



**GORDON&REES**  
SCULLY MANSUKHANI

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YOUR **50 STATE** PARTNER®

# Women in Construction Tuesday Talk Series



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## **How to Survive and Succeed in Your Case Virtually**

Petra Ambrose - Seattle  
Lisa Cappelluti – San Francisco  
Nicole Demmon - Seattle  
Nancy Erfle - Portland  
Brenda Radmacher – Los Angeles  
Christine Stickley - Wyoming

G&R WIC Tuesday Talks  
March 9, 2021

# Virtual Dispute Resolution & Litigation is Here to Stay





**Depositions and Remote Witnesses –  
Putting Your Best Foot Forward**

# Virtual Depositions

## 1. Prepare, Prepare, Prepare

- Location/Background/Lighting/What to Wear
- Appropriate Equipment
- Perform Test

## 2. Potential Issues

- Attorney/Client Collusion
- Platform Recording of Deposition

## 3. Tips/Pointers

- Understand/Hear Questions
- Technical Difficulties
- Communication Between Client/Attorney
- Exhibits

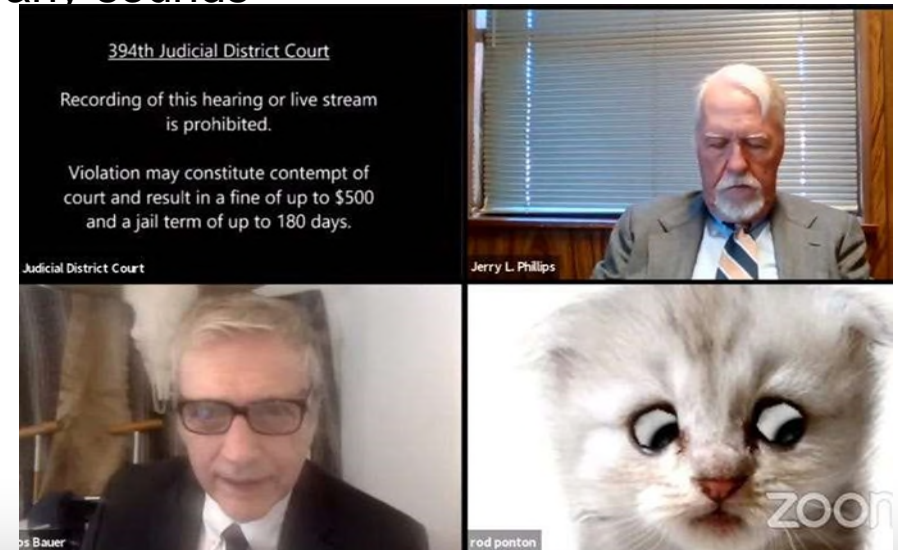


**Motions & Hearings –  
How to Keep the Judge's Attention**

# Court Hearings on Key Motions – Audio, Visual, or Both?

## 1. Pre-Hearing Tips

- a. Get ready and fully dress like you are going to court
- b. Ensure webcam, audio, and internet connection are functional well before the hearing
  - Consider a non-laptop webcam or headset/separate microphone for sound quality
- c. Turn off webcam filters/distracting backgrounds and do a test run prior to the hearing
- d. Uncluttered background. If necessary-use a virtual office background or bookshelf
- e. No people/pets in background, and minimize any sounds
- f. Connect to Zoom early. You may have to wait for the Court to take you out of a waiting room.



## COURT HEARINGS ON KEY MOTIONS – AUDIO, VISUAL, OR BOTH?

- 2. Audio/Telephonic, or Visual Remote Hearings?
  - a. Try to opt for visual remote hearings
  - b. In-person vs. visual remote hearing – which is better?
- 3. Tips During the Hearing
  - a. Use two screens if possible (one for hearing, one for cases/briefs/exhibits, etc.)
  - b. Keep key cases open on your screen for easy reference
  - c. Minimize distractions: clear off desk/close blinds/
    - d. Watch the judge's reaction while listening to opposing counsel – address issues that judge raises/appeared concerned about
  - e. Mute yourself when not speaking, but be prepared to unmute yourself if you need to respond to something right away





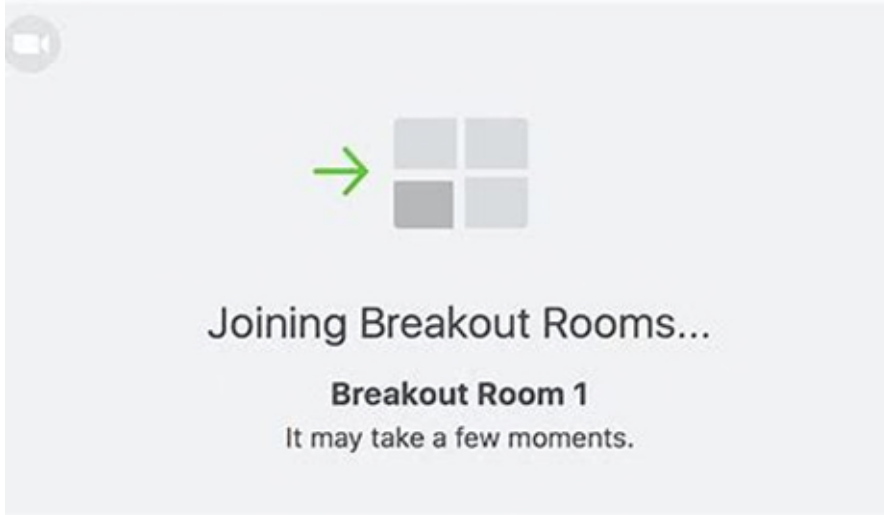
# **Zoom Mediations – What Works and What Doesn't**

# Mediation via Video Conference

## Issues in Virtual Mediation:

1. Logistics: Technology Issues & Types of Platforms
2. Who is the Mediator?
3. Confidentiality
4. Different type of preparation?
5. Pros & Cons

# Zoom Mediations





**Arbitration and Trials –  
Critical Decisions and Strategies**

## Virtual Arbitration

- Can you effectively present arbitration by videoconference?
- Types of cases: complex; document intensive; visual issues
- Special procedures and rules
- Client impacts on effectiveness of remote arbitration
- Witness Preparation and Attorney Preparation
- Body Language and Camera issues
- Presentation of Evidence
- Limitations and Benefits

## Virtual Trial

- Preparation
  - Physical set up
  - Exhibits
  - Original transcripts
  - Court preferences
- Jury Selection



## Virtual Trial

- Witness Examination
  - Preparing your own witness
  - Cross examination
- Opening/Closing Statements
  - Demonstratives





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## *G&R Women in Construction - Tuesday Talks*

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Next G&R WIC Construction Tuesday Talks @ 12 pm PST/3 pm EST:

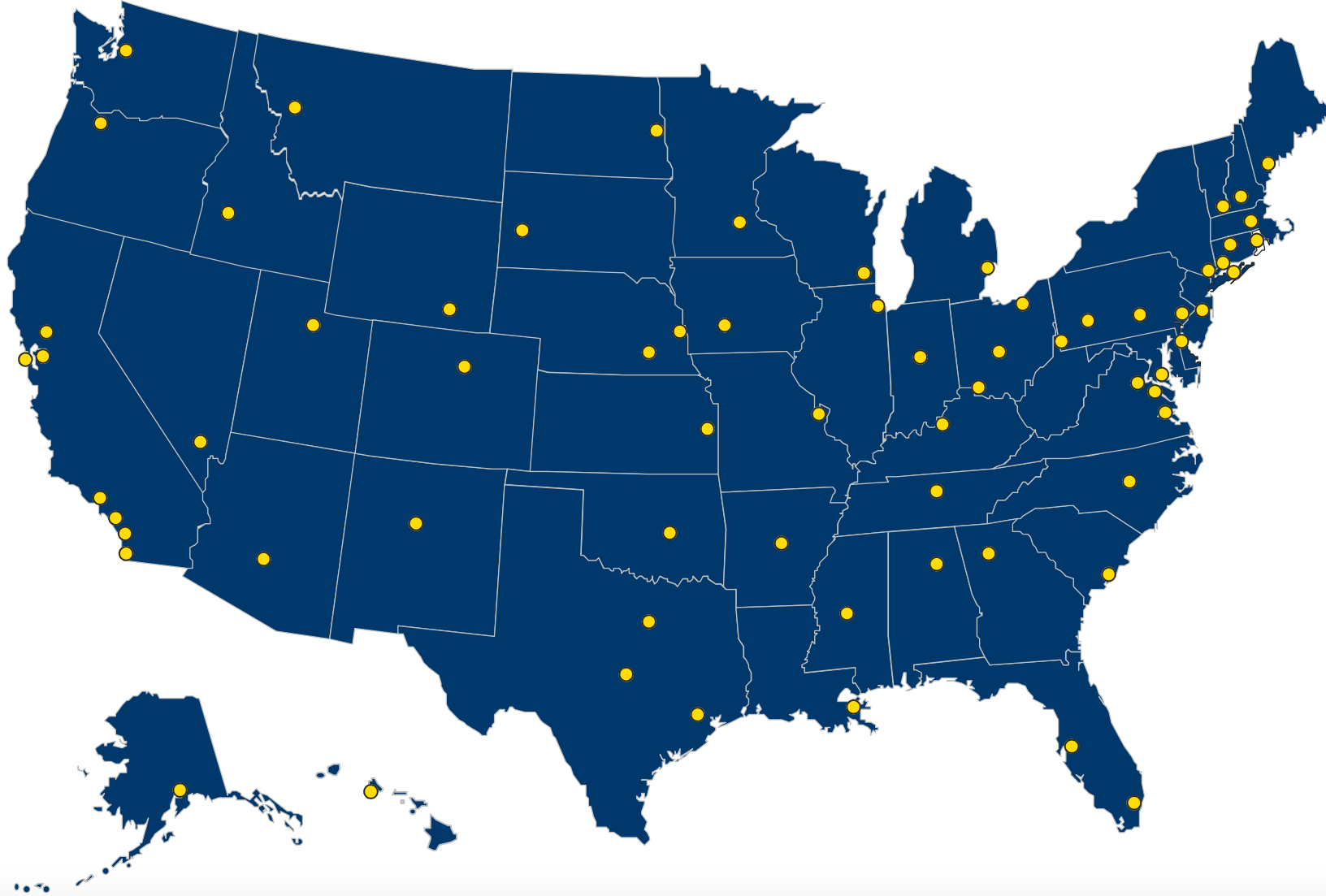
May 18<sup>th</sup> - Contracts - Key Terms and “Gotchas”

July 13<sup>th</sup> - Consequential Damages

October 12<sup>th</sup> – Job Costs/Impacts/Delay Analysis

- **MCLE credit for attorneys in Oregon, Washington, California and in jurisdictions that have reciprocity agreements with California (AK, AZ, CT, FL, HI, MD, MA, MI, MO, NJ, NY).**
- **If you would like to receive an MCLE Certificate, please leave a note in the comments section of the survey or you may contact us at [marketing@grsm.com](mailto:marketing@grsm.com).**
- **Presentation materials will be emailed to all attendees. If you would like to request a recording of the webinar please contact us at [marketing@grsm.com](mailto:marketing@grsm.com).**

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