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# CITATIONS

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# MAYBE “IPAD JUDGES” ARE NOT SUCH A GOOD IDEA

by Greg May

This article was adapted from Greg May's blog, The California Blog of Appeal (<http://www.calblogofappeal.com>). Reactions to the original post can be found at <http://tinyurl.com/linkedin-ipad-judges> or [www.linkedin.com/grp/post/6538009-6003618975127261187](http://www.linkedin.com/grp/post/6538009-6003618975127261187).

Footnotes are omitted from the print version of CITATIONS, but they are available in the online version at [vcb.org](http://vcb.org).

Another version of this article appears this month in the Appellate Law Journal.

With e-filing firmly entrenched in federal courts and making headway in state courts, the presumption is that an ever-increasing number of appellate judges are reading briefs and records on screens of some sort. Articles like *Writing a Brief for the iPad Judge* or *Maximizing Your Appellate Brief for the iPad* recommend certain departures from traditional brief formatting in order to accommodate differences between reading from a screen and from a printed page. Fonts, heading styles and numbering, organization and use of footnotes all deserve special consideration if one is to maximize the on-screen navigability and visual appeal of a brief.

Such tips are helpful, insofar as they go, but are there deeper differences between reading from a printed page and from a screen that cannot be overcome by formatting? Some studies on the subject line up with what I have felt intuitively for some time: for comprehension and retention, the printed page beats the screen.

Consider this summary of a Norwegian study, from the website ScienceNordic:

Neo-Luddites rejoice: numerous studies show that when you read a text on paper your understanding is deeper and longer lasting than if you read that same text on a computer.

Of course, if you read the text on a screen you can probably recount what you read. But you cannot as readily make use of the content in other contexts. You haven't comprehended it as deeply and assimilated it as substantially.

Digital information isn't just a fleeting phenomenon on your computer screen. It disappears more quickly from your memory, too. Screens are best for superficial and speedy reading.

ScienceNordic specifically noted an iPad aspect of the study: “[The authors of the study] compared reading of a short narrative text on an iPad with reading it on paper. The test subjects who read on paper became more deeply involved with the story than those who read it on the tablet.”

These findings correlate well with my experience. Reading from a screen always bothered me on an intuitive level. It is not just the difficulty of navigating a document on screen. (If anyone figures out how to read an online newspaper page by page, like a paper copy, please let me know.) It is that I never feel I get as much out of reading from a screen as I do from a printed page. I find my iPad and Kindle (and even my iPhone) just fine for reading blogs, short articles and fiction - even novel-length fiction. On the other hand, getting through a non-fiction book on an iPad or Kindle feels like a struggle. If I need to read something analytically, I get a printed copy so I can read off the paper and mark it up with a pen as I go. Call me a tree killer, but I am not about to give up this practice. I have tried reading PDFs on my screen, annotating them with PDF editing software as I go along, but it is just not the same for me.

I thought that it might have something to do with the fact that I grew up reading from paper. Online legal research in my 30s was my first exposure to extensive

screen reading. I was in my 40s when the Kindle was introduced and 50 or so when the iPad was launched. But the test subjects in the Norwegian study were 10th grade students, likely in their mid-teens. They have probably done a good portion of their reading from screens already, yet still had greater comprehension reading from paper.

What about those even younger? Might some of today's kids, being brought up reading from screens from an early age, actually comprehend better as adults by reading from a screen than from a printed page? It will take us a while to find out, but this anecdote from *Scientific American* got me wondering:

In a viral YouTube video from October 2011, a one-year-old girl sweeps her fingers across an iPad's touchscreen, shuffling groups of icons. In the following scenes, she appears to pinch, swipe and prod the pages of paper magazines as though they too were screens. When nothing happens, she pushes against her leg, confirming that her finger works just fine - or so a title card would have us believe.

The girl's father, Jean-Louis Constanza, presents “A Magazine Is an iPad That Does Not Work” as naturalistic observation - a Jane Goodall among the chimps moment - that reveals a generational transition. “Technology codes our minds,” he writes in the video's description. “Magazines are now useless and impossible to understand, for digital natives” - that is, for people who have been interacting with digital technologies from a very early age.

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That is a cute story – or maybe a horrifying one, depending on your perspective – but despite that introduction, the article notes that “research suggests that reading on paper still boasts unique advantages” over reading on a screen.

Before you brand me a Luddite, consider this: I own a PC, a MacBook, an iPad, an iPhone and a Kindle. And, I love *filing* documents electronically.

It is *reading* electronic documents that concerns me, especially since many of those depriving themselves of better comprehension and retention may not realize it for themselves, like I did. They will not recognize that portability and easy searching of text comes with a cost, and will pay that price without knowing it. To make that trade-off an informed decision, lawyers should make the most honest evaluation of their reading that they can.

Of course, not everyone is the same, and there are some who get just as much out of reading from a screen as from a printed page. I am sure this includes many appellate judges. I just hope that none of them ever looks at me during oral argument and says, “So, Mr. May, I read your brief on my iPad. You got a problem with that?” Perhaps I will just be grateful that he did not read it on his Apple watch.



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