom in on particular objects. In the courtroom, they enable attorneys to cap-

ture dynamic footage that coincides with their case narratives.”

DRONES CAN PROVIDE JURORS WITH A POINT OF VIEW

Just like when Hollywood filmmakers use camera placement to show viewers what a character is seeing, drones can film at a level that mirrors the perspective of a party or witness in a lawsuit. When jurors view footage that is filmed using this point-of-view technique, they have the sense that events are unfolding before their eyes. According to Andrew, this type of video evidence impacts them on both a cognitive and an emotional level.

“For example, in a personal injury case in which a worker fell from a high platform, it wouldn’t be feasible to use a hand-held camera to capture that scenario, but a drone could do so from the eye level of

that employee,” he explained. “The drone’s film could show, from the employee’s vantage point, the lack of safety precautions to prevent that fall. Using a single, continuous video clip, the film could also connect the viewers to the actual height of the environment by enabling them to follow the trajectory of the worker’s fall to the ground.”

Andrew added, “The plaintiff would have a difficult time overcoming that evidence because the jurors will have had a near real-life experience when observing it.”

DRONES CAN RELAY THE CONCEPT OF MOTION

In lawsuits in which motion or speed is at issue, such as a case involving a car crash, Andrew said point-of-view footage can help jurors gain a sense of that movement.

Google Earth might be used to trace the path of a car going down a road in real

time, but it would portray a rough, rudimentary 3D model; thus, viewers would merely feel as if they were observing the action from afar. Also, its satellite or street-level images could be out of date, omitting vital details that would have to be explained by the witness or imagined by the viewer.

A drone, however, could be flown over the roads the car traveled—and at its height and speed—to capture the most important narrative details so viewers would feel a part of that experience.

DRONES INCREASE THE AMOUNT OF INFORMATION JURORS RECEIVE

Buckley recently used a drone to obtain footage for an environmental case. The video took jurors on an aerial journey to view a Louisiana bayou from on high and down low, so they flew just above rippling waters and swamp plants waving in the wind. It featured static shots, which guided viewers to focus on particular images, such as hornets busily working on their nests. The video also employed several slow-moving vertical pans from the bottom to the top of cypress trees.

These various camera and video techniques, many of which were accomplished via drone, supplied jurors with a wealth of information. The high-altitude, wide-angle views gave them an idea of the terrain's scale. The close-up motion and still shots provided a sense of the number and variety of plants and animals. And the slow-moving pan shots informed jurors about the size of the natural elements they were viewing.

All this information was powerful evidence the jury could not ignore. The plaintiff in that case had claimed the defendant destroyed the region when it installed oil wells and pipelines. The drone video footage depicting a lush and pristine bayou certainly called that claim into question. Interestingly, while the drone captured an area that did contain industrial debris, it was the plaintiff and not the defendant who had created that dumping ground.

Buckley elaborated on the advantage of this footage: "We can relay information about a scene through witness testimony. We can use still pictures, charts, and graphs. But in this case, we were able to capture compelling video that enabled viewers to experience the scene for themselves. Without the drone, that feat would have been impossible because the area was largely inaccessible."

COMBINING MEDIUMS CREATES A DYNAMIC PRESENTATION

"Drone footage allows for all sorts of possibilities," Buckley revealed. "Legal professionals shouldn't think of the medium

simply in terms of a video presentation. The footage can be combined with text overlays, color coding, and still photos so the presentation is intriguing and fully depicts the case narrative."

Buckley gave an example of how a drone might be used to capture all sides of a building or large piece of industrial equipment. That footage could help create a 3D model of the structure, or it could be turned into an interactive video that would allow a witness to identify various features of the structure that coincide with their testimony. Certain features could even be blown up into large images or overlaid with text.

"Drones are simply another tool that enables attorneys and witnesses to become better visual storytellers in the courtroom," Andrew continued. "And often, when tools are combined, a presentation becomes very powerful."

THE VALUE OF AN FAA CERTIFIED DRONE PILOT

To operate the drone and secure this type of footage, Buckley needed to acquire an FAA Part 107 pilot certification. Attainment of this certification required careful study of some of the very same subject matters that airplane pilots must learn—weather patterns, for example.

"In order to fly a drone safely, I need to know how cloud conditions, temperature, and wind are going to affect my flight," he said. "Dangerous updrafts and downdrafts can be caused by humidity and other weather conditions, and even by the presence of tall buildings."

Andrew also studied airspace regulations, air traffic control patterns, and airspace maps. He uses these maps to discern whether low-flying planes or helicopters will be in the airspace in which he intends to fly the drone. Although the drone is not typically flown above 400 feet, the possibility for air crashes still exists.

Airspace maps are also used to help discern which entities within a flight zone utilize geofences—virtual fences that, when breached, alert the entity controlling the airspace and can even cause the pilot to lose control of the drone. Airports, military installations, and large public events, for instance, often employ these virtual boundary lines.

"I want to stay a good distance from a military installation," Andrew confirmed. "I don't want to take a chance that a gust of wind blows the drone into a military geofence."

On top of all these airspace considerations, Andrew must keep up with the constantly evolving laws related to drones

and privacy issues. Although his certification training informed him about federal laws regarding the type of imagery he may legally capture, states and local areas have enacted their own laws.

THE CERTIFIED PILOT NEEDS TO HAVE THE EYE OF A VISUAL STORYTELLER

Drone pilots who capture imagery for the courtroom need to possess skills beyond those required for certification. They need to have the sensibilities of a visual storyteller who knows precisely which images are going to intrigue viewers. And they need to be aware of which images will enable attorneys and witnesses to relay a case most poignantly.

Buckley has a background in photojournalism, and he and his colleagues are skilled in photography, videography, graphic design, and multimedia formats. He shared, "Drones have greatly expanded our possibilities for visual storytelling."

WHAT ABOUT COST?

In the grand scheme of what it costs to go to trial, it is not very expensive to include drone footage in a case strategy. The bulk of the costs relate to the drone team's travel and hotel expenses and the time commitment required.

Buckley revealed, "There is a lot of good value in drone footage. It can be used as standalone footage or integrated into the graphics production process. And because it has such potential to hammer home a narrative, it can make a real difference in a case outcome. In fact, in several instances, shortly after viewing our sides' drone imagery, the opposing parties instigated settlements."

Ultimately, drone footage is an innovative visual tool that can advance attorneys' arguments and help decision-makers see the case from their point of view.



Colleen Cochran, JD, is editor at [IMS Consulting](#) and writes about the evolving nature of law and its associated courtroom tools and technologies.



Andrew Buckley of [IMS Consulting](#) is a trial consultant who leverages case themes by skillfully transforming them into courtroom imagery that has the power to persuade.