



Letter of the Law: Practicing Litigation in 2021

2021 Litigation Section Program

Friday, September 17, 2021
Rebroadcast

North Carolina: 6.75 MCLE Hours

Includes:

1.50 Ethics/Professional Responsibility

1.00 Technology Training

Planned by the NCBA Litigation Section

No one could have predicted the personal, professional and legal changes that the new decade would bring. The Litigation Section hosts a day-long CLE, to provide insight into these changes and their impact on the practice of law in light of the pandemic, as well as how to handle government investigations, parallel civil and criminal proceedings, and video depositions. Explore effective strategies for conducting remote mediations and how attorneys can meet ethical responsibilities in a remote work environment.

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8:55 AM–4:35 PM

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| 8:55 | Welcome and Introductions | 2:10 | Break |
| 9:00 | Ethics in the Current World* Richardson
Remote work, virtual hearings, and case delays are now features of litigation. This session discusses how attorneys can meet their ethical responsibilities while adjusting to the new litigation landscape. Topics include competence and diligence in light of changing technology, guarding client confidentiality in a remote work environment, and duties to adversaries and third parties. | 2:20 | Video Depositions and 30(b) Depositions[‡] M. Anderson and Marston
Explore how the coronavirus pandemic has caused significant changes to the civil justice system, including disrupting or temporarily halting court operations, and introducing challenges into otherwise routine litigation activities. While some litigants are hoping to continue using the pandemic to stall litigation, with some experts projecting more months of social distancing guidelines, most parties and their counsel have to conduct many or most of their depositions remotely. Attorneys who can master the art of the remote deposition have an enormous tactical advantage in motions practice, at mediation and at trial. The session also includes discussion about technology attorneys can employ to successfully conduct remote depositions and use those depositions at trial. |
| 9:59 | Chambers Chatter* Judge Gale, Judge Shirley and Myers
Senior Business Court Judge James L. Gale, Superior Court Judge Graham Shirley and Trial Court Administrator Kellie Myers present an updated discussion that covers several Rules of Professional Conduct, with a focus on preparing to appear in court, whether in-person or virtually. The panel also discusses upcoming changes to the court system, including plans for electronic filing. (Includes .5 hours of Ethics/Professional Responsibility credit) | 3:35 | Mediation Panel A. Anderson, Brazil and Parry
Receive practical tips for remote mediations — from contacting the mediator and coordinating with clients pre-mediation, to using documents and breakout rooms during the mediation process, to finalizing an agreement and obtaining signatures. This presentation also explores the dos and don'ts of remote mediation and discusses effective openings. |
| 10:59 | Break | 4:35 | Adjourn |
| 11:09 | The Wolf Is at the Door: When Law Enforcement Contacts Your Client Davis
A grand jury subpoena. A letter from a prosecutor. A visit from a detective or federal agent. A search warrant for your client's home or business.

What do you do? Your client expects you to know, like the "doctor in the house" in a crowded theater. Find out how to respond when the stakes are high and time is short. | | |
| 11:54 | Lunch Break | | |
| 12:24 | Conducting Internal Investigations McDowell
This session covers a wide range of legal and practical issues that arise when conducting an internal or governmental investigation into conduct by corporate owners, officers and/or employees. | | |
| 1:10 | Navigating the Shoals During Parallel Criminal and Civil Litigation Camden and Poe
The ever-increasing breadth and scope of criminal law has resulted in an increase in cases where your client's exposure goes far beyond a money judgment. Navigating parallel civil and criminal proceedings presents a wide array of complex issues and calls for careful strategic thinking. Gain insight from the presenters as they share their thoughts on how to best chart these treacherous waters. | | |

* Indicates portion providing Ethics/Professional Responsibility credit

‡ Indicates portion providing Technology Training credit

Speakers

- **Judge James L. Gale**, North Carolina Business Court, Greensboro
- **Judge A. Graham Shirley II**, North Carolina Superior Court, Raleigh
- **M. Ann Anderson**, Attorney at Law, Pilot Mountain
- **Mark E. Anderson**, McGuireWoods, Raleigh
- **Wilburn Oscar “Bill” Brazil III**, Brazil & Burke PA, Asheville
- **Wes J. Camden**, Williams Mullen, Raleigh
- **Kearns Davis**, Brooks Pierce McLendon Humphrey & Leonard LLP, Greensboro
- **Kimberly M. Marston**, Brooks Pierce McLendon Humphrey & Leonard LLP, Greensboro
- **Valecia M. McDowell**, Moore & Van Allen PLLC, Charlotte
- **Kellie Z. Myers**, 10th Judicial District, Raleigh
- **Alan Parry**, Parry Law PLLC, Chapel Hill
- **Caitlin M. Poe**, Williams Mullen, Raleigh
- **Amy E. Richardson**, Harris Wiltshire & Grannis LLP, Raleigh

Planners

- **Audrey Z. Snyder**, Ward Black Law PA, Greensboro
- **R. Matthew “Matt” Van Sickle**, Van Sickle Law PLLC, Cary
- **Hayley R. Wells**, Ward and Smith PA, Asheville

The views and opinions expressed are those of the individuals and do not necessarily represent official policy, position or views of the North Carolina Bar Association.