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Review of TrialPad 3.0

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The district attorney drops the theft charges. However, the “victims” file a civil lawsuit to recover damages for the “stolen” items. The case goes to trial. Luckily for you, the defendant was represented by Gadsden, Alabama lawyer Clark Stewart. In this issue of *LitigationWorld*, Clark explains how he used iPad trial presentation app TrialPad 3.0 at the trial, and how well features such as call-outs and the laser pointer performed. You'll also learn how he projected his iPad's screen to the judge and jury. For the verdict on TrialPad (not to mention the case), read Clark's page-turner of a review.

I've been playing with Lit Software's TrialPad 3.0, a legal-specific iPad presentation app, for a few months. I say “playing” simply because I haven't had occasion to use it in a trial.

That is, until last week.

I represented a defendant in a conversion case in civil court. My client had been charged with theft of property after allegedly removing jewelry from a home and pawning it. The criminal charges were dismissed, but the victims decided to try their hand in civil court.

The case was a mixed bag for my client. At the outset, it appeared to be a lot of smoke but no fire — and the plaintiffs didn't appear to have the cleanest hands either. I felt fairly confident. I was hoping the lack of hard evidence combined with a slick presentation using TrialPad might turn the tide. In this issue of

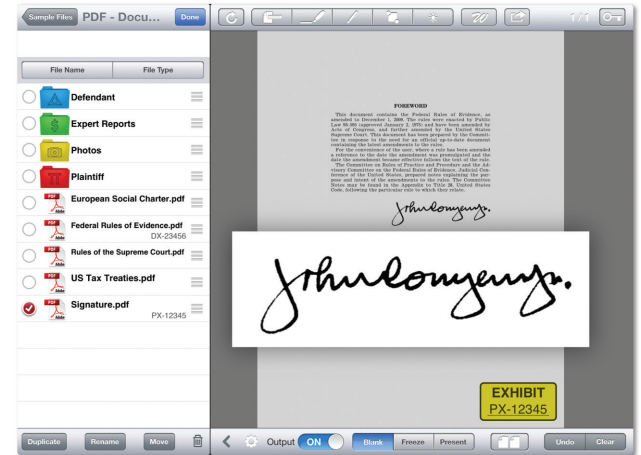
LitigationWorld, I'll tell you how TrialPad performed under pressure in a real trial (LitigationWorld procured a free copy for me for purposes of this review).

HOW TRIALPAD WORKS

TrialPad displays evidence for the judge and jury (and opposing counsel and mediators at settlement meetings). It easily handles documents large and small as well as audio and video files. Speaking of videos, TrialPad does an excellent job of displaying common video formats. If the iPad can display it, so can TrialPad. I prefer the MP4 format for its high quality at a relatively small file size. You import files from Dropbox or other cloud services or via iTunes sync.

The most common method [of creating a call-out] is to take a document and attach it to a foam board ... That's old school not to mention expensive. TrialPad makes foam boards obsolete.

Tools such as call-outs and highlighting enable you to focus the fact-finder's attention on a specific portion of a document. A call-out entails zooming in on text. The most common method is to take a document and attach it to a foam board, and then overlay the highlighted text in an enlarged form. That's old school not to mention expensive. TrialPad makes foam boards obsolete.



There's also a laser pointer that follows your finger on the iPad, displaying a red dot.

TrialPad features some video editing tools. For example, you can trim a video so to show a jury the most relevant clip. For more extensive editing, you'll want to use dedicated video editing software (Apple sells an iOS version of iMovie, which I have not tested).

Obviously, the iPad's screen is too small for everyone to see. Several options exist for transmitting what's on your iPad's screen to a larger screen. I use a projector, 20 feet of HDMI cable, and a digital AV adapter manufactured by Apple. This setup enables me to keep my iPad charged, and display the screen on a projector. A television with an HDMI port also works, but I find some jurors have a hard time seeing a TV from across the room. Go with a projector in a courtroom if possible.

HOW I USED TRIALPAD IN MY CASE

The plaintiffs in my case seemed a little greedy. They only reported one item missing on the police report in criminal court, but their complaint listed at least 11 missing items totaling thousands of dollars. I say “at least” because they often

revised the list. Items would be recovered, found, or simply disappear with each revision.

TrialPad ... seamlessly displayed what I needed to show. A simple toggle switch prevents the jury from seeing what you have in your quiver until you're ready to show it.

I used TrialPad to display each list with call-outs of discrepancies, and cross-examined accordingly. It was going well. The plaintiffs had never seen the initial Exhibit A, and even offered additional lists at trial. I felt confident that the Court would see that the plaintiffs had no idea what, if anything, was actually missing, and question their credibility as a result.

I used TrialPad's laser pointer to draw the Court's attention to items in the appraisal that didn't appear in prior evidence. I even highlighted the district attorney's information claiming only one item, as well as the threatening letter the plaintiffs sent my client. For each piece of evidence and witness the plaintiffs proffered, I had a rebuttal and a document to highlight for the Court's benefit. It was going well for my client.

THE ALL-IMPORTANT TOGGLE

TrialPad dressed to impress. It seamlessly displayed what I needed to show. Indeed, the app has a brilliant feature in this regard. There is an option that enables you

to essentially pause the display while you queue your next piece of evidence.

A simple toggle switch prevents the jury from seeing what you have in your quiver until you're ready to show it. Once you queue your next exhibit you can flip the toggle and display it for the jury.

This feature also helps you comply with the rules of evidence. Ever try to hand a witness or juror a document that hasn't been authenticated or otherwise introduced into evidence? Opposing counsel will thunderously object and you'll receive a severe tongue-lashing from the Court. TrialPad's toggle switch for the external display prevents such mishaps from occurring.

TECHNOSCORE

TrialPad gives you an advantage, but it's not magic. After seven hours of pummeling the plaintiffs, I was feeling rather pleased with myself. That is until the last witness.

Opposing counsel put my client's own mother on the stand, deemed her a hostile witness, and had her read prior testimony from a divorce proceeding wherein she stated on the record that my client admitted taking the items in question!

Have you ever seen video of a baby harp seal being bludgeoned to death by Inuit hunters? This was worse! The plaintiffs in this case were best friends of my client's ex in-laws. They used the divorce testimony of her mother on cross to destroy our case. There was no coming back from that testimony.

While my client lost the case, TrialPad was a winner. After judgment was rendered, the judge asked to play with the TrialPad app. He was thoroughly impressed with its power, and repeatedly commented on the polish of my presentation. Too bad TrialPad can't bend the space-time continuum and re-write history for me! Maybe in the next version.

At \$89.99, TrialPad costs more than the average iPad app but it's cheap if you run a cost/benefit analysis. Any litigator who has spent time in the trenches has used trial presentation software, trial consultants, foam boards and other demonstrative evidence, or a combination of all of these. It can easily cost thousands of dollars to put on the show.

Another benefit is that using the iPad you're not beholden to an assistant running your trial presentation software with your fingers crossed that they don't mess up. You and you alone are in control using an easy-to-use app on a simple device. That alone is worth the one-time investment in TrialPad. I give it an A+



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