

Featured Pro: Mark LeWinter

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Last week, after two years of preparation and two weeks of trial, a jury awarded \$25 million to Mark LeWinter's client. The case had 20 expert witnesses, 35 depositions, thousands of documents, and Mark prepared and used the LIT SUITE exclusively during trial. Mark served as co-counsel on a trial team with Charles Hehmeyer as lead trial counsel, Daniel Bencivenga, Martina McLaughlin, and paralegal Rita Cancelliere. He told us, "it was truly an exemplary team effort and winning this case proved that the LIT SUITE can handle any level of complexity."

A Tech-Forward Practice

Mark LeWinter, a partner at Raynes and Lawn in Philadelphia, PA and a longstanding national board member of "ABOTA" (American Board of Trial Advocates) plans to continue his passion for litigation and advocacy by teaching other lawyers how to leverage technology to prepare and present their cases at trial. Mark told us that he is "passionate about litigation and advocacy, and found a new passion in working up a case remotely, entirely on a Mac and iPad, and being able to hold your whole case in your hands."

Mark has been trying civil negligence and product liability cases for over 40 years, and has a long history of using technology to elevate and streamline his practice and advocacy of his clients. His love of legal technology began over 30 years ago, when the internet was new, and "Windows had barely been invented." Mark recalls a moment early in his career when another lawyer walked into his office and told him it was not lawyerly to have a computer on his desk, saying, "that is for your support staff!" Mark became power user of PC programs like CaseMap and TextMap, and used them for over two decades.

“Using the LIT SUITE to prepare a matter is like breathing.”

However, when the iPad debuted, its portability and touch gesture interface appealed to Mark's natural fascination with technology. He told us he vividly remembers thinking that with the right software, the possibilities the iPad could bring to the legal field were limitless. Mark adopted the first version of TrialPad very early on. It rapidly became second nature, and he found himself using TrialPad and the iPad not only for presentation but also to organize all his documents and exhibits. The first case in which Mark used TrialPad exclusively was a tourism case in 2016 which required him to travel to Jamaica. All the deposition exhibits were organized in TrialPad, and Mark put his outlines with the corresponding pages for examination in Key Docs. The case settled pre-trial for \$12.5 million.

But Mark found that TrialPad alone wasn't enough to prepare his entire case. He continued to use other tools in the office and on his iPad to supplement TrialPad, but found it cumbersome as the software and other apps didn't work together or "talk to each other well." But, when the LIT SUITE came out, it no longer was necessary to use those third party apps for transcript management and document management. Mark found that LIT SUITE was "seamlessly integrated" and soon stopped using the desktop software at the office and the PDF apps that weren't developed for the practice of law. He never looked back.

The Technology Behind a \$25M Verdict

Mark told us that the power of the LIT SUITE isn't just in the presentation. The lion's share of work in just about every case is the preparation, and "using the LIT SUITE to prepare a matter is like breathing." Mark starts with DocReviewPad, and uses it as his trial notebook throughout the lifetime of a matter. All documents, filings, and motions, are added to DocReviewPad, as well as anything that will be used as evidence in the lead up to trial. Using Issue Codes and search makes finding a document easy in DocReviewPad, so his entire case is always at his fingertips. For any forum wherein Mark might need to present a document, he exports a small set of what he needs to TrialPad. This includes for deposition, hearings, client meetings, mediation, and lastly for trial. Mark also uses a note-taking app that converts all his notes to PDF, which he then adds to DocReviewPad as a part of his overall trial notebook.

“In my world, cases are won or lost in how skillfully I use DocReviewPad and TranscriptPad.”

Similarly, Mark uses TranscriptPad to hold every transcribed record in his case, from hearings to depositions, even daily transcripts of trial testimony. He reviews each transcript for key issues, creating reports and using them to further his case, whether to support a motion, prepare for the next deposition, or to create Impeachment Slides for witness examination at trial. Between TranscriptPad and DocReviewPad the entire court record in any given matter he is working on is searchable. Anything written or said in a matter, as well as any evidence reviewed or produced can be accessed within seconds. And because everything is on his Mac and iPad, there's no paper to shuffle, and no box to carry. Mark told us that, "I have settled far more cases than I have tried. Well prepared cases with high value rarely see a courtroom unless there are genuine factual issues relating to liability, damages, or both. While there are exceptions, most cases are either won or lost in the office, not the courtroom." He added, "While TrialPad is the best-known LIT SUITE app, in my world cases are won or lost in how skillfully I use DocReviewPad and TranscriptPad. In my cases, those apps feed into TrialPad (which I like to think of as 'EvidencePad')."

The Trial

The case was a personal injury motorcycle and truck accident set for two weeks. The courtroom had monitors throughout with smart screens where both trial counsel and witnesses could annotate using their finger. Given the trial budget, both Mark's trial team and defense counsel used trial technicians for the presentation of evidence, however Mark connected to his technician's switcher using the HDMI cable for his Apple TV should the need arise. The value of TrialPad during trial was not displaying evidence but rather the instantaneous access to it. With TranscriptPad, Mark was able to access the 35 depositions, find pertinent deposition designations, and create Impeachment Slides on the fly.

Prior to his trial, the [LIT SUITE for Mac](#) was released, and Mark told us that it was "a huge development" in the way he used the LIT SUITE in the courtroom. Mark used both iPad and Mac in the courtroom, and they worked together seamlessly. Mark opened DocReviewPad and TranscriptPad on his Mac, and opened TrialPad on his iPad. He made notes and created witness folders in real time while opposing counsel was examining their witness. If he needed a document it was easy to AirDrop or use [Universal Control](#) to drag it into TrialPad.

“Keep the evidence in TrialPad relevant only to what you want to show a jury.”

Separating out the apps on the devices this way made him more effective than ever. Mark told us, "TrialPad holds all the evidence, but there's no need to force feed TrialPad. It is so easy to add when necessary. Keep the evidence in TrialPad relevant only to what you want to show a jury. Just because you are looking at a document in your case doesn't mean it is evidence and should be included for display."

Mark LeWinter's Next Venture

Prior to his recent win, Mark secured many other seven-figure verdicts and settlements, including \$14 million in a workplace safety accident, and a settlement of \$19 million for an injured iron worker. He's also been invited to present and teach trial skills, having presented over 100 seminars on the effective use of demonstrative evidence and the use of technology.

Going into last week's trial, Mark knew it would likely be one of his last trials, though he will still take on select cases. He'd been planning to start to teach, speak, and consult full-time. Mark told us that after this verdict, he was "thrilled to see that his catastrophically-injured client, got justice. While liability was hotly contested, the trucking company was found 95% negligent. Given that it was all done with the LIT SUITE, I can speak with conviction and can't think of a better way to launch this new venture."

Mark started [Trial By iPad](#) to bring his passion for using legal technology to other lawyers. Mark often quips that "lawyers are limited only by their imagination" and he has used his experience to develop an easy-to-learn system for weaving technology into litigation and advocacy. Mark is excited to share with litigators nationwide innovative ways to use technology to elevate their advocacy and win cases. Go to www.trialbyipad.com to learn more about Mark, and the iPad litigation system.



More About Mark LeWinter, Esq.:

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