

Attorneys Turn to iPads to Prepare and Question Experts

By Robert Ambrogi

Attorneys who lug around bankers' boxes stuffed with exhibits may soon seem like Luddites given the growing popularity of the iPad at depositions and trials. Increasingly, trial attorneys are using iPads to prepare and question witnesses – and the devices are particularly well suited to working with and examining expert witnesses.

William H. Latham, a litigation partner at Nelson Mullins in Columbia, S.C., uses the iPad both to prepare his own expert witnesses and to cross-examine his opponents' experts. "My practice is national in scope, and I am often on the road preparing witnesses for deposition, hearing or trial testimony," Latham writes at his blog, [The Hytech Attorney](#). "This typically involves reviewing dozens if not hundreds of documents with the various witnesses. Prior to the iPad, that often meant lugging around two or more bankers boxes all over the country. No more."

Instead of multiple bankers' boxes, Latham takes two iPads, each loaded with the documents he needs. He sanitizes one iPad of any sensitive legal documents or information and gives that one to the witness, while he shows the same documents on his own iPad2. "The attorney's iPad2 will be connected to a projection device or monitor allowing the attorney to annotate or highlight documents and discuss them with the witness."

"The iPad is a great tool for keeping and showing the expert documents, video clips, etc., just as it is with jurors and colleagues," agrees R. David Donoghue, a trial attorney at Holland & Knight in Chicago. He regularly uses his iPad with experts, but cautions that if the attorney is not using a dual iPad set-up such as Latham does, to be careful not to expose any privileged content on the iPad to the expert.

Ideal Device for Presenting Evidence

Peter Summerill, author of the blog [MacLitigator](#), believes the iPad is the ideal device for presenting evidence at trial. "Apple has created a product which facilitates presentation of evidence without getting in the way and does so in a completely unassuming fashion," he says. "The iPad sits low and is the perfect size to place next to a legal pad or other notes while at the podium."

Not only is the iPad unobtrusive, but it can make the presentation of complex forensic evidence appear seamless. Morgan Smith, an attorney who helps other attorneys integrate graphics into their trial presentations, recently wrote on his [Cogent Legal Blog](#) about a mock trial between two masters of the trial bar – one armed with an iPad, the other with a yellow pad.

The case turned on the presentation of complicated forensic accident reconstruction evidence. The plaintiff created computer models simulating the accident and presented the slides using an iPad and a program called Keynote Remote. When the mock trial ended, the judge cited the plaintiff's presentation as an example of a well-done, seamless use of technology.

"Using the iPad with Keynote allows the attorney to have a visual of both the slide that is up on the screen and the next slide that is coming up, which helps greatly for smooth transitions," Smith says. "Keynote also allows the presenter to have notes visible on the iPad – sort of like mini index cards on the

bottom of the iPad screen and visible to no one but the presenter – so the attorney can refer to the notes as needed. Swiping the iPad screen moves the presentation from one slide to the next one.”

For preparing an expert witness to testify, Tom Mighell, author of the blog [iPad 4 Attorneys](#) and of the ABA book, *iPad in One Hour for Attorneys*, recommends an app called GoodReader. “You can organize folders for your expert, to put specific types of records into specific types of files,” he explains. “If you want, the expert can annotate the documents – add notes for you to read later, or other comments.”

While many attorneys are enthusiastic about the iPad as a trial tool, not everyone is gung-ho. Ted Brooks, a trial presentation consultant in San Francisco who writes the [Court Technology and Trial Presentation Blog](#), says he would use an iPad to present at trial “only if there were some compelling reason to do so.” He still prefers to have the power of a laptop and to use tried-and-true trial-presentation software.

“The trials I work on are generally larger matters, which would introduce unnecessary risks and challenges, all at the expense of looking cool,” he says. “Those attorneys who actually use it in trial are generally working alone on smaller cases, which would be fine.”

Tell us: Have you used tablets such as the iPad to work with, prepare or depose experts?

Editor’s Note: Our next post is a list of essential apps for trial. This article was originally posted on BullsEye, a legal blog published by IMS ExpertServices.