Part I: Mobile Devices

The Busy Attorney’s Toolkit to “Mobile” Success
NBI, June 20, 2013
Professor Sara Anne Hook, M.L.S., M.B.A., J.D.
A. Trial Presentation Tools and Tricks
Everyone is Going Mobile!

- Lawyers and law firms have embraced mobile devices, particularly smartphones and iPads.
Have been leaders in legal technology, electronic discovery and computer forensics for many years, discusses the increasing use of iPads by lawyers to manage their demonstrative evidence and present their cases in court.

However, note the statement that “[m]ost lawyers still hire experts, not only to prepare exhibits but to present them” and that most lawyers are presenting demonstrative evidence electronically rather than through paper flip charts and foam boards.

As they state on page 2, “[d]emonstrative evidence has become a true specialty” and they discuss whether lawyers should hire experts or try to handle the technology themselves.
TrialPad (iPad)

- **TrialPad (iPad, $89.99)**
  - **TrialPad** is a document presentation tool that lets you deliver convincing courtroom arguments without being tethered to a whiteboard or TV screen. First, lawyers can import photo, video or text evidence into individual case files. Then, during trial, they can use call-outs, annotation and highlighting to emphasize key information for jurors. If the price tag seems a little high, **Exhibit A** and **Evidence** offer similar features at a lower cost.
Income that residents of Ireland receive for personal services as independent contractors or self-employed individuals (independent personal services) in the United States is exempt from U.S. income tax if they do not have a fixed base regularly available to them in the United
SmartDraw Software

- To create timelines, accident scene reconstructions, crime scene reconstructions, settlement brochures, courtroom presentation materials
- Easy to use – no artistic skills or graphic arts training required
- Inexpensive
- Can create in-house (as opposed to hiring outside consultants)
- Special Legal and Healthcare versions
- Can add animations (bullet trajectory)
- Can save as PowerPoint or PDF
- Can important photographs and maps – including from the Internet
- Symbols Libraries – and symbols can be customized and saved
SmartDraw Software

- Template Libraries – or blank templates – which can also be customized and saved
- Can add arrows, annotations, measurements, directions, dimensions, sound clips, directional arrows
- Can measure distances and areas
- SmartHelp, including step-by-step tutorials and FAQs
- View looking downwards plus cross-projection (walls)
- Intersection templates for accident reconstruction
- For crime scene, various body outlines, room templates (bedroom, kitchen, grocery store, office), hand and footprints, blood spatter, common items (broken glass, glove)
Final Project Examples
Using the SmartDraw software
If the shelving had been properly stacked and barricaded, Ms. Alexander may not have tripped over the shelving.
Pharmacy Floor Plan

Pharmacy Cross Projection
Accident Recreation
Accident Scene Overhead

(scale and location are approximate)
Accident Scene Cross-Projection

(scale and location are approximate)
iPAD in the Courtroom

An article from *Indiana Lawyer* explains how to share the iPad’s display on a big screen during trial using a wireless connection. (Bour, S. Display your iPad on the big screen at trial. *Indiana Lawyer*, May 8–21, 2013, p. 6)
B. Apps: Who Has the Most Selection for Lawyers?
A Difficult Question – A Moving Target!

- With the speed of technology development and given the popularity of apps, it is difficult to provide accurate figures on the number of law-related apps available for specific devices.
- However, Narkiewicz notes that “iPad is the tablet of choice by the overwhelming number of lawyers who use tablet computers.”
- He goes on to state that while tablet computers that currently use the Android and Windows operating systems are certainly viable alternatives to the iPad, the iPad “has by far the most applications (apps) available specifically for lawyers or valuable to lawyers.” (Id.)
He goes on to comment that all apps for the iPad can be easily purchased from the Apple Store directly from the iPad with a connection to the Internet and an Apple account.

He then provides a useful comparison between the iPad 2 and the new iPad based on specifications such as size and weight, Wi-Fi or cellular connections, storage, display, voice, operating system, camera and battery life.

He states that there are more than 225,000 apps available from the Apple App Store specifically for the iPad and another 250,000 made for the iPhone that will work on the iPad, although the display of these apps may not be ideal on an iPad.
In terms of the various law-related functions that can be performed using an iPad and its apps with satisfactory results are note taking, organizing case files, document creation, review and revision, spreadsheets and presentations and time and billing.

Additional insight into the use of smartphones and tablets by lawyers and law firms will be available later in 2013 through a six-volume survey being published by the American Bar Association’s Legal Technology Research Center.

Volume VI on *Mobile Lawyers*, will be available in July.

An executive summary of all of the volumes will be published in August.
C. Security Risks
A number of recent articles should heighten an attorney’s awareness of the significant risks to information security and confidentiality posed by the use of mobile devices as well as cloud computing vendors. Often, the issue is not the technology itself, but human behavior that causes mobile devices to be lost or stolen at alarming rates. Law firms are only beginning to grapple with some of these issues.
What the Experts Say

Nelson and Simek, experts in information security, provide the following recommendations for security when using smartphones, with a reminder that attorneys have an ethical obligation to protect confidential client information:

1. Encryption
2. Encrypt Expansion Memory
3. Lock Code
4. Inactivity Timer
5. Location Services
6. Remote Wipe
7. Security Software
8. URLs and QR Codes
9. Wireless Networks
10. Update Your Device
11. Don’t Jailbreak or Root
12. Application Installations
13. Terms of Service
14. Turn Off Unneeded Interfaces
15. Mobile Device Manager
16. Backup
Note that data can be written to a smartphone without the user’s knowledge and that just opening and reviewing a document can result in the document being written to the phone, especially an iPhone.

They also advise attorneys to be aware of the changes to the ABA Model Rules of Professional Conduct because under the revisions to the Rules (as part of the Ethics 20/20 project), attorneys are now required to use technology competently and to assess the risks of any particular technology and the sensitivity of the data being handled as it relates to the measures being taken to secure the data.
Delete Data Securely

- Another article by Nelson and Simek covers how to securely delete data from mobile devices.
- Sensei Enterprises offers a variety of services related to mobile device/phone forensics, noting that these devices can hold a wealth of information that can be extracted, such as text messages, pictures, videos, call logs, emails and contacts.
- Their website outlines three levels of recovery from these devices, noting that it is possible to recover deleted information even if the device has been deactivated from service.
Murphy also discusses the impact of increasing use of mobile devices by lawyers and law firm employees, especially the trend towards employees purchasing their own devices and then using these personal devices to perform their duties, what is now referred to as the “bring your own device” (BYOD) revolution.

Blurring of personal and business computing is creating special challenges for law firms and their IT departments, including security as an afterthought, data contamination, mobile malware, phishing attacks that can bypass network defenses, lost devices and risky file sharing.

Advocates using a security file-sharing solution which can shield confidential data from unauthorized access and from malware that may have infected other files on the device.
Five top ways to protect the law firm’s data on mobile devices:

- “Chose a solution that protects all confidential files on all devices.
- Centralize control and monitoring.
- Connect to SharePoint and other systems for matter centricity.
- Use private, not public, clouds.
- Nudge users to safety.”
Beck notes that the data being stored on mobile devices continues to grow because of email messages and attachments, text messages and other instant messaging services, app data, multimedia files and metadata.

Proper mobile device management (MDM) begins with information governance, including policies and standards.

Essential MDM technical controls covered in his article include asset management, configuration management, encryption and remote secure wipe.

Advanced MDM solutions can include data leakage protection, remote auditing, advanced support options and backups and restores.
Magliato also provides helpful advice for lawyers and law firms for mobile device management (MDM) in the age of BYOD.

A fully managed mobility solution should address the following characteristics:

- “Software Distribution
- Policy Management
- Inventory Management
- Security Management
- Encryption
- MDM Access to Business Applications
- Data Loss Prevention”.
But Security Still Depends on People

- Mobile devices prone to being lost or stolen – a major cause of data breaches and other security/privacy incidents
- People also continue to fall victim to the tactics of social engineering, which Carlson and Wolf define as manipulating people into disclosing information or performing tasks. (Most famous hacker used this 90% of the time.)
- Their article discusses the importance of training lawyers and their staff members about information security threats.
Carlson and Wolf

- “Law firms are being targeted by hackers (by beginning hackers, as practice for more robust targets)
- Specific data are considered confidential by the law firm
- The law firm has policies and procedures
- Email messages might be phishing attempts
- There is a safe way to surf the web
- Social networks can be inaccurate
- Social engineering comes in many forms
- Passwords need to stay secure
- Personal devices require security measures
- There are people available for support
- Security needs to be a shared responsibility”
Among the recommendations the authors provide for designing a training program for lawyers and law firm staff members are:

- “Don’t try to cover everything at once
- Use different approaches
- Provide a range of times and opportunities
- Use threat-based scenarios or real-world examples
- Do not exaggerate
- Look for opportunities to “train the trainers”
- Ask for feedback”
“Use full disk encryption on all computers.
Create strong passwords. Change them occasionally. Make sure username and passwords are not written down or are not easily viewable or accessible.
Use a daily backup system.
Keep antivirus software up-to-date and a firewall in place.
Use antimalware protection.
Use a pop-up blocker, depending on the browser you use. (Firefox is recommended with the use of security add-ons.)
Have a secondary, backup Internet method, such as a wireless AirCard.

Secure your wireless.

Remove metadata before transmitting documents.

Educate and remind your online clients about protecting themselves using their own hardware.

Other suggestions from Kimbro are to know your state’s ethical rules, especially related to your law firm’s website, obtain adequate malpractice insurance and purchase insurance for your hardware.
Hot Off the Press

- Article on kill switches
- Article on safeguarding data by Tim Altom
- Article on risks from BYOD – Bring Your Own Device
- Article on managing the security and privacy of data in a law office – from *Michigan Bar Journal*, June 2013
D. Comparison of Devices and Features
Comparing Devices and Features

- There are many comparisons of smartphones and tablets.
- Continued advances in this technology and competition in the marketplace means that this is a moving target.
- Fortunately, current information on the specifications of various devices and detailed information comparing these devices is readily available through a simple search of the web.
- Attorneys will also want to be sure that they are consulting the most up-to-date information and reviews.
Comparison of Smartphones

- A comparisons can also be found on the websites for The Kim Komando Show (Smartphone Comparison Chart, http://www.komando.com/charts/smartphones.asp, accessed 5/10/13),
- ComparedandReviewed.com (Smartphones, http://www.comparedandreviewed.com/smartphones, accessed 5/10/13), and
Comparison of Smartphones

- One of the nice features of the Wikipedia comparison is that it covers devices over nearly a decade and also includes a chart for networks and connectivity.
Komando Recommends

- HTC One
- iPhone 5
- HTC 8X
- Nexus 4
- Samsung Galaxy Note II
- Samsung Galaxy S4
- LG Optimus G
The Pros and Cons of Tablets

- The tablets are easy to personalize, carry around and flexible to use
- The interface of the tablets is ideal for a good gaming experience and watching HD movies
- With the increasing megapixel count and better optics, tablets can be used as cameras as well
- Tablets offer a good battery backup that last between six to ten hours on continuous usage
- The tablets barely have any storage with a maximum of 64GB storage both for onboard and expandable
- Typing long documents can prove to be difficult
The Pros and Cons of Smartphones

- They are now being introduced in larger screens that has increased the competition between tablets and smartphones.
- Almost all of the high end smartphones feature a camera that is 8 megapixel or above which helps capturing quality images.
- Its touchscreen QWERTY keypad is easier to use.
- In some leading brands the screen of the smartphone can split for watching videos while working.
- HD display is ideal for gaming and watching videos.
- Options like; Push mail support, chat messages are just a touch away.
- Not many applications are available to optimize the functioning of its multi-core processor.
- The smartphones have to constantly catch up with their operating systems.”
Comparison of Tablets

There are a number of websites that provide up-to-date comparisons of tablet computers and this is likewise a moving target as the technology improves and competition drives vendors to add more features and functionality that will be useful and appealing.

Part II: Top Legal Research Apps

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Consider Casemaker

- Disclaimer: I am chair of the Casemaker Improvement Committee
- Free to ISBA members – when you renew your 2013–2014 dues
- New and Improved basic product
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  - Casemaker Digest: Daily summaries of state and federal appellate cases specific to your area of interest
  - CiteCheck: Legal brief analyzer that will check your cites to make sure that they are still good law
Casemaker for Indiana
Casemaker for Indiana

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Thank you for using casemakerlegal.

First name
Casemaker Information from iTunes (iPhone)
Casemaker Information from iTunes (iPad)
According to Apple, Casemaker also provides an app for its legal research services.

As stated on the website, the app is “compatible with iPhone 3GS, iPhone 4, iPhone 4S, iPhone 5, iPod touch (3rd generation), iPod touch (4th generation), iPod touch (5th generation) and iPad and requires iOS 4.3 or later. This app is optimized for iPhone 5.”
eDelaware (iPad and iPhone, free)
eDelaware, which law firm Potter Anderson recently re-launched, is a free app providing full access to Delaware corporate and alternative entity statutes. It also includes the firm’s case summaries of important Delaware court rulings.
eDelaware

Subscriptions

Corporate Law

- Delaware General Corporation Law
- Delaware Corporation Franchise Tax
- Delaware Professional Service Corporation Act

Alternative Entity Law

- Delaware Statutory Trust Act
- Delaware Limited Liability Company Act
- Delaware Revised Uniform Partnership Act
U.S. District Courts Guide

- U.S. District Courts Guide (iPhone, free)
- Considering there are 94 U.S. district courts, it’s no small feat to remember every judge’s name or courthouse address. Enter Oblon & Spivak’s free U.S. District Courts Guide, an easy-to-use map that breaks down U.S. courts at the circuit, state and district level. Click on a state to see a list of all its district judges and contact information for its main courthouse.
U.S. District Courts Guide

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U.S. Courts of Appeals & U.S District Courts

http://www.oblon.com
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- Fastcase (iPad and iPhone, free)
- With Fastcase, lawyers literally have thousands of cases, legal statutes and bar publications at their fingertips. Quickly search for relevant information by jurisdiction and date, and save your searches for future reference.
“Fastcase HD: Fastcase is not as feature-rich as Westlaw Next or Lexis Advance, but it is free and provides accurate search results for cases and statutes, both state and federal.

As part of the Tennessee Bar Association Complete Membership, all members receive an upgrade to the expanded Premium-Level Access, which easily synchs between mobile device and computer. Tutorials are available online at www.tba.org/fastcase.”
October 6, 1982

Usurious interest on credit card purchases. Cash advances were not involved in the plaintiffs' transactions with the defendants. As its starting point the court stated that the National Bank Act in effect "defers" to the laws of the state in which a national bank is located to establish the interest rate which the national bank can charge." Id. at 733. The difficulty...

November 28, 1995

The theory of the NBA, as applied by federal and state courts, is that the borrower's state usury laws can be discarded because the customer
Black’s Law Dictionary (iPad, iPhone and Android, $54.99)

This century-old reference book is an indispensable legal tool, but a bit too bulky to lug around in your briefcase. Luckily, you can now search the dictionary’s 45,000 terms with a few flicks of your finger. The app also offers additional features, including spelling and audio pronunciations, hyperlinks to referenced words and a handy bookmark feature.
nomen (nōh-mēn or -mēn), n. [Latin] 1. Roman law. A personal name. • A Roman citizen generally had three names: a praenomen ("first name"), a nomen ("the name of the family group"), and cognomen ("a surname"). 2. Hist. A person's first name. 3. More broadly, any name. Pl. nomina. See AGNOMEN.

- nomen collectivum
- nomen generale
- nomen generalissimum
- nomen juris
- nomen universitatis
Westlaw or LexisNexis

- WestlawNext: This app is free to download, but requires a subscription to Westlaw. The app is easy to use and has all of the features you would expect from Westlaw.
- Available for iPad and Android.
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Wolfram Lawyer’s Professional Assistant – $4.99

- Stephan Futeral considers this to be the "Swiss Army Knife" of legal reference apps.
- This app includes a legal dictionary, the statute of limitations for each U.S. state, various financial calculators including a fees calculator, a settlement calculator, and a calculator to compute the historical value of money, a blood alcohol calculator, and many more.
- The app displays crime rates including state and national comparisons, investigative information including weather, company information, computations for cost of living, life expectancy, present or future values, mortgage calculators, and much, much more.
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**Lawyer's**

Professional Assistant for iPhone & iPad

- A dictionary of legal terms; statutes of limitations for each US state; and information about visa types, including requirements, common issues, and extensions and limits
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- Financial computations, including fee calculations, settlement calculations, current interest rates, historical value of money, and federal US tax rates
- Crime rates and histories for specific crimes, as well as state and national average comparisons

[Buy Now](http://products.wolframalpha.com/professional)
Lawstack – see iTunes

- Free
- For both iPhone and iPad.
- Described as “a legal library in your pocket”.

Free
For both iPhone and iPad.
Described as “a legal library in your pocket”.
Other Legal Research Apps

- See Niemeier article, 56 *Res Gestae* 282, September 2012.
  - CCH IntelliConnect Mobile (free)
  - Congressional Record (free)
  - U.S. Constitution (free)
  - Declaration of Independence (free)
  - HeinOnline (free)
  - iLawLibrary ($1.99)
  - Legal Edge (free)
More Legal Apps

From Niemeier’s article:
- OpenRegs (free)
- FedCtRecords ($9.99)
- Patent Portal (free)
- PUSH Legal (free)
- Real Time Congress (free)
- RuleBook (free)
- State Statutes (prices vary)
- U.S. Code (free)
- House & Senate Guide (free)
- Manual for the United States of America ($2.99)
- WordWeb (free/$1.99)
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Description
Read breaking legal news, updated as it happens throughout every business day, plus in-depth monthly magazine articles, for free wherever you are.

American Bar Association Web Site › ABA Journal for iPhone/iPad Support ›...More

What's New in Version 3.1.1
Fixes issues with iPads running the older iOS version 3.2.

View More By This Developer

This app is designed for both iPhone and iPad
Fed'I Judge Nixes $200K in Recommended Sanctions for 2 Lawyers & Firm

Legal Heavyweights List Less Obvious Picks to Replace Stevens

Stevens Cites Hopes Successor Will Be Confirmed 'Well in Advance' of Next Term

Leahy Calls for 'Fair and Thorough Consideration' of Next High Court Nominee

Man of Moderation: Last Justice of &#8216;Greatest

U.S. SUPREME COURT
Legal Heavyweights List Less Obvious Picks to Replace Stevens

By Debra Cassens Weiss
2 hours, 13 minutes ago

There is lots of speculation surrounding three possible nominees to replace Justice John Paul Stevens: Solicitor General Elena Kagan and federal appeals judges Diane Wood and Merrick Garland. But what about the less-obvious possibilities?

Slate contacted a number of legal
Any questions?

Thank you for attending today’s seminar!