

The Use of Technology in Witness Preparation: Is the iPad2 for You?

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The world seems to bow down to Apple for mobile technology these days (isn't there an app for just about everything?). The situation is no different for jury consultants involved in helping lawyers prepare for trial. There are multiple jury selection apps on the market for the iPad and iPad2 (reviewed previously in *The Jury; Is It Time for the iPad to Replace Paper Notes in Voir Dire?*), and at TrialGraphix, in the past year we've also been using the iPad2 for the video recording of witness preparation sessions.

Video recording witness preparation sessions

Witness preparation consultants have been using video-recorded feedback with witnesses for generations – letting the witness see themselves and their sometimes problematic shifts in body language and demeanor as the questioning unfolds. I am “seasoned” enough to remember the days of bringing actual television monitors to prep sessions because the lawyers had no audiovisual equipment available at their firms. And when lawyers did have televisions available (and eventually monitors), there was always the issue of being able to properly hook your video camera up for the playback portion of the witness preparation session. In such situations there was always the fear of whether your video equipment would be compatible with the equipment present in the lawyer's office – so typically, you brought along your own playback device to play it safe.

Of course, with the leaps forward in video equipment during the 1990s and the advent of the personal camcorder, toting a tripod, camcorder, cables, and, yes, still the occasional playback monitor to the preparation session became somewhat easier. There was even a stretch there where we utilized a little converter box and played the recorded video back through the laptop, allowing you to do away with the cumbersome monitor hookup altogether.

Nowadays almost all law firm conference rooms come equipped with large flat-screen monitors or built-in LCD projectors that ease the playback process and the ubiquitous USB or HDMI connections between camera and monitor/computer abound, making the technology side of witness preparation fairly easy to manage. But there are the smaller or remote law offices, the hotel conference rooms to which the witnesses are often summoned for preparation meetings, and the spontaneous last-minute witness work sessions in war rooms that still require the full complement of video equipment if video feedback is to be a portion of the witness preparation efforts. So even in the modern era, the “extras” required for taping and then connecting your video equipment for playback remain pretty much the same as they were 15 years ago: tripod, camera, monitor, microphones, and the proper jacks and associated cabling.

The iPad2

The introduction of the Internet tablet has changed the game for a relatively popular format of our witness preparation efforts – a single attorney putting the witness through a mock direct/cross.

With its roughly 10-inch screen and front and back video camera capabilities, the iPad2 allows you the opportunity to not only easily capture the witness’ image directly to a computer file while observing the shoot on the main screen, but to then flip the iPad2 around and immediately play back the recorded session for the witness and attorney. All in all, when the witness preparation session involves only the jury consultant, the witness, and the attorney, the process is quite seamless and truly requires almost nothing more than your iPad2.

The only needed add-on in terms of equipment is a stand of some sort to hold the iPad2 in a vertical position during the video capture – not as easy as it sounds though, as when the iPad2 first debuted, the choices of stands were quite limited. Cases and covers developed for the iPad2 all seemed to offer various display angles only, as if Apple had never considered that users might want to actually shoot “steady” or stabilized video with the device.

At TrialGraphix, we found and selected a stand by Rocketfish that holds the iPad2 in four arms that also actually rotate on a vertical support beam, allowing you to easily switch from portrait to landscape orientation ([*Rocketfish™ Stand for Apple™ iPad™*](#)). This iPad2 stand also has a swivel base, so once you finish your video capture, you can simply spin the iPad2 around to face the witness/attorney during playback. In the past six months, other vertical stand options have started to appear as the aftermarket matures, including tripod mounts that can attach to the iPad2 (and then to the tripod of your choice) and other third-party devices claiming to achieve a vertical orientation for both video and photo capture.



Although the built-in microphone on the iPad2 is fairly sensitive, we still recommend having the witness positioned at the end of the table with the iPad2 in its stand approximately three feet away (the video camera has no zoom capability) and the questioning attorney(s) also positioned at the nearby table corner(s). The microphone is quite capable of picking up voices within this approximately five-foot range, and keeping the questioners close by also assists with the audio quality during the playback (even at full volume, the playback capabilities require you to be relatively close to the iPad2 to follow the video content).

A couple of other things you might want to consider before you run out and buy an iPad2 as an equipment business expense:

- As long as the viewing audience is limited to the consultant, the witness, and the attorney, the size of the screen and volume level are acceptable during the video review with the witness. But be forewarned that larger audiences will require outputting to external monitors or screens for a proper viewing by all, and therefore require additional connectors and viewing equipment (perhaps defeating the appeal of this otherwise minimalistic variation of witness preparation).
- Although video geeks are somewhat appalled at the relatively low number of megapixels offered by the iPad2 cameras (competing tablets typically offer much higher camera resolution), in our opinion the video quality is just fine for this limited purpose of providing immediate feedback to the witness. If this level of quality would trouble you, stick with the traditional camcorder. To our eyes, there is no graininess or pixelation on playback with the iPad2, even when you choose to output the playback via VGA to an LCD projector or connect through HDMI to an external monitor or computer (both of these converters/dongles for the iPad2 are available at your favorite Apple store or reseller).
- The iPad2 captures video to the QuickTime movie format (MOV extension), which generates fairly large media files (one 32-minute segment I shot translated into a whopping 3.5 gigabyte MOV file). In addition, without getting into the debate here over the wisdom of preserving witness preparation video – possibly for use at a mock jury exercise or for the later review by those unable to attend the working witness session – pulling the video off of the iPad2 is not as simple as one might like. Apple requires the use of iTunes for “synching” the content of your iPad2 to your computer, which can be quite cumbersome. But also note that third-party programs are available that will allow you to peek at your iPad2 content and grab the files you need (we have used Cucusoft; Cucusoft iPod to Computer Transfer), and with the advent of Cloud and Dropbox applications, the transfer of data between mobile devices is becoming simpler every day.
- While shooting the video, the consultant can see a time stamp running on the iPad2 viewing screen, allowing you to make note of sections you’d like to review with the witness (e.g., from the 18- to 21-minute mark of a 32-minute video). But alas, during playback, there is no such visible time stamp, just a total running time of the entire video file. This requires sliding the video bar to the approximate spot you want (in this example, just over half way through the video to get to the 18th minute) and doing some “hunt and peck” work to find the segment you are looking to replay. Not the most efficient process.
- If you can live with these side issues, the iPad2 may be the device for you for your most basic witness preparation sessions. By our reckoning, a significant number of our witness prep engagements fit the simplistic description given above – just one or two attorneys participating in the questioning, no outside observers, no plan to preserve the video for later use, no editing needs, no large-screen playback needs – making the iPad2 a joy to work with for this purpose. You’ll find that the iPad2 and the stand are all you really need.

But what about more elaborate witness preparation sessions?

Obviously, the simplistic format described above does not cover all types of witness preparation exercises, and changing just a few of the exercise parameters (e.g., adding a few more clients or other observers) necessitates the use of even more technology – changing most everything in terms of additional equipment you’ll need to bring along.

Is the iPad2 still up to the task? Yes. But the real question is do you gain anything with the use of the iPad2 over the traditional camera setup typically utilized for more extensive witness preparation sessions?

At one recent set of witness preparation sessions held at a law firm, we had multiple questioners, additional observing attorneys who were involved in the case, client representatives present, and even other witnesses who were sitting in as they awaited their turns in the hot seat (one witness per day, but some of them testifying in multiple proceedings, so we even had members of other trial teams dropping in and out).

Although we could have still required the questioning attorneys to sit near the iPad2 for proper audio capture, it was decided to add microphones – allowing them to essentially spread out and sit where they pleased. The other obviously needed change was the addition of a large external monitor for playback of the witness video in a manner that all could observe during the feedback portion of the session.

The first week was in a conference room with an HDMI-ready monitor, and the second week in a room with a built-in LCD projector (i.e., VGA output needed), so we had the opportunity to test the iPad2 setup in both of the more complex equipment scenarios most consultants will typically face.

iPad2 Specifications

The iPad2 has but one output port, where one would typically insert a headset for listening to the content stored on the device (more on this later). To make use of other output playback devices the iPad2 uses dongles, or attachments, that plug into the power input section of the device, the proprietary power connection that Apple utilizes across the board for its portable products (i.e., iPhones, iPods, iTouches).

In the case of the available HDMI converter, the dongle splits into a power source and an HDMI connection, allowing you to output your witness preparation session to an HDMI playback device while your iPad2 remains powered (you’ll need an HDMI cord of significant length to make sure you can reach the output device). However, the VGA dongle made by Apple is for VGA output only, so while you are playing back your digital file the iPad2 will be running on battery power – not truly a big deal given the relatively long battery life of the device (you can also keep the iPad2 plugged in while recording and then switch to battery only when you attach the VGA cable for output). But note that when using a VGA for the video output, you’ll also need an audio cord running from the headset port on the iPad2 to your LCD/computer output device if you are planning on playing back the audio portion during the review. (Again, don’t forget to pack both a VGA cord and an audio cord of sufficient lengths to easily reach your output device.)

As for the use of microphones (for quality input) and speakers (for quality sound during playback), you are forced to work with the one available headset port offered by the iPad2, commonly known as the headset jack (mentioned earlier). Here the techies of the world come to the rescue.

Just as the iPhone can be tricked into allowing both audio output and microphone input during a typical phone call (with headsets that set impedance levels which allow audio to go in both direc-

tions), there are splitters available in the aftermarket that attach to the iPad2 and provide for both a microphone input and a speaker output ([KM-IPHONE-2TRS](#)). Using such a splitter opens up the iPad2 for more elaborate setup needs.

Then adding an additional microphone splitter to the audio-in microphone portion of the referenced splitter device allows you to attach two different audio sources for input to the iPad2: one for the questioner and one for the witness ([Monster iSplitter 1000 Y-Splitter for iPod and iPhone](#). See photo of both the adaptor and then the microphone splitter at the right. Speakers (not shown) would be attached to the other end of the original splitter and microphones would attach to the two inputs on the open end of the rectangular box on the microphone splitter.



Although these can be either table mics, lavaliers, or even wireless mics, we prefer the powered and wired lavalier variety of microphone, with 20-foot cords, allowing the questioner to sit virtually anywhere they want in the conference room. The witness is obviously stuck with sitting approximately three to four feet in front of the iPad2 in its stand, as again, this is a static shot with no zoom capability, and this is the distance that will most properly frame the desired shot of the witness. The speaker output arm of the first (original) splitter can then be attached to small powered speakers for boosted audio during playback – small because we assume the overall goal is still to make the witness preparation equipment setup lightweight and portable.

Your iPad2 will now look like it has grown multiple arms. The power port will have a dongle attached leading to the playback device (HDMI or VGA) while the headset jack will have a splitter for both microphones and speakers – and the microphone arm of the splitter will be split again to allow one microphone heading to the questioner and another to the witness.

For the technophobes among us, such an array of wiring and cables may seem daunting (you also have to get your playback device to accept and display the incoming signal from the iPad2), but it is really just a series of logical inputs and outputs once you have all of the basic equipment in hand.

So is it worth it? The video camera you've been using for years would also require similar input and output capabilities if you're planning on a more complicated witness preparation session – one with a larger audience. If you're bringing along a tripod or stand, HDMI and VGA converters, various splitters, and microphones and speakers, do you really gain any advantage if your "camera" happens to be an iPad2 versus a small but powerful camcorder? Probably not.

I would also be remiss if I didn't point out that other tablets might be better suited to this witness preparation application than Apple's iPad2 (the Samsung Galaxy and Motorola Xoom come to mind). These tablets offer higher resolution cameras than the iPad2 as well as USB output connections, allowing you to play back, transfer, and therefore work with the video you shoot in a much simpler way. A USB connection would also allow you to either play back the video immediately on your laptop or more easily output the video from there to a monitor via VGA or HDMI connections leading from your computer.

Does the iPad2 bring a straightforward benefit to the art of witness preparation in simple or small-scale situations? Unquestionably, as I am more than a little happy to be jumping on a plane and heading to a witness preparation session with just an iPad2 and stand added to my laptop carry-on bag.

Is it the end all and be all for the more elaborate witness preparation sessions? Not in our eyes. In these instances you'll be carrying or shipping an extra equipment bag anyway for all of your peripherals, and whether your camera happens to be a tablet or a small camcorder really won't make a great deal of difference.

Some will love the use of tablets for shooting witness preparation sessions, and some will undoubtedly hate it. Although in my opinion, it is fairly hard to see how anything could be easier when faced with a small-scale, simple witness preparation setting.