

SUITS STILL HAPPEN

WHAT EVERY IN-HOUSE LAWYER NEEDS TO
KNOW ABOUT LITIGATING IN THE COVID
WORLD AND BEYOND

Moderator: Paul Najar (Gafcon)

Morrison Foerster Speakers:

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Selecting Counsel

- When to seek litigation counsel
- What to look for in litigation counsel
- How to interview and select counsel remotely

Litigation Holds and Document Collection

- General rule: Must take and document affirmative steps to locate and preserve potential evidence when litigation is reasonably anticipated.
 - Including ESI on company and personal devices
- Impact of remote working on holds and collection
 - More potential evidence potentially stored on devices not controlled by company
 - Personal texts, emails, computers, servers, etc.

Deposition Preparation and Depositions

- Remote witness preparation
 - Pros, cons and challenges
- In house counsel involvement in remote witness preparation
- When to have in person preparation if possible
- When remote preparation is sufficient
- Pros and cons of taking and defending depositions remotely
- When to have in person depositions if possible

Attorney Client Communications

- When to have litigation counsel engage with senior management or the board
 - Live or remote

Mediation / Settlement Conferences

- Preparation
- Who should attend
- In person or remote
 - Pros and cons of remote
- Impact of Covid on settlements

Budgeting and Managing to Budget

- How to budget for litigation
- How to manage to budget
- How to use remote technology to control costs without compromising results

Additional Remote Litigation Issues

- Participation by in house counsel
- When should litigation counsel participate in person if possible
- When is remote appearance an acceptable alternative

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