

SESSION 14

Applications (Android Apps) That Can Be Used By Judges In Court Rooms

There has been a realization about the importance of keeping updated with the times and so, the Supreme Court of India alongwith various other High Courts like state of Madhya Pradesh¹, Punjab & Haryana², Uttarakhand³, Karnataka have released Android apps especially as the Display Board for users to access information about the operations of the court.

The article titled “*Supreme Court Goes Smart with its Smartphone App*”⁴ enumerates upon the app being developed by the Supreme Court for accessing information regarding different operations of the court.

The article titled “*Technology & Its Effects on the Judicial Process*”⁵ talks about the use of technology i.e. tablets and iPads by the judges, lawyers and litigators. It enlists various apps that are available mentioning their utility in the courtroom tasks.

¹ http://www.mphc.in/pdf/user_manual.pdf

² http://highcourthd.gov.in/index.php?trs=display_app

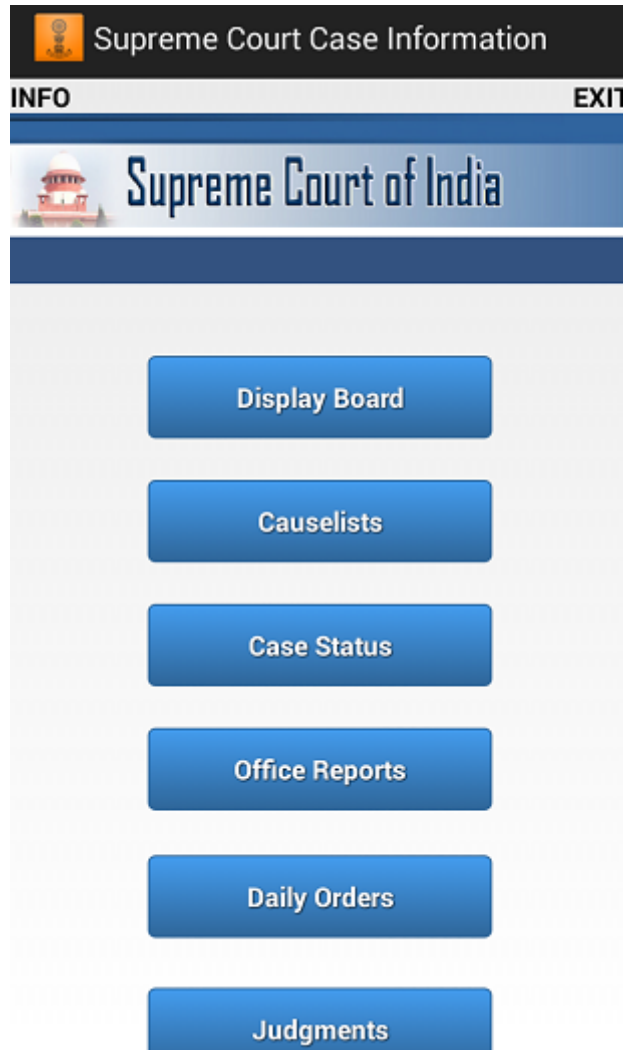
³ [http://highcourtofuttarakhand.gov.in/pages/display/259-android-application-for-case-status-\(beta-version\)](http://highcourtofuttarakhand.gov.in/pages/display/259-android-application-for-case-status-(beta-version))

⁴ <http://www.nextbigwhat.com/supreme-court-android-app-297/>

⁵ <http://www.mobar.org/uploadedFiles/Home/Publications/Precedent/2013/Winter/tech-judicial.pdf>

SUPREME COURT GOES SMART WITH ITS SMARTPHONE APP¹

The Supreme Court of India has launched an Android App for users to access information regarding various operations of the court.



The app, developed by CDAC Mumbai, will give users access to the court's display board, causelists, case status, office reports, daily orders and judgements.

An older version of the app was released earlier in August 2013, but its feature was limited to the display board function which indicates the respective item number which is being heard across various courts.

¹ <http://www.nextbigwhat.com/supreme-court-android-app-297/>

The court's app has a simple UI to access various functions and it gets the job done well. It was developed as an initiative by the Department of Electronic and Information Technology (Deity).

A Java Mobile application version of the older Display Status app is also available for older handsets.

Other Courts Getting Smart Too

In July 2013, the Kerala High Court Advocates Association also released a similar Android app called Kerala High Court Case Status, which gave users informations regarding court case number status of all the courts inside the Kerala High court.

In the past many other government departments have launched their own apps, even the government has its own app store for mobile devices.

Earlier last year, even the Ministry of External Affairs launched smartphone apps for both Android and iOS, as a measure to address problems of unanswered phone calls and long queues of its various services by providing all information regarding visas, passports, embassies diplomacies and foreign relations in one place.

In 2013 the government also started rolling out a set of "m-governance" applications for Android and Java based phones through its app store.

TECHNOLOGY & ITS EFFECTS ON THE JUDICIAL PROCESS

FROM JUDGES TO LITIGATORS TO JURORS

By Cynthia K. Heerboth

"Life moves pretty fast. If you don't stop and look around once in a while, you could miss it."

— "Ferris Bueller's Day Off"

Technology speeds up many of life's processes. Anyone who can remember having to use a rubber eraser when correcting typos from a typewriter will acknowledge that fact. Forty years passed before the electric typewriter came equipped with a typeball and a correction key. And the pace of technological changes has only accelerated.

Just last year, lawyers expressed security concerns about using the Cloud and Dropbox for confidential, legal documents. But, as of January 2013, all new iPads come with iCloud and Android has its own Dropbox app — both of which provide encryption for security purposes. With today's technology, responding to consumers' needs takes months rather than decades.

In today's courts, many judges have access, by way of an electronic tablet, to statutes, state and national constitutions, and cases at their fingertips. Litigators can store all documents pertaining to a case in an electronic tablet the size of a legal pad and project animated forensic evidence for jurors by remote control. Witnesses can examine evidence on an electronic screen, draw on it, mark on it, make annotations to it, and those changes can be saved. And this can all be done on a product that did not exist two years ago.



PAPERLESS MISSOURI COURTS

The roots of this transition of technology in Missouri's courts began in 1994 with the enactment of § 476.055 of the Missouri Revised Statutes, which established a state-wide court automation project. The project includes the creation of an integrated system that not only makes a court's physical location immaterial, but has the capability to greatly improve the provision of services at reduced costs to the litigant. This system is designed to use new technologies to improve both "the day-to-day operations of the courts" and the "[t]imeliness in processing cases without sacrificing the quality of justice."¹

By 2007, the Supreme Court of Missouri was anticipating the implementation of an e-filing pilot program. Five years later, it has – in part – become a reality.

"Since June 2012, more than 6,500 attorneys have registered to use the Missouri eFiling System," stated Judge Joel P. Fahnestock, chair of the 16th Circuit Court's Technology Committee and member of the Missouri Court Automation Committee. Six months later, the number of registered attorneys had increased to more than 10,000, according to Catherine Zacharias, legal counsel with the Missouri Office of State Courts Administrator.

On January 23, 2013, Chief Justice Richard B. Teitelman reported in his State of the Judiciary address that "[t]he Supreme Court, all three districts of the court of appeals, and the circuit courts in Callaway and St. Charles counties are up and running in the Missouri e-Filing System, and an additional 25 county circuit courts plan to join the e-Filing System this year." Chief Justice Teitelman described this as part of a continuing statewide effort of the courts "to try to make it easier and more affordable for people to file cases."²

This month, Butler County started using e-filing. Beginning in March, there will be mandatory electronic filing for civil and domestic cases in the Circuit Court of Jackson County.²

"The paperless courtroom has not yet arrived across the country, but more and more judges are embracing technology that makes a case easier to understand and speeds up the trial through efficient display and handling of evidence."³

TECHNOLOGY AND THE JUDGES

Allowing Tablets in the Courtroom

"Although many judges and practitioners initially resisted the evolution of technology in the courtroom, technological advances ... have become standard, and many judges now insist that lawyers rely on electronic exhibits and abandon their tried-and-true paper exhibits."⁴

"With the advent of e-filing," said Patrick Brooks, IT director at the Missouri Office of State Courts Administrator (OSCA), "it would be difficult for a judge to just say, 'Don't use it [an electronic tablet].'"

"Because of its size and portability," said St. Louis lawyer Steven Ryals, "[an iPad is] really just ideally suited for the courtroom."

"In rare cases, attorneys do use iPads and laptops while they wait for their cases to be called," said one Jackson County judge. "And, I allow witnesses/parties to use a laptop or other electronic items if otherwise admissible in a trial. For example, there may be something on a laptop ... that a party wants me to see and I would consider any evidentiary objection in deciding whether to allow it."⁵

"Laptops are fine during hearings and trials," said another Jackson County judge. So many attorneys are using electronic technology for "so many relevant purposes during court proceedings that I don't think it's appropriate to generally ban them, but I will consider the issue on a case-by-case basis."⁶

"You don't even notice them, from where I'm at," said St. Louis Circuit Judge Steven Ohmer, who has seen more and more lawyers using tablets. "They'll have them set up on the table, and it really doesn't affect me whatsoever."⁷

Judge Jon S. Tigar of Alameda Superior Court, California, presided over a mock trial sponsored by the American Board of Trial Advocates (ABOTA) in 2011. One of the litigants used an iPad while the other used a paper legal pad. Some advocates voiced concerns about "seeming 'too slick' with a PowerPoint-type of presentation or high-tech graphics."⁸ Judge Tigar responded that this concern is no longer valid: "Every juror is probably making PowerPoints themselves, or being asked by their bosses to do so. You can't get away with that excuse."⁹

Tablet Use by Judges

"All judges in Missouri have a computer in the courtroom," said Brooks. "Currently, only towns/cities with higher populations have WiFi¹⁰ in the courtroom." These include the circuit courts of St. Charles, the City of St. Louis, Kansas City and Springfield. Also included are Clay County and Boone County. "The courthouse in Boone County has WiFi because the [local] bar pays for it," Brooks added.

Judge Dan Hinde of the 269th District Court of Harris County, Texas, commented that although electronic filing has made their courts paperless since 2008, it does not mean the judges have less to read. "Instead, it has led us judges to change *how* we read, absorb, and analyze material submitted for our consideration," he said.¹¹

Judge Hinde also remarked that the iPad makes legal research more efficient. The entire contents of about 10 bookshelves in his office have been downloaded to his tablet. “I now have the entire set of Texas statutes, including the Texas Constitution, all of the Texas codes and the Revised Civil Statutes on my iPad,” he said. “So instead of having to run back to my chambers in the middle of a hearing to look up an obscure statutory reference, I can simply open up this app and look up the statute being cited.”

TECHNOLOGY AND THE LITIGATORS

It comes as no surprise that lawyers are also very accepting of these powerful new products. “It’s amazing,” said attorney Dan Carpenter. “I’m not one to overstate things, but I really think it’s going to change the way I practice law.”¹²

Today’s mobile technology – smartphones and tablets – have high-resolution screens and gigabytes of storage to accommodate a multitude of apps optimized by dual-core processors. This technology allows lawyers to access the Internet while editing documents or making multimedia presentations. More and more litigators are using technology to speed up the judicial process without lessening its quality. “Lawyers understand that mobile technologies make their jobs easier and provide a level of confidence and flexibility never before seen, while simultaneously offering innovative and affordable ways to better serve their clients.”¹³

Client Demands

“In a harsh economy, law firms find they need to be not only more responsive to their clients, but also more efficient in the way they operate.”¹⁴ The technology exemplified by electronic tablets and smartphones creates efficiencies in the practice of law, allowing law firms to do more with less. As a result, clients require more from law firms. “Not only is technology making the practice of law more efficient and hassle free, but it is also increasing client expectations about [lawyers’] capabilities.”¹⁵

Costs

Electronic tablets can help law firms reduce videoconferencing costs. “Before the iPad, the equipment costs made videoconferencing cost-prohibitive under ... tight budgets. But now, it is an option worth considering for hearings and status conferences given the number of videoconferencing apps,” commented Judge Hinde.¹⁶

“The price of using videoconference equipment at court reporters and dedicated centers is simply outrageous,”

stated attorneys Stephen Goethel and Chad D. Engelhardt, partners at Goethel Engelhardt, PLLC in Ann Arbor, Michigan.¹⁷ They regularly use Skype for communication purposes with clients and witnesses from their offices or when traveling. Using the iOS (iPad operating system), the conferences can be completed using a cellular connection if Wi-Fi is not available. As Goethel and Engelhardt point out, “With the right accessories and software, we have found the iPad to be a worthwhile purchase that is sure to earn a return on the investment.” The savings realized by using an iPad for projecting documents and evidence can then be passed on to the clients.

A 2012 *American Lawyer* survey also reveals that only eight percent of the AmLaw 200 law firms pay for their attorneys’ iPads. However, those firms are providing IT support for the iPads used by their lawyers, in part by helping them configure new iPads and selecting the most helpful apps.¹⁸

Courtroom Advantage

“The ability to fairly simply load all your exhibits and have them at your fingertips is a tremendous advantage in court,” said personal injury attorney James L. O’Leary.¹⁹ “[T]he iPad is changing the way we as attorneys can, and should, present cases. Numerous studies show that people understand and remember information far better when it is provided to them both visually and orally.”²⁰ Lawyers are capable of easily accessing all their case information by using an iPad, as well as visually presenting information to juries “for better impact and information retention. There is simply no excuse for not visually showing your case to mediators and juries.”²¹ This is especially true in a complex case, as the use of graphics can make key forensics issues more understandable to a jury.

“The ability to lay our hands on precedent on a moment’s notice has been a real case saver for us,” reported Engelhardt and Goethel.

The benefits of technology-driven efficiencies are becoming evident in courts throughout the United States. For example, federal courts have monitors available not only to the judge, litigators and court reporter, but for each member of the jury.

Are That Many Lawyers Really Using iPads?²²

The American Bar Association’s 2012 Legal Technology Survey reported that 33 percent of attorneys use an electronic tablet, with 91 percent of them using iPads.²³ Nicole Black, an attorney in Rochester, New York and Director

of Business Development and Community Relations at MyCase, predicts “that trend will continue in 2013 with the percentage of lawyers using tablets nearly tripling, with iPads leading the way.”²⁴ The ABA survey also reported that “virtually all the remaining lawyers were using an Android device.”²⁵ In 2013, “Android use will increase by at least 10 percent,” predicted Ms. Black.

“Experts predict that by 2015, 65% of [lawyers] will have a tablet and a smart phone.”²⁶

For the last 17 years, *The American Lawyer* has conducted an annual technology survey of the 200 top earning law firms in the nation. The AmLaw 2012 Survey reported “that 99% of the AmLaw 200 firms support iPads, 31% support Android tablets and 12% support a BlackBerry tablet.”²⁷

St. Louis solo practitioner Paul Yarns prefers using the iPhone and iPad because interfacing is easy. “I haven’t found a way to be 100% paperless, but [I] am moving in that direction,” he wrote.²⁸

A key component of selecting a tablet is the user’s operating system (OS) preference. There are several different operating systems available for electronic tablets. Each user should evaluate which of these operating systems works best for the individual.

“Windows 8 is certainly an interesting OS and looks good to the eye,” writes Jonathan A. Klurflied, a partner in the Miami, Florida law firm of Klurflied & Associates, “but for some reason it just appears ‘less capable’ than something like iOS or Android.”²⁹

“I think iOS will continue to dominate in law firms as most of the largest firms are distributing and using iPhone and iPad. Also, it seems that most government sectors are transferring to iOS, which will continue to give it its dominance. . . . Android is, of course, a good OS as well, and becoming more polished every version, but it seems like it stays more toward the ‘geeks’ or ‘hacker’ community than main stream corporate (or law firm) use. It is a very appealing OS, but it seems that iOS is becoming the new standard for . . . law firms, at least for the time being.”

“The iPad has invaded litigation to become a common sight in client interviews, depositions, motion hearings, and trials. With the right combination of software and accessories (especially a wireless keyboard), many lawyers have found the iPad to be a suitable laptop replacement. . . . It combines simplicity and ease of use with a brilliant display and exceptional battery life.”³⁰ The Retina iPad displays 3.1 million pixels and the battery lasts up to 10 hours. In addition, the iPad’s design and weight make it inconspicuous. The “iPad is just a little heavier than a paper legal pad in a holder and not nearly as heavy as the lightest notebook or laptop.”³¹

Going to Court? There’s an App for That

There are myriad apps for the iPad, Android and other electronic tablets.

In October of last year, Android tied Apple with 700,000 apps available.¹ The apps listed below include several, but not all, now available to the legal community.

Fastcase – provides the largest law library and legal research system on any free iPad app.

iJuror – permits the entering of information about a potential juror. Once a juror is selected, he/she can be “seated” in the jury box.

TrialPad – Loads documents, photos, videos and animations from Dropbox or the Cloud into this app. Once a document or photo is displayed, it can be annotated and portions of the file can be redacted. WebDAV support is available at the request of large firms for the “private cloud.”

Trial Touch – handles gigabytes of graphics and videos. It permits lawyers to zoom to documents as well as present, redact and highlight. It assigns exhibits to witnesses and allows interaction between the witness and the exhibits. At trial, this app projects animations, video re-enactments and photos.

ExhibitView – basically the same as TrialPad with the addition of the “Witness Mode,” which permits a witness to view and annotate an exhibit.

Keynote – While your presentation appears on the main display for your audience, you can see the current and next slides, your slide notes, a clock, and a timer on a second display. There is also a built-in narration tool that captures your audio voiceover and timing as you move from one slide to the next.

Keynote Remote – turns your iPhone or iPod touch into a wireless controller. In landscape view, see the current and next slides. In portrait, see the current slide with your slide notes. Tap to play and swipe to advance, wherever you are in the room.

i-Cloud – now built into every new iOS device. When you sign up for iCloud, you automatically get 5GB of free storage. iCloud secures your data by encrypting it when it is

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“We have ordered a total of 15 iPads, and expect to order another 30 or so next year” said David Grapilon, deputy district attorney in San Diego County, California. “Our attorneys have used it successfully in various cases ranging from petty thefts to homicide. . . . Even our Public Defender is moving to the iPads because of its effectiveness in our courtrooms. Our IT is now fully behind us and helping us to find ways to work around issues, rather than throwing the issues up as roadblocks.”³²

Access to Courtrooms

If a lawyer decides to use this technology in the courtroom, what steps should be taken to that end? First and foremost is talking to the judge to see if lawyers are allowed to use an electronic tablet.

In Missouri, there is no comprehensive court rule addressing this concern. “It seem[s] that the courtroom-by-courtroom, judge-by-judge approach make[s] a lot more sense, because then the judge could tailor the rules to the particular case that the judge was dealing with at the time,” said 22nd Circuit (City of St. Louis) Presiding Judge Philip Heagney. “I think people are still at the point where they feel that, given the plus or minuses, that the courtroom-by-courtroom approach is still the better way to go.

“We’ve let the judges make the decision, we’ve tried to recognize how much a part of daily life these pieces of equipment have become, and we’ve let the individual judges decide in individual situations what rules apply to each particular case. We haven’t distinguished between lawyers and other people.”³³

After getting permission from the judge, the next step is to visit the courtroom to see if it has an audiovisual system. If the judge, jury and other lawyers can’t access the information electronically, an iPad will not be of much use. If a courtroom is not wired, one option is to see if opposing counsel would be willing to share the cost of providing the necessary equipment for electronic presentations.

Once the exhibits and documents to be entered into evidence are ready for court, the most important step is to practice, practice, and practice some more. If using TrialPad, one need not be connected to the Internet to access exhibits. Technology is a tool. Do not let it control you: be prepared. Technology in the courtroom should be an integral part of an effective presentation. Success depends on how smoothly that presentation flows.

TECHNOLOGY AND THE JURORS

There are two areas in which jurors are exposed to tech-

nology – the jury room where they wait (sometimes for a lengthy duration) and the jury box.

“We have people here sitting in our jury assembly room,” said Judge Heagney, “waiting to see if they are going to get sent out for jury duty. For many people, both in connection with their work and free time, a notebook or tablet is a part of their everyday life.

“If someone is sitting in our jury room and can use one of those instruments to get some work done or work on a course they’re taking in school, or play a video game, that’s all good stuff because it makes the person feel that jury duty is not imposing quite so much on their time.”

Once in the jury box, jurors are exposed to technology being used by lawyers as well as that installed in the courtroom. Tablets are being used to enlighten jurors in the areas of exhibits, including animated presentations, documents, and slides with commentary. “Numerous studies show that people understand and remember information far better when it is provided to them both visually and orally.”³⁴ “Using technology combines passive learning, talking, with active learning, seeing.”³⁵

When using an iPad, “[t]here is no barrier between you and the jury, which allows the lawyer to have unblocked communication,” said Alex Deaconson, director of DK Global.³⁶ “When testimony interacts with technology,” said Deaconson, “the jury is more engaged. Juries want to see the accident scene or the documents and are more apt to retain what you’re trying to articulate in your case.”

“It works spectacularly well,” said Judge David McKeague of the U.S. Court of Appeals for the 6th Circuit, “and image-based education is more persuasive. You are gathering complicated information and presenting it easily, recreating how jurors learn outside the courtroom. Cases presented electronically move faster, are more interesting, and comprehension is better.”³⁷

Judge Tigar said his experience with the iPad in the ABOTA mock trial performance resulted in a “seamless” presentation “that incorporated technology and, most importantly, connected with the jury.” The Keynote³⁸ presentation was used to “walk the jury through the complicated forensic evidence,” and at the same time “dispelled their confusion, which created an intimate relationship with the jury.”³⁹

CONCLUSION

Opportunities to learn about technology and its many applications to the practice of law are available in CLE offerings throughout the state and nation.

This April, in Chicago, the ABA Techshow 2013 (see notice on the inside front cover of this publication) plans to present what it describes as “the best Conference and EXPO for bringing lawyers and technology together.”

“Not only are there many options from which to choose, but technology enables you to serve clients more efficiently because most options are accessible anywhere.”⁴⁰

There can be no doubt that the days of the yellow legal pad are waning. Soon it may be relegated to the same museum that displays typewriters and steno pads. And, even as this article is being written, there are daily headlines of yet newer, faster, and better electronic tablets on the market, along with faster and better apps for those devices. The times they are a-changin’, and nowadays that time is measured in days instead of years.

ENDNOTES

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- 5 E-mail to Gary P. Toohey, Director of Communications of The Missouri Bar, from Valerie Hartman, Public Information Officer, 16th Judicial Circuit, Jackson County, Missouri (on file with author).
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- 9 *Id.*
- 10 “Wi-Fi is the name of a popular wireless networking technology that uses radio waves to provide wireless high-speed Internet and network connections.” See <http://www.webopedia.com/TERM/W/Wi-Fi.html>.
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18 *AmLaw 2012 Survey Shows Strong iPhone, iPad Support at the Most Profitable Firms*, iPHONE J.D., at http://www.iphonejd.com/iphone_jd/2012/11/amlaw-survey-2012.html.

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20 *Id.*

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22 Because numerous surveys show an overwhelming number of lawyers use iPads, “iPad” will be used as a generic term in this article.

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24 Nicole Black, “Legal Technology Predictions for 2013,” LEGAL iPad, at <http://legal-ipad.com/day/2013/01/08>.

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37 *Id.*

38 The app, Keynote Remote, is similar to PowerPoint but for Apple iPads.

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40 See <http://www.techshow.com/conference/>.



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There's an App for That

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sent over the Internet, storing it in an encrypted format when kept on the server and using secure tokens for authentication. This means that your data is protected from unauthorized access both while it is being transmitted to your devices and when it is stored in the cloud. The app automatically performs a daily backup when connected to a power source.

Dropbox – works with Windows, Mac, Linux, iPad, iPhone, Android and Blackberry. When installed, you start with 5 GB free. Pro accounts with up to 500 GB, team accounts for businesses start at 1 TB. Dropbox keeps a one-month history of your work. Any changes can be undone, and files can be undeleted. This app has SSL and AES-256 bit encryption.

GoodReader – allows user to annotate, mark-up and save documents displayed on the iPad. Has tools for highlighting, side notes and freehand drawings.

iAnnotate PDF – allows user to make and save hand-written annotations on PDF files. Also allows highlighting.

WritePad – converts handwriting to text that can be then be e-mailed or saved in Dropbox.

NoteTaker HD – allows hand-written notes as well as shapes, diagrams and other drawings. It also permits finger-drawing input plus inserting and cropping photos as well as importing PDFs.

Endnotes

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