

The paperless barrister: no longer an oxymoron

By Ingmar Taylor SC

September 2017. It was day one of a two week trial in a matter where the brief constituted 12 lever arch folders (yes, I know, a small case), yet I was going to court with nothing more than a slim folder of notes and an iPad. My junior arrived every day with a laden trolley, plus authorities. Every document and all the authorities were on my iPad, marked up. I was smugness personified.

By day three of the case both my instructing solicitor and the client had bought iPads. In the two months since, four juniors that I have worked with have each bought iPads. There is nothing new about being able to read documents on a screen. And tablets have been around for some time. The big difference is that you can now write on and highlight the documents as well as you can write on paper – better in fact. For me that made the difference. Like others, I had often said that I cannot properly read something on a screen. But I found once I could mark up the document I could read and absorb material on the screen as readily as on paper. My major concern was that I would have difficulty locating documents quickly in court. I found I located the relevant page of the exhibits and affidavits a lot faster than those reaching for folders and locating the pages manually.

There are advantages beyond the fact that you can take the whole brief home without needing a large wheely-bag. It is easier to be briefed. Solicitors love being able to send and update the brief electronically. No more sweating couriers banging on the chambers door at 6.01pm with documents for the next day. No more having to manually rearrange (or indeed construct) briefs, or battle with broken folders. No more having to arrange to return bulky briefs.

Second, in electronic form the text of the documents can be searched; including my handwritten notes. Third, the saving on printing: my printing bill is now 10 per cent of what it was. The iPad will pay for itself over its lifetime.

Some tips

Before I bought the iPad I spent some time quizzing others who got there before me, including David McLure SC and Ian Roberts SC, and doing some research.

For those who are keen to swap paper for a tablet, here are my tips.

The device

I had thought I would buy a Microsoft Surface Pro. It is a full laptop, but with the ca-

capacity to remove the keyboard and write on it with a pen. David McLure was using one but then moved to an iPad. It was his view that the Surface is fine as a laptop but not good as a tablet – at least for reading and marking up cases and documents. I agree.

There are other tablets. The iPad Pro however is currently most barrister's preference. It comes in two sizes. The larger size (12.9 inch) allows you to read an A4 page at almost the correct size. The 256GB storage option will be large enough for almost everyone, and I found there is no need for cellular data. I download everything before going to court using wifi, and find there is no need for the extra cost of buying monthly cellular data. When I really need it I can use my mobile phone as a hotspot. And surely it won't be too long before the Supreme Court matches the Federal Court and provides wifi.

Apps

You need a good pdf reader application. Ian Roberts and I use GoodNotes. David McLure uses Goodreader. Readdle make PDF Expert, which is popular with US attorneys. Each allows you to download and then read and note up documents and back them up to your computer.

With GoodNotes I create a folder for each matter with subfolders that reflect the sub-categories of a brief: i.e., Pleadings, Applicant evidence, Respondent evidence, subpoena materials, authorities etc. Within each sub-folder the documents appear as icons, with the first page visible. Click on the document and it opens to the page I looked at last. The notes and highlighting are permanently on the documents, but you can edit them as your thoughts evolve.

Microsoft now have apps for all their Office products which makes them function almost like the full program does on your computer, allowing you to use the iPad to create or edit documents in Word or Excel (although I do not use the iPad for that myself).

Receiving the brief

It surely won't be too long before there is a briefing app. In the meantime I ask solicitors to create a Dropbox folder with all the documents in pdf format, arranged in subfolders as they would a brief. It is then a matter of a minute for me to open that Dropbox folder on the iPad and select every document to download into the corresponding folder in GoodNotes. Thereafter the solicitor need only email to say the Dropbox folder has been updated and I can download the new document. Alternatively, I can open emails on the iPad and move the attached documents into a GoodNotes folder. That is a little slower, but still quicker than printing a hardcopy, holepunching and putting it in a folder (especially when the printer is playing up).

Obtaining authorities works much the same way. I find or get someone to save to Dropbox

pdf versions of the authorised report from Westlaw or Lexis, or unreported decisions from Austlii, and then load them onto the iPad in the same manner.

David McLure tells me Goodreader syncs directly with all the various cloud services, such as Dropbox, OneDrive etc and continues to sync with them, so that as new documents are added to Dropbox they get automatically added to the iPad.



Barrister with hard copy brief talking to barrister with the same brief on iPad. (Photo: D Elder)

Accessories

The pen is not magnetic, and so is easy to misplace. There are various accessories that you can buy to solve that, including a rubber sleeve with a magnet that allows you to attach the pen to the iPad.

There are a great variety of cases. My own choice is a single piece of leather, from Pad & Quill. Apple sell a keyboard that attaches to the iPad. I have found that for what I use it for (reading and marking up documents) that is an additional weight I do not need. If I do travel I take a wireless Apple keyboard with me, which is easier to use. I used a matt screen protector called Paperlike that has a slightly rough feel that makes writing feel more like writing on paper.

The paperless future

The paperless electronic courtroom is not unknown, but is currently the exception, usually reserved for the largest cases or inquiries. That will change. The Land and Environment Court has conducted paperless trials. If they can do that with A2 size planning documents, it can be done in every case. Electronic filing is the forerunner of the change. Courts will next develop protocols so all documents to be used are catalogued in a way that allows the parties to access them in court without printing them. By then barristers will need to be used to reading them electronically. It is the future. Embrace it. Feel smug.