



LITIGATION IN COVID-ERA: BIG CHANGES OR MINOR TWEAKS?

Considerations for Managing (and Adapting) Litigation in the New Normal

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Introduction and Outline for Discussion

- Covid-19 has impacted everything in our lives, including litigation
- As courts begin to open, what impacts on litigation have we already seen and what do we anticipate as the year progresses?
- What changes can litigants expect as discovery moves forward in pending cases?
- Is it possible to anticipate or mitigate Covid-19 litigation risks now?

Current Status of California Courts

- Communications and updates from state and federal courts
 - Courts treated shutdown and reopening differently
- How are courts handling deadlines and filings?
- How have timelines for pending cases been impacted?
- When will civil jury trials return and what will they look like?

Complications in Discovery

- The impact of the suddenly remote workforce
- How will social distancing impact our normal discovery tools?
 - Remote depositions
 - Investigations or interviews of witnesses
- How will social distancing impact other case events such as mediations or Early Neutral Evaluations in federal court?

COVID's Impact on Case Strategies

- Given impacts to timeline of case, reconsider approach?
 - Increase in bankruptcy filings or a defendant's inability to pay
 - Do such circumstances suggest you might want to look for quick resolutions?
- The threat of going to trial may not apply (or supply) the pressure to resolve cases as it used to, since dates are being continued

Post-Covid (Hidden?) Risks to Consider

- State and local requirements for re-opening cannot be ignored
 - Check out Procopio's webinar by its employment leaders: "Facing The Unknown: Employer Guidance For Return To Work Issues" found here: <https://www.procopio.com/covid19#webinars>
- Potential impacts of implementing new technologies to monitor employees, including privacy risks
- Breach of contract litigation expected? Can litigation holds arguably be required already?
- Unprecedented era. Try to anticipate the unexpected

Questions?

Thank you !



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