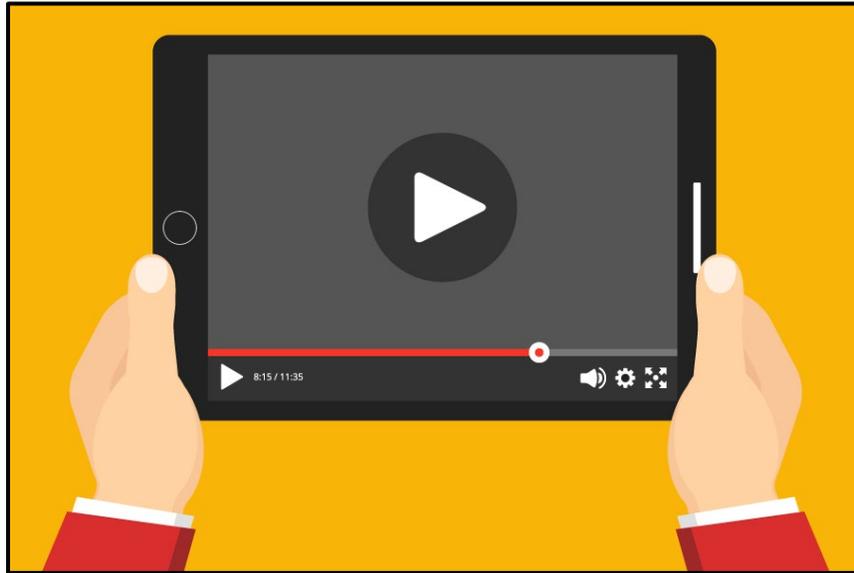


iPads in Jury Deliberations

By: Opveon Litigation Services



What if you could hand a juror an iPad to deliberate with?

This exact scenario came up in a recent trial where we had audiovisual evidence that was presented in court, but that we also wanted the jury to have easy access to while they decided our case.

The truth is audiovisual evidence is becoming more and more prevalent.

In the last year, we have seen an explosion in the amount of surveillance footage, dashcam footage, audio recordings and deposition video being used at trial.

It goes without saying that audiovisual stimuli is more effective than written words alone. And these pieces of evidence are easy to present to a judge, jury or other decision maker using tools like TrialDirector.

The problem is, how do we allow jurors and other decision makers to view this evidence when they are deliberating? Not every courthouse has a system that they can wheel into a jury assembly room and even if they did, the vast array of combinations of DVDs players, televisions and remote controls make the process cumbersome at best.

In one recent case, we ran into just such a dilemma. We wanted our jury to be able to watch footage from three separate dashcams to determine the outcome of the case. We wanted them to be able to slow it down, scroll through it frame by frame and make as informed a decision as they possible could with the best evidence that we had.

What we came up with was an elegant solution utilizing an iPad Pro and the free app VLC Player. The audiovisual exhibits were then loaded onto the iPad in the App. Simple.

What wasn't simple was the next part of the process – locking the iPad down so that the judge and all counsel were comfortable with what was being provided and ensuring that the jury was unable to access any other applications or the internet. This eliminated the ability for the jury to do any research or access any other functions of the iPad and it also eliminated the ability for anyone else to send information to the iPad and potentially influence their deliberation process.

Once the jury's iPad was locked down and we finished closing arguments and jury instructions, the judge asked me to give a brief tutorial in open court to the jurors on how to operate the iPad. As I stood there and explained how to use the app, every single juror leaned forward in their seats and paid close attention to not just what I was explaining to them, but also what evidence was being shown.

With that information and the iPad in hand, they went to deliberate. A few hours later, they came back with a verdict in our favor including punitive damages. I don't think that the iPad in the deliberation room made our case, but it certainly assisted the jury in coming to an informed decision.

