



Using an iPad in Depositions

By **Christopher B. Hopkins**

At most depositions, shortly after the witness is sworn, the attending lawyers pull out iPads and smartphones. By that I mean every lawyer *except* the one asking questions. In classic form, the questioning-lawyer is typically armed with paper exhibits, a yellow pad, and the aging deposition skills handed down from mentor lawyers. The remaining lawyers at the table, meanwhile, are unrestrained by the scrutiny of senior partners or clients and resort to their devices to email, make travel arrangements, or adjust fantasy team rosters.

The tools needed are an iPad, a stylus, Skitch and Google Maps apps (both free), and your photographic images. Essentially, you will be *annotating*, or marking up, digital images which are typically in JPG or GIF formats. Simply stated, you will transfer your exhibits to your iPad, show them to the witness during the depo, annotate them during questioning, and email the final, marked-up exhibits to the court reporter and attending lawyers.

Practice Annotating Images

Download Skitch and Google Maps and let's practice annotations. Open Skitch and allow it access to your photos. Open Skitch's camera app by hitting the down arrow in the upper right corner. Now you have a camera with an arrow in the middle of the shot. Take a random picture. Hit "More Tools" at the top of the screen. Now your photo should fill the screen and there will be a vertical row of editing tools. That arrow should still be on the screen. Tap and hold the arrow and you can move it around; tap and hold the blue dots to rotate or re-size the arrow. Play with the arrow which you might use to emphasize aspects of a photo. To delete the arrow, tap it and hit delete at the bottom of the screen.

There are other tools to annotate your photo: text, shapes, freehand, buttons, and pixelate. To add text, tap "a." For example, press an empty area of your picture, hold, and type "Exhibit 1." The "a" button will return you to the palette. The square icon will allow you to draw lines, circles, ovals, and boxes. The magic marker on the palette is for freehand drawing. Likewise, play with the buttons and pixelate options to become comfortable with these annotation tools.

If you make mistakes, there is a "retake" button at the top left or you can use "undo" at the top of the page. Also important, you can use two fingers to zoom, for greater detail, before you annotate. When you are done, hit the box with up-arrow in the top right corner to "share" (email) the edited image.

Also, you can discard your changes by hitting "new" in the upper left corner. This returns you to the camera. Hit the up arrow in the lower right corner. This returns you to the main page. If you want to draw or annotate on a clean slate, hit the white box with the "+" symbol in the upper right corner.

Practice Annotating Maps

Let's assume that you need a map or a view from the street

in order to question your witness. Skitch has a basic map while Google Map can give you the Street View perspective.

On Sketch's main screen, hit the square with the inverted teardrop icon to open the map. Type in an address and zoom down to the level of detail you need and hit "snap" in the upper right corner. You have now captured the map image and can use the palette of tools discussed above. After annotating, hit "new" in upper left to discard or, to email it, tap the box with up-arrow in the right corner.

Google Maps, on the other hand, provides satellite photos as well as Street View (or "man on the street") perspectives. Open Google Maps, type in an address, and then hold your finger on the road in the location you want to use in depo. It will drop a red pin and a white box with the address will appear in the upper left corner. Take a screenshot (hit home and power button).

Now let's get a Street View. Tap on the white box with the address in the upper left corner. A new screen appears and hit "Street View." Find the perspective you want and take a screenshot. Finally, open Skitch. Tap "Photo Library" and you will find both Google Maps (aerial and Street View) pictures. Open each image and use the palette of tools discussed above.

Using Annotation At Deposition

Confirm that your deposition location has wifi and collect the court reporter's and lawyers' email addresses.

During questioning, show the deponent images on your iPad. Zoom and annotate as you wish. You might mark an overview image as one exhibit and then zoom or annotate a portion, take a new screenshot, and mark that as the next exhibit (so you have a succession of more detailed exhibits). Use the text editor to write the exhibit number on the image. Email the exhibits to the court reporter and lawyers as you proceed.

Consider the example of a deponent who has witnessed a car accident. Using Skitch or Google Maps, you can have the witness confirm the location of the accident from the aerial map. Mark and email that exhibit. Then zoom in and annotate buildings, cars, or other details. That's another exhibit. Then open Google Maps and, using Street View, have the witness show you his or her first person perspective of the accident. Take a screenshot, annotate, and mark/email your final exhibit.

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TECHNOLOGY SEMINAR

"Visual Evidence/Trial on a Shoestring Using an iPad"

January 17 from 11:45 a.m. - 1:00 p.m.

Pre-registration required.

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