iPhone J.D.

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May 19, 2016

Review: TrialPad -- present evidence from your iPad

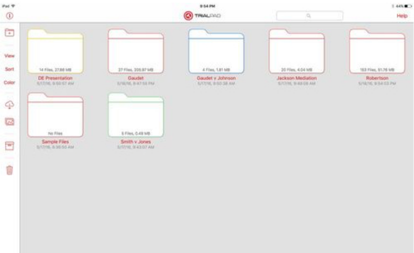
TrialPad is one of the most powerful and sophisticated apps that a lawyer can use on an iOS device. The app gives you the ability to present evidence to a jury, judge, or other audience, something that otherwise requires expensive software on a computer. And thanks to clever software design and the easy-to-use interface of an iPad, anyone can learn how to use the app.

The TrialPad app was first released in 2010 — the same year that the iPad itself debuted — and has seen numerous major updates over the years. As TrialPad has been updated, Apple has introduced faster and more powerful iPads, which makes all apps, especially sophisticated apps like TrialPad, work better. Apple's current flagship iPads are the 9.7" and 12.9" iPad Pros. TrialPad version 4.5, introduced last week, adds full support for these devices including the larger screen of the 12.9" iPad Pro and the Apple Pencil.

I was given a free copy of this $129.99 app for review purposes, but this is an app that I would definitely spend my own money on. Frankly, the cost is cheap compared to the other expenses that lawyers have preparing for a trial or mediation, not to mention compared to legal software for the PC that is harder to use. Over the years, I have heard from many lawyers who have described how they used TrialPad to successfully present evidence in trials, and lawyers have even told me that they purchased an iPad specifically so that they can use TrialPad — about the best proof there can be that this is a seriously useful tool.

Cases Screen

The main screen of the app is the Cases Screen. It works the same as the main screen in the TranscriptPad app (my review) and it is where you create folders for each of your cases or projects. You can assign different colors to different folders to help you to organize them and pick out a folder more easily.


TRIALPAD
Help
View
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14 Files, 27.88 MB
DE Presentation
27 Files, 205.97 MB
Gaudet
4 Files, 1.81 MB
Gaudet v Johnson
20 Files, 4.04 MB
Jackson Mediation
163 Files, 51.76 MB
Robertson
No Files
Sample Files
5 Files, 0.49 MB
Smith v Jones

ABOUT

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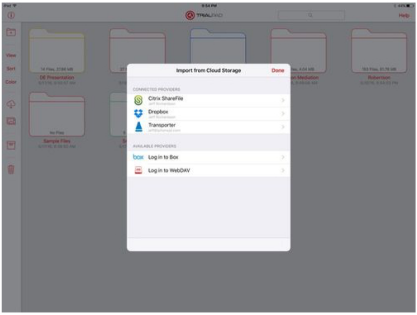
AWARDS

ABA Journal named iPhone J.D. the best Legal Technology blog in 2010, 2011 and 2013, and added

From the Cases Screen, you can easily import exhibits and other documents from Dropbox, Box, Citrix ShareFile, a Transporter or a WebDAV device. I was able to quickly transfer a large number of files using Dropbox, Citrix ShareFile and my Transporter. You can also transfer files from a computer by using iTunes and connecting your iPad to the computer with a USB cable.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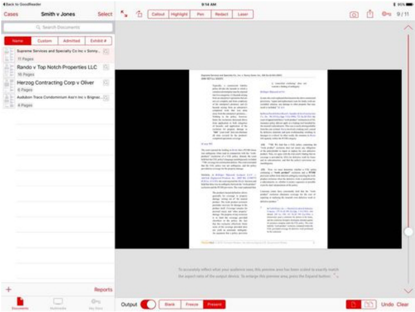
Mediation
Robertson
Sample Files

In addition to importing individual files or a set of files, you can also import a .zip file (under 1 GB), which lets you create folders and subfolders on your computer, and then maintain those folders when you import into TrialPad.

Case Screen

Once you select one of your case folders on the Cases Screen, you are presented with the Case Screen with all of the content associated with a specific case. On the left side of the screen you will see a list of the folders and documents inside of that case. You can create new folders and move documents into folders.

On the right side of the screen, you see a preview of whatever document is selected. If you are not connected to a monitor, the document will fill the right side of the screen. If you are connected to a monitor, you will see a rectangle corresponding to your external screen, with the document inside of that screen.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Supreme Services and Specialty Co Inc v Sonny...
11 Pages
Rando v Top Notch Properties LLC
16 Pages
Herzog Contracting Corp v Oliver
6 Pages
Audubon Trace Condominium Ass'n Inc v Brignac...
4 Pages
Reports
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You can pinch to zoom a document, so that only part of it is on the output screen.

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iPhone J.D. to its Hall of Fame in 2014:

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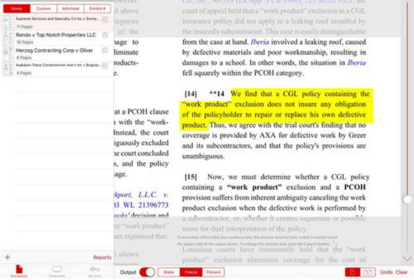
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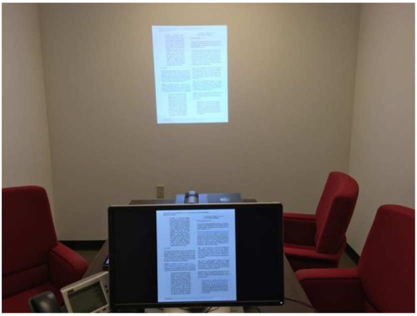
court of appeal held that a "work product" exclusion in a CGL insurance policy did not apply to a leaking roof installed by the insured's subcontractor. This case is easily distinguishable from the case at hand. *Iberia* involved a leaking roof, caused by defective materials and poor workmanship, resulting in damages to a school. In other words, the situation in *Iberia* fell squarely within the PCOH category.

[14] **14 We find that a CGL policy containing the "work product" exclusion does not insure any obligation of the policyholder to repair or replace his own defective product. Thus, we agree with the trial court's finding that no coverage is provided by AXA for defective work by Greer and its subcontractors, and that the policy's provisions are unambiguous.

[15] Now, we must determine whether a CGL policy containing a **"work product"** exclusion and a **PCOH** provision suffers from inherent ambiguity canceling the work product exclusion when the defective work is performed by a subcontractor, or, whether it creates vagueness or possible room for dual interpretation of the policy.

Louisiana courts have consistently held that the "work product" exclusion eliminates coverage for the cost of

The above pictures show you what you see on your iPad when you are using TrialPad. But your audience just sees the output, such as on an external monitor or the projected image. The three buttons next to "Output" at the bottom of the iPad screen control what the audience sees. With Blank selected, the audience just sees a black screen. With Freeze selected, the audience sees what is currently in your preview area at the time that you press the Freeze button. You can then use the TrialPad app to go find some other exhibit, which the audience will not see until you press Freeze again.



If you press the Present button, then the audience will see essentially the same thing that you are seeing in the Preview window. I say "essentially" because while you are in the process of zooming in on a part of the document on your iPad, the output screen doesn't zoom until you release your fingers from the iPad screen. This is a nice feature because it means that you can zoom in and search for the exact part you want to display, and then when you are finished and you remove your fingers from the screen, the audience just sees a zoom right to that specific area.

The Blank button can be useful if there is an objection to something that you are showing to a jury. Tap Blank and the output screen immediately goes black, so that you can then discuss the objection with the judge. If the objection is overruled, tap Freeze or Present to put the document back on the screen.

You can use a slider on the right side of the preview screen to move between pages of a document, either by dragging the slider, or by tapping the arrows at the top and bottom to advance one page at a time. You can also swipe on the document itself to advance forward or backward.

If you want to see more of the document on your iPad screen, you can expand the preview window by tapping the two arrow at the top of the screen.

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Documents
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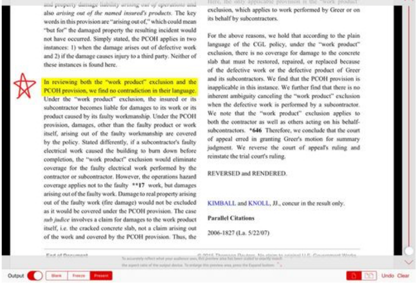

and property damage liability arising out of operations and also *arising out of the named insured's products*. The key words in this provision are "arising out of," which could mean "but for" the damaged property the resulting incident would not have occurred. Simply stated, the PCOH applies in two instances: 1) when the damage arises out of defective work and 2) if the damage causes injury to a third party. Neither of these instances is found here.

In reviewing both the "work product" exclusion and the PCOH provision, we find no contradiction in their language. Under the "work product" exclusion, the insured or its subcontractor becomes liable for damages to its work or its product caused by its faulty workmanship. Under the PCOH provision, damages, other than the faulty product or work itself, arising out of the faulty workmanship are covered by the policy. Stated differently, if a subcontractor's faulty electrical work caused the building to burn down before completion, the "work product" exclusion would eliminate coverage for the faulty electrical work performed by the contractor or subcontractor. However, the operations hazard coverage applies not to the faulty ****17** work, but damages arising out of the faulty work. Damage to real property arising out of the faulty work (fire damage) would not be excluded as it would be covered under the PCOH provision. The case *sub judice* involves a claim for damages to the work product itself, i.e. the cracked concrete slab, not a claim arising out of the work and covered by the PCOH provision. Thus, the

Here, the only applicable provision is the "work product" exclusion, which applies to work performed by Greer or on its behalf by subcontractors.

For the above reasons, we hold that according to the plain language of the CGL policy, under the "work product" exclusion, there is no coverage for damage to the concrete slab that must be restored, repaired, or replaced because of the defective work or the defective product of Greer and its subcontractors. We find that the PCOH provision is inapplicable in this instance. We further find that there is no inherent ambiguity canceling the "work product" exclusion when the defective work is performed by a subcontractor. We note that the "work product" exclusion applies to both the contractor as well as others acting on his behalf-subcontractors. ***646** Therefore, we conclude that the court of appeal erred in granting Greer's motion for summary judgment. We reverse the court of appeal's ruling and reinstate the trial court's ruling.

REVERSED and RENDERED.

KIMBALL and KNOLL, JJ., concur in the result only.

Parallel Citations

2006-1827 (La. 5/22/07)

End of Document
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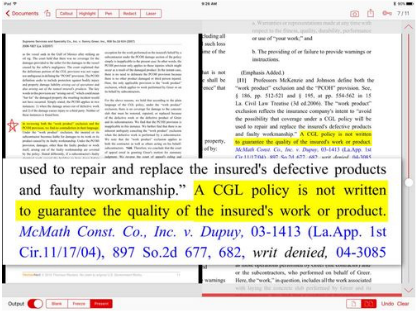
By default, TrialPad displays one page of a document at a time, but if you tap the button near the bottom right you can change to a Split Screen mode where two pages are shown at once. They can be two pages from the same document, or two pages from different documents.



a. Warranties or representations made at any time with respect to the fitness, quality, durability, performance or use of "your work;" and

b. The providing of or failure to provide warnings or instructions.

(Emphasis Added.)

[11] Professors McKenzie and Johnson define both the "work product" exclusion and the "PCOH" provision. See, § 186, pp. 512-521 and § 195, at pp. 554-562 in 15 La. Civil Law Treatise (3d ed.2006). The "work product" exclusion reflects the insurance company's intent to "avoid the possibility that coverage under a CGL policy will be used to repair and replace the insured's defective products and faulty workmanship." A CGL policy is not written to guarantee the quality of the insured's work or product. *McMath Const. Co., Inc. v. Dupuy*, 03-1413 (La.App. 1st Cir.11/17/04), 897 So.2d 677, 682, *writ denied*, 04-3085

used to repair and replace the insured's defective products and faulty workmanship." A CGL policy is not written to guarantee the quality of the insured's work or product. *McMath Const. Co., Inc. v. Dupuy*, 03-1413 (La.App. 1st Cir.11/17/04), 897 So.2d 677, 682, *writ denied*, 04-3085

or the subcontractors, who performed on behalf of Greer. Here, the "work," in question, includes all the work associated

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Documents
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7 / 11
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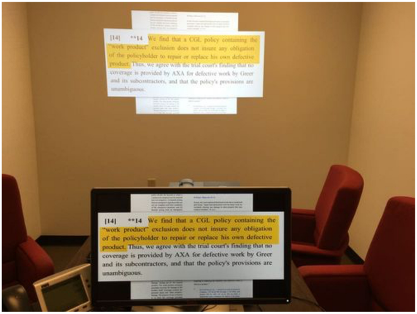
Annotation Tools

One of the most powerful features of TrialPad is the ability to use annotation tools, and you can see some of the tools at work in the above images. You can highlight part of a document. (And the app highlights the correct way, keeping the underlying text a dark black — unlike some inferior apps that highlight by applying an opaque yellow box that makes the underlying text harder to read.) You can use a Pen tool to write on the document (which works incredibly well with the Apple Pencil) or draw straight lines. You can use the Redact tool to apply a white or black box over portions of a document. You can use the Laser tool to access a virtual laser pointer, making it easy to emphasize part of a document while you are discussing it with the jury or other audience.

Perhaps the most useful tool for when you are working with documents is the Callout tool. Select a portion of a page of a document, and have that part blow up on the screen so that your audience can more easily see it. One good way to do it is to first highlight the text so that the audience sees what you are emphasizing, and then use Callout to zoom in on that area to make the text easy to read. The effect is very professional.

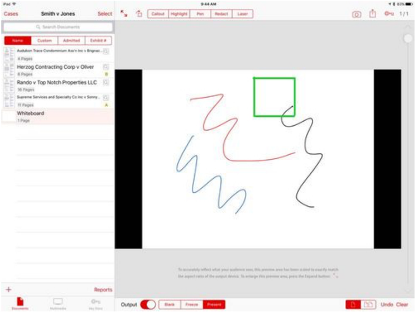


[14] **14 We find that a CGL policy containing the "work product" exclusion does not insure any obligation of the policyholder to repair or replace his own defective product. Thus, we agree with the trial court's finding that no coverage is provided by AXA for defective work by Greer and its subcontractors, and that the policy's provisions are unambiguous.

The Callout function works especially well with the Apple Pencil because it is so precise. Simply tap exactly where you want one corner of the callout to occur, drag down to the opposite corner, and then let go. The end result is much more exact and professional with an Apple Pencil versus just using your finger.

At the bottom right of the screen, an Undo button lets you undo annotations one at a time, and the Clear button lets you undo all annotations and go back to the original document.

In addition to annotating on a document, you can annotate on a blank canvas, thus letting you use TrialPad as a virtual whiteboard.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Key Docs

Sometimes you will want to annotate a document as you are speaking, so that you can walk the audience through your annotations. But other times you will want to prepare the annotations beforehand, and then pull up the document with the annotations already there. The Key Docs feature lets you prepare annotations beforehand. Simply apply all of your annotations in the Preview Window and then tap the key at the top right of the screen. You have the option of adding just that page of a document to your list of Key Docs, or you can add the entire document to your Key Docs. Either way, all of your annotations are preserved so that you can quickly see them again later without taking the time in front of your audience to create the annotations.

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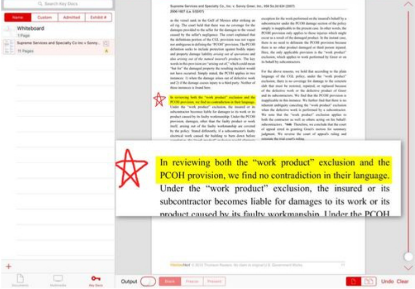
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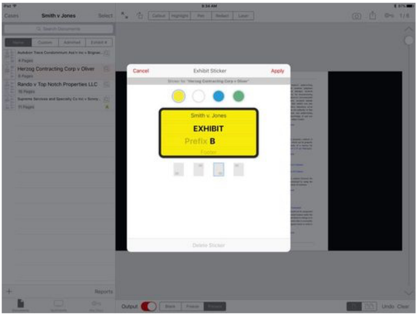
In reviewing both the "work product" exclusion and the PCOH provision, we find no contradiction in their language. Under the "work product" exclusion, the insured or its subcontractor becomes liable for damages to its work or its product caused by its faulty workmanship. Under the PCOH

Working with exhibits

TrialPad has some special tools for working with exhibits. First, the app gives you the ability to apply exhibit stickers to a document, or to a group of documents. You control what goes in the different portions of the sticker, such as the header and footer of the sticker, the color of the sticker, where the sticker is applied on the document, etc. You can even automatically generate exhibit sticker information from the file names.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Rando v Top Notch Properties LLC
16 Pages
Supreme Services and Specialty Co Inc v Sonny...
11 Pages
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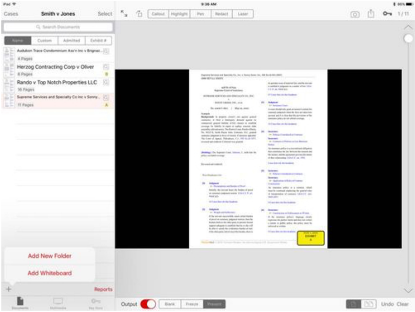
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Herzog Contracting Corp v Oliver
8 Pages
Rando v Top Notch Properties LLC
16 Pages
Supreme Services and Specialty Co Inc v Sonny...
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EXHIBIT
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You can also use TrialPad to keep track of which exhibits are admitted into evidence in a case. Just hold down on a document in the Preview Window to see the option to mark the document as Admitted.

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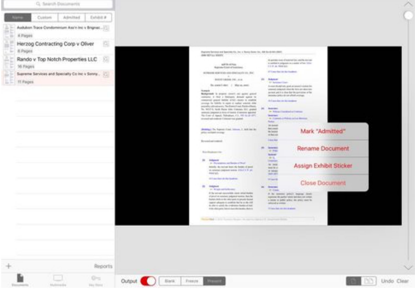
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6 Pages
Rando v Top Notch Properties LLC
16 Pages
Supreme Services and Specialty Co Inc v Sonny...
11 Pages
Mark "Admitted"
Rename Document
Assign Exhibit Sticker
Close Document
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Admitted documents have the word "Admitted" just under the document title on the left portion of the screen, and they also show up under the Admitted tab on that left portion of the screen.

Multimedia

In addition to presenting static documents and images, you can also present videos and audio. The app includes a simple video editing tool so that you can clip a video to just the portion that you want to show.

Output

You can connect your iPad to a monitor or projector by using Apple's Lightning to VGA or Lightning to HDMI adapters. You can also connect an Apple TV to a monitor or projector and then create a wireless connection between your iPad and the Apple TV, allowing you to walk around a room with no cables connected to the iPad.

Snapshots

While TrialPad is primarily an app used to show documents to a live audience, you can also use the app to create PDF files thanks to a new feature added last week called Snapshots. After you are done annotating a document, tap the camera icon at the top right. This creates a PDF image of whatever you are seeing in the Preview Area, including annotations and callouts. You can access your Snapshots in a case in the Snapshots folder, and then you can email, print, or do whatever you want with the PDF file. For example, I can imagine including something like this in a submission paper to a mediator before a mediation so that you can use highlighting and a callout to focus the mediator's attention to a specific part of a document. You can also use the Snapshots feature to create a nice slide to use in Keynote or PowerPoint in an Opening or Closing Argument, with the document in the background and a callout of the important quote in the document on top.

Tell me more

Because TrialPad is such a sophisticated app, there are lots of features that you may not discover on your own, even though they are easy to remember once you know about them. For example, tap with two fingers on any callout to make it disappear.

Fortunately, it is easy to learn all of these tricks and tips. Just tap the Help button at the top right of the Cases Screen, and the fourth option down is User Guide. Tap it to open up a PDF file (formatted for the iPad screen dimensions) that walks you through everything that you need to know about the app. Or, the fifth option under Help launches a page in Safari where you can watch videos about all of Lit Software's apps, including an excellent 27 minute TrialPad overview narrated by Ian O'Flaherty, the creator of this app. (You can also view all of those videos without purchasing the app just by clicking here.)

Conclusion

TrialPad lets you present evidence or other documents to an external screen or monitor in a very professional manner. Because the app is easy to learn how to use, you can use it yourself when you are in trial or giving a presentation without having to rely on, and pay for, a trial graphics specialist to assist you. Or, if you would prefer to let someone else handle the mechanics of presenting the evidence while you talk to the judge or jury, that person can use TrialPad to handle the presentations while you speak.

While the app has special tools for working with exhibits in trial, you can use it for any kind of presentation in which you want to display documents for others, even a simple client meeting or meeting with a witness.

I've used TrialPad in the past, but I especially like this latest version on my 12.9" iPad Pro. The iPad Pro has the oomph to quickly work with documents, and the large screen makes it even easier to view and annotate documents. You can use TrialPad with smaller iPad screens, but the app really shines on the largest iPad.

However you use it, TrialPad is an essential iPad app for any lawyer who has the need to show and annotate a document on an external screen for an audience.

Click here to get Trialpad ($129.99): App Store

Permalink

Comments

Evan said...

This is now the definitive TrialPad review, Jeff. Very thorough and nicely written. I've thought for a while that TrialPad could be marketed beyond the legal field, to anyone that needs to present information in a non-sequential manner. I am a lawyer, and use if frequently in every day client meetings to convey information.

Reply May 19, 2016 at 06:16 AM

Christine Gille said...

Jeff: Thank you for this informative review - you have sold me. As a long-in-the-tooth family lawyer in LA, used to trials but not to technology in the courtroom, I want to use the TrialPad app on my 12.9 iPad Pro. However, most of our family law courtrooms still do not provide presentation hookups. I will have to bring my own. If it is not too much work, would you kindly direct all of us newbies (elsewhere in your blog?) to your current preferred method and hardware to connect your iPad Pro to a monitor, what portable monitor you prefer, and whether you would use a monitor, or a projector and portable screen if the wall of the courtroom is not a suitable projection surface. In other words, what do we need to complete our technology presentation systems? Thank you very much, and thank you for a great blog.

Reply May 19, 2016 at 07:39 AM

Jeff Richardson said in reply to Christine Gille...

These are great questions, and fortunately Lit Software (maker of TrialPad) already has you covered. In this review I talk about the Manual that is included in the app as a PDF file. There is a section near the end of the manual that gives you explicit instructions on how to do the hookups, recommendations on what projectors to use, even a recommendation on a portable screen that works well in a courtroom.

-Jeff

Reply May 19, 2016 at 09:05 AM

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