**January 2012**

## From The Chair

Technology is truly everywhere, and it is showing no signs of slowing down. As lawyers, we are expected to embrace new technological advancements for the betterment of our clients. Clients now have expectations (perhaps unreasonable expectations) that their lawyers are available at all times. Similarly, jurors watch television shows and maintain certain expectations about the manner in which information will be transmitted to them at trial. While one might argue that the easel, pad and marker sufficiently get the job done, jurors and clients expect more.

There have been so many recent innovations in technology that it is, admittedly, difficult to keep up. For instance, the following technology-based items have changed the practice of law:

- Social Networking (e.g., Facebook, Twitter, LinkedIn)
- Touchscreen tablet computers
- Text Messaging
- Digital video recorders
- Smart phones
- Electronic Case Filing/Pacer

Furthermore, as the developers often tout, "there's an app for that." Software applications for devices now allow lawyers to review deposition transcripts, select juries, show trial exhibits, access Westlaw, and much, much more.

While technological advances have a tremendous upside, there are also downsides that lawyers need to consider including:

• Potential for technological failure – For example, a lawyer must be prepared if an exhibit does show up on the screen.
• Lessened Security/Privacy - private information is readily available on the internet.
• A breakdown in personal relationships/communication – As a result of e-mail, lawyers have much less personal contact with clients.

The Law & Technology Committee focuses on the good (and sometimes bad) of technology in the practice of law. On February 16, 2012, the Law & Technology Committee will hold its annual LawTech Seminar. The 2012 LawTech Seminar will feature some of the best "technology" lawyers from across the Country.

LawTech will help any lawyer – from the technological "new-comer" to the technological "expert" – to maximize his or her representation of a client with the use of technology. This year, the seminar will include sessions focusing on the use of technology in the courtroom, utilizing Mac in the practice of law, the Stop Online Piracy Act ("SOPA"), e-discovery and social media in the practice of law, and responsible connectivity. Additionally, LawTech will highlight all of the gadgets and apps that every lawyer should consider using in his or her law practice.

I hope you will join us in for the 2012 LawTech Seminar on February 16, 2012.

Kevin C. Baltz

## IN THIS ISSUE

## Tech Conference: Law Tech 2012

Description:

This year's Tech Conference offers attendees an unconventional educational opportunity on Feb. 16 at the Tennessee Bar Center. This program is open to all practicing lawyers and will offer education on the latest technological advancement to help you in the practice of law. This year's program will continue to use an "unconference" approach similar to an open house format providing a unique opportunity for lawyers to interact with speakers, attendees, and sponsors.

Unconference Features:

• No pre-registration required... walk-ins are welcome throughout the day
• Breakfast snacks ... Starbucks coffee
• Visit sessions and sponsors for FREE!
• Come for one-hour ... all day ... or create your own schedule
• Beverages ... snacks
• Educational opportunities offered throughout the day
• Dual CLE credits

## Bill & Phil Gadget Article: Going to Trial with Technology

Face it; we live in a smartphone generation. More likely than not today's juries are made up of people who stay informed of current events via any number of technology gadgets: smartphone, tablet, e-reader, laptop, PC. In short, today's jurors are becoming smarter connoisseurs of technology. Accordingly, trial attorneys should take advantage of the latest technology trial tools that can help them connect with increasingly technology-savvy juries. A flip chart and winning smile might not be enough to hold the attention of the restless juror anxiously awaiting the end of the day so he/she can go home and see who did what and where today on Facebook.

Since the spell-binding days of the O.J. Simpson trial in 1995, trial technology tools have grown up in front of our eyes. Once relegated to the elite super attorneys, these tools are now accessible to all. Two of the pioneering trial presentation software packages continue to exist and thrive. Trial Director by Indata Corporation (www.indatacorp.com) and Sanction by Verdict Systems (www.verdictsystems), in our view represent the gold standard for trial presentation software.

Both Indata and Verdict Systems have released major new versions of their software this year (Trial Director 6 and Sanction 3); and both continue to impress. As always, with this software you can load scanned images of your documents, deposition videos synched with the transcript, photos, animations, native file documents such as Word and Excel files, and even PowerPoint presentations. The presentation software then becomes your launch pad for any exhibit that you wish to show electronically. Pulling up a document for display on the court system's projection system (or your own projector) is as simple as choosing it from a dropdown list of exhibits or, even easier, by scanning a bar code for the exhibit which can be printed using the software. You can use the software to create video clips of deposition testimony (complete with the synchronized text) as well as string all of your designations together as one continuous video.

Once in presentation mode, the functionality of this software really shines as you are able to use many different annotation tools to highlight, call out, and spotlight important areas on your documents or even videos. Jurors will think they are watching expert analysis on ESPN's GameDay as you dazzle them with your onscreen annotations. This software is addictive, so be prepared to spend a little time with it before trial. Practice is essential to master the fine details so that you aren't fumbling through an online manual trying to erase an errant annotation while the judge and jury glare at you.

In addition to Trial Director and Sanction, a number of other trial presentation software options exist as new approaches and companies jump into the competition. Visionary Legal (www.visionarylegal.com) has an entire suite of products for the trial technology and video deposition markets. Its flagship presentation software is Visionary Pro. There is a free version of this software that you can download at www.freevisionary.com to test. The free version is limited in the number of cases and the number of documents that can be loaded. ExhibitView (www.exhibitview.net) is another presentation software package for trial exhibits. You can also download a free version of this software that is active for two weeks.

As iPads continue to proliferate (especially among attorneys), it is not surprising that software developers are developing trial presentation apps for this platform. Two presentation apps of note are Trial Pad (www.trialpad.com) and Trial Touch (www.trialtouch.com). The cool thing about these apps is that you can walk into the courtroom with just an iPad and, with an iPad VGA adapter or even a wireless Apple TV remote, pull up your exhibits on the projection systems using your finger (or an iPad stylus).

Trial Pad can be downloaded from the app store for $89.99 (a little pricey for apps, but not nearly as pricey as full-fledged trial presentation packages). With this app you basically interact with a file-sharing site, such as DropBox, to deliver documents to the iPad. Once the documents are on your iPad, you can then project them and make annotations on them using the app. Trial Pad is designed to work with PDF documents and does not support video.

Trial Touch is a free app that can be downloaded from the app store,

available
• Door prizes
• Free padfolios

This program is free of charge. Only attendees seeking CLE Credit will be charged for the number of CLE hours they attend or they may use their pre-paid CLE credits that come with their TBA Membership.

## PRE-REGISTER AND WIN AN IPAD!

Advance registration is not required for TBA Tech Conference 2012, but if you let us know in advance if you plan to attend, your name will be entered in a drawing for a free IPAD 2!

The drawing for the FREE IPAD2 will be held at the end of the day's first session. You must be present to win.

1) Let us know you are planning on attending by clicking on the registration button (no purchase is necessary for registration)

2) Attend the first session for free or for CLE credit

At the end of the presentation all attendees who pre-registered and attended the first session will be entered into the drawing (must be present to win). The first session is the Bill and Phil Show. This presentation will cover the latest tech gadgets for 2012.

## PRE-REGISTER NOW

and there is a demo account that you login to to try out the software. This app works in conjunction with an online cloud account with DK Global. As you prepare for trial you can upload documents, presentation files, videos, animations, etc. to your case folder in the cloud. Before going into the court room, you simply download those exhibits that you want to present directly to your iPad.

Presenting with TrialTouch is very intuitive and cool. You can use the familiar pinch and zoom gestures that everyone now uses on their mobile devices when viewing photos. There are also various markup tools that you can use to annotate the image on the screen using a stylus or just your finger.

Trial Touch doesn't have all the bells and whistles that you find in some of the more mature trial presentation packages. The pricing model, however, is more attractive than the mature packages but, it is based upon a monthly charge, so you need to pay attention to the pricing structure of Trial Touch, since it can be a monthly recurring charge. You can opt out of the monthly charges at any time. In any event, we found the app more intuitive and easier to learn and use as compared to other presentation packages.

As you can see, many options exist today for trial presentation systems, from full-featured PC-based software to the relatively new tablet applications. So don your courtroom suit, grab your laptop (or iPad) and head off to face the jury armed with a new tool to make you cool, relevant, and effective. Your jury will thank you.

Bill & Phil

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# Integrated Tools for Litigators

By Allison Guidette
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Thomson Reuters

Today more than ever, litigators seek to build effective cases as efficiently as possible, to help their clients manage costs and win client loyalty. But increasingly, litigators' time is taken up handling information – discovery documents, legal research, evidence, transcripts and so on – rather than focusing on building an effective case.

Litigators are in need of integrated tool sets that can centralize information from multiple sources, making it easier to seamlessly incorporate that information into documents such as briefs, pleadings, memos, motions and memoranda, and weave a compelling case.

A considerable amount of time is often spent finding, gathering and organizing information in a case. Simply organizing documents and case files in a meaningful way can take innumerable hours. Finding key information within a mass of documents can be an even more tedious task. West Case Notebook pulls essential case information together in one place, including briefs, transcripts, pleadings, key facts, legal research and more. Information can be quickly searched or sorted by issue, chronology or other attributes, and then shared with other team members.

In addition, information bottlenecks are growing when it comes to e-discovery, as both judicial mandates and the volume of electronic data associated with cases grow. The time and cost involved in document review can be significant. Even after e-discovery review is completed, litigators need a way to easily find and extract key excerpts. Litigators can use Westlaw CaseLogistix to manage and review document productions and then move hot documents directly into West Case Notebook with a single mouse click. As a result, litigators always have key e-discovery case documents at their fingertips.

When it is time to take all of the legal and case-related information and begin drafting documents, Westlaw Drafting Assistant brings information from West Case Notebook along with innovative drafting tools into the user's word processor to help attorneys create high-quality legal documents more efficiently. Litigators can easily access legal research, discovery documents, deposition transcripts, case analysis, and a set of drafting tools, all in one

place from the West Solutions Toolbar in Microsoft® Word or Corel® WordPerfect®.

Westlaw Drafting Assistant eases much of the repetitive and time-consuming tasks of drafting, such as gathering and organizing facts, evidence and research, as well as formatting documents and validating citations. For example, the Locate Authority feature can take an argument that an attorney has just crafted, identify the best case to support it and insert the citation right into the document without breaking the writer's chain of thought.

To quickly find and cite from a transcript, research or discovery document, Westlaw Drafting Assistant can search and access all case-related information contained within West Case Notebook. A quote with citation can be sent directly into the document without ever leaving the word processor. Plus, with just a few mouse clicks, paralegals can save hours or even days, using tools that check the validity of cases cited, insert tables of authority and links to case law, and correctly format documents and citations to comply with jurisdictional rules.

At every stage of the litigation lifecycle, a major key to efficiency is in finding, organizing and managing case-related information in a seamless manner. Integrated tools such as those in the Westlaw Litigator suite can reduce many of those time-wasting steps. Litigators can spend less time on the tedious tasks and more time working on the substance of the case.