# A Video Review of the 'iJuror' and 'Jury Duty' Apps

by Ken Broda-Bahm

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Apple's iPad is a revolutionary device in the true sense of the word, and now in its second incarnation, it is continuing to change the way people interact with computers. But for lawyers and trial consultants engaged in the jury selection process, the question is whether this revolution is ready for the courtroom. Commentators in a number of different fora (e.g., Tablet Legal, Macs in Law Offices, The Mac Lawyer, and iPhone J.D.) have offered a wealth of ideas and reactions on the ways that new tools including the iPad can change the practice of law. The specific challenge during voir dire is to make the best decisions using the information available – information gleaned from juror questionnaires and from oral questioning in court. At first glance, it would seem that a fast, touch-based device, housed in a small and unobtrusive package, would be ideal for the task, and the early offerings in the form of iJuror and Jury Duty are impressive by any measure. My focus, however, in testing these two applications, and comparing them to our own experience with both paper-based systems and in-house PC-based tools for the task, is to focus on function rather than capability. In other words, it isn't about whether new and impressive feats can be performed on screen, it is about whether these new apps allow the iPad to perform up to the point that it can improve upon the other more traditional methods in the courtroom.

One important clarification is that there is no such thing as a machine that will make correct decisions on who to strike and who to pass in voir dire. There isn't one, and we wouldn't want one. At the end of the day, it is a matter for human judgment: a best estimate of who poses the greatest risks to your case based on factors that are necessarily subjective. But where the machine can serve as a tool is this: it can help you capture, organize, and prioritize the information so that your judgment is based on a complete and accurate picture of everything a given member of the venire has disclosed in voir dire. The technology should help you make, sort, share, and apply a record of that information. More specifically, there are five criteria that I would offer for assessing the performance of an iPad, or any other on-screen application
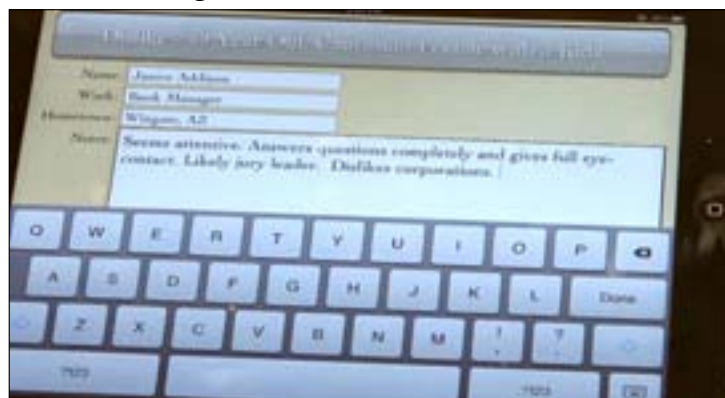
in jury selection, based on the functions we're already meeting with paper notes, and Post-It grids.

1. **Record juror information**. You need to capture basic information from questionnaires, as well as the responses that jurors offer to the specific questions asked in court (yes/no, as well as specific comments and language).

2. **Record a group response.** For example, when a number of people raise their hands in response to a question in voir dire, there should be a way to easily update your notes on each responder.

3. **Assess the importance of responses.** The technology should help you weigh what matters more and what matters less. This would be a replacement for the circles, asterisks, or numerical scores we might give on paper notes.

4. **Produce a report.** A record for each item of interest or for each potential juror should include the information you need to decide on a strike or a challenge.

5. **Rank the jurors.** The end result is that you want a list of individuals to target with a strike or a cause challenge, so you need some way to prioritize that list of jurors from worst to best from your perspective.

Because this is one area where it is better to show rather than just tell, my review is contained in the video embedded below.

Ultimately, it is the collective experience of those who work in courtrooms keeping track of information during voir dire that will determine a future role for on-screen applications.

http://www.youtube.com/watch?v=BDvcrzTSMH4&feature=player_embedded