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LITIGATORS, TECHNOLOGY

Today’s Tech: A Medical Malpractice Lawyer, A Paperless Office, And An App

By NICOLE BLACK

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Ask any lawyer with a paperless office what that means and they’ll undoubtedly tell you that it’s all about less paper, not the elimination of paper. Even so, the large-scale reduction of paper in a law office can have a dramatic impact on both the law firm’s internal processes and on the quality of the lives of the lawyers in the firm.



Just ask [Todd Hendrickson](#), a St. Louis-based medical malpractice attorney. He’ll tell you that going paperless helped him to become a better lawyer. Not only did his law practice become more efficient and economical, but by using digital documents, he was able to litigate cases more effectively using trial presentation software.

“Being paperless simplifies my practice and being paperless at trial is just an extension of that. You can’t practice law without paper — that isn’t possible,” he explains. “But having as little paper as possible just makes things simpler. I wouldn’t go back to the old days of schlepping in stacks of boxes with the complete file ‘just in case.’”

Todd began using trial presentation software in 2014 mid-trial and continues to use it to this day. According to Todd, he was a few days into a nearly three-week long trial that involved hundreds of exhibits and quickly became frustrated with the limitations of presenting his case using paper documents. So, in the midst of trial, he decided to give TrialPad, an iPad trial presentation app he’d downloaded previously, a second look.

“I played around with the app and loaded on the exhibits I knew I’d use the next day and went into trial and started using it. I was up against a fairly large defense team that was using dedicated trial presentation software and found I was able to intuitively do what they were able to do with TrialPad,” he says. “Long story not so short, the next day defense counsel came in and started using TrialPad on his iPad. Later we talked about it and he had been like me — he’d had a copy for a while, but had been hesitant to try it out in a live fire situation. I haven’t looked back since.”

He explains that by going paperless and using trial presentation software, he’s able to be a more efficient and effective litigator: “I’m frugal. I don’t like to spend money on the same things over and over again — like trial exhibits. While I will still use a few selective trial boards for emphasis, the ability to create and manipulate exhibits on the fly in trial is critical. TrialPad can do for less than \$100 what a trial technology team would charge thousands for. And it can do it day after day with no additional cost.”

By using trial presentation software, Todd is able to present his client’s cases to jurors in a way that meets their 21st century expectations. “A jury is an audience — probably one of the most important audiences you’ll ever present to. They see flashy presentations on the news, on their own computers, even on their phone. They expect you to be able to present evidence in this way.”

He continues, “With TrialPad, you can highlight testimony and evidence more effectively. Being able to search for a critical word in a medical record that the defense witness has just misrepresented and then stand up, get him to double down on his misrepresentation, and then show it to the whole courtroom with the word or phrase or finding ‘called out,’ underlined, and highlighted is powerful.”

He stresses the importance ensuring that you are fully prepared and have a mastery of the facts and evidence prior to trial, regardless of how you choose to present your case: “Oftentimes, understanding how to use what you have is the bigger edge. Juror’s will not forgive an attorney who can’t make his presentation tools work. It doesn’t matter if it’s a poster board or an iPad. They will perceive your fumbling as ineptitude.”

For lawyers seeking to use trial presentation software in their practices — or any new type of technology — he emphasizes the value of doing your research ahead of time and choosing carefully: “Invest wisely. Frugal doesn’t mean cheap. It’s better to buy what you need, with all the features you are actually going to use, and then use that technology for several years or longer, rather than buying the cheapest option. The opposite is true, too. Don’t let yourself get talked into something you don’t need and assume that because it is more expensive, it’s better.”

Finally, if you decide to use a trial presentation app at trial, he offers this parting advice: “Practice, practice, practice. I don’t suggest picking it up mid-trial and deploying it the next day, like I did. Instead, go to the courtroom where you are going to be presenting and find out simple things like where the outlets are. You need to be ready with a long extension cord if needed. Preparation is key.”

Nicole Black is a Rochester, New York attorney and the Legal Technology Evangelist at [MyCase](#), web-based law practice management software. She’s been [blogging](#) since 2005, has written a [weekly column](#) for the Daily Record since 2007, is the author of [Cloud Computing for Lawyers](#), co-authors [Social Media for Lawyers: the Next Frontier](#), and co-authors [Criminal Law in New York](#). She’s easily distracted by the potential of bright and shiny tech gadgets, along with good food and wine. You can follow her on Twitter at [@nikiblack](#) and she can be reached at niki.black@mycase.com.

