

HARNESSING ARTIFICIAL INTELLIGENCE FOR A CUTTING-EDGE COURTROOM PRESENTATION



SAMUEL D. HODGE, JR. is a Temple University professor who teaches law, anatomy, and forensics. He has authored over 700 publications, six medical texts, and two law books. He is also a mediator and neutral arbitrator for the Dispute Resolution Institute and a national public speaker on medical/legal matters. Professor Hodge has written multiple articles on the uses of artificial intelligence in different contexts.



MARK J. LEWINTER is a tech-forward trial lawyer who founded Trial By Pad, LLC. With more than 40 years of courtroom civil trial experience, he has presented extensively on various litigation subjects, including the creative use of demonstrative evidence and technology in preparing and trying cases. Mark has achieved the highest rating for both skills and ethics by Martindale-Hubbell. His peers have recognized him as a “Best Lawyer in America” for several consecutive years. Mark serves on the National Board of the American Board of Trial Advocates (ABOTA).

Artificial intelligence (AI) has sparked a transformative revolution in the legal profession and how attorneys approach their tasks. The emergence of devices like the iPad has facilitated this paradigm shift, acting as a catalyst for incorporating AI into various legal processes. This harmonious blend of cutting-edge technology and legal expertise presents a dynamic opportunity to streamline tasks, enhance research capabilities, and reshape the legal practice landscape.¹ In this article, the authors will explore some of the more useful iPad applications for litigators, delve into crafting and employing a Virtual Trial Notebook, and provide strategies for efficiently organizing evidence for analysis and presentation.

At its core, AI encompasses hardware and software applications that empower computers “to determine relationships between datasets and apply the learned relationships in a predictive fashion.”² The software collects background information about a problem “through sensors or human input,” compares that to the accumulated data, and decodes that information using the previously collected materials.³ The approach evaluates multiple scenarios to anticipate the most effective action, drawing from the information collected.⁴ However, the

effectiveness of this methodology is limited by the scope of the available data.⁵

THE TRANSFORMATIVE IMPACT OF AI ON LAW PRACTICES

AI has swept across various sectors, and the legal profession is no exception. A recent Goldman Sachs analysis estimated that 44 percent of legal tasks can be effortlessly automated by AI, enhancing attorneys’ efficiency and cost-effectiveness.⁶ This technology doesn’t replace lawyers; it amplifies their specialized knowledge, creating opportunities for heightened productivity.⁷

The benefits of AI extend to refining legal research through natural language processing, streamlining document review and drafting, predicting case outcomes using data analysis, and improving access to justice.⁸

Among the notable tools in the AI arsenal, ChatGPT stands out as a breakthrough that signifies the fusion of AI and legal practice.⁹ Developed by OpenAI, ChatGPT generates human-like responses to natural language questions, boasting the capacity to comprehend and promptly address various

inquiries.¹⁰ Its prowess extends to document generation, solidifying its status as a pivotal AI innovation.¹¹ While ChatGPT has garnered well-deserved acclaim, the iPad is another technological marvel that has remained somewhat in the shadows within legal circles.¹² However, the arrival of this tablet computer has generated awareness among attorneys seeking to be more efficient and tech-savvy.¹³

The iPad has emerged as the preferred tablet among legal professionals, offering a versatile blend of computational power, portability, and user-friendly features.¹⁴ Its intuitive touchscreen interface empowers users to navigate and interact with the device through simple finger movements. It comprises a central processing unit with accompanying memory, display, and camera.¹⁵ Apple's iPadOS mobile operating system powers it and has Wi-Fi and Bluetooth abilities.¹⁶ With models that range from the basic iPad to the more advanced iPad Air and iPad Pro, it caters to diverse needs and boasts a plethora of applications that effectively serve the needs of lawyers.¹⁷

EVOLUTION OF COURTROOM PRESENTATIONS

The approach to presenting evidence has recently shifted from analog methods to digital solutions.¹⁸ The courtroom landscape now embraces computer devices, and seasoned attorneys are transitioning from blackboard to digital presentations. This evolution has given birth to various tools for producing impactful digital representations. Contemporary trial lawyers have a large array of data supporting the convincing power of demonstrative evidence. At the same time, they have access to a wide variety of cutting-edge tools for producing notable digital presentations that, a short time ago, were limited to use by digital and video specialists.¹⁹

The Use of the iPad in the Courtroom

The iPad possesses the potential to revolutionize trial presentations, empowering lawyers to meticulously organize, annotate, and exhibit evidence during trial proceedings.²⁰ Additionally, it enables attorneys to carry their entire case portfolio via cloud-based platforms like Dropbox.²¹ Surprisingly,

statistics show that while attorneys frequently bring tablets into courtrooms, their usage often mimics large smartphones. Attorneys utilize tablets to check their email (23.7 percent), view their calendar (16.5 percent), conduct legal research (15.5 percent), and communicate in real-time (12.4 percent).²² Only 13.4 percent of the time was the device used to access important documents, and just 12.4 percent was used to deliver presentations.²³ However, the iPad's full potential for evidence management and presentation remains largely untapped, possibly due to traditional reluctance towards adopting new technology or misconceptions about its applications being limited to entertainment.²⁴

It is worth noting that about 87 percent of law firms use a Microsoft Windows operating system, while only 13 percent use an iOS or Apple platform.²⁵ Many law firms may be hesitant to adopt an Apple-based ecosystem for litigation as they have a misconception that Windows and Apple IOS cannot be used in tandem. Perhaps some legal professionals don't know how to use both platforms together effectively and are unaware of the benefits of using an iPad to its full potential. As a result, they might not see the value in considering a new way of preparing and trying cases.

Lawyers have historically been cautious about investing in new software. They prefer user-friendly operating systems that can be implemented without additional training. The COVID-19 pandemic, however, significantly changed the legal landscape, and many lawyers are investigating how technology can improve their advocacy. In particular, the iPad and its apps offer features and a touchscreen interface that can replace a laptop for courtroom use.²⁶ The touchscreen enables litigators to quickly access important information such as case law, documents, photos, and videos, essential in a fast-paced courtroom setting.²⁷

The iPad's smooth and stylish design, like an electronic legal pad, easy-to-use operating system, and a vast selection of productive apps make it an excellent choice for lawyers. Attorneys analyze, organize, strategize, and present evidence to support their

cases. If these fundamental tasks can be aided by technology and accomplished quickly, efficiently, and cost-effectively, it offers a significant advantage for lawyers. It not only levels the playing field for small firms competing against larger ones, but if used correctly, it can provide an essential competitive edge.²⁸

Courtroom Dynamics

Using an iPad permits the litigator to gain control over the courtroom presentation by, for example, pacing the witness examination, engaging jurors with a dynamic display of the evidence, and highlighting or emphasizing specific parts of a displayed exhibit. After all, trial counsel is most familiar with the exhibits and knows how to use them strategically. In this regard, user-friendly apps that require minimal training allow for self-presentation without requiring a hot-seat trial technician, eliminating any barrier between the lawyer and the jury.

Trial lawyers who use an iPad during court and related proceedings have several advantages. For instance, it can demonstrate their mastery of the facts and speed up the process by avoiding the need to request exhibits be displayed verbally. Additionally, it can cut expenses by eliminating the need to hire trial technicians to display evidence. While these specialists may have the technical expertise and the necessary equipment, many courtrooms now have monitors and systems that enable lawyers to connect easily.²⁹ Basic HDMI adapters and wireless technology designed for an iPad are used for this purpose.³⁰

ENHANCING ADVOCACY THROUGH IPAD APPS

Strategically designed iPad apps, such as LIT SUITE, amplify the litigator's tool kit by providing convenient access to critical documents and exhibits. These apps, including the pioneering TrialPad, empower litigators to craft complete case narratives through efficient organization, presentation, and evidence annotation.³¹ TrialPad comes bundled with case preparation software for transcript management, video depositions (TranscriptPad), and document review (DocReviewPad).³² The package also

includes ExhibitsPad, an electronic exhibits binder for the judge, jury, or mediator to view and annotate on a dedicated iPad.³³

TrialPad is a flexible tool designed for litigators. It offers complete customization and enables lawyers to express their creativity. It can download exhibits from flash drives and Cloud accounts such as Dropbox or One Drive.³⁴ TrialPad's multimedia component allows for importing, editing, and presenting video and PDF files. It provides essential professional presentation tools such as callouts and highlights and an electronic laser selection that enables attorneys to draw the jury's attention to specific sections of displayed pages.³⁵ One of its most convenient features is the ability to easily create electronic exhibit stickers that can be affixed to exhibits before deposition, trial or even on the spot.³⁶

Litigators can also benefit from trial preparation apps like DocReviewPad,³⁷ and TranscriptPad.³⁸ These powerful tools allow for easy import, organization, review, and annotation of documents, making them readily accessible for reference. By creating a workflow that utilizes both apps, litigators can develop a user-friendly and highly effective litigation system.³⁹ DocReviewPad allows users to make direct examination, cross-examination, opening statements, and closing arguments folders and quickly drop pages or highlighted sections into designated folders. Relevant folders and pages can then be sent to TrialPad for display, creating a virtual trial notebook.⁴⁰ This portfolio can contain all the sections and dividers found in a physical trial binder, and its contents can be readily displayed using TrialPad. When these tools are used in conjunction, litigators can have more control over the attention of a factfinder, mediator, or jury, increasing their chances of achieving a favorable outcome.⁴¹

A lawyer's case is often built on deposition testimony. Perhaps the most important app in this regard is TranscriptPad, which has an intuitive interface.⁴² This software lets lawyers view transcripts and create issue tags to organize the probative facts by assigning case-specific issues. TranscriptPad offers a helpful scrolling feature that makes reviewing

and analyzing testimony more convenient. Annotations or notes can be entered by keyboard or dictation.⁴³ The software developer has even introduced an upgrade to TranscriptPad that enables counsel to synchronize transcripts with video recordings of depositions on iPads without additional cost or requiring third-party apps.⁴⁴ With this feature, trial lawyers can easily mark specific parts of the transcript for playback of a video clip or to create impeachment slides.⁴⁵ These slides are designed to focus on a single question and answer, making for a more impactful presentation. The user can choose between a black font on a white background or a white font on a black background.⁴⁶

However, a word of caution is in order. As with any technology, a digital system has inherent pitfalls. These risks must be considered to fully reap the benefits.⁴⁷ The most obvious problem is that the trial technology fails to work. This risk can and will occur, so it is necessary to have a backup plan and substitute hardware and software readily available.⁴⁸

Integration of an iPad with Microsoft Windows Office

Lawyers may have concerns about integrating an iPad, which runs on Apple's IOS platform, into a law practice that is running Microsoft-based Windows platform. However, once a proper workflow is established, and basic training is completed, an iPad user can import documents from a Windows PC using a flash drive with both USB-A and USB-C connectors.⁴⁹ Additionally, LIT SUITE apps allow for document importing via a cloud account.⁵⁰ Microsoft 365 for iPad runs smoothly and enables the use of the same programs on an IOS device as on Microsoft Windows, including Outlook, Word, PowerPoint, Excel, and Teams.⁵¹

Using a MacBook and iPad as Companion Devices

The simultaneous use of an iPad and MacBook proves highly advantageous for litigators. Features like Airdrop facilitate seamless file transfer between the two devices.⁵² Additionally, the Universal Control feature on the MacBook empowers unified device control using a single trackpad and keyboard. Many

lawyers today are accustomed to working with dual monitors so this dual utilization should be a comfortable transition.⁵³

The iPad can also be an external touchscreen monitor with screen-mirroring technology. This allows users to work with apps, like TrialPad, on a Mac and mirror the content to the iPad to present exhibits to witnesses during depositions.⁵⁴ Witnesses can use the iPad's touchscreen to annotate testimony, which can then be electronically marked and shared with opposing counsel and court reporters through email or Air Drop. Screen mirroring is a built-in feature in Mac, iPad, and iPhone. Additionally, affordable third-party apps available for both Windows and Mac offer expanded capabilities. In this regard, one of the most popular mirroring apps is Reflector 4, which allows users to mirror an iPad to a Windows computer or two IOS devices.⁵⁵ Reflector 4 plays a crucial role in a Windows-based law firm as it enables Windows PCs to display an iPad screen.⁵⁶

Display Options for Presenting

Two distinct avenues exist for presenting from an iPad: wired and wireless. Leveraging technology like Apple TV, iPads can wirelessly project content onto large screens, while hardwiring through HDMI adapters ensures high-quality presentations.⁵⁷ Apple TV is small network appliance hardware that plays media data such as movies and television shows, apps, and games and allows for display on an HDTV or monitor.⁵⁸ When used with AirPlay, it also allows for a peer-to-peer network that does not require an internet connection.⁵⁹ Apple TV uses bluetooth to permit users to mirror their iPhone, iPad, or Mac to the Apple TV interface and then display the information on any monitor in a courtroom.⁶⁰

When using a projector, it must be bright enough for easy viewing on a large screen. Apple TV is a compact network appliance that displays media data on an HDTV or monitor, including movies, TV shows, apps, and games. It also allows for peer-to-peer networking without an internet connection when used with AirPlay.⁶¹ In turn, bluetooth allows users to mirror their devices, such as iPhones, iPads,

or Macs, to the Apple TV interface and display content on any monitor in a courtroom. Another option is to hardwire the HDMI cable to the iPad using an adapter available from Apple allowing for the HDMI to be introduced into the USB C port.⁶²

CONCLUSION

The introduction of AI into the legal domain is an undeniable reality, even if some attorneys remain hesitant to embrace this transformative change fully. Central to this evolution is the iPad, a versatile and portable device that empowers litigators to

integrate AI-driven advancements into their practices seamlessly. By utilizing suitable applications and with minimal training, a litigator can gain better control of the pace and presentation of evidence through the touchscreen interface of an iPad.

As evidenced by an array of innovative applications like LIT SUITE, the iPad provides a robust platform for optimizing trial preparations, presentations, and advocacy. By harnessing these tools and strategies, litigators can unlock the technology's full potential, ushering in a new era of efficiency and effectiveness within the courtroom. 📌

Notes

- 1 This introduction was assisted by a ChatGPT query on writing an introduction to this article done by the authors on August 8, 2023.
- 2 Supratik K. Moulik et al., Applications of Artificial Intelligence in the Emergency Department, 27 *Emergency Radiology* 355, 358 (2020).
- 3 Tom Harris & Chris Pollette, How Robots Work, HOWSTUFFWORKS (Jan. 10, 2022), <https://science.howstuffworks.com/robot.htm>.
- 4 Id.
- 5 Id.
- 6 Dennis Dimki, AI and Lawyers, LexWorkplace (Apr. 13, 2023), <https://lexworkplace.com/ai-and-lawyers/>.
- 7 Mark Cohen, The Future Keeps Happening to Legal Services, March 24, 2016, Law 360, <https://www.law360.com/articles/775358/the-future-keeps-happening-to-legal-services>.
- 8 These advantages were outlined by ChatGPT pursuant to a question posed by the authors on May 9, 2023, requesting the software's input on the benefits to lawyers by using the technology in the practice of law.
- 9 Paul Riermaier, ChatGPT and Other Technologies in the Study and Practice of Law, Penn Carey L., Univ. of Pa., Feb. 6, 2023, available at <https://www.law.upenn.edu/live/news/15538-chatgpt-and-the-law>. at *1-2.
- 10 Sabrina Ortiz, What Is ChatGPT and Why Does It Matter? Here's What You Need to Know, ZD Net, Apr. 18, 2023, <https://www.zdnet.com/article/what-is-chatgpt-and-why-does-it-matter-heres-everything-you-need-to-know/>. To demonstrate the power of ChatGPT, the program was asked to edit and improve the content of this article. The results generated from that inquiry form the foundation of this publication.
- 11 Nicole Black, Chat GPT for Lawyers: Upsides and Downsides, Minn. Law., Mar. 10, 2023, available at <https://minnlawyer.com/2023/03/10/chat-gpt-for-lawyers-upsides-and-downsides/>.
- 12 Paul Kirvan, What Is an iPad, Techtarget.com, https://www.techtarget.com/searchmobilecomputing/definition/iPad?Offer=abt_pubpro_AI-Insider.
- 13 James R. Moncus, III, The iPad: Litigation and Trial in A New Digital World, 75 *Al. L.* 48, 2014.
- 14 David Narkiewicz, One of The Most Valuable Technology Tools You Can Own, 34 *Pa. Law* 42, September/October 2012.
- 15 Paul Kirvan, *supra* note 12.
- 16 Id.
- 17 Jack, What Is An iPad, AppleToo.us, Jul. 26, 2023, <https://appletoo.us/what-is-an-ipad/>.
- 18 Id.
- 19 Id.
- 20 Yelena S. Ferreira, Trading in the Legal Pad for an iPad, *The Woman Advocate*, American Bar Association, Oct. 29 2018, <https://www.americanbar.org/groups/litigation/committees/woman-advocate/practice/2018/trading-in-the-legal-pad-for-an-ipad/#:~:text=An%20iPad%20can%20also%20be,and%20present%20evidence%20at%20trial.&text=A%20cloud%20software%20program%2C%20such,take%20their%20entire%20caseload%20anywhere>.
- 21 Id.
- 22 2022 *Am. Bar Assoc. TechReport*, available at https://www.americanbar.org/groups/law_practice/publications/techreport/2022/.
- 23 Id.
- 24 See *Why Are Lawyers Slow to Adopt Technology*, VXT, Mar. 28, 2022, <https://www.vxt.co.nz/post/why-are-lawyers-slow-to-adopt-technology>.

- 25 Reid F. Trautz, 2021 Solo & Small Firm, Am. Bar Assoc., Dec. 15, 2021, https://www.americanbar.org/groups/law_practice/publications/techreport/2021/ssf/.
- 26 See: Maria Kantzavelos, The Lawyer's iPad: Using Tablets in Your Practice, Ill. Bar J., May 2013, Volume 101, Number 5, at 232, available at <https://www.isba.org/ibj/2013/05/thelawyersipadusingtabletsinyourpra>.
- 27 See, e.g., Judge Herbert B. Dixon Jr., The Basics of a Technology-Enhanced Courtroom, Am. Bar Assoc., Nov. 1, 2017, available at https://www.americanbar.org/groups/judicial/publications/judges_journal/2017/fall/basics-technologyenhanced-courtroom/.
- 28 Steven Weise, iPad for Transactional Lawyers, NY City Bar CLE Program, Jul. 30, 2014.
- 29 See 3 Ways Courtroom Technology Can Impact Court Cases, Brooks, LeBoeuf, Foster and Gwartyne, www.toomuchatsatke.com.
- 30 See iPad Uses Guide, Apple Support, <https://support.apple.com/en-ca/guide/ipad/welcome/ipados>.
- 31 TrialPad, Litsoftware, <https://www.litsoftware.com/trialpad>.
- 32 Id.
- 33 See Exhibitpad, Litsoftware, <https://www.litsoftware.com/exhibitpad>.
- 34 Weise, *supra* note 28.
- 35 Id.
- 36 Id.
- 37 Docreviewpad, Litsoftware, <https://www.litsoftware.com/docreviewpad>.
- 38 Transcriptpad, Litsoftware, <https://www.litsoftware.com/transcriptpad>.
- 39 Support, Litsoftware, <https://support.litsoftware.com/you-have-an-overview-on-how-use-the-apps>.
- 40 Id.
- 41 Id.
- 42 TranscriptPad, *supra* note 38.
- 43 Id.
- 44 Id.
- 45 Id.
- 46 TranscriptPad Create Impeachment Slides for TrialPad, Litsoftware, <https://support.litsoftware.com/transcriptpad-create-impeachment-slides-for-trialpad> (last visited August 18, 2023).
- 47 Moncus, *supra* note 13.
- 48 Id.
- 49 How To Transfer Files From P.C. to iPad Pro/Air/Mini With 5 Ways, EaseUS, <https://mobi.easeus.com/iphone-data-transfer/transfer-files-from-pc-to-ipad.html>.
- 50 Review: Lit Suite—Powerful iPad Litigation Apps, iPhone J.D., Feb. 24, 2021, https://www.iphonejd.com/iphone_jd/2021/02/review-lit-suite.html#:~:text=In%20the%20latest%20version%20of,audiences%20in%20the%20same%20room.
- 51 See: Microsoft 365 (Office), Apple Store Preview, <https://apps.apple.com/us/app/microsoft-365-office/id541164041>.
- 52 How To Use Airdrop on Your iPhone or iPad, <https://support.apple.com/en-us/HT204144>.
- 53 See Jeffrey Allen and Ashley Hallene, TAPAs: The Case for Dual Monitors, Am. Bar Assoc., Oct. 27, 2020, available at https://www.americanbar.org/groups/gpsolo/publications/gpsolo_ereport/2020/october-2020/tapas-case-dual-monitors/.
- 54 See Use Airplay to Stream Video or Mirror the Screen of Your iPhone or iPad, Apple Support, <https://support.apple.com/en-us/HT204289>.
- 55 Powerful Wireless Screen Mirroring and Media Streaming Software, Squirrels, <https://www.airsquirrels.com/reflector>.
- 56 Id.
- 57 See Use Airplay to Stream Video or Mirror the Screen of Your iPhone Or iPad, Apple Support, <https://support.apple.com/en-ca/HT204289#:~:text=Contact%20Apple%20Support-,Use%20AirPlay%20to%20stream%20video%20or%20mirror%20the%20screen%20of,compatible%20smart%20TV%2C%20or%20Mac>.
- 58 See Phil Nickinson, Apple TV: Price, Hardware, Software, And More, Digital Trends, Digitaltrends, Mar. 31, 2023, available at <https://www.digitaltrends.com/home-theater/what-is-apple-tv/>.
- 59 See Airplay: Watch. Listen. Share. Airplay Lets You Do It All, Apple, www.apple.com.
- 60 Connect Bluetooth Devices to Apple TV, Apple Support, support.apple.com.
- 61 Support, *supra* note 39, <https://support.litsoftware.com/how-do-i-use-trialpad-to-present-evidence>.
- 62 Id.