

LEARNING TO LITIGATE WITH APPS

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State Bar of Texas

ADVANCED TRIAL STRATEGIES

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CHAPTER 3.1

Cade Browning's practice is devoted to litigation. He is board certified by the Texas Board of Legal Specialization in personal injury trial law. He represents Texans and their families who are injured by others' negligence.

Cade was born in Lucas, Texas where he grew up raising, training, selling and showing cutting horses. He continues that tradition today at his ranch in Coronado's Camp where he lives with his wife, Katie, and their two boys, Barrett and Bede.

Cade graduated from Texas A&M University and Baylor University School of Law, where he was twice elected President of the Student Bar Association. Professionally, Cade has served as president of the Abilene Bar Association, president of the Abilene Young Lawyers Association, was named Abilene's Outstanding Young Lawyer and was voted Runner-Up Best Attorney in Abilene by the readers of the Abilene Reporter-News.

Cade also was elected to serve on the Texas Young Lawyers Association's Board of Directors for four years representing his thirty-four county area in West Texas. Cade has served on multiple State Bar Committees, including currently serving on the Litigation Council for the Litigation Section of the State Bar, the Grievance Committee for his area and on the Local Bar Services Committee. In 2009, the Texas Bar Foundation selected Cade as a Fellow, a distinction awarded to only 10 percent of the attorneys in Texas. He now enjoys membership as a Life Fellow of the Foundation.

Locally Cade has been very involved in Abilene and West Texas. Cade currently serves on the board of directors for the Grace Museum, Big Country Health Education Center, the Abilene Preservation League, and the Abilene Community Foundation- Future Fund and previously was on the board of directors for the Texas Frontier Heritage and Cultural Center Advisory Board and Abilene A&M Club. Cade is currently the president of the board for the Abilene Preservation League and the chairperson of the board for the Abilene Community Foundation – Future Fund.

Cade was admitted in 2007 as a life member to the Million Dollars Advocate's Forum, which is limited to trial lawyers who have recovered a verdict, award or settlement for a single case of a million dollars or more and has twice been selected as a Texas Super Lawyer Rising Star.

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I. INTRODUCTION

When asked to give this speech, I had just recently bought my wife an iPad so she could check e-mail and Facebook. While doing this, I bought one for myself, too, to use on the road to check e-mail and my calendar. I agreed to give this speech to make myself begin to use this new piece of equipment and see if it could help my practice. What I have found has changed the way I litigate even the most basic car wreck cases.

Please do not expect this presentation to be the end all be all of the cutting edge technological aspects of a litigation practice using an iPad. For that type of presentation, please refer, as I defer, to Mark Unger and Grant Scheiner, other articles in the Texas Bar Journal and those blogs on the internet by very Mac savvy lawyers.

The theme of this presentation is more along the lines of, “If he can do it, anyone can” or more appropriately, “A West Texas Redneck’s attempt to use an iPad.”

There are over 500,000 different apps available to download, many of them for free. I will not attempt to even call the ones discussed herein as the top apps or nearly an exhaustive list of apps which could be utilized in a litigation practice. However, I will go through some apps I have found can be incorporated into a trial practice which will change the way you think, present your cases and work remotely.

II. REMOTE WORKING

I live on a ranch 30 minutes southwest of Abilene and the geographical area of my practice covers large stretches across West Texas and into the Metroplex. As a result I was very interested in seeing how this new toy would help me to accomplish tasks outside the office. Admittedly, if I have to perform heavy word processing, I still use my laptop, but it is getting less. Below

are some of the apps which are helping to make this transition.

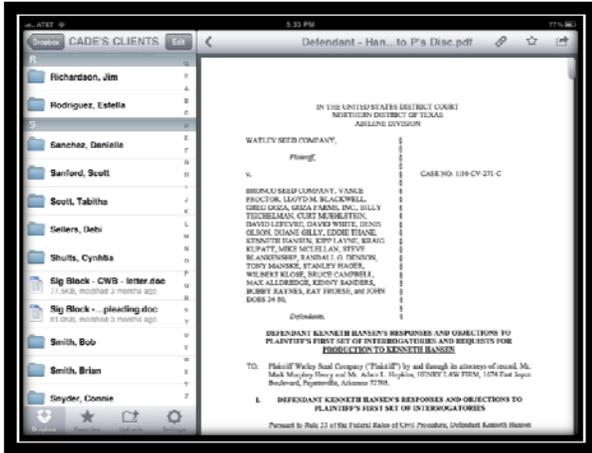
A. DROPBOX

A must is some type of remote access to your files. We have historically in my firm used a VPN, which was slow and hard to access on the laptop, and impossible on the iPad.

[Dropbox](#) is a free file sharing system that allows users to share files (photos, documents, videos, etc.) from one device to another, whether it be multiple computers, laptops, iPhones, iPads, or even Android and Blackberry devices. Any files shared to a Dropbox folder are automatically shared among the devices or people that the attorney authorizes to use it. By using the iPad Dropbox app, a lawyer can carry the iPad to court to read and notate client files rather than carry paper files.

A Dropbox account is free up to 2GB of information and only \$19.99 per month for up to 100GB. If you need more storage, you can also upgrade to Dropbox for Teams, which allows 1000GB of storage for five users for \$795.00/year and \$125.00/year for each additional user. We literally moved all of our files to Dropbox and now can access all of our cases most places we are. An added bonus is that lost files can be easily retrieved if your server or hard drive crashes.

The program is easy to use and works similar to Windows. Many other apps allow you to save your work directly to Dropbox. If it does not, you can e-mail the document to yourself and save it to Dropbox directly from the e-mail.



One down draw I have found to Dropbox is that you need an internet connection to pull up your information. For many, this will not be an issue, but most of the courthouses in West Texas do not have wireless internet. In fact, some do not have cellular service. We have found a way around this by downloading the files you will need prior to court into iAnnotate, discussed below.

There also does seem to be some concern over security of confidential information using Dropbox. Although the Dropbox website ensures the information is secure and encrypted, many lawyers are reverting to a remote access style app, such as [Citrix Receiver](#), [LogMeIn Ignition](#) or [GoToMyPC](#).

Another Dropbox style app is [SpiderOak](#), which apparently does everything DropBox does while also preventing SpiderOak personnel from the ability to access the files, but it currently doesn't integrate with as many iPad apps as Dropbox.

B. OFFICE PRODUCTIVITY

Most everything I do, I do in Microsoft Office at my office computer or on my laptop. My main concern was the ability to examine and draft my letters and motions on the iPad. I have downloaded a few different apps which allow me to not only examine my Word and Excel documents, but edit and draft them. As mentioned above, though, for heavy word

processing, I still generally use my office computer and laptop.

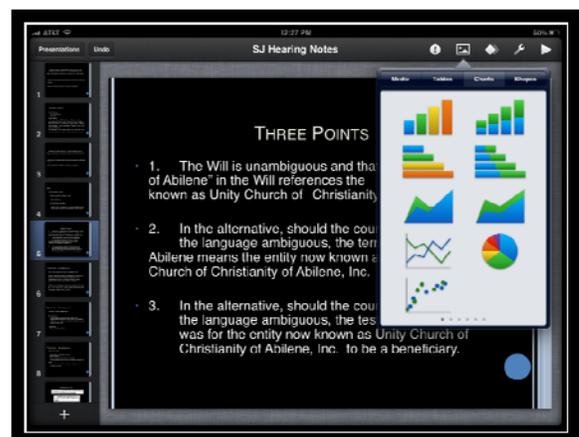
1. iWork

For some odd reason, Apple's suite, iWork, which consists of Pages (for word processing), Numbers (for excel spreadsheets) and Keynote (for PowerPoint), is not bundled. They are all sold separately for \$9.99 each.

[Pages](#) (\$9.99) is Apple's proprietary word processing system. It easily converts Word documents without too many formatting errors, which can be easily edited, and reconverted to Word. The addition of a wireless keyboard goes a long way in solving the difficulty of formatting on an iPad.

[Numbers](#) (\$9.99) is Apple's answer to Excel and works in much the same way and is able to convert the document back into Excel once it is edited.

[Keynote](#) (\$9.99) allows you to create and play presentations. It opens your PowerPoint presentations, with minor formatting errors. Keynote will allow you to project a presentation, but a PowerPoint video will not transfer.



2. Other Options

Another app which allows word processing with more formatting options than Pages is [Office2](#) (\$7.99). Office2 allows you to view and edit Word, Excel and PowerPoint documents.

Other options are [Documents to Go](#) (\$16.99), [QuickOffice Pro HD](#) (\$14.99) and [SmartOffice](#) (\$4.99).

C. RESEARCH

The ability to do research through the iPad is an area that is increasingly getting better. Although not all databases have been tried for this article, below are some different ways to get access to a legal research service.

1. [Fastcase](#)

The Fastcase iPad app provides access to the Fastcase legal research system, entirely for free. The app produces legal research results at an amazing speed, allowing the user full access to state and federal cases all over the United States. Additional services are available by upgrading to a full Fastcase subscription, but a subscription is not necessary for using the free iPad app for legal research. Unfortunately, you cannot print, save or e-mail your results, at least with the free version.

2. [State Bar of Texas Computer & Technology Section App](#)

The Computer & Technology Section of the State Bar have released their own app. This app is free, but only for section members. To join the section, you can visit the State Bar of Texas Website and update your sections for \$25.00. Once you are recognized as member of the section, though, you have access to nearly all the codes and statutes in Texas, including Rules of Procedure and Evidence, Family, Penal and

Probate codes; all of which are searchable by keyword and you can e-mail your results or search Google Scholar for case law. Best yet, you do not need internet access.

3. Lexis and Westlaw

If you have a Lexis account, Lexis has a free app which allows you to pull up a case by citation and Shepardize it called [LexisNexis Get Cases](#), but you cannot research.

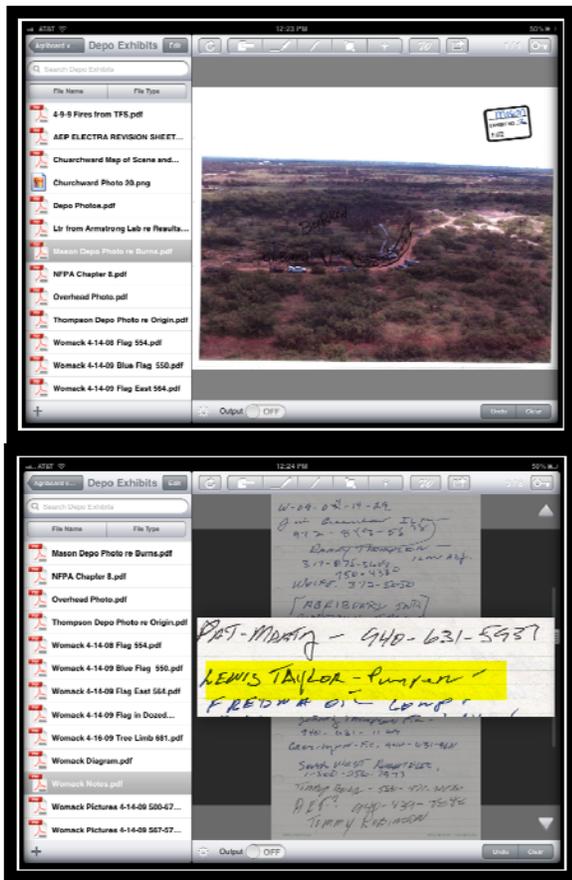


Recently, though, Lexis has come out with a full research app called Lexis Advance, which is subscription based, apparently in addition to our normal rate. Westlaw similarly has an app called WestlawNext.

D. NOTE TAKING

The hardest thing for me has been trying to give up the yellow pad. In fact, for months, I still took notes on a yellow pad and scanned in those notes to the file on Dropbox so I could examine the notes remotely. After my partner reiterated for the hundredth time what a colossal waste of steps that was, I reluctantly bought a stylus and agreed to try to use the iPad for note taking.

My favorite is [Trial Pad](#) (\$89.99), which I also have been using at depositions. Although it is an expensive app, I can download the documents from Dropbox I anticipate using to question a witness and can markup, blow-up, create callouts or redact documents on the fly and show them on a screen or projector. It also has a laser pointer and whiteboard feature. The output button allows you to turn the display on or off or go to a War Room mode. Although, you can apparently show videos through Trial Pad, they must be in a format Apple accepts.



[Exhibit A](#) (\$9.99) accomplished most of the same features at a fraction of the costs, but its highlight tool is not as easily used and tends to block out the type. Further, the highlight tool is not visible on the callout function. It also apparently does not support PowerPoint or Word files.

[RLTC Evidence](#) (\$4.99) did not work nearly as well, in my opinion, as I was only able to download exhibits through iTunes and I could not set up different files. As far as functionality, it too has an obscuring highlight tool and has no callout tool or laser pointer.

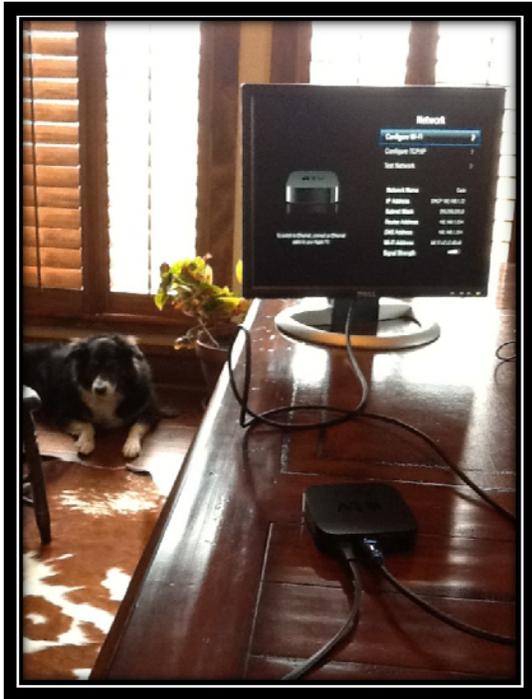
Another app I have not tried is [ExhibitView](#) (\$29.99). At nearly a third of the price it claims to have all the benefits of Trial Pad.

IV. WIRELESS PRESENTATION

The standard way to show Trial Pad or Keynote to a jury or court has been to attach the iPad through a HDMI cable to a projector, monitor or television. The problem with this is that most courthouses where I practice do not have podiums and counsel tables wired for that type of presentation. The only way to accomplish the task was to buy a very long HDMI cable.

I thought it was essential if this was going to work, that I would need the capability to use the iPad wirelessly for a presentation. After much research, I have found at least one solution.

An update to iOS 5 combined with the purchase of an [Apple TV](#) (\$99.99) accomplished the goal. The set up is relatively easy. You plug the Apple TV through a HDMI cable into the television, monitor or projector. The Apple TV must then be configured to the same wireless internet connection as your iPad. This is the downfall of this process - that you must have a wireless internet connection. Nonetheless, as you can see below, the Apple TV is very small and lightweight.



When you power up the iPad, an Air Play icon will appear, which you turn on.



A mirror image of your iPad will appear on the screen. Even better, at least three of the apps discussed herein recognize the Apple TV as a separate display and retain the iPad display for you to manipulate the projected image. Trial Pad treats the Apple TV as a secondary display and leaving the iPad screen available for markup and annotation hidden until ready to display. Keynote does the same, leaving the iPad to function as a presenter only screen where you can view individual slides, highlight the slide on display with a laser pointer, or read your presenter notes. iAnnotate can simultaneously show an exhibit on Apple TV while allowing you to reference your examination outline on the iPad itself.

The problem as mentioned above is that you must have a shared internet connection for the Apple TV to allow the Air Play function on the iPad. Most courthouses where I practice do not have wireless internet connections. The only answer I have found is to purchase a mobile wireless router hotspot to take to court yourself.