

Trial By iPad: 1 New Technology, 10 Days, 3 6-Figure Verdicts

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As I've described before, I consider myself a [practical technologist](#) – I choose tech tools based on cost and what they can do to help me right now rather than paying top dollar for the latest-and-greatest gadgets that may not work for my practice. Likewise, I track technology on a “need to know” basis – keeping abreast of developments that I might need, instead of staying on top of everything that's out there.

So two months back, when I began prepping for my first jury trial in more than a decade, not to mention my first in federal court, of course, I was aware of the iPad as an option for trial technology. But with my focus largely on appellate work (where I limit my notes, if any, to a single page of paper) or pre-historic regulatory hearings (in one case, we were assigned our own blue plastic tub to store the hundreds of pages of paper documents circulated each day), I realized that I'd fallen behind on modern trial tech and needed to get up to speed – and fast. So here are the steps that one iPad novice took to ensure a smooth and seamless maiden voyage with my iPad at trial.

Assessment – Do You Really Need the iPad at Trial?

This should be self-evident – but the most important step to using the iPad at trial is deciding whether you actually need it to begin with. That depends on two factors: your substantive case and available courtroom support.

Since my case involved eminent domain, pictures were critical. Traditionally, jurors in eminent domain proceedings often have a chance to view the property. Because my case was in federal court, a site visit wasn't viable- but I anticipated that my clients could use photos to provide jurors with a virtual tour of the damage – felled trees, erosion and damaged pastures – that the pipeline had left in its wake. Here, the iPad would allow for seamless viewing of numerous photos that simply isn't possible (or would be cost prohibitive) with paper copies. In addition, since the location of the pipeline is another factor that informs compensation – not surprisingly, a pipeline that bisects a property causes more harm than one located at the edge of the property – the iPad could display of aerial photos from Google maps.

The federal courthouse in Baltimore is also well equipped for iPad use, with three monitors perched on the edge of the jury box, and one on the witness stand and each counsel table. With so much courtroom technology, I figured that my big law opponents would put on an impressive show and that the jury would expect the same from all the lawyers.

Had my case been document-heavy, or held in an off-the-beaten-path courtroom lacking in technology, I probably wouldn't have bothered with the iPad – at least as a presentation tool. In fact, I found that with some of the more complex issues in my eminent domain case – such as a review of the 30-page Right of Way specifications, or our expert's damages calculation that it made more sense to provide the jurors with their own hard copy of the documents to follow along.

Is Your Time Frame for Implementing The iPad Realistic?

Although I was an iPad trial virgin, the iPad wasn't a complete stranger to me. I'd already been using my iPad to access large documents at hearings and for speaking engagements I was familiar with the process of getting documents onto the device, and using it to run PowerPoint and Keynote. Moreover, since I've relied on cloud-based storage tools like [Box](#) for at least eight years, I didn't need any additional steps to import my files to an iPad trial app. Had I not had this infrastructure already in place, I'm not sure it would have been feasible to adapt to the iPad with so little time.

Getting Started

Once I decided on the iPad at trial, I had to figure out how to use it. This process consisted of two components: first, choosing the right trial presentation app and second, identifying a dependable set up to connect to the courtroom projection system without relying on a cable that would tether me to the counsel table. I bought a copy of Tom Mighell's [iPad for Litigators in One Hour](#), which offered a good overview of the range of choices. But the best guide that I found was Kevin Morris' [Trial Presentation by Apple TV and iPad](#) published at [Lawyerist](#) because it offered a detailed, step-by-step approach to the set-up. The advantage to Apple TV is that it creates a mirror connection without the need to rely on wireless access which wouldn't be available in the courtroom or my own wifi which has never been very dependable. Also at Morris' recommendation and other reviews I'd seen, I settled on [Trial Pad](#) as my presentation platform.

Delegate

With my trial just around the corner, I still had additional prep as well as my regular caseload. So rather than take the time to set up my trial tools myself, I delegated the task to my two summer law clerks. They contacted the court's technology office to determine what types of connectors we'd need to hook up Apple TV, figured out how to run the iPad using Apple TV, installed Trial Pad and mastered some of the basic features. By the time I was ready to prepare the witnesses and practice a dry-run, the device was ready to go. If like me, you're clumsy with setting up hardware, save yourself the frustration and delegate the task to a law student or assistant.

Set Up and Practice

Just as guns don't kill people, so too, an iPad alone won't kill it for you at trial. I still had to plan how I'd present my evidence and how the iPad would support that goal. Many of my presentation decisions were driven by my witnesses, who felt more comfortable explaining the case to the jurors by relying on visuals.

On the other hand, I found that lengthy documents didn't translate as well to iPad format, so these were circulated to the jurors as hard copies. For cross examination, I worked from my notes on paper, using the iPad to present impeachment material to the witnesses. For closing, I prepared summary charts of my talking point and the evidence, and because of the mobility that the Apple TV set up enabled, I could present directly to the jurors without shuffling through a legal pad.

Unfortunately, in my rush to come on board with Trial Pad, I didn't make use of all of its features, such as its ability to mark exhibits as admitted or not. But midway through the trial, I figured out how to use the redact button and was able to black out confidential portions of a document that my opponents turned over to me that morning and then put it up on the screen to cross examine a witness.

The Verdict

Following a six-day trial, the jury returned three six-figure verdicts for my clients – all substantially higher than they'd been offered. And while ultimately, it was the strength of the prep, the evidence and fact and expert witnesses and not the iPad that produced the win, the iPad allowed me to present that evidence in a far more professional and seamless a manner than would have been possible at my last trial ten years ago. What's more, even with the need to master a new technology just ten days before trial, my team's prep was far quicker and cheaper with the iPad than if we'd have had to prepare courtroom sized demonstratives or compile those dreaded exhibit books that would have me up until 3 a.m. the night before court.

Today's technology changes so, so quickly that it's impossible for lawyers to keep up with all of it. Nor should we even try. While lawyers are criticized for an aversion to tech, truth be told, so many early versions of many products simply aren't worth using (that includes many iPad trial pads which when launched, only synched up with Dropbox, making them much less convenient for someone using a different cloud platform). Moreover, as tech grows more user-friendly, the learning curve decreases – and the process of learning how to use a new tech tool, which once might have required a pricey consultant and a week of training can now be accomplished in a matter of hours.

Maybe you're not an early adopter of technology. But as my experience shows, it's never too late – even ten days before trial – to learn.