

# CORPORATE COUNSEL

## on Candid Camera

**Law departments are finding out how convenient—and cheap—video and Web conferencing can be.**

*By Erik Sherman*

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Rounding up corporate staff for depositions gets tricky—and expensive—when the company is in the cruise line business and has employees on 17 ships all over the world. But that's what Princess Cruises (B.C.) Limited faces. In one recent matter, the company needed testimony from a ship's doctor on leave in South Africa. "We needed it within a week," says general counsel Mona Ehrenreich. Normally, this would have been expensive. "I'm paying time, I'm paying tickets, I'm paying all kinds of things for a three-hour deposition," she says.

But Ehrenreich had hired Jeffrey Maltzman, founding partner of litigation shop Maltzman Foreman, who had often used videoconferencing for taking depositions. Instead of flying from Miami, he rented a videoconference room in Johannesburg and had the doctor pay a house call. "Conservatively, I estimate that it would have cost at least \$20,000 to have flown there with a court reporter and done the deposition live," he says. "Our ultimate costs were less than \$2,000."

Corporate legal departments are getting savvy to the advantages of using videoconferencing and Web meetings in place of travel. The results aren't necessarily as good, but whether they're taking depositions, having extended staff meetings, or doing training, what in-house counsel save usually more than makes up for the little they lose.

Ehrenreich says that for long-distance depositions, video is key. Conference calls simply don't cut it: "There's no inflection. You don't even know who's in the room." But with videoconferencing, she can see expressions and mannerisms and get a good deposition. "I'd say they're maybe 90 percent as effective as being there, and it's 95 percent cheaper and easier on everybody," she says. Ehrenreich has sent people to videoconference facilities at various Kinko's locations or sometimes even to a suitably equipped law firm with which she has a business relationship. When something is critical, like a plaintiff deposition, or when persuasion is key, she can still opt for in-person.

**Ditching travel** even just for international meetings can be a great savings. Ehrenreich estimates that her three lawyers and the claims department have probably saved somewhere between \$25,000 and \$50,000 in the last 18 months by eliminating a mere five international trips.

Sayed Darwish, chief administrative officer and general counsel for Polycom, Inc., the Pleasanton, California-based vendor that makes the popular triangular speakerphone found in many corporate conference rooms, swears by videoconferencing. He uses it for weekly staff meetings and has cut his travel schedule by 80 percent. Even when hiring, he uses video for the first couple of interview rounds. "My latest hire was [my assistant general counsel] in France," he says. "We don't want to spend the time or money to fly the guy all the way out if he's not a good candidate." The technology also means that he has the flexibility to hire "the best applicant, no matter where they are" because the lawyer won't need to be constantly on a plane.

If the advantages are so great, why isn't everyone giving up their frequent flyer memberships? "I think a lot of people remember the old days of videoconferencing, which meant that you tried for half an hour and then gave up," Darwish says. "But now the bandwidth is big enough, the technology is [high-definition video], the sound quality is great, and to top all that, travel is such a hassle." Polycom also has a virtual patent review board that meets via videoconference and has even run video board of directors meetings, as one director lives in Hong Kong and two are on the East Coast of the United States and can't always fly out.

New telecommunications techniques don't end with videoconferencing. Tom Julian, an in-house counsel for Centennial Contractors Enterprise, Inc., a Vienna, Virginia-based construction contractor, is under pressure to reduce budgets. And so he started to use Web meetings and conferencing to deliver training to employees in 15 different states.

Not only is there the obviously big savings in travel expense and time, but Web conferences are also more efficient. Within a few days he can deliver training sessions to everyone, grouping together offices in the same time zones. "Even with two weeks, I don't think I could hit everybody [by traveling]," he says.

Julian says it takes awhile to get it right. "The first two or three sessions were probably a little dry and boring," he says. And there is the downside of not seeing the reaction of the audience and adjusting a presentation accordingly.

James Merklinger, deputy general counsel and acting vice president of legal resources for the Association of Corporate Counsel in Washington, D.C., is well acquainted with the complexities.

The ACC delivers online continuing legal education courses, and online attendance has increased by 140 percent since last year, with lawyers viewing the webcast over the Internet and then asking questions either over the Web or through a conference call.

"For whatever reason, a bigger crowd through videoconferencing is less interactive [than a live presentation]," Merklinger says. Smaller groups are more active and likely to ask questions. But in either case, he tailors his approach to electronic delivery: "I will intentionally make sure that I am asking questions to engage them." He sets a protocol for answering questions, with someone in the remote room designated to receive and relay written questions. And things can get tricky when there are both live and video audiences: "It's easy to forget the distant audience." He also has to remember to stay within sight of the video cameras so he doesn't suddenly seem to disappear, as well as to occasionally pause with the live audience and directly address the camera, so the remote members don't feel ignored.

Although the technology has greatly improved and become more reliable, problems still appear. "Sometimes they can't see what you are presenting—something goes wrong," says Merklinger. "So you have to be prepared to speak without [the materials], explain what you were going to show them or send the materials in advance, so as a backup they still have them. Sometimes the video feed goes down. Just be prepared that whatever you're doing, you can still explain to them if you only have audio."

However, it's not as though traveling for a meeting never has snags, and trying to recover from a missed or delayed flight is much tougher than having someone from the IT department standing by in case of a video problem. Video and Web conferencing may not be as relaxing as a luxury cruise, but they get you where you need to be at practically mass transit prices.

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