

Focus On

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The iPad and the Law

SINCE THE RELEASE of its first iPad in April 2010, Apple has sold more than 40 million of the devices worldwide.¹ These numbers continue to grow at a dramatic pace, fueled most recently with the introduction of the new iPad. It is estimated that, by 2015, Apple will have shipped 150 million iPads, totally dominating the tablet market.² Although the iPad has primarily been marketed as a consumer device, the business world has

quickly recognized the advantages and efficiencies the iPad offers to the workplace.³ In fact, within 90 days after its initial release, the iPad managed to penetrate 50 percent of the Fortune 100 companies.⁴ Even sports teams are taking advantage of the iPad's benefits. Fans attending Super Bowl XLV, the first Super Bowl held after the iPad was released, used an official NFL app to navigate Cowboys Stadium.⁵ Shortly thereafter, the Tampa Bay Buccaneers became the first NFL club to discontinue the use of paper copies of playbooks; instead the team distributed its playbook and videos to all its players in electronic format via an iPad 2.⁶

Law firms are also starting to embrace the iPad, despite what the *New York Times* described as a general reluctance on the part of such firms to adopt personal technology.⁷ The *Times* reported that Prosekaeur Rose, one of the nation's largest law firms, was making the iPad available to its 700 lawyers, most of whom prefer the iPad to a laptop computer.⁸ A number of other national, regional, and local law firms are also distributing iPads to their attorneys. "Lawyers, it seems, are shedding their heavy trial bags in favor of something lighter and certainly hipper."⁹ With Apple's introduction of enterprise apps and, earlier this year, Business to Business (B2B) apps, the iPad is increasingly becoming a standard piece of equipment for lawyers.

The iPad was not the first tablet computer and it is certainly not the only tablet computer on the market today. However, the iPad is perceived as having defined a consumer (and now business) device that has increased functionality, battery life, simplicity, and mobility as well as lower cost and overall higher quality when compared with previous tablets.¹⁰

Although other computer manufacturers and even media companies have now introduced tablet computers similar to the iPad in an effort to catch up to Apple, the iPad continues to shape and dominate the consumer and corporate market for tablet computers.¹¹ In fact, 80 percent of businesses planning to buy a tablet device this year reported that they intended to buy iPads.¹²

For their part, lawyers are using the iPad more and more. The iPad now has apps for just about everything a lawyer needs: reviewing and annotating documents, reading briefs and pleadings, accessing court rules, taking notes in meetings and hearings, accessing calendars and contact lists, researching on Westlaw and Lexis, and logging billable hours. *USA Today* reported that lawyers are even using the iPad successfully in mediation by providing the mediator with an iPad preloaded with video interviews, case documents, and even case animations.¹³ This article will briefly highlight some of the more useful apps lawyers are using to enhance their practice, including GoodReader, Rulebook, iJuror and JuryTracker, TranscriptPad and TrialPad, Quickoffice Pro, Evernote, and Apple's own Newsstand app.

GoodReader

Court systems and law firms alike have long since recognized the advantages offered by paperless filing, storage, and retrieval systems. Using Adobe Acrobat, a scanner, and email, lawyers can drastically reduce the amount of paper they use and also simplify filing and service of pleadings and papers. The Federal Rules of Civil Procedure authorize service by electronic means, including e-mail, when the opposing party agrees.¹⁴ Thus, after entering into a simple stipulation with opposing counsel, attorneys can save a considerable amount of administrative/secretarial time and headaches by serving pleadings, papers, and discovery on multiple parties with just the click of a button. In fact, in light of numerous statutes authorizing electronic signatures, attorneys need not even print out such pleadings or papers to sign them.

However, until the advent of the iPad and the GoodReader app shortly thereafter, there was no easy way to argue motions and otherwise present arguments at court proceedings without printing the relevant papers beforehand. GoodReader presents the first viable alternative to taking large binders of



pleadings and papers to court hearings. GoodReader allows lawyers to read all their electronic documents easily on their iPad while in court, including any annotations or highlighting they may have inserted in the electronic document before transferring it from their desktop computer to their iPad. GoodReader also allows counsel to make further annotations and highlight additional text in their document right on their iPad. Especially helpful to litigators is the ability to search through a large memorandum to find a key sentence or phrase that they can highlight during oral argument.

GoodReader's Achilles' heel lies in the difficulty to transfer multiple files back and forth easily between one's iPad and one's desktop computer. The app offers a couple of ways to do this, but both can be fairly time-consuming. Still, when trying to decide whether or not to drag a box of documents produced by opposing counsel to court on the off chance that they might be needed during a hearing, it is very attractive to have the option of simply transferring these documents to one's iPad instead.

Rulebook

Nothing seems to help lawyers shed heavy trial bags (and save money) more than a new app called Rulebook. With Rulebook, there is no need to pack a set of court rules in one's briefcase before heading off to court, because the rules are already there on the iPad. Not only does this make taking rules to court more convenient, but, because of the ability to search through rules by key words and phrases, Rulebook also makes it a whole lot easier to find a crucial rule instantaneously in the midst of oral argument.



Rulebook is the first app to offer a truly viable replacement to the almost immediately obsolescent hard copies rule books, with pocket parts, that lawyers are used to buying regularly. Rulebook does not require an Internet connection in order to read, search, highlight, and annotate the various court rules, all of which are available in one app. One of Rulebook's best features, however, is the way it automatically updates rules when they are amended—a feature that allows attorneys to know that their rules are up-to-date without the need to check pocket parts or go online. Rulebook's updating process also preserves attorneys' highlights, bookmarks, and annotations even when rules are amended—something no other app, let alone paper rule books, can do. All these features, coupled with significantly lower prices than the paper equivalent attorneys are used to buying, make Rulebook a great reference tool in the office as well as in court.

Rulebook is also one of the first legal apps to take advantage of Apple's enterprise and B2B purchase models referenced above. Enterprise and B2B apps are essentially two variations of the same thing: apps

built for a specific business that allow that business to customize the app and then buy it in bulk on behalf of its employees. Rulebook, for example, allows law firms to use their firm's logo for the app icon and select which rule books they want included in the app (any jurisdiction) and which rule books they don't want included. The firm can even choose to have its internal policies, employment manuals, and other internal documents included in the app. The firm can then buy the app exclusively on behalf of all its lawyers and paralegals in a single transaction.

ijuror and JuryTracker

As their names indicate, iJuror and JuryTracker both deal with juries, but each serves a different function. The iJuror app helps with voir dire and is meant to be a replacement for the sticky notes lawyers often use to select jurors. It is actually very easy to use and provides an intuitive interface that will feel familiar to most attorneys. The app allows lawyers to quickly enter essential prospective juror information, such as gender, race, and name and then add details, including prospective jurors' answers to the lawyer's questions later. Once the information is entered, lawyers can drag and drop the icons into peremptory or for-cause challenge categories and add the reason for the challenge. In addition, iJuror allows lawyers to take notes about the jurors eventually seated as the trial continues; however, this is not the app's strong suit.



For easy tracking of individual jurors' reactions to evidence and testimony presented at trial, JuryTracker is the better option. The app also allows lawyers to identify key jurors, standardize notes on juror reactions, and track time spent by each party, then share reports on these themes with one's trial team. The app is very easy to use, employing intuitive graphics, including a range of "emoticons" that can be used to record jurors' responses quickly. Having graphical input options is an especially helpful alternative for those who have difficulty using Apple's built-in keyboard. To take more detailed notes, one can either use the built-in keyboard or an external wireless keyboard, such as the one manufactured specifically for the iPad by Zagg.

TranscriptPad and TrialPad

Aside from Rulebook, there is no app lawyers are likely to use more often in their practice than TranscriptPad. Lawyers who have already started studying deposition transcripts on their computer in order to search for and electronically highlight key testimony will absolutely love the additional features



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TranscriptPad offers. For those lawyers who are still studying paper transcripts and using a highlighter and sticky notes to mark pages, TranscriptPad may be the experience that finally converts them to the digital age. TranscriptPad allows lawyers to import files easily using e-mail, iTunes, or DropBox (another useful app). Once on their iPad, lawyers can highlight text using custom categories they create, such as breach, causation, damages, mitigation, and so forth. Or lawyers can simply flag important text. TranscriptPad's search function is also much more advanced than the simple search function available when searching a .pdf document on personal computers. With TranscriptPad, lawyers can search through a single transcript, all transcripts pertaining to a particular witness (including hearings), or across an entire case. Like Rulebook, which allows lawyers to have all their court rules with them at all times, TranscriptPad enables lawyers to stop wondering what transcripts they should take to an important hearing, because they will already be on their iPad.

TranscriptPad works seamlessly with TrialPad. TrialPad allows lawyers to use deposition and hearing transcripts and other exhibits, including videos, in the courtroom or at depositions and mediations easily and effectively. The app has intuitive tools that allow lawyers to mark up exhibits, including calling out text, on the fly. These exhibits can be shown directly to a witness or mediator on an iPad or broadcast in real time before the court on either a projection screen or a television monitor. TrialPad is easy enough to use that it can be operated by a single lawyer; however, for more complicated hearings and trials, it is probably best to have the another lawyer or paralegal assist in operating the app.

TranscriptPad and TrialPad are the most expensive legal apps reviewed in this article, but they are well worth the price, especially when compared to equivalent software for traditional computers, which often costs thousands of dollars. Like anything new, both apps require a little getting used to, but there is nothing lawyers and paralegals cannot quickly master. Both apps have free updates, free technical support, no monthly subscription fees, and no maintenance fees.

Quickoffice Pro

Apple and Microsoft don't always get along. Without apps to bridge this gap, iPads are of little use for editing Word documents and other Microsoft Office files. Quickoffice Pro is perhaps the leading app that allows a lawyer to create, edit, and share Microsoft Office documents, spreadsheets, and presentations. Although the iPad is probably still not the ideal device for word processing (especially if one does not have an external keyboard), having the



ability to edit documents anywhere and anytime cannot be overrated. Quickoffice is "cloud"-compatible, allowing it integrated access to remote services like MobileMe, Dropbox, Evernote, and other document control systems. Quickoffice also allows lawyers to print the files they have created or edited wirelessly from their iPads with Apple's AirPrint technology, a wireless send-to-printer feature that is built into all iPad devices. (This feature is embedded in every iPad, but it is not present in every printer. The use of the AirPrint feature also depends on having a compatible printer.)

Evernote

As its name implies, Evernote is an app that allows attorneys to remember anything and everything that happens in their practice. Instead of scratching notes on a legal pad, a lawyer can record them from anywhere—the Internet, a desktop application, or one's tablet or smart phone. All notes synchronize automatically to the lawyer's Evernote account, which makes for easy access and organization from any device. If circumstances make it difficult to write a note, the lawyer can simply say it orally. In addition to keeping track of random notes, a lawyer can use Evernote to archive important e-mails and evidence, store case law and articles for later reading, and even create to-do lists.¹⁵



Newsstand

Apple released Newsstand last October, and the app now comes preinstalled on all new iPads and other Apple iOS devices. Newsstand is for the publishing industry what iTunes was for the music industry: a game-changer. The week Newsstand was launched, electronic subscriptions to the *New York Times* increased seven times.¹⁶ Most other publishers also reported a significant rise in subscriptions in the wake of Newsstand's launch; for example, *National Geographic* saw its subscriptions grow fivefold.¹⁷



What should be of interest to lawyers is not Newsstand itself but what it delivers. State bar associations and other attorney associations throughout the country are beginning to publish their bar journals and other legal publications through the Newsstand app, which automatically delivers the latest edition or issue of the publication to subscribers. Having this feature is far, far different from having to connect to the Internet and reading an article online. The digital publication is displayed in a brilliant print replica format that can be searched, bookmarked, and archived indefinitely on an iPad, which allows attorneys to read bar journal articles wherever they go (at least everywhere they take their iPad).

At least one company is currently offering bar

associations and other legal associations the opportunity to publish their particular legal publication at no charge or obligation in order to test this new delivery medium with their subscribers. The Utah Bar Association is taking advantage of this opportunity. Utah and non-Utah attorneys alike can get an idea of what these print replica versions look like by downloading the *Utah Bar Journal*, which is being made available to anyone who would like to download it during this testing period.

Conclusion

An examination of the apps reviewed in this article quickly demonstrates how the iPad has been transformed from a novel consumer device into an essential business tool. Lawyers should understand this when purchasing the apps, which are priced higher than the typical app sold as a novelty to the general public. Nevertheless, the apps are still extremely affordable, especially when one considers the added utility they provide to the practice of law.

There are, of course, other apps not discussed in this article that also help make the practice of law more efficient and more effective; these include apps to keep track of billable hours and travel itineraries. The key is not to get overwhelmed with all the apps that are out there. Even lawyers with only a limited understanding of computers who start with these basics will be surprised to find out how useful a tool the iPad can be. **TFL**

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Endnotes

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⁷Karen Donovan, *The Rise of the Legal iPad*, dealbook.nytimes.com/2011/04/22/the-rise-of-the-legal-ipad/ (last visited Feb. 17, 2012).

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¹⁵See Jay Fleischman, *Nine Productivity Tips for Lawyers Who Use Evernote*, www.theinspiredsolo.com/evernote-for-lawyers-productivity-tips/ (last visited Feb. 17, 2012).

¹⁶Jeff Sonderman, *Why Apple's Newsstand Is Driving a Surge in Magazine, Newspaper iPad App Subscriptions*, www.poynter.org/latest-news/media-lab/mobile-media/150199/why-apples-virtual-newsstand-is-driving-a-surge-in-magazine-newspaper-ipad-app-subscriptions/ (last visited Feb. 17, 2012).

¹⁷*Id.*