

The iPad for Litigators: Storming the Courtrooms

by Sharon D. Nelson, Esq. and John W. Simek

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Only rarely do you see a new technology truly “storm” the courtroom, but the eagerness with which litigators are embracing the iPad is extraordinary. As we write this, we have just returned from giving a CLE at which a litigator proudly held up his new iPad and pronounced: “This is a game changer.”

If you are not one of the converts, consider this. We helped organize an ALI-ABA webinar called (cleverly) “The iPad for Litigators.” So many lawyers registered (nearly 1000) that we had to break it into three sessions so as not to overload the technology. The CLE was sponsored by the ABA’s Law Practice Management Section – it made so much money that we quadrupled our anticipated yearly income with that one CLE.

When we taught a similar CLE in Fairfax Circuit Court, we maxed out the space in our largest courtroom. We now have four more such CLEs scheduled.

Tom Mighell, to whom we tip our hat for the knowledge he has so generously shared, has become one of the most sought after speakers on the legal tech circuit because of his proficiency with the iPad and because he is the author of two best-selling books, “The iPad in One Hour for Lawyers” and “iPad Apps in One Hours for Lawyers.” We commend the first one for its concise description of the basic functions of the iPad, which seem foreign to many lawyers and for its section on using the iPad in litigation. The second book has a good chunk of litigation-specific apps along with productivity and utility apps that all lawyers are bound to find useful.

What we’ve loved about the iPad when we’ve seen it in action is that it is so slender – you can carry your case around rather discreetly, showing your exhibits, doing call-outs, making annotations etc. and yet, the device is so portable that you can walk and talk – instead of overwhelming (in particular) a jury with technology, it seems to allow your inner Abraham Lincoln to shine as you perform your magic as a litigator. It enhances rather than encumbers.

Before you get to trial, you can do research on the iPad, you can organize your exhibits, compose your deposition questions, prepare jury voir dire questions, manage deposition transcripts, etc. In court, you can use courtroom presentation technology, communicate with

other colleagues without ever having to say a word, record the reactions of the jurors or do research on the fly assuming the court will allow you to connect to the Internet during trial.

If you have the iPad 2, is there any reason, from a litigator's standpoint, to upgrade to the new iPad? Nope. But if you are purchasing an iPad for the first time, make sure you get enough storage space on the device – you may be showing videos or deposition testimony, etc. in court. We recommend that you get the 64GB model as you will quickly max out the 16GB version.

Accessories? You certainly need a cover and there are scads of them – check out the reviews at www.ilounge.com. If you're planning to use the iPad for hand note-taking, you'll need a stylus of some sort. Blogger Jeff Richardson is fond of the Virtuoso (\$19.95) or BoxWave Styra (now \$22.95 at Amazon.com). Tom's favorite is the Adonit Jot Pro (\$29.99).

If you're a fast typist, as author Nelson is, she much prefers her standard issue Apple wireless keyboard which uses Bluetooth technology. The keyboard and iPad with cover fit without problem in her purse so she doesn't need to lug a laptop around, although in truth she prefers the laptop for really serious work.

If you get a cover that can function as a stand, as we did, you won't need a separate stand. If you do, check out the products at the previously mentioned iLounge.

You will need to get Apple's VGA adapter (\$29.95) to connect your iPad to a projector in the courtroom at hearings or at trial. If you need to hook your iPad to a high-definition television, you also need to purchase the HDMI Adapter (\$29.95).

No one likes to hear that the iPad has security issues, but it does. Here are our basic concerns and some of the remedial steps you can take: First, make sure that you enable a lock code. Avoid the temptation to use a 4 digit PIN and configure a passphrase for locking the iPad. Configuring a lock code automatically enables encryption on the iPad. It's fairly weak encryption, but it is better than no encryption at all. Next, configure the iPad to automatically wipe itself if there are 10 incorrect attempts to enter the unlock code. Even if you are slightly sauced, you ought to be able to get in right in 10 tries. Or stop at eight and try again in the morning!

You will also want to configure the "Find My iPad" feature so that you can locate it if it is ever lost. This also enables you to remotely wipe the contents of the iPad. These are just some of the simple steps to improve the security of the iPad. The most important thing is not to lose it!

We have long been critical of the iPad as a productivity device. While a wonderful device for consuming content, producing it has been more problematic. It is getting better –slowly – but so many solutions are kludge solutions. Printing is a headache – there are solutions to provision

the AirPrint function, but they aren't "native" to the printing device. Most users will configure a computer with AirPrint software support, which routes the print request to an attached USB printer. The computer has to be on to enable printing, but it tends to be a more desirable solution than throwing away your current printer in favor of one of the AirPrint models. There's no native folder structure as you are used to seeing on a Mac or Windows computer, so folder structures exist only within apps. There's no easy way to get files on and off an iPad – no USB connection, so folks use e-mail to transfer documents or sync their Dropbox accounts. It can all be done, but it isn't elegant.

Basic productivity apps we like for lawyers? **Penultimate** for taking handwritten notes with a stylus. As previously mentioned, Author Nelson much prefers using **Evernote** with a Bluetooth wireless keyboard. Documents created there can be easily synched to Dropbox. If you are working on Microsoft Office files, **Documents To Go** is our favorite choice and it too integrates to Dropbox. This is the only app where you can see the "track changes" and comments features of Word – and you can also work on Excel or PowerPoint files.

For the sake of space, we are obviously picking our favorites, including **GoodReader**, which makes reading and annotating documents a breeze and supports a wide range of file types. This app will also allow organizing files into folders within its own structure.

We like the iPad most of all in the courtroom where lawyers are taking to it en masse. There is no way in a column to list all the possible apps – but your best source is Tom Mighell's book of apps referenced above. So what we have done is compile a more concise list of the apps our litigating colleagues seem to favor.

- **Court Days Pro** \$2.99. Allows you to set a case calendar with deadlines.
- **Idocument REVIEW** Free. This allows you to review documents in the case and mark them as relevant, privileged, or a "Hot Document," The volume of documents that you can work with is limited however and you have to send the data to the vendor in order to convert it to a proprietary load file. We're not crazy about sending your potential evidence to someone else, but it is what it is.
- **The Deponent** \$9.99 This one was designed by our friend and e-discovery expert (and attorney) Josh Gilliland and it allows you to prepare deposition questions in various practice areas. Some questions are suggested, but you can customize the questions to your liking.
- **TranscriptPad** \$49.99 With this app, you can work with all of your deposition transcripts, search through the whole case, color code certain case issues and send out

summary reports. Currently the app only reads text files for the transcripts.

- **iJuror.** \$9.99 This is a juror selection app, which many colleagues regard favorably, allowing you to enter information about each potential juror and then to “seat them” in the juror box once the selection and strike process is over.
- **TrialPad** \$89.99. This is the big kahuna, hence the heftier price, but this is the app that our litigating friends seem most excited about. You can load documents, photos and videos from your Dropbox account into this app for use in hearings and in trial. It is a lot cheaper than Trial Director and its comrades, but does many of the same things from the very slender and unobtrusive iPad. Once a document or image is displayed, you can annotate it, perform call-outs or redact portions of the file. This is one app that is regarded as a must-have for litigators.
- **ExhibitView** \$69.99. This is a relative newcomer, but worth mentioning. It does basically what TrialPad does but also has a desktop companion tool so it has the definite advantage of allowing you to transfer your case file between your office computer and the iPad. It also has something called “Witness Mode” which lets you give your iPad to a witness so that they can view and annotate an exhibit – but without seeing any other documents in the case file. We haven’t heard too much about this one from our litigating friends yet – TrialPad made it to the beachhead first.
- **BT Chat HD** Free. You love the price, we know, and this is a nifty little app. If you’re working in court with a team, it is not always desirable to whisper to one another or pass notes. With this app and a Bluetooth connection, team members can privately “chat” electronically.

Are there tons of other possible apps? Yes. This is part of the danger. You don’t want to download all sorts of unvetted apps without really knowing their security features and their capabilities. The wealth of apps available from Apple is striking – and dangerous.

So what’s a busy lawyer to do? For the moment, watch Tom Mighell – he’ll be updating his written materials as he continues to do webcasts, which are greatly in demand. Also, get references from colleagues. Finally, we really like the Apple app AppAdvice - \$1.99. For that paltry price, you get a pretty good review and a sense of whether the app you’re considering is worth buying.

So let that inner Abe Lincoln loose in the courtroom with the elegant and inconspicuous iPad – your advocacy can soar without being overshadowed by technology – and yet the technology

will complement your case. If you are not tech-savvy, let a colleague run the technology. But what we are seeing is that, after practice, many lawyers are comfortable enough to manage the technology on their own. It is key to practice what you intend to do - again and again.

As Lincoln himself was wont to say, "Give me six hours to chop down a tree and I will spend the first four sharpening the axe."

*The authors are the President and Vice President of Sensei Enterprises, Inc., a legal technology, information security and computer forensics firm based in Fairfax, VA. 703-359-0700 (phone)
www.senseient.com*