

Litigation in the Age of COVID-19

1/28/2021

What's ahead in litigation and what have we learned almost a year since the COVID-19 pandemic first struck?

The pandemic has changed how attorneys litigate cases and how the courts hear them. No longer are in-person conferences, hearings, and even depositions the norm. Remote proceedings are now the rule of the day. As a result, litigation attorneys have learned to adjust their expectations and the way they try a case. Despite the challenges of remote hearings, conferences, depositions, and even trials, Brach Eichler has achieved several positive results for our clients. Efficiency has always been a significant client concern and the pandemic has further refined our attorneys' ability to deliver results quickly. For example, travel time has been reduced to a minimum and clients can now attend depositions remotely simply by clicking a link.

There are some cons to conducting a deposition, hearing, or trial remotely, however. Superior technology is a must. Understanding the technology and how to use and adjust it is key to a successful remote proceeding. Controlling a witness and ensuring cooperation during the proceeding or deposition—without being on site—is also a must. The most effective litigators are those attorneys who are equipped and prepared to adapt to the new realities of lawyering that may long continue after the pandemic has abated.

The litigators at Brach Eichler are well situated to handle all aspects of litigation during the current challenging times. We have been operating successfully in this new environment and have developed protocols and procedures to better manage remote court proceedings, arbitrations, and depositions. We have skillfully conformed to the new "normal" and will continue to do so in the months ahead.