iPad in Trial

HOW TO USE READILY AVAILABLE IPAD APPLICATIONS TO STREAMLINE YOUR TRILA PRACTICE, BOTH IN AND OUT OF TRIAL
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Why iPads at trial?

How I first used TrialPad

I first put TrialPad through its paces during a more than two-week long trial — but not from the start. As in the past, I was up to my eyeballs in trial prep and couldn't find the time to add *figure out a new app* to my to-do list.

So I started trial using Acrobat to display documents. I was very comfortable with Acrobat, and I knew I would not have to wonder about how to find a particular feature or function in the middle of trial. After all, like most paperless lawyers, I use Acrobat on a daily basis. But by day two of what I knew would be a long trial, I was frustrated with the limitations of Acrobat, particularly the inability to do a call-out on the fly. This was hampering my ability to really emphasize key pieces of evidence.

I had a copy of TrialPad from Ian O'Flaherty, who developed it. Ian was kind enough to provide me with a code to download TrialPad at no cost. This is probably why I felt no need to use it, since I wasn't invested in it. But now I had to get up and running overnight if I wanted to use something better than Acrobat during my trial. And I did get up and running overnight. I went back to my hotel room, loaded up the documents I knew I would be working with the next day, ran through the process of presenting and annotating, and then continued to prepare for the next day of trial.

With more than a little trepidation, I hooked my iPad up to my projector the next day at trial. A heavenly light should have descended. I'm not kidding, TrialPad was nearly magical. To say that ease of use is built in is a vast understatement. Using TrialPad was simple and intuitive. I was calling out and highlighting key passages with ease like I had never experienced before. I have tried cases against trial teams with dedicated IT teams (like my opponent in this trial), and their process was so cumbersome and prone to error that I had sworn off dedicated trial presentation applications.

TrialPad brought all the features of the dedicated trial presentation programs that work (when they work) and more, and it was so simple to use that literally anyone could do it. By day four of trial, my opposing counsel had switched to his iPad and TrialPad as well. His trial presentation team sat around for a few days, but by the end of the trial they were gone.

Why an iPad at Trial?

An iPad, equipped with just a few key apps, replace much, if not all, the technology you've been using at trial to date. It is, quite simply, <u>the</u> trial presentation system. What do you normally present at trial? Documents, exhibits, video. Check, check and check.

If you haven't been using any tech in your trials, I think you are missing out on an opportunity to influence the jury and an iPad is an easy and inexpensive way to use tech at trial. I'm not saying that you should give up on paper, or give up entirely on exhibit boards. But a properly

equipped iPad will let you present more and do more with the evidence you have. And jurors expect this stuff. They really do.

An iPad, a few applications and a projector or monitor will replace expensive and complex trial presentation systems. And you don't need a team to use it. The power of being one person, in front of jury, with a device the size of small book and instantly deploying whatever evidence is needed, without fumbling, allows you to be what you want to be—in control.

An iPad is an upfront investment, but it replaces bulky, costly exhibit boards. And those exhibit boards aren't editable. How often have you spent a hundred dollars or more on a single exhibit and then you couldn't use it a trial because of something on the exhibit you couldn't remove? That doesn't happen. You can edit whatever document it is and project it much larger than any trial board. And you can use it over and over again, trial after trial, at no additional cost.

And it isn't just at trial …

Think the iPad is only going to be useful at trial? Think again.

Once you begin to use an iPad in your practice, you'll find that it is a better tool for many things you do every day. If you litigate, you take depositions. And there is a better way to review your depositions than pouring over them with a highlighter and your Dictaphone in hand.

Research? Everything. Legal, medical and everything else. Reviewing documents? There is an app for that. Need to understand the mechanics of the knee, or hip or shoulder? Anatomy apps will help.

2 Essential Applications: TrialPad and TranscriptPad

Both TrialPad and TranscriptPad come from the same company—Lit Software. Lit Software is the brain child of Ian O'Flaherty and Lit Software has created the two essential applications for every trial attorney.
Purchasing as a bundle, TrialPad and TranscriptPad run $199. Individually they are $129 each.

DON'T BITCH ABOUT THE PRICE!

Going to trial is not a game. Your client is depending on you. Hell, you are depending on you. This is how you make your living. So the tools you use aren't a game and you shouldn't expect them to cost $2.99 or whatever you paid for Candy Crush. These are serious tools. A lot of work has gone into creating this application and the upgrade process is continuous.

The cost of TrialPad is probably equal to one trial exhibit. Or less. And it is infinitely reusable. Whether you do one or two trials a year or a dozen, you will use TrialPad over and over again.

How much do you pay for those multiple copies of depositions? "I need a full size and a scrunch." And how much did they charge you for that extra copy? Well, just a few of those copies will pay for TranscriptPad. And you'll end up like me—"no thanks, I only need a .txt file please. Thank you."

TrialPad

What does it do?

The short answer? It allows you to create and present exhibits at trial. The not quite so short, but still short answer? TrialPad allows you to do all the whiz bang things at trial that you've watched your opponents do for years, but which required an IT or paralegal team, a couple of computers, a hundred yards of cable and a lot of money.

Killer Features

Organize your material   Transcript Pad lets you organize your materials. The first level is, obviously, the Case. Within each case you can organize materials in folders. You may decide to organize by topic, or type, or even by witness or phase of the trial.

Exhibits   Of course, the primary document you are going to work with is exhibits. These can be used with multiple witnesses, marked as admitted, highlighted, called out, redacted, whatever! You can even place exhibit stickers.

Video   You can present video, whether as an exhibit or of a deposition, right from TrialPad. While I wouldn't use it to play loooooong video depositions (due to the size of the files) short snippets play great.

Photos   Photos can be imported as .pdf or .jpg files and displayed. Then you have a witness circle or make necessary marks right on the exhibit.

Access All Your Documents   Do it in real time, with no fumbling through boxes or binders.

Searchable   You can search through the contents of your documents. Know that this witness made an admission that is now key, but can't remember where? Simply run a search.

Present to the Jury   The primary purpose of TrialPad is to present your evidence at trial. But it allows you to do so much more than simply show it on a screen.

   Highlight

   Callout

   Redact

   Annotate

Create Evidence Reports   Exhibit lists, admitted status and others.

Present Wirelessly   With the addition of an AppleTV to your trial bag, you can present wirelessly in any courtroom. No Wi-Fi required.

How do you get the documents into TrialPad?

There are a number of ways to get the materials into TrialPad.

Via iTunes   You can use the documents pane on iTunes to drag and drop documents into your connected iPad.

Via Dropbox or Other Cloud Storage   By far the easiest way to import documents is through one of the cloud storage services, such as Dropbox, Box or others. It is a simple matter of logging into your account through TrialPad, authorizing access and then anything on that storage medium is available to import.

Presenting with TrialPad

At its most basic, TrialPad is simply a way to project documents on to a monitor or through a projector for the courtroom to see. You can do that with any computer hooked to a monitor or projector. What makes TrialPad <u>the</u> trial presentation application is that the process of doing that is simplified and all the tools you want to emphasize your evidence are provided.

Preview

Before you present evidence to the jury, you need to be able to see it to be sure you're projecting the right document, in the right way. TrialPad automatically previews a document before you present it. You simply slide the "output" button and then hit "present." The reverse is also true—you can take down a document instantly by pressing the present button again or hitting the "blank" button.

Presentation Aids

Call out   Call out is the ability to emphasize a portion of a document or exhibit by "zooming it out" to nearly fill the screen.

Highlight   Highlight is exactly that. The ability to emphasize a portion of a document or exhibit by highlighting it in yellow, or whatever color you choose.

Laser Pointer   Very useful tool to allow you to imitate a laser pointer to point to a spot on an exhibit.

Compare documents side by side   You can put up two documents or exhibits side by side to allow direct comparison.

Redact   Exactly what it sounds like. You can redact out a portion of document.

Annotate   You can annotate by drawing on the exhibit. Handy to record what a witness's testimony is with regard to where something happened.

Exhibit Stickers   Place an exhibit sticker, with corresponding number or letter, on an exhibit.

Mark as Admitted   By marking an exhibit as admitted, TrialPad will allow you to create a report listing those exhibits that have been admitted.

Other Important Features

Key Documents Any exhibit or document can be marked as "key" document. This designation puts them in the key documents folder and makes them available instantly.

Search While this seems like a basic feature, it is one that is under-rated for the litigator. The ability to search documents that have been OCR'd for content, throughout the documents loaded for that trial, is invaluable.

Evidence reports Multiple report types are available, including those exhibits that have been admitted into evidence.

Multi-media Both photos and video can be displayed. Note: I would not recommend trying to display long videos, such as those of an entire deposition, through TrialPad. Video files are memory hogs and you can quickly use up all your available storage on just a few videos.

Using TrialPad in the Courtroom

You have two basic options for using the iPad and TrialPad in the courtroom-wired or wireless.

Wired setup A wired setup consists of a connecting your iPad to your projector or monitor via a wired connection. It's going to consist of a dongle to adapt whatever wire connection to the lightening port on the iPad. Most often the connection will be via an HDMI cord to the TV, monitor or projector.

Wireless setup The most useful connection is the wireless setup. This will consist of interfacing with an AppleTV. Simply connect the AppleTV (newest generation) to the monitor, TV or projector. Then you can link your iPad to the AppleTV using AirPlay.

TranscriptPad

TRANSCRIPT PAD 2.0, A LITIGATOR'S MUST-HAVE

If you litigate, you deal with depositions. If you deal with depositions, you need Transcript Pad.

Transcript Pad, like Trial Pad, is the benchmark in iPad applications for litigators. I transitioned my practice to a "paperless" practice over 5 years ago. One of the nagging complaints I had was a good paperless option for summarizing and annotating depositions. Transcript Pad has filled that bill. Transcript Pad 2.0 allows you to:

- Import depositions and organize them by case file
- Import exhibits as .pdfs for viewing

- Annotate depositions by custom case "issue codes"
- Assign multiple issue codes to the same testimony
- Highlight in multiple colors
- Underline in multiple colors
- Flag testimony with and without notes
- Create reports organized by issue code, highlight, underline or other views
- File integration with Dropbox, Transporter, Box and WebDAV
- Jump to a particular page in the transcript
- And many other features

So, how much does all this functionality cost? A fraction of the cost for comparable PC based applications—$89.99. I know, I know. You're used to paying $4.99 for applications for your iPad. Well this isn't a game you're going to play to waste time. This is an application you'll use and rely on to get real work done. If you bill by the hour it's a few extra .1s on the old time sheet. Skip that morning walk to Starbucks and save the $5 you'd spend on that latte and bill the 20 minutes instead and you're probably there.

Other Killer Apps

DocReviewPad   DocReviewPad is the third application from LitSoftware, the makers of TrialPad and Transcript Pad. Its designed to facilitate reviewing large document dumps in litigation. While it is not a "must have" for litigators like TrailPad and TranscriptPad, it is useful if you are reviewing large quantities of documents.

OsiriX HD   Osirix HD allows you to review dicom radiology files in their native format. Given that few radiology images are produced in the old style "hard" format, a good radiology reader is a must if your practice involves radiology images. You can easily use OsiriX to view and create exhibits from the radiology images.

Fastcase   Missouri, like many other state bar associations, provides its members with free access to Fastcase. The Fastcase app gives you the ability to research from your iPad.

Visible Body   If you handle injury cases, or have any need of understanding anatomy, Visible Body is a must have. You can drill down into the human body, removing layer after layer in order to view or understand anatomy.

Keynote   Apple's answer to PowerPoint, it's easier to use and intuitive. You can use Keynote on the iPad to present PowerPoint presentations.

Dropbox   Why do you need Dropbox on your iPad? Because, if you use Dropbox as the basic building block of your paperless practice, Dropbox on your iPad is a must have. You can access and search your files from anywhere you have a Wi-Fi connection.

Pocket   Pocket does one thing very simply, and very well. As you see an article or webpage you want to read later, don't print it out—mark it to read in Pocket. Pocket has a widget that installs in your computer's browser and even the browser on your iPad. When you click "save to Pocket" it does just that. And then you can view all those articles and pages later at your convenience. Also available for iPhone.