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September 13, 2023

■ Returning to In-Person: Initial Discovery Through Trial

Initial Case Work-up

- Meeting with witnesses and building a rapport is critical prior to depositions as witnesses will be more comfortable
- Visiting a facility is helpful in determining the location of rooms, staffing, and initial impressions that could affect the case assessment

Benefits of Remote Court Conferences

- Reduced cost for travel and reduced time waiting in Court
- In some Courts in New York the proposed Court order may be reviewed by multiple attorneys prior to submission to the Court – permitting junior associates to participate

Drawbacks of Remote Court Conferences

- Remote conferences hinder the ability to develop and enhance relationships with opposing counsel which is vital to facilitating settlement
- Remote conferences include situations where plaintiff's counsel has added requirements to Orders without Court approval
- Junior attorneys, who have begun practicing during the pandemic have never been before a Court in person

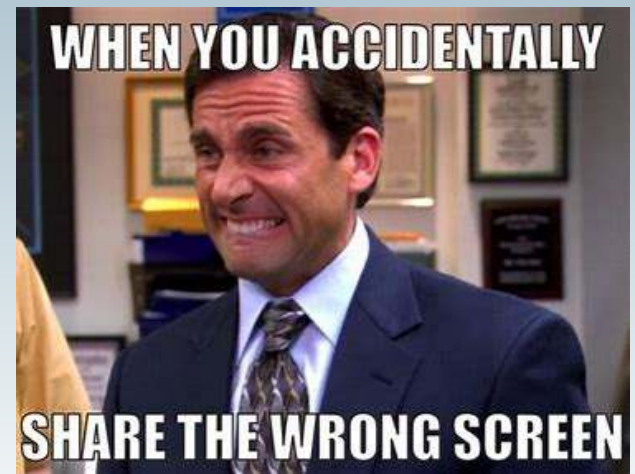


Benefits of Remote Depositions

- Reduced cost for travel
- Plaintiffs are often more relaxed in their own homes and more forthcoming
- Gain insight into the witness' home or work environment
- Defense depositions tend to be shorter

Challenges of Remote Depositions

- Technology challenges including inaccurate transcripts due to 'freezing'
- Attorneys cannot see/control environment
- No "off the record" observations
- Managing exhibits can be difficult, particularly when videos are involved



Mediations

- Virtual mediations can assist with avoiding grandstanding behavior on the part of plaintiff's counsel and dramatic exits
- This can also be an opportunity to assess plaintiff's home environment
- However, virtual mediations permit plaintiff's counsel to limit access to their client and may prevent mediators from engaging with the plaintiff
- There may be less pressure to settle on plaintiff as they are appearing virtually

Pre-Trial Conferences

- In-person Court attendance of the plaintiff can assist with settlement. If the plaintiff appears remotely they may feel less pressure to settle
- Courts with increasingly busy dockets do not have the time to devote to multiple conferences with all parties in person

Trials

- Often include remote testimony; jurors are distracted
- Need to understand and coordinate with Court about forms of admissible evidence if remote



Return to Office

- While there are benefits to remote work, there is benefit to time in the office
 - Greater opportunity to collaborate and enhance defense strategy.
 - Build rapport with colleagues and support staff required to report to the office more frequently
 - Junior associates practice non-email communication skills, and are ultimately better communicators with clients
 - Better overall training of junior associates with office time. More ground covered in-person and better relationships are established

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