





Trial by iPad: Can you run an entire trial from your iPad?

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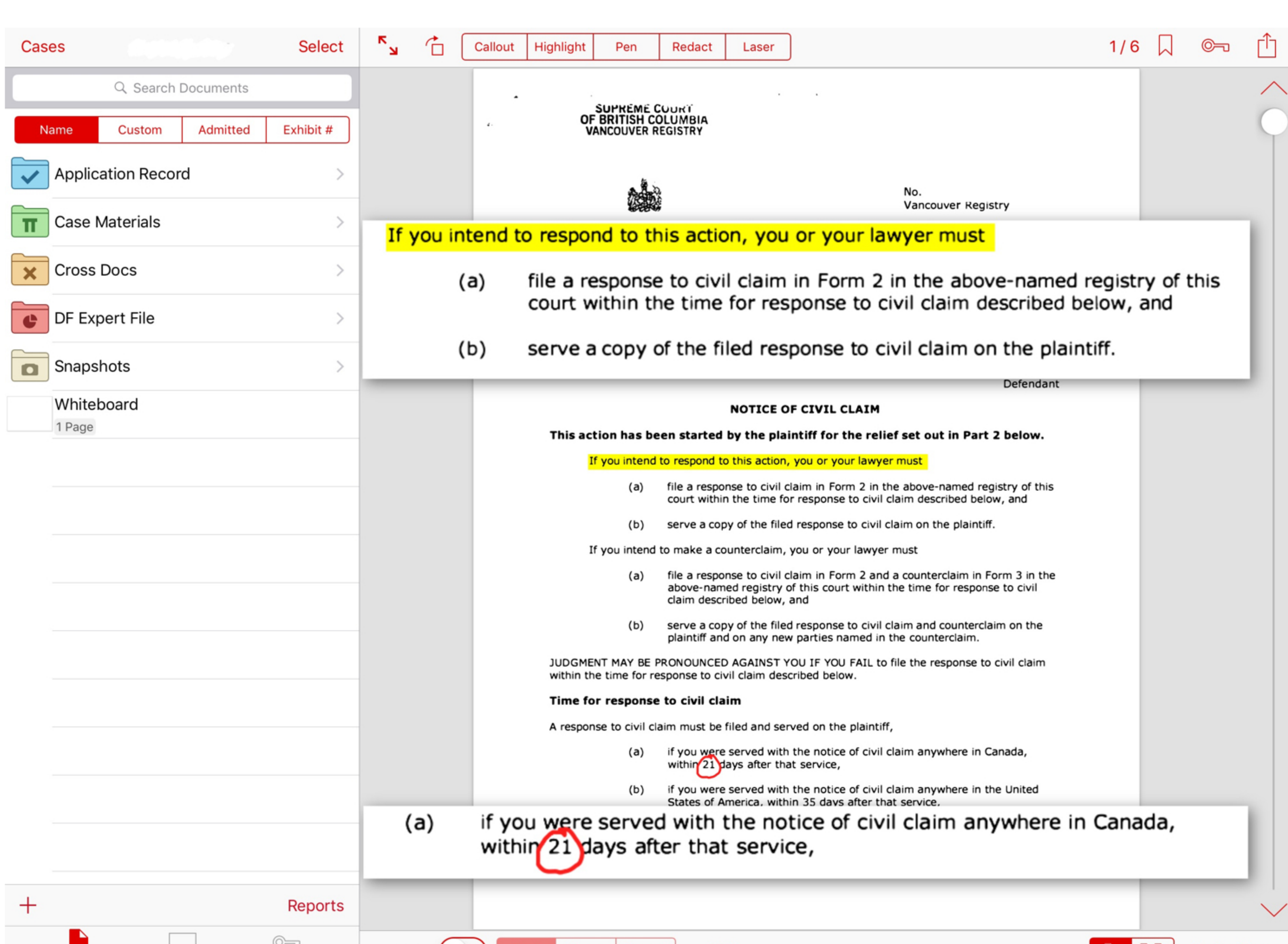
Within days of starting at [Slater Vecchio](#), [Mike Slater](#) told me to buy an app for my iPad Pro: [TrialPad](#). He had been using it for a while and was keen to put it to use in court. As someone who thinks technology can, *almost*, always improve on the wheel, I was happy to give it a try.

Recently, [Nicholas Tsoi](#) and I got an opportunity to give TrialPad a test drive in court. TrialPad is great for having entire case files at the ready on your iPad, but its true purpose is running an electronic hearing where all documents and evidence can be instantly displayed, highlighted, enlarged, and marked up.

Our opportunity was a 3-day summary trial about liability. We agreed with defence counsel to cross-examine the expert witnesses in court, prior to making our submissions. We arranged for the judge to have a monitor on the bench. We then had a large monitor the witness and defence counsel could see. From there, all we needed was an Apple TV to "screen mirror" my iPad (a one-button setup process).

Every time I put a document to the witness, I put it up on the monitors. I could then seamlessly create "callout" boxes on key text or images, highlight important words, and indicate specific parts of diagrams, maps, and pictures using the laser pointer (controlled on my iPad with my Apple Pencil).

Below is a sample screenshot of how I organized the file, and how some of the mark-up features look. When you have the app in "output" mode, only the document image shows on the monitors. Your app interface shows only on your iPad.



There were times the expert witness referred to a document from his file that was not in the report and that I had not planned to deal with. Because I had the entire expert file at my fingertips, I was able to review and display the documents in seconds. No need to lift and sift through enormous binders and then pull out copies for the judge to see.

There were a couple minor hiccups with the technology. For example, I couldn't get a picture to re-appear after I attempted to zoom in on one part. A quick, "My Lady, if I may have moment to adjust the document on display", and things were right back on track. It was no different than asking for a moment to find a physical document or to ready an exhibit. And it was certainly less disruptive than having to dig through boxes or flop around giant binders.

At the conclusion of our hearing, the judge was curious and complimentary about the technology we had been using. I got the impressions she would welcome the use of TrialPad or other electronic presentation methods in future hearings.

After this experience, I am convinced this sort of technology can be used in a trial of nearly any length. It would work best—for now—in matters where documents are covered by a documents agreement and already numbered as exhibits as part of joint book of documents. This is because exhibits still need to be physically marked. You lose some of the benefit of using your iPad if you also need a binder with copies of all potential exhibits.

I said "for now" above because TrialPad can put exhibit stickers on documents and then email them or upload them directly from the app interface. So, theoretically, documents could be labelled and then emailed to all counsel and the court clerk (or a specially created court email address for exhibits). The court clerk could then add an official exhibit mark and keep them in an electronic folder of the exhibits.

There are probably lots of other solutions available, but it doesn't have to be complicated. We shouldn't need a special protocol or full-blown "electronic trial" procedure to present and use most documents in electronic form in court. Calling something an "electronic trial" in this day and age is like calling a trial in the early 1900s a "paper trial". The overwhelmingly majority of all documents are now born in electronic form. Yet we seem to look at them with suspicion in court unless we reduce them to paper. There is no realistic difference between a photocopy and a PDF. In many cases, a printed electronic document is a lesser and distorted form of evidence. That is so even before considering the problem of blurry copies and unreadable faxes (fax is an anachronism that trudges on, zombie-like without any legitimate explanation, but that's a topic for another day).

Moving off of that tangent, my point here is that we have persisted in the old boxes-of-binders-and-paper approach for far longer than necessary. No one likes to take risks with the presentation of their case in court. But the risk is far smaller than most believe. The reward is being able to put on a dynamic and visually compelling case, and to have the entire case and every document sitting right in front of you on the podium. It's at least worth a test drive.

Note: Despite how it may appear, this is not a promotion for TrialPad or any Apple products. Those just so happen to be the app and devices we used. I don't know if there are other similar products out there. I'm sure there are, but these worked great for me.