

ADVOCATE



From the
Executive Director

iPads and tablet PCs are here to stay in the courtroom

Many apps are now available to help you inform and persuade jurors

An attorney I know was complaining to me recently about one of his trials. Now an attorney complaining is not exactly a news flash, but this attorney's rant was different than most.

He told me that he had a bad result in a trial and that he was certain it was because of an iPad.

He explained it was juror misconduct that cost him his trial, and that the accomplice was the juror's iPad. He was convinced jurors had spent time using their iPads to probe the Internet to the detriment of the attorney and his case.

If you've had a similar situation, you aren't alone and my sympathies are with you. But, my advice is "Get Over it" — tablets and iPads are here to stay.

This column will tell you how iPads are being used in trials and will introduce you to lawyers who purposefully put iPads into the hands of jurors.

First, some numbers.

This month is the fifth anniversary of the release of the iPad. On the first day, Apple sold more than 300,000 of them. Tablet PCs had been available for many years prior to the launch of the iPad, but it was Apple's product that changed the world.

From those modest beginnings, iPads and tablet PCs have changed the way we share and receive information. According to eMarketer.com, "More than 1 billion people worldwide will use a tablet in 2015, more than double the number three years ago."

By the end of this year more than 64 percent of Americans will own or use a tablet PC or iPad. With those numbers, it only makes sense that iPads and tablet PCs have made their way into courtrooms.

Tablets in the courtroom

It's not uncommon to see a trial attorney use an iPad to run visual presentations and organize, manage and present their case. If you listen to them, the days of lugging huge trial binders into Court are gone. Today, everything you need for a trial can be held in one hand.

CAALA has presented numerous education seminars on the use of technology in your practice and in the courtroom, and many of them are available in the on-demand Legal Education Center on the CAALA Web site at www.caala.org.

Tips from Tad Thomas

Tad Thomas (www.tadthomaslaw.com) is a Louisville, Kentucky, personal injury lawyer who writes and speaks regularly about the effective use of technology in the courtroom.

He is a big iPad user and says that his philosophy on technology in a law office is simple: "Technology is great as long as it is easy to use and makes things faster, more convenient and more reliable."

Thomas offers these tips to make your implementation of technology in the courtroom more successful:

• Practice makes perfect

"Whether using an iPad to wirelessly present evidence to the jury or working with a trial consultant, do multiple dry runs with the technology. Practicing while using the actual evidence you are using in trial will also help refine your presentation."

• Have a Plan B

"Things will go wrong, but if you prepare correctly you will be able to bounce back quickly. I setup my iPad exactly as I want it, then backup the iPad to iCloud and restore that backup

on another iPad. That gives me two iPads that look exactly the same if one goes down in trial."

• Know your courtroom and judge

"Go into the courtroom to see exactly what equipment you will need, where it will sit and whether the judge will allow you to use it. Address technology in your Pre-Trial Conference."

• Download your entire file to your iPad or laptop

"Rather than taking boxes and boxes of documents, try going paperless. Scan your files and download them to your iPad before leaving for the courtroom."

• Use your iPad to create exhibits

"Many iPad and Tablet PC tools allow you to inexpensively create generic medical illustrations for use in both depositions and trial."

These tips help put the iPad or tablet PC into the hands of the lawyers. The next new technology innovation will put them into the hands of the jurors.

Many attorneys who use iPads or tablets in court know that even the best presentations can be negated by hard to read screens, poor viewing angles and obstructed viewing for jurors.

Tablets in the jury box

CAALA technology service provider, MotionLit and its owners Váhe and Váhe Garabedian, spent over a year working on a solution.

They developed a product that created a juror iPad. Last year they supported former CAALA President Lisa Maki and her co-counsel Genie Harrison on the first civil jury trial in L.A. Superior Court where the jurors were each provided with their own iPads. The presiding judge was the Hon. Michael Linfield and he was

pleased with the smooth and efficient iPad trial presentation. Maki and Harrison were pleased too; they received a favorable verdict in a complicated, high profile case.

MotionLit's product became an extension of the in-court projection

screen and the juror iPads were re-configured to contain only the admitted exhibits that were displayed at the control of the attorneys.

One more modification was made to the juror iPad – No Access to the Internet.

The days of juror misconduct because of an iPad may be numbered.

