

**DELAWARE STATE BAR ASSOCIATION**  
CONTINUING LEGAL EDUCATION

**MAXIMIZING LEGAL ANALYTICS  
AS A COMPETITIVE ADVANTAGE IN  
DELAWARE STATE TRIAL COURTS 2022**

**DSBA WEBINAR VIA ZOOM**

SPONSORED BY THE DELAWARE STATE BAR ASSOCIATION

**TUESDAY, MARCH 29, 2022 | 9:00 A.M. – 12:30 P.M.**

**2.5 Hours of CLE credit for Delaware and Pennsylvania Attorneys**

**ABOUT THE PROGRAM**

Join the Delaware State Bar Association and Trellis for an engaging webinar as we cover how legal analytics enables you to analyze the behavior and history of your judge, competitive counsel, prospects, and clients to gain crucial insights into litigation history and ruling tendencies. We'll show you how to leverage state trial court – and verdict – data to be more efficient, more proactive, and achieve better results for your clients. You'll learn how to maximize legal analytics to gain a competitive advantage, win cases and bring in more money when litigating in Delaware state trial courts.

Topics will include:

- Judge Analytics and Ruling History
- Draft Stronger Motions, Faster
- Case Valuation and Verdict Data
- Strategic Delaware State Court Research
- Alerts – Stay Informed

Discover how you can capitalize on legal analytics in Delaware state court data to make more informed decisions. We encourage you to join this informative session to add value to your practice. We'll get things started March 29 at 12:00 p.m. Hope to catch you there!

**PRESENTERS**

James H. S. Levine, Esquire  
*Troutman Pepper Hamilton Sanders, LLP*

Kristin S. Swift, Esquire  
*Weber Gallagher Simpson Stapleton Fires & Newby, LLP*

Nicole Clark, Esquire  
*CEO of Trellis Research, Inc.*

Visit <https://www.dsba.org/event/maximizing-legal-analytics-as-a-competitive-advantage-in-delaware-state-trial-courts-2022/> for all the DSBA CLE seminar policies.

*Please note that the attached materials are supplied by the speakers and presenters and are current as of the date of this posting.*

# Presenters

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James H. S. Levine, Esquire

*Troutman Pepper Hamilton Sanders, LLP*

Kristin S. Swift, Esquire

*Weber Gallagher Simpson Stapleton*

*Fires & Newby, LLP*

Nicole Clark, Esquire

*CEO of Trellis Research, Inc.*

Kristen Swift, Esquire

Kristen provides insurance coverage opinions, appellate assistance, and litigates in all Delaware courts in myriad areas including employment, civil rights, insurance, subrogation, contract disputes, construction, general liability, workers' compensation, professional malpractice, and bankruptcy. Kristen routinely represents business owners, non-profits, and homeowner's associations. She also helps out-of-state counsel understand the "Delaware Way" as they navigate the Delaware courts. Before joining Weber Gallagher, Kristen was an in-house litigator for a Fortune 100 insurance company. In 2013-2014, she was Wolcott Fellow to former Justice Jack B. Jacobs of the Delaware Supreme Court. While in law school, Kristen also interned for Chief Judge Leonard P. Stark in the U.S District Court, District of Delaware, and for the Honorable Mary F. Walrath in the U.S Bankruptcy Court, District of Delaware. Kristen was the first Web Content Editor for the Delaware Journal of Corporate Law and graduated magna cum laude.

Kristen is the Chair of the Delaware State Bar Association's Litigation Section and Immediate Past Chair of its Torts & Insurance Section, and member of the Delaware Defense Counsel, Delaware Claims Association, and The Richard S. Rodney Inn of Court. Kristen is a co-editor of the American Bar Association Business and Corporate Litigation Committee Newsletter and is a Delaware Superior Court Certified Mediator. She is on the editorial board of the Delaware State Bar Journal and recently launched a woman-lawyer focused column that appears quarterly, *LAW: Women, Advocacy & the Law*.

# Maximizing Legal Analytics as a Competitive Advantage in Delaware State Trial Courts



March 29, 2022







# Your Presenter

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**Kristen Swift, Partner @ Weber Gallagher**

Kristen is a general practitioner who provides insurance coverage opinions, appellate assistance, and litigates across the Delaware courts in myriad areas of the law including, employment, civil rights, insurance, subrogation, contract disputes, construction, general liability, malpractice, and bankruptcy.

Before joining Weber Gallagher, Kristen was an in-house litigator for a Fortune 100 insurance company. In 2013-2014, she was Wolcott Fellow to former Justice Jack B. Jacobs of the Delaware Supreme Court. While in law school, Kristen also interned for Chief Judge Leonard P. Stark in the U.S District Court, District of Delaware, and for the Honorable Mary F. Walrath in the U.S Bankruptcy Court, District of Delaware. Kristen was the first Web Content Editor for the Delaware Journal of Corporate Law and graduated magna cum laude.

# Your Presenter

---

**James Levine, Partner @ Troutman Pepper**



James frequently serves as Delaware counsel in high stakes intellectual property disputes, including patent and trademark litigation.

He has led litigation teams in cases involving corporate governance, corporate control, fiduciary duties, breach of contract, fraud, intellectual property, and trade secrets.

He has extensive experience in various types of Delaware corporate litigation.

Graduate of University of Delaware | Villanova University Charles Widger School of Law



# Your Presenter

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**Nicole Clark, Attorney & Trellis CEO**

Business litigation and labor and employment attorney who has handled litigation in both state and federal courts.

Worked at a variety of law firms ranging from mid-size litigation boutiques to large firms, and is licensed to practice law in three states.

Deeply committed to helping lawyers leverage technology to gain a competitive advantage and achieve more favorable outcomes for their clients.

Graduate of University of Massachusetts, Amherst | Rutgers University School of Law

# Agenda

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- 1 | Judge Analytics and Ruling History
- 2 | Draft Stronger Motions, Faster
- 3 | Case Valuation & Verdict Data
- 4 | Strategic State Court Research + Alerts
- 5 | Professional Responsibility & Technology

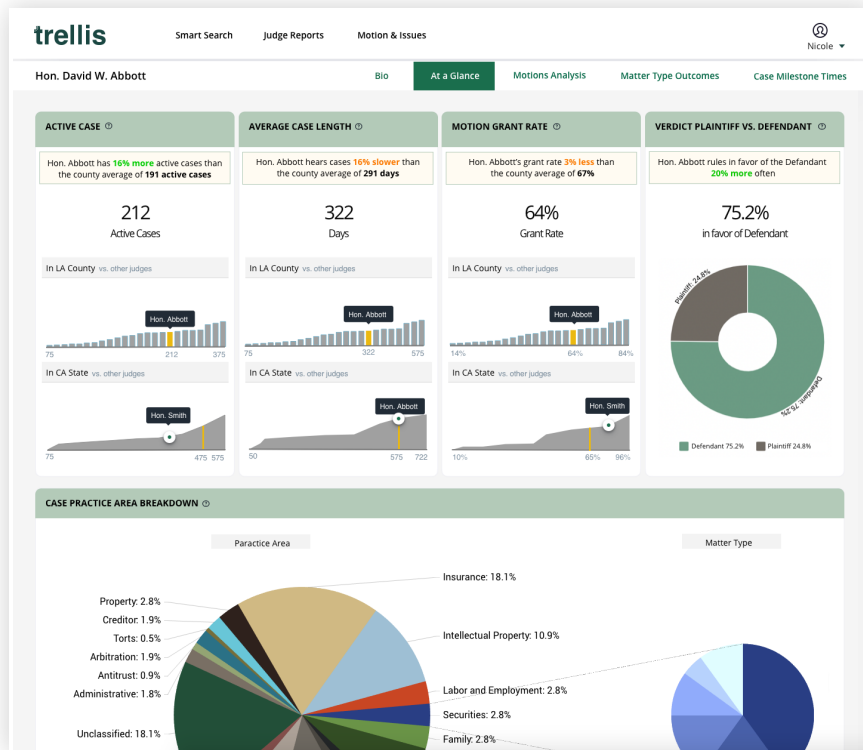
Section 1

# Judge Analytics and Ruling History



# Understanding Your Judge

Knowing your judge's tendencies can make the difference between: Granted & Denied



- How does your judge rule on Case Dispositive Issues?
- Is it possible to craft motions tailored to your judge?
- What caselaw does your judge find most persuasive?

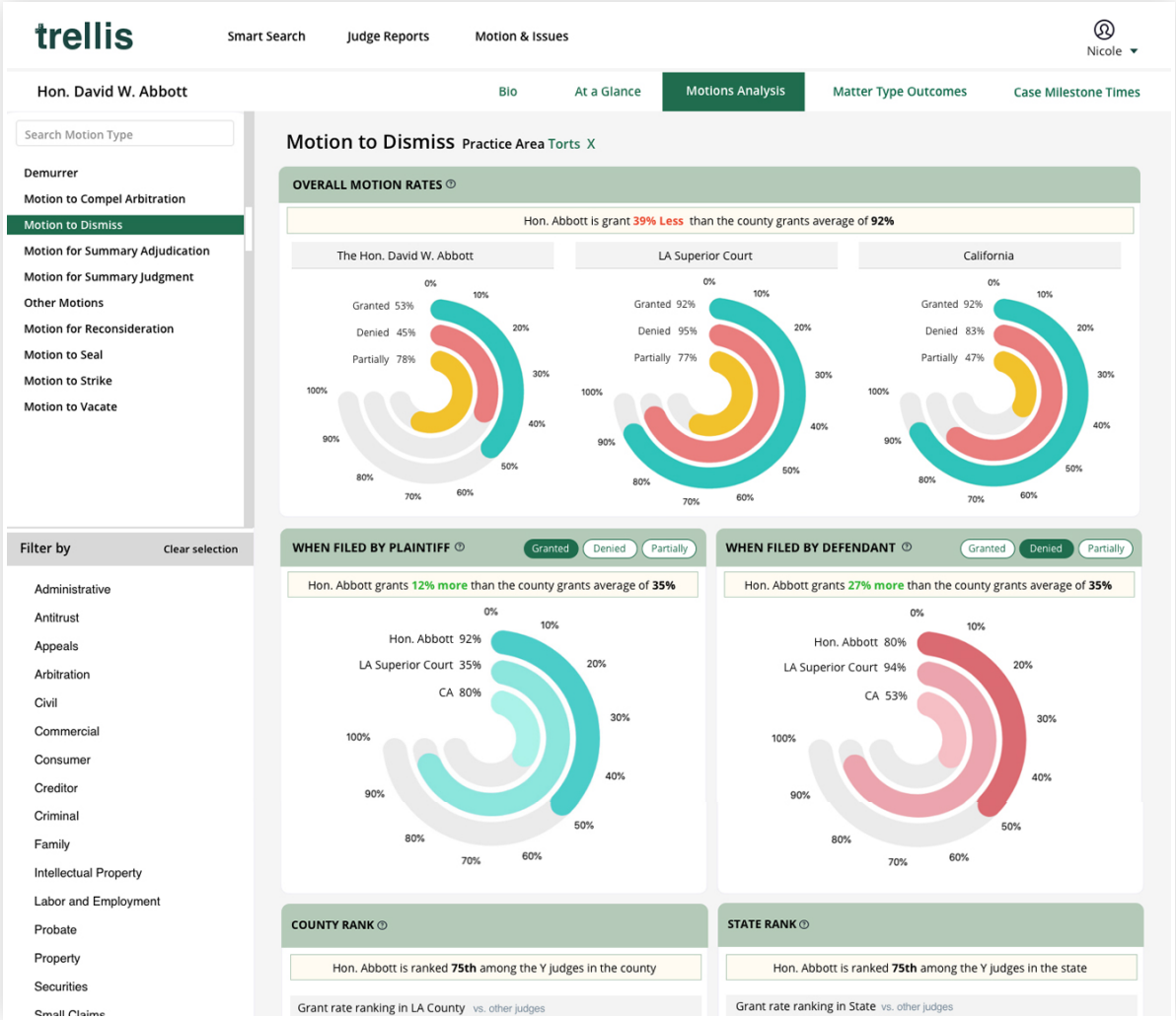
# Ways to Maximize Likelihood of Success Before Your Judge

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Considerations when deciding to request reassignment to a different judge ...

- Use analytics to understand your judge's ruling history
- Identify the potential risks of re-assignment
- Think through litigation & motion strategy (MSJ?)
- Discuss strategy with your client & set expectations

Let's Dive In



# Contextual Judge Research

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Digging in on your judge's thought process ...

- How does your judge think about particular legal issues?
- How does your judge analyze particular motions?
- What caselaw is most persuasive to your judge?
- What language do they use when ruling on particular causes of action?

judge:highberger

All selected (10)



Track This Topic

Advanced Search ▾

Rulings (48)

Dockets (7,903)

Documents (50)

Verdicts (12)

Filter By:

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Type ▾

Filter by Type

Judge ▾

Filter by Judge Name



William F. Highberger (43)



William F. Highberger Or Daniel S. Murphy (5)



County ▾

Filter by County



Los Angeles County, CA (48)

1-25 of 48 results

Sort By Most Relevant

**IMMIGRANT RIGHTS DEFENSE COUNCIL LLC VS LING CHENG**

BC678911 IRDC v. Cheng March 5, 2019 Tentative Plaintiff's Motion For Attorney Fees: Denied as untimely The Judgment supported by the written Stipulation for same was filed August 27, 2018. Plaintiff gave written Notice Of Entry Of Judgment on September 17, 2018, as confirmed by his filing with this Court on September 19, 2108. Per CRC ...

HEARING Mar 05, 2019

JUDGE [William F. Highberger](#)

COUNTY Los Angeles County, CA

**RISPERDAL AND INVEGA CASES**

Re OSC to Mr. Aumais and Girardi Firm:See tentative posted under BC643365....

HEARING Oct 09, 2019

JUDGE [William F. Highberger](#)

COUNTY Los Angeles County, CA

**BILLY BOYD VS FLEET-CAR LEASE INC ET AL**

BC688902 Boyd v. Fleet-Car Lease, Inc. August 8, 2018 Tentative Demurrer to 7th Cause of Action: Overruled without prejudice to making a Motion to Strike for the same relief requested here The paid-sick pay provisions of Labor Code § 246 and its enforcement provisions in Labor Code § 248.5 (both first adopted in 2014) are newer than...

HEARING Aug 08, 2018

JUDGE [William F. Highberger](#)

COUNTY Los Angeles County, CA

**IMMIGRANT RIGHTS DEFENSE COUNCIL LLC VS JUNG KI KIM**

Case Number: BC678919 Hearing Date: September 20, 2018 Dept: 10 Demurrer: OverruleThe factual allegations re lack of bond are sufficient. AB638 did not pass and plaintiff has a legal right to bring this suit under preexisting, still operative law.Anti-SLAPP Motion: Denied with fees and costs awarded to prevailing plaintiff per C.C.P. sec. 425.1...

HEARING Sep 20, 2018

JUDGE [William F. Highberger](#)

COUNTY Los Angeles County, CA

**BARRY SANDREW, ET AL. VS PROJECT X ACQUISITION CORPORATION, INC., A CALIFORNIA CORPORATION, ET AL.**

19STCP00925 Sandrew v. Project X Acquisition Corp. December 19, 2019 Tentative Rulings Demurrer: Sustain with leave to amend as to First through Fifth Causes of Action, overruled as to Sixth Cause of Action Motion for Bond: Grant in full Combined Discussion: The Complaint at issue does not overtly claim to be a derivative suit. ...

HEARING Dec 19, 2019

JUDGE [William F. Highberger](#)

COUNTY Los Angeles County, CA





# Add Case Dispositive Issues to the Search

## JUDGE:HIGHBERGER AND “STRICT LIABILITY”

**trellis** Smart Search Verdict Search NEW Judge Analytics Motions & Issues State Rules Need Help Inbox Nicole

judge:highberger AND strict liability All selected (10) Advanced Search

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**Filter By:** Clear Filters

☐ Only cases with documents

**Practice Area** Filter by Practice Area

- ☐ Civil (16)
- ☐ Commercial (4)
- ☐ Creditor (1)
- ☐ Property (11)
- ☐ Torts (984)

**Type** Filter by Type

- ☐ Asbestos- Personal Injury/Wrongful Death (General Jurisdiction) (2)
- ☐ Civil Rights/Discrimination (General Jurisdiction) (1)
- ☐ Claims Involving Mass Tort (General Jurisdiction) (124)
- ☐ Construction Defect (General Jurisdiction) (15)
- ☐ Contract/Warranty Breach - Seller Plaintiff (No Fraud/Negligence) (General Jurisdiction) (2)
- ☐ Judicial Council Coord Proceeding (General Jurisdiction) (1)

**Judge** Filter by Judge Name

- ☒ Amy D. Hogue (1)

**Rulings (2)** **Dockets (1,016)** **Documents (2)** **Verdicts (3)**

1-25 of 1,016 results Sort By **Most Relevant**

**SUSAN KENNEDY VS CALDERA MEDICAL INC**

|        |  |        |                            |
|--------|--|--------|----------------------------|
| FILED  | Jun 10, 2013   | CASE # | BC511784                   |
| STATUS | Court-Ordered Dismissal - Other (Other)  | COUNTY | Los Angeles County, CA     |
|        | 06/20/2019   | JUDGE  | Hon. William F. Highberger |
| TYPE   | Product Liability (not asbestos or toxic/environmental) (General Jurisdiction) |        |                            |

**LILIANA BOLTON VS CALDERA MEDICAL INC**

|        |   |        |                            |
|--------|---|--------|----------------------------|
| FILED  | Oct 15, 2013                                      | CASE # | BC524456                   |
| STATUS | Court-Ordered Dismissal - Other (Other)           | COUNTY | Los Angeles County, CA     |
|        | 07/31/2017  | JUDGE  | Hon. William F. Highberger |
| TYPE   | Claims Involving Mass Tort (General Jurisdiction) |        |                            |

☐ **KAREN JOHNSON VS CALDERA MEDICAL INC**

|        |   |        |                            |
|--------|---|--------|----------------------------|
| FILED  | Apr 08, 2013  | CASE # | BC505230                   |
| STATUS | Court-Ordered Dismissal - Other (Other)                       | COUNTY | Los Angeles County, CA     |
|        | 07/18/2017  | JUDGE  | Hon. William F. Highberger |
| TYPE   | Other Complaint (non-tort/non-complex) (General Jurisdiction) |        |                            |

**SUSAN WOMBACHER VS CALDERA MEDICAL INC**

|        |  |        |                            |
|--------|--|--------|----------------------------|
| FILED  | Dec 18, 2014   | CASE # | BC567114                   |
| STATUS | Court-Ordered Dismissal - Other (Other)  | COUNTY | Los Angeles County, CA     |
|        | 07/31/2017   | JUDGE  | Hon. William F. Highberger |
| TYPE   | Product Liability (not asbestos or toxic/environmental) (General Jurisdiction) |        |                            |

**CHARMAINE LAST ET AL VS CALDERA MEDICAL INC**

|       |              |        |          |
|-------|--------------|--------|----------|
| FILED | Dec 19, 2014 | CASE # | BC567368 |
|-------|--------------|--------|----------|

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Smart Search

Verdict Search

NEW Judge Analytics

Motions & Issues

State Rules

?

Inbox

Nicole

judge:freeman AND design defect

All selected (10)

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Filter By:

Clear Filters

Type

Filter by Type

Judge

Filter by Judge Name

Kenneth R. Freeman (14)

County

Filter by County

Los Angeles County, CA (14)

Rulings (14)

Dockets (335)

Documents (127)

Verdicts (12)

1-14 of 14 results

Sort By Most Relevant

ARMEN G KOJIKIAN ET AL VS AMERICAN HONDA MOTOR CO INC

The essential elements of a claim based on an alleged design defect are similar to those for a claim based on an alleged manufacturing defect, and are as follows: 1. The defendant was the (manufacturer, supplier, etc.) of a product; 2. The product possessed a defect in its design; 3. The defect in design existed at the time it left the defendant's possession; 4. The defect in design was a cause of injury to the plaintiff; and 5.

HEARINGFeb 02, 2017

JUDGECounty

Kenneth R. FreemanLos Angeles County, CA

MESROP SHIRINYAN VS NISSAN NORTH AMERICA INC

As to Defendant Nissan's knowledge of the defect, Plaintiffs allege: [A]s early as 2007, if not before, Nissan acquired its knowledge of the Suspension Defect through sources not available to Plaintiffs and Class Members, including, but not limited to, pre-production testing, pre-production design failure mode and analysis data, production design failure mode and analysis data, early consumer complaints made exclusively to Nissan's network of dealers and directly to Nissan, aggregate warranty data compiled

HEARINGSep 15, 2016

JUDGECounty

Kenneth R. FreemanLos Angeles County, CA

TYPE

Personal Injury/ Tort

SUB TYPE

Fraud

JUSTIN IIDA ET AL VS AMERICAN HONDA MOTOR CO INC

In particular, Plaintiffs allege the ZF 9 HP Automatic Transmission contain design defects that cause the transmission to exhibit the following: rough, delayed, or sudden shifting or failure to shift; grinding or other loud noises during shifting; harsh engagement of gears; sudden or harsh accelerations/decelerations; sudden loss of power; premature transmission wear; and transmission failure (the "Transmission Defect"). [FAC, ¶8.] The Transmission Defect allegedly stems from the TCM and its software.

HEARINGJun 08, 2017

JUDGECounty

Kenneth R. FreemanLos Angeles County, CA

TYPE

Personal Injury/ Tort

SUB TYPE

Fraud

BOBETTE BRANTLEY VS NISSAN NORTH AMERICA INC

While those statements, in isolation, likely do constitute puffery, the SAC also alleges the alleged nature of the SRS Defect at ¶4. As discussed above, due to defects in the design of the Class Vehicles, the Class Vehicles allegedly experience unnecessary and simultaneous side curtain air bag deployment and seatbelt pretensioner ignitor deployment. [SAC, ¶4.]

HEARINGFeb 09, 2017

JUDGECounty

Kenneth R. FreemanLos Angeles County, CA

ALTA LOFTS HOMEOWNERS' ASSOCIATION VS MUNICIPAL HOLDINGS LLC

Moreover, Gwynne Push states that Fuller Lofts retained B+S to provide architectural design services for the Project between in or about 2002-2008. (Push Decl. ¶13.1 Push states that

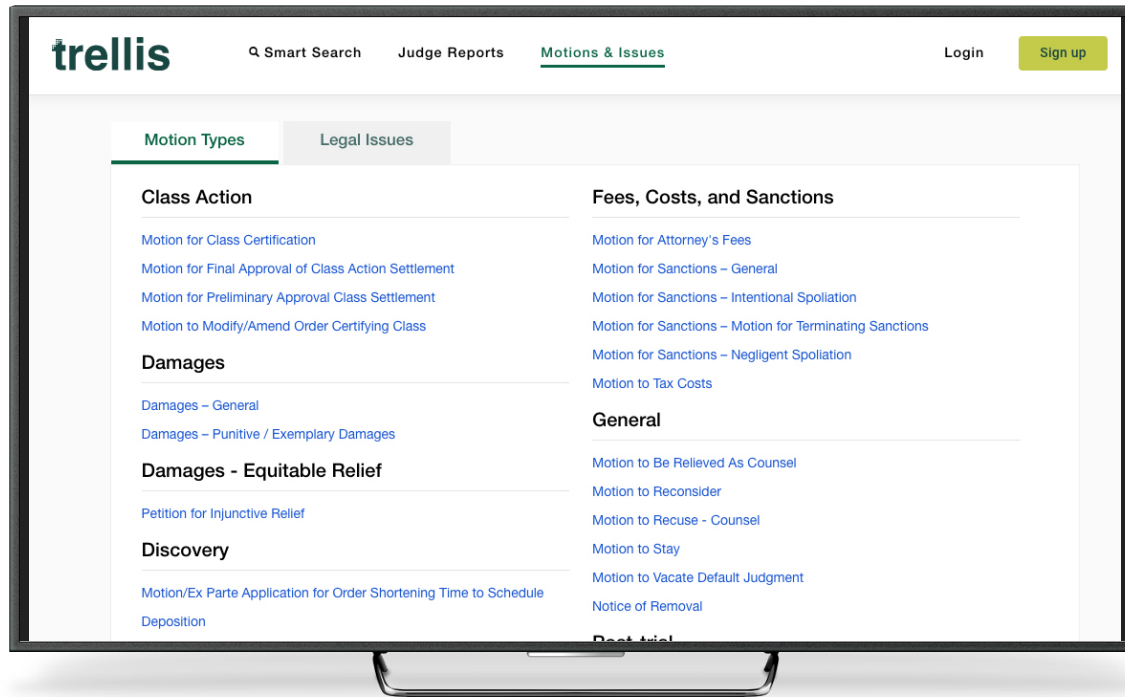
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Section 2

# Draft Persuasive Motions, Faster

# Draft Stronger More Persuasive Motions, Faster

Trellis Motion & Issue™ Library:



- Quickly learn about various motions + see common examples of state court judges ruling on those motions.
- Quickly research and understand the legal threshold and elements of each claim.
- Use a prior ruling as an outline for your motion.

Trellis

## What is products liability – express warranty?

"In order to plead a cause of action for breach of express warranty, one must allege:

- (1) the exact terms of the warranty,
- (2) plaintiff's reasonable reliance thereon, and
- (3) a breach of that warranty which proximately causes plaintiff injury."

Williams v. Beechnut Nutrition Corp. (1986) 185 Cal.App.3d 135, 142 (finding sufficient allegations that defendant utilized advertising media to urge the use of the product and expressly warranted that the product was effective, proper, and safe for its intended use); U. Com. Code, § 2313.

### Creation of Express Warranty

"Section 2313, subdivision (1)(a) and (b) of the California Uniform Commercial Code provides that express warranties are created as follows:

[Show More](#)

### Potentially Relevant Documents



#### Complaint

CASE NAME [SANDOVAL, MARIA vs FORD MO...](#)  
CASE # CV-21-002460

COUNTY Stanislaus County, CA  
FILED DATE May 11, 2021  
JUDGE [Sandhu, Sonny S.](#)



#### 5.3.21 Carranza, Josie v. GM- Complaint - Civil Complaint filed

CASE NAME [Josie Carranza vs. General Motor...](#)  
CASE # 21CECG01274

COUNTY Fresno County, CA  
FILED DATE May 03, 2021  
JUDGE [McGuire, Rosemary](#)



#### Complaint - Case Management Conference

CASE NAME [Tomsic, Christa vs American Hon...](#)  
CASE # 21CV01693

COUNTY Butte County, CA  
FILED DATE Dec 29, 2021

### Useful Examples

#### [Lyon vs. FAC US, LLC](#)

Defendant CarMax Auto Superstores West Coast, Inc.'s demurrer to complaint is SUSTAINED in its entirety with 10 days leave to amend. A plaintiff pursuing an action under the Song-Beverly Act must plead and prove: "(1) the vehicle had a nonconformity covered by the express warranty that substantially impaired the use, value or safety of the vehicle (the nonconformity element); (2) the vehicle was p...

..rrantor, at a minimum, more than one opportunity to fix or repair the nonconformity. (Silvio v. Ford Motor Co. (2003) 109 Cal.App.4th 1205, 1207-1209.) Here, plaintiff alleges CarMax issued an express written warranty covering the "utility or performance" of the vehicle. (Complaint at p. 3, ll...

HEARING Feb 01, 2017

JUDGE [James L. CRANDALL](#)

COUNTY Orange County, CA

#### [ALICIA GONZALEZ VS KIA MOTORS AMERICA INC](#)

MOVING PARTY: Defendant Kia Motors America, Inc. OPPOSITION: Plaintiff Alicia Gonzalez On August 19, 2011, Plaintiff Alicia Gonzalez (Gonzalez) purchased a 2011 Kia Optima Hybrid vehicle, which was manufactured and distributed by Defendant Kia Motors America, Inc. (Kia). When Gonzalez purchased the vehicle, they received several warranties from Kia. Gonzalez alleges that there were several defec...

..4. Breach of Express Warranty, 5. Breach of Implied Warranty, 6. Fraud by Omission, and 7. Fraudulent Inducement. Kia has filed a demurrer as to the Third, Fourth, Fifth, Sixth, and Seventh causes of action. Kia has also filed a motion to strike punitive damages from the FAC. Meet and Confer: The meet and confer requirement has been met. Gonzalez has submitted a declaration indicating meet...

HEARING May 10, 2019

JUDGE David Sotelo

COUNTY Los Angeles County, CA

[James Perse Enterprises, Inc. v. JustEnough Software Corporation, Inc.](#)



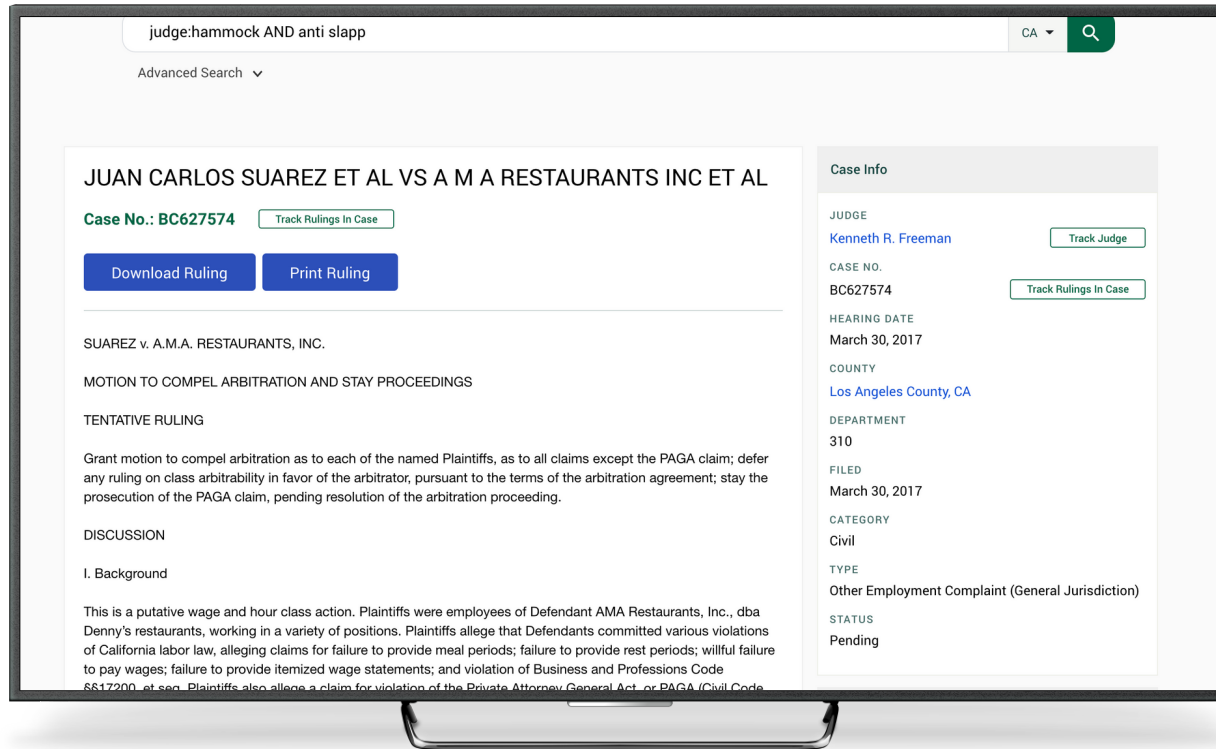
Recent Rulings on Negligent and Intentional Infliction of Emotional Distress

1-25 of 9136 results

Sort By Newest to Oldest ▾

|   |         |          |           |
|---|---------|----------|-----------|
| Type ▾  | Judge ▾ | County ▾ | Reset All |
| <p>JOSEPH ZALENSKI VS FLYING DANS INC</p> <p>On February 23, 2018, Plaintiff filed a First Amended Complaint ("FAC"), asserting causes of action against Defendants and Does 1-20 for: Fraud<br/>Negligent Misrepresentation Conversion Retaliation in Violation of FEHA Wrongful Termination in Violation of Public Policy Violation of Labor Code § 226 Violation of Labor Code § 1198.5 Violation of Family Code § 5235 Intentional Infliction of Emotional Distress Negligent Infliction of Emotional Distress On January 25, 2019, Flying Dan's default was entered</p> <p>HEARING Nov 16, 2020</p> <p>JUDGE Gloria White-Brown</p> <p>COUNTY Los Angeles County, CA</p>   |         |          |           |
| <p>GENERAL LOGISTICS SYSTEM US, INC. VS ARNEL SINSAY, ET AL.</p> <p>The SAC asserts causes of action for: Breach of Contract; Breach of the Implied Covenant of Good Faith and Fair Dealing; Fraud and Concealment; Violation of Business &amp; Professions Code section 17200; Negligence; Violation of Consumer Legal Remedies Act; and Intentional Infliction of Emotional Distress. On February 15, 2019, Plaintiffs dismissed NGLS Insurance Services, Inc.; Newport Insurance Company; CW Insurance Group, LLC; and QBE Americas, Inc. with prejudice.</p> <p>HEARING Nov 06, 2020</p> <p>TYPE Personal Injury/ Tort</p> <p>SUB TYPE other</p> <p>JUDGE Yolanda Orozco</p> <p>COUNTY Los Angeles County, CA</p> |         |          |           |
| <p>POPPINGTON, LLC, ET AL. VS ENTERTAINMENT ONE REALITY PRODUCTIONS, INC, ET AL.</p> <p>The Complaint asserts causes of action for (1) breach of contract (written), (2) breach of contract (oral), (3) intentional infliction of emotional distress, (4) fraud, and (5) unlawful business practices. The Complaint alleges in pertinent part as follows. Defendants are co-producers and co-owners of the television series Growing Up Hip Hop (Series). Poppington entered into a written agreement (Agreement) with Defendants in connection with the</p>  |         |          |           |

# Recent Rulings as Outlines for Motions

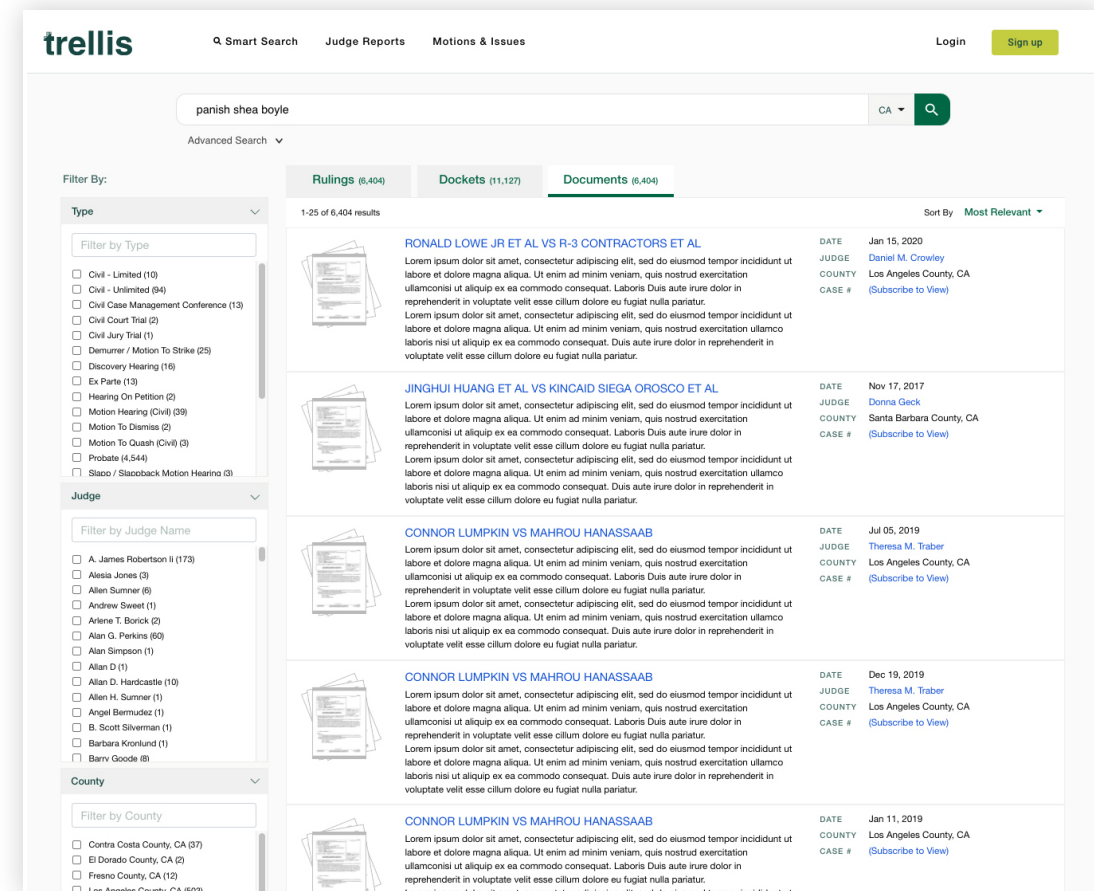


- Judge's Rulings on specific motions and/or legal issues create perfect outlines for motions, briefs, and replies

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# Search the body & text of filed state trial court docs

Uncover information hidden within  
the text of filed documents



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# Brief Bank: +90M Filed Documents as Outlines

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2241 REGENT WAY  
5 CASTRO VALLEY, CA 94546  
Phone: (415) 430-5810  
6 PLAINTIFF In Pro Per  
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18

**FILED**  
**SAN MATEO COUNTY**  
FEB 02 2018  
Clerk of the Superior Court  
By: [Signature]  
DEPUTY CLERK

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN MATEO

DR STEPHEN BOURQUE,  
Plaintiff,  
vs.  
LAW OFFICE OF  
CHRISTOPHER C. HALL  
Defendant.

CASE No. 16-CIV-01174

DECLARATION OF PLAINTIFF DR STEPHEN  
BOURQUE IN SUPPORT

Date: March 6 2018  
Time: 9:00 AM  
Location: LAW & MOTION  
Date Action Filed: DECEMBER 2 2015

SCANNED

- Largest “Brief Bank” of searchable state court docs
- Find “granted” motions
- Search moving papers in cases with similar facts
- See how other attorneys organized complex arguments in similar cases

Trellis

# Memorandum of Points and Authorities in Support - OF MOTION FOR SUMMARY JUDGMENT, ETC.

Case: **STEPHEN BOURQUE vs. CHRISTOPHER C. HALL**

[Track Rulings For This Case](#)

[Download Document](#)

[Print Document](#)

## Case Overview

On August 23, 2016 a (25) Unlimited Professional Negligence case was filed by [Stephen Bourque](#), represented by [Pro Se](#), in the jurisdiction of San Mateo County.

### Case Info

CASE NO.

[16-CIV-01174](#)

[Track Rulings For This Case](#)

COUNTY

[San Mateo County, CA](#)

CATEGORY

Civil

STATUS

Active

### Parties

[Stephen Bourque](#), Plaintiff

[Track Party](#)

[Pro Se](#), Attorney For Plaintiff

[Track Party](#)

[Stephen Bourque](#), Cross Defendant (Participant)

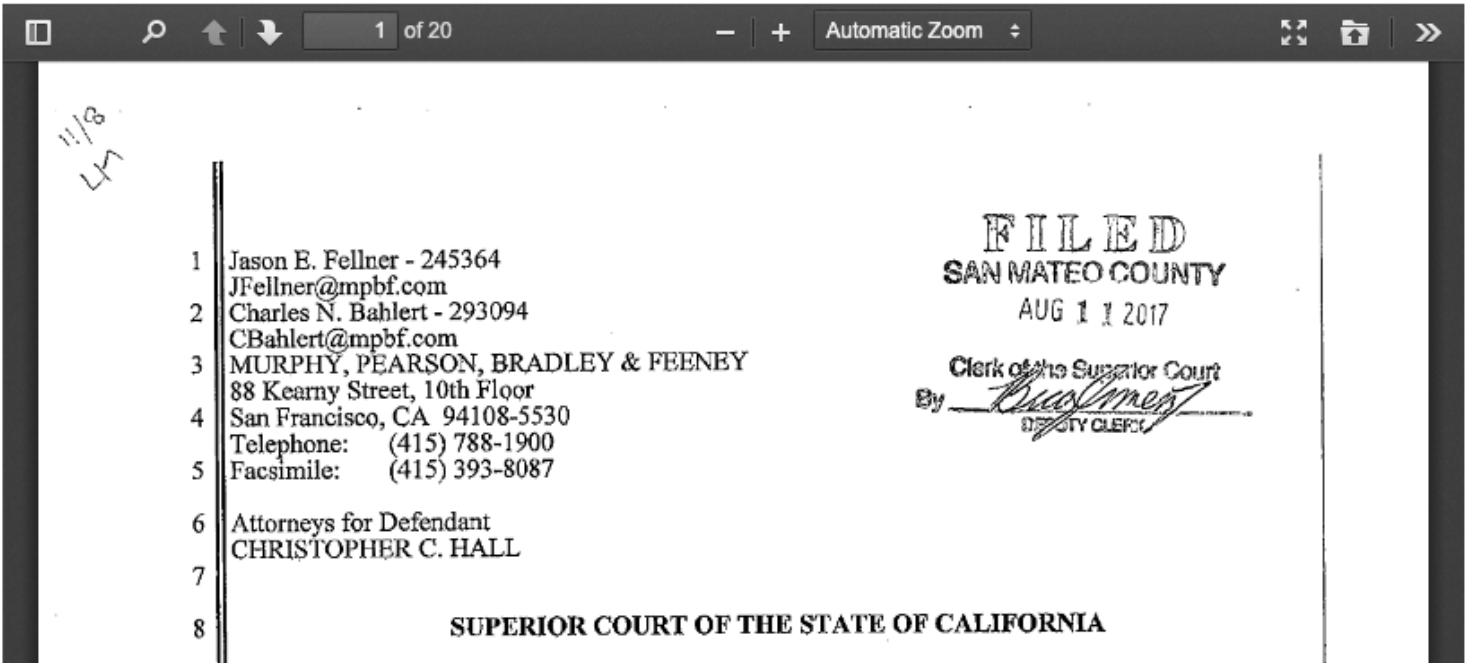
[Track Party](#)

[Pro Se](#), Attorney For Cross Defendant (Participant)

[Track Party](#)

[Does 1 - 10](#), Cross Defendant (Participant)

[Track Party](#)





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Smart SearchVerdict SearchNEWJudge AnalyticsMotions & IssuesState Rules

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Need Help

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Nicole

johnson and johnson AND product liability AND memo

All selected (10)

🔍

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☐ Antitrust (4)

☐ Arbitration (27)

☐ Civil (122)

☐ Commercial (668)

☐ Creditor (11)

☐ Criminal (1)

☐ Insurance (25)

☐ Intellectual Property (3)

☐ Labor And Employment (69)

Motion Type

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☐ Demurrer (51)

☐ Demurrer With Motion To Strike (2)

☐ Jury Demand (26)

☐ Motion For Attorney Fees (4)

☐ Motion For Case Management (4)

☐ Motion For Change Of Venue (2)

☐ Motion For Class Certification (9)

☐ Motion For Compliance Or Status (3)

Rulings (10)

Dockets (573)

Documents (8,548)

Verdicts (47)

1-25 of 8,548 results

Sort ByMost Relevant

📄

Motion to Dismiss - Due Date: Complete Date: Parties: Gregory Boulos; Jo...

CASE NAME

GLORIA HERNANDEZ VS JOHNSO...

CASE #

2020-003301-CA-01

CASE FILED

Feb 12, 2020

CASE STATUS

OPEN

COUNTY

Miami-Dade County, FL

FILED DATE

Apr 30, 2020

TYPE

Product Liability

📄

MEMORANDUM OF LAW IN OPPOSITION (Motion #003) - Memorandum of Law in Opp...

CASE NAME

Jenny Shulman AND BRONISLAV ...

CASE #

190025/2017

CASE FILED

Jan 23, 2017

CASE STATUS

Disposed

COUNTY

New York County, NY

FILED DATE

Oct 24, 2018

TYPE

Torts - Asbestos

JUDGE

Manuel J. Mendez

📄

LETTER / CORRESPONDENCE TO JUDGE - Johnson & Johnson and Johnson & Johns...

CASE NAME

Donald Tavener as administrator...

CASE #

004462/2017

CASE FILED

Sep 18, 2017

CASE STATUS

Active

COUNTY

Onondaga County, NY

FILED DATE

Feb 01, 2019

TYPE

Torts - Asbestos

JUDGE

Erin P Gall

📄

LETTER / CORRESPONDENCE TO JUDGE - Defendants Johnson & Johnson and John...

CASE NAME

Donna A. Olson, Robert M. Olson...

CASE #

190328/2017

CASE FILED

Oct 19, 2017

CASE STATUS

Disposed, Motion Pending

COUNTY

New York County, NY

FILED DATE

Jan 24, 2019

TYPE

Torts - Asbestos

JUDGE

Gerald Lebovits

📄

MEMORANDUM OF LAW IN OPPOSITION (Motion #003) - Memorandum of Law in Opp...

CASE NAME

Sharon Rothlein And Jennifer D. ...

CASE #

190374/2016

CASE FILED

Dec 08, 2016

CASE STATUS

Active

COUNTY

New York County, NY

FILED DATE

Oct 17, 2018

TYPE

Torts - Asbestos

JUDGE

Manuel J. Mendez

MADE WITH

beautiful.ai

**Case: Michael Vidal, Stephanie Perez, Tanya Edmunds, Katie Tomechko, Jocelyn Daly, David Jones, Lc Cotten, Craig Garrabrant, Jami Goldschneider v. Shake Shack Enterprises, Llc**

**Case: Michael Vidal, Stephanie Perez, Tanya Edmunds, Katie Tomechko, Jocelyn Daly, David Jones, Lc Cotten, Craig Garrabrant, Jami Goldschneider v. Shake Shack Enterprises, Llc**

[Print Document](#)

## Case Overview

On March 17, 2016 a Commercial Division (Class Action) case was filed by [Katie Tomechko](#), [Tanya Edmunds](#), [Stephanie Perez](#) et al. against [Shake Shack Enterprises, Llc](#), in the jurisdiction of New York County. Judge Peter Sherwood presiding.

## Case Info

JUDGE

Peter Sherwood

Track Judge

CASE NO.

651418/2016

### Track Rulings For This Case

COUNTY

New York County, NY

CATEGORY

Commercial Division (Class Action)

STATUS

Disposed

## Parties

**Litrownik, Michael Noah**, Attorney For The Plaintiff

### Track Party

Turner, Juno E., Attorney For The Plaintiff

### Track Party

**Bien, Rachel M**, Attorney For The Plaintiff

### Track Party

**Litrownik, Michael Noah**, Attorney For The Plaintiff

### Track Party

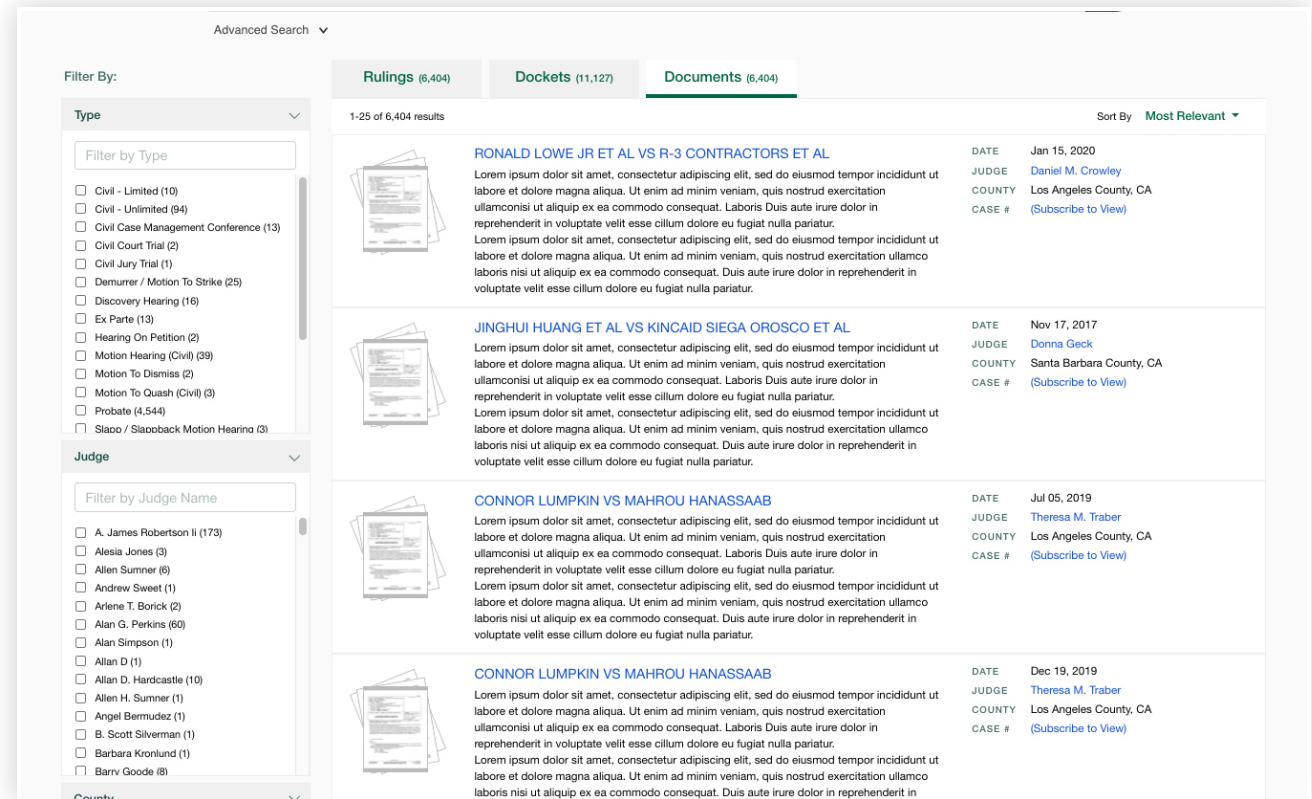
Turner, Jono E Attorney For The Plaintiff

### Track Party

# Searching Filed Documents - Getting Strategic

- Search Filed Documents by:

- Legal Issue +
- Motion Type +
- Outcome +
- Judge +
- Case type +
- (mix & match)



# Filed Documents - by Judge

---

- Review motions filed in cases where the judge is presiding
- Gain perspective on pet peeves and ruling tendencies. How have they ruled on similar motions?
- Use successful motions filed before the judge as outline for drafting persuasive, tailored motions



Advanced Search

Filter By:

Type

Filter by Type

- ☐ Limited Civil Collection Rule 3.740 (16)
- ☐ Limited Civil Pi/Pd/Wd (Other) (20)
- ☐ Unlimited Civil - Civil Rights (19)
- ☐ Unlimited Civil Breach Of Contract (40)
- ☐ Unlimited Civil Business Tort/ Unfair Business Practice (1)
- ☐ Unlimited Civil Defamation (12)
- ☐ Unlimited Civil Fraud (45)
- ☐ Unlimited Civil Medical Malpractice (1)
- ☐ Unlimited Civil Miscellaneous Complaint - Other (39)
- ☐ Unlimited Civil Miscellaneous Petition - Other (2)
- ☐ Unlimited Civil Non-Pi/Pd/Wd (Other) Tort (1)

Judge

Filter by Judge Name

- ☐ Barbara Kronlund (233)

County

Rulings (7)

Dockets (52)

Documents (233)

1-25 of 233 results

Sort By Most Relevant



ORDER GRANTING MOTION TO COMPEL ARBITRATION FILED BY BRINKER RESTAURANT ...

[Proposed] Order Granting Defendant's **Motion to Compel Arbitration**\*, es Co Oe NDA HW FF Ww NY voy mw oy moe BNRRRRBBEBSSEReRURFAEBRELS After full consideration of the moving and opposing papers, authorities and arguments by the parties, all other papers and pleadings in this matter, and good cause appearing therefore, IT IS HEREBY ORDERED that Defendant's **Motion to Compel Arbitration** is GRANTED. 64 Plaintiff must pursue her claims in binding arbitration and the case is stayed pending outcome of any such

DATE Jan 24, 2018  
JUDGE Barbara Kronlund  
COUNTY San Joaquin County, CA  
CASE # STK-CV-UCR-2017-0008067



MEMORANDUM OF POINTS AND AUTHORITIES IN OPPOSITION TO MOTION TO COMPEL A...

Mit Hit Mid Memorandum of Points and Authorities in Opposition to **Motion to Compel Arbitration** 5So G6 me N AUN BR WN NN NY NY NY NY NK NS He ew ee ew ee mY AA FF YBNH = SHOWA DAH RW DY = CONCLUSION For all the reasons stated above, plaintiff requests denial of defendant's **motion to compel arbitration**. DATED: January 9, 2018 WILLIAM F.

DATE Jan 11, 2018  
JUDGE Barbara Kronlund  
COUNTY San Joaquin County, CA  
CASE # STK-CV-UCR-2017-0008067



DECLARATION OF PLAINTIFF RAMON ALAN IN OPPOSITION TO MOTION TO COMPEL AR...

.. STK-CV-UBC-2018-0004024 DECLARATION OF PLAINTIFF RAMON ALAN IN OPPOSITION TO **MOTION TO COMPEL ARBITRATION** Date: June 28, 2019 Time: 9:00 a.m. Dept: 10D Judge: Hon. Barbara Kronlund Complaint filed: 4/6/18 1 DECLARATION OF PLAINTIFF RAMON ALAN IN OPPOSITION TO MOTION TO COMPEL ARBITRATION6/5/2019 3:41 PH FROH: Staples TO: +18562718908 =P.

DATE Jun 06, 2019  
JUDGE Barbara Kronlund  
COUNTY San Joaquin County, CA  
CASE # STK-CV-UBC-2018-0004024



DECLARATION OF PLAINTIFF NELIA TORRES IN OPPOSITION TO MOTION TO COMPEL

DATE Jun 06, beautiful.ai

# Filed Documents - by Party

---

- Facing litigation with (or for) a major corporation?
- Representing new, large client?
- Gain hidden insights by pulling their previously filed docs
- See how former counsel litigated the cases



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Verdict Search

NEW

Judge Analytics

Motions & Issues

State Rules

?

Inbox

Nicole

Need Help

3M AND summary judgment AND memo

All selected (10)

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Advanced Search

Rulings

Dockets (452)

Documents (4,271)

Verdicts (16)

1-25 of 4,271 results

Sort By Most Relevant

Filter By:

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Practice Area

Filter by Practice Area

Administrative (9)

Antitrust (1)

Arbitration (3)

Civil (80)

Commercial (212)

Creditor (44)

Insurance (11)

Labor And Employment (29)

Probate (18)

Property (118)

Motion Type

Filter by Motion\_type

Appellate Motion (1)

Application, Motion-Undefined (3)

Demurrer (15)

Demurrer With Motion To Strike (1)

Motion For Appointment Of Receiver (1)

Motion For Attachment Order (1)

Motion For Attorney Fees (3)

Motion For Case Management (1)

Motion For Change Of Venue (1)

Motion For Child Custody (19)

Outcome

MOTION FOR PARTIAL JUDGMENT - SUMMARY & INCORPORATED MEMO OF LAW

CASE NAME

Lions Eye Institute for Transplant...

CASE #

15-CA-003144

CASE FILED

Apr 07, 2015

CASE STATUS

Close of ReOpen

COUNTY

Hillsborough County, FL

FILED DATE

Jun 24, 2015

TYPE

Breach of Contract

JUDGE

Thomas, K. Cheryl

MOTION FOR SUMMARY JUDGMENT - AND MEMO OF LAW

CASE NAME

LEFEVER;M VS UNIVERSITY OF SO...

CASE #

07-CA-011445

CASE FILED

Sep 07, 2007

CASE STATUS

Close of ReOpen

COUNTY

Hillsborough County, FL

FILED DATE

Apr 16, 2012

TYPE

Other

JUDGE

Cook, J.. Martha

MOTION FOR SUMMARY JUDGMENT - AND INCORPORATED MEMO OF LAW

CASE NAME

TANK TECH INC vs VALLEY TANK ...

CASE #

13-CA-003060

CASE FILED

Feb 22, 2013

CASE STATUS

Reopened

COUNTY

Hillsborough County, FL

FILED DATE

Feb 18, 2015

TYPE

Business Torts

JUDGE

Peacock, A. Emily

MOTION FOR SUMMARY JUDGMENT - AND INCORPORATED MEMO OF LAW

CASE NAME

Jones, Tyra vs City of Tampa

CASE #

13-CA-008776

CASE FILED

Jun 25, 2013

CASE STATUS

Closed

COUNTY

Hillsborough County, FL

FILED DATE

Dec 08, 2014

TYPE

Premises Liability-Residential

JUDGE

Judge, Senior

MOTION FOR SUMMARY JUDGMENT - SECOND / AND INCORP MEMO OF LAW IN SUPPORT

CASE NAME

TWO WORLDS UNITED INC VS IR...

CASE #

06-CA-011578

CASE FILED

Dec 14, 2006

CASE STATUS

Closed

COUNTY

Hillsborough County, FL

FILED DATE

Oct 15, 2012

TYPE

Civil Action for Damages

JUDGE

Huey, L. Paul

MADE WITH

beautiful.ai

# Answer - TO CROSS-COMPLAINT OF BEST BUY CO., INC.

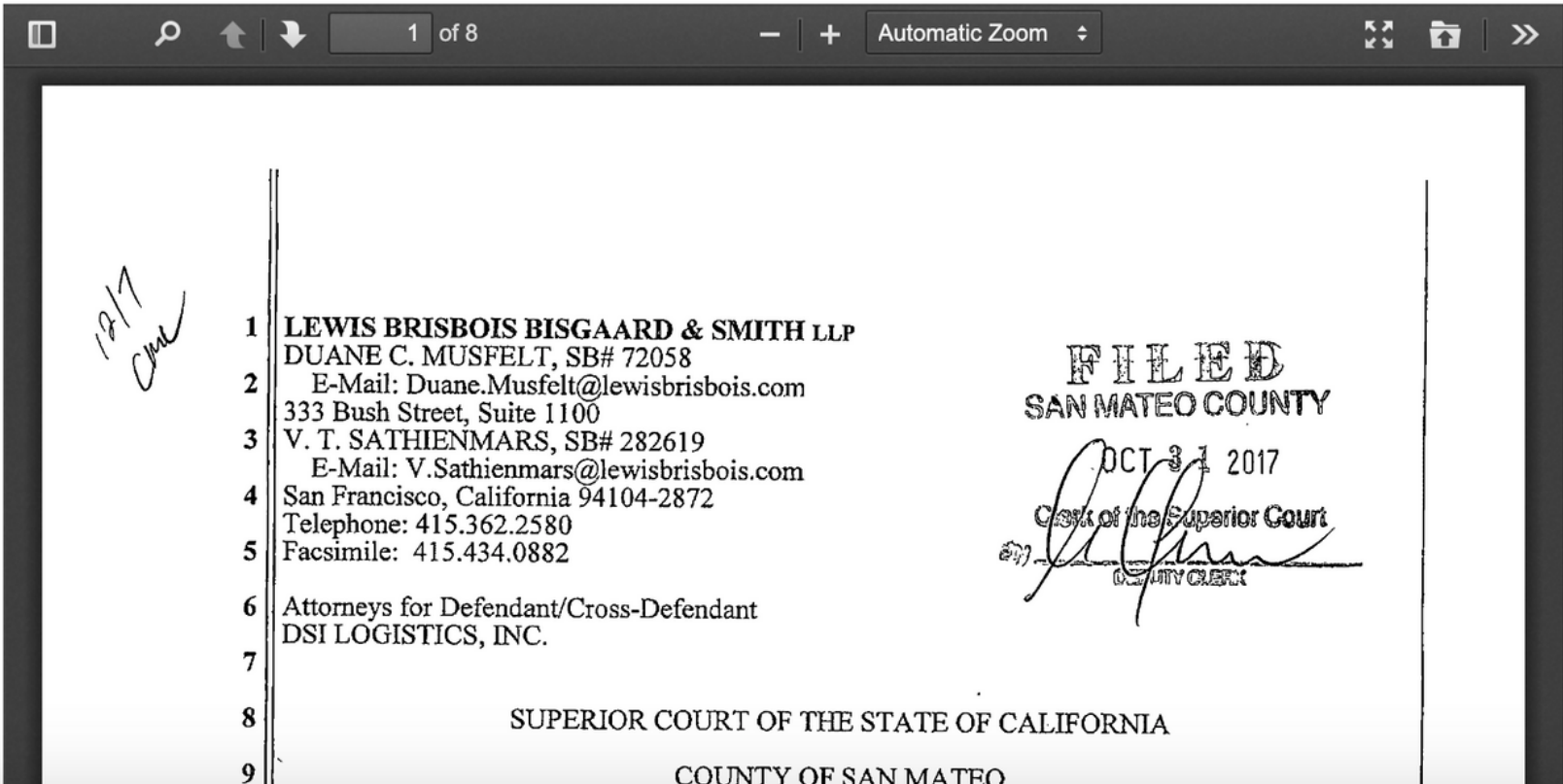
Case: **GILBERT RAMIREZ vs. JBC DELIVERIES CORP., et al**

[Track Rulings For This Case](#)

[Download Document](#) [Print Document](#)

## Case Overview

On August 1, 2017 a (26) Unlimited Other Real Property case was filed by [Gilbert Ramirez](#), represented by [Pro Se](#), against [Jbc Deliveries Corp.](#), and [Does 1 To 3](#), in the jurisdiction of San Mateo County.



## Case Info

CASE NO.

17CIV03481

[Track Rulings For This Case](#)

COUNTY

San Mateo County, CA

CATEGORY

Civil

STATUS

Active

## Parties

[Gilbert Ramirez](#), Plaintiff

[Track Party](#)

[Pro Se](#), Attorney For Plaintiff

[Track Party](#)

[Jbc Deliveries Corp.](#), Defendant

[Track Party](#)

[Jbc Deliveries Corp.](#), Cross Defendant

[Track Party](#)

[Jbc Deliveries Corp.](#), Cross Defendant (Participant)

[Track Party](#)

Section 3

# Case Valuation & Verdict Data

# Google Search Verdicts on Trellis

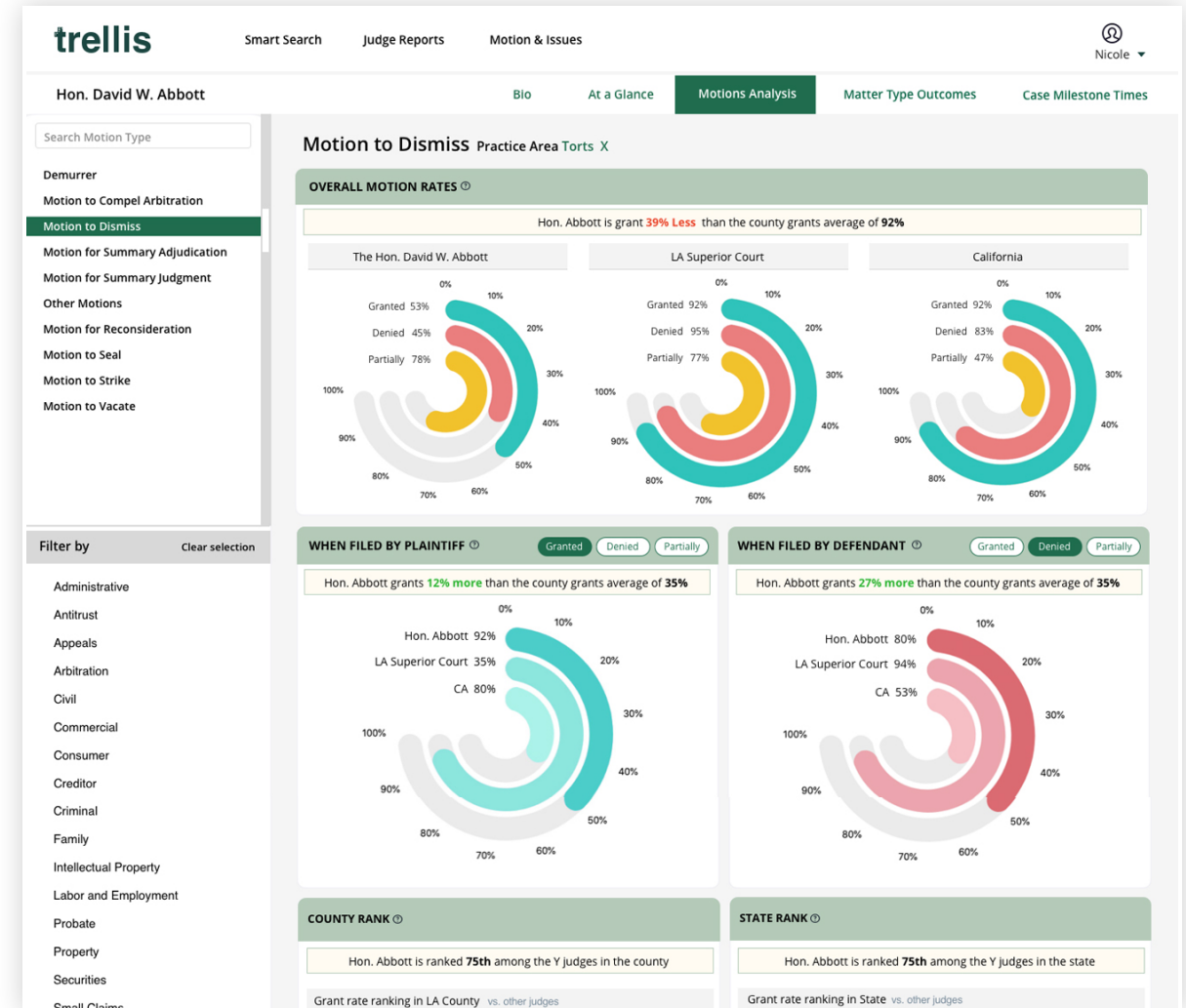
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- Verdict visualizations by case type (or injury)
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# Let's Dive In



Section 2

# Strategic State Court Research + Alerts

express warranty

All selected (10)



Track This Topic

Advanced Search ▾

Rulings (31,306)

Dockets (574,541)

Documents (2,986,241)

Verdicts (1,281)

Filter By:

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Type ▾

Filter by Type

- ☐ Civil - Limited (221)
- ☐ Civil - Unlimited (1,271)
- ☐ Civil Case Management Conference (324)
- ☐ Civil Court Trial (4)
- ☐ Civil Jury Trial (46)
- ☐ Demurrer / Motion To Strike (441)
- ☐ Discovery Hearing (175)
- ☐ Ex Parte (249)
- ☐ Hearing On Compromise Of Claim (2)

Judge ▾

Filter by Judge Name

- ☐ (4,774)
- ☐ Robert L Tamietti (5)
- ☐ : Rebecca Connolly (4)
- ☐ A. James Robertson II (91)
- ☐ Alesia Jones (15)
- ☐ Allen Sumner (6)
- ☐ Andrew Sweet (33)
- ☐ Andrew Y. Cheng (3)
- ☐ Arlene T. Borick (12)
- ☐ Alan G. Perkins (236)



County ▾

1-25 of 31,306 results

Sort By Most Relevant

**MORA VS. CARMAX AUTO SUPERSTORES**

Specifically: Civil Code §1795.5(c) provides that: "The duration of the implied warranty of merchantability and where present the implied warranty of fitness with respect to used consumer goods sold in this state, where the sale is accompanied by an express warranty, shall be coextensive in duration with an express warranty which accompanies the consumer goods, provided the duration of the express warranty is reasonable, but in no event shall such implied warranties have a duration of less than 30 days nor

HEARING Jul 21, 2017

JUDGE  
COUNTY  
Kent Kellegrew  
Ventura County, CA**MORA VS. CARMAX AUTO SUPERSTORES**

Specifically: Civil Code §1795.5(c) provides that: "The duration of the implied warranty of merchantability and where present the implied warranty of fitness with respect to used consumer goods sold in this state, where the sale is accompanied by an express warranty, shall be coextensive in duration with an express warranty which accompanies the consumer goods, provided the duration of the express warranty is reasonable, but in no event shall such implied warranties have a duration of less than 30 days nor

HEARING Jul 21, 2017

JUDGE  
COUNTY  
Kent Kellegrew  
Ventura County, CA**MORA VS. CARMAX AUTO SUPERSTORES**

Specifically: Civil Code §1795.5(c) provides that: "The duration of the implied warranty of merchantability and where present the implied warranty of fitness with respect to used consumer goods sold in this state, where the sale is accompanied by an express warranty, shall be coextensive in duration with an express warranty which accompanies the consumer goods, provided the duration of the express warranty is reasonable, but in no event shall such implied warranties have a duration of less than 30 days nor

HEARING Jul 21, 2017

JUDGE  
COUNTY  
Kent Kellegrew  
Ventura County, CA**JOHN WAMPLER VS CHARLES S CRAIL AUTOMOBILES ET AL**

Assuming there is an express warranty, the waiver of implied warranties is not inconsistent. Analysis The parties agree, for purposes of demurrer only, that the restoration standard stated in the purchase/restoration contract is an express warranty.

HEARING May 13, 2014

JUDGE  
COUNTY  
Thomas Anderle  
Santa Barbara County, CA**ANABELL RUIZ NUNEZ VS FCA US LLC ET AL**

FCA contends the remaining causes of action fail for breach of express warranty because Plaintiff never presented the vehicle to an authorized service and repair facility during the express warranty period.



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Plaintiff purchased the 2011 Jeep Patriot used in 21,788 miles from Alhambra Chrysler Jeep Dodge on or about October 30, 2013. (Complaint ¶7.)

### Express Warranty

Plaintiff's first, second, third and fourth causes of action allege various breaches of **express warranty**. FCA contends its Basic Limited **Warranty** provided coverage for the earlier of three years or 36,000 miles and its Powertrain Limited **Warranty** covered specific components for the earlier of 5 years or 100,000 miles. FCA contends the basic **warranty** expired on December 31, 2013, and Plaintiff did not bring her vehicle in for routine maintenance until February 26, 2014, thus Plaintiff did not present the vehicle to an FCA dealership while the basic **warranty** was still in effect. FCA also contends that the limited powertrain **warranty** expired on December 31, 2015 and Plaintiff did not present the 2011 Patriot to an FCA dealership for a repair covered by the powertrain **warranty**. (McDowell Decl. ¶3, 8, Exh. B.)

FCA contends the first time Plaintiff presented the vehicle for repairs was on May 6, 2015. FCA contends they were not given at least two attempts to repair the warrantable defect because Plaintiff's vehicle was never presented for a warrantable defect. (See *Silvio v. Ford Motor Co.* (2003) 109 Cal.App.4th 1205, 1209.) FCA contends the remaining causes of action fail for breach of **express warranty** because Plaintiff never presented the vehicle to an authorized service and repair facility during the **express warranty** period.

In opposition, Plaintiff contends the following triable issues of material fact remain including whether: (1) FCA sold the subject vehicle to Plaintiff with multiple warranties, including a Federal Emission **Warranty** which has not yet expired, (2) the Federal Emission **Warranty** covers the defects Plaintiff alleges; (4) Plaintiff took vehicle to Defendants' dealership for repairs for at least four times during the **warranty** period; (5) during the repairs the dealership attributed the problems Plaintiff was experiencing to warrantable parts. (Nunez Decl. ¶5; ¶8-11; Exh. 4, 6, 8, 10.)

Plaintiff contends a third **express warranty** is applicable to the car, namely there is an 8-year/80,000 mile Federal Emission **Warranty** which **expressly** covers the Subject Vehicle's powertrain control module ("PCM"). (Nunez Decl. ¶8, Exh. 4; Scott Del. ¶4-5; Exh. 1, 2 at 23) Plaintiff contends the **warranty** is valid until December 31, 2018 and between June 20, 2016 and March 28, 2017, Plaintiff took her vehicle to Defendant's authorized dealership four times for PCM repairs. (Nunez Decl. ¶8-11) Plaintiff further evidences that Defendant paid for the October 17, 2016 PCM replacement under the Federal Emission **Warranty**. (Scott Decl. ¶8, Exh. 5.)

Plaintiff further argues that even if the Federal Emission **Warranty** did not apply, under Cal. Civ. Code 1793.1(a)(2), if a defect exists within the **warranty** period, the **warranty** will not expire until the defect has been fixed. Plaintiff contends the prior owner of the Vehicle sought repairs for PCM problems (Scott Decl. ¶¶6, 7, Exh. 3, 4.) and FCA covered the repairs under **warranty** thus the PCM defects existed and have not been fixed. (Nunez Decl. ¶12.)

Based on the foregoing, the Court finds that triable issues of material fact remain as to whether the Vehicle had a third **express warranty** and whether Plaintiff provided the vehicle for repair during the **warranty** period. As such, the Defendant's motion for summary adjudication as to the **express warranty** causes of action is DENIED.

### Implied Warranty

Cal Civ. Code 1791.1(c) provides, "The duration of the implied **warranty** of merchantability and where present the implied **warranty** of fitness shall be

GATES O'DOHERTY GONTER &amp;...

Attorney for Defendant/R...

Track This Party

NUNEZ ANABELL RUIZ

Plaintiff/Petitioner

Track This Party

STRATEGIC LEGAL PRACTICE...

Attorney for Plaintiff/P...

Track This Party

### Other rulings by Hon. Daniel S. Murphy

Luis Ayala Vs General Motors, Llc

F. Ajegbo Vs Gwendolyn Ostrosky, Et Al.

Nap Holdings, Llc, A Delaware Limited Liability Company, Vs China Electronics, Inc., A California Corporation,

Benjamin Lee, Et Al. Vs Ricardo Arias

Kajima Development Corporation Vs Jennifer Pai

Robert Ware Vs City Of Long Beach, A California Public Entity

Jj Packaging, Inc. A California Corporation Vs Sarah H. Yu

Omid Okhowat Vs Jaguar Land Rover North America, Llc

Law Offices Of Innathan Pakravan Anlr Vs Sharon Kashfian

# Strategic Research

Uncover information hidden within the text of rulings & filed documents

Advanced Search ▾

Filter By:

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☒ (38)

☐ (06) Unlimited Breach Of Contract/Warranty (17)

☐ (07) Unlimited Business Tort/Unfair Business Practice (4)

☐ (16) Unlimited Fraud (3)

☐ (20) Unlimited Enforcement Of Judgment (2)

☐ (22) Unlimited Auto (2)

☐ (23) Unlimited Other Pl/Pd/Wd (1)

☐ (25) Unlimited Professional Negligence (1)

☐ (26) Unlimited Other Real Property (4)

☐ (35) Unlimited Other Non-Pl/Pd/Wd Tort (13)

☐ (36) Unlimited Wrongful Termination (2)

☐ (42) Unlimited Other Complaint (Not Spec)

Judge ▾

Filter by Judge Name

☐ Barbara Kronlund (36)

☐ Black, Donald (2)

☐ Cardoza, Jane (2)

☐ Carter Holly (36)

☐ Culver Kapetan, Kristi (4)

☐ David R. Lampe (2)

☐ Donald Black (9)


☐ Elizabeth Humphreys (4)


☐ Gaab, Kimberly (11)


☐ George J. Abdallah (6)


Rulings (145) Dockets (12) Documents (1,900)


1-25 of 1,900 results Sort By Most Relevant ▾

 **COMPLAINT: AMENDED - FIRST AMENDED COMPLAINT UNDER PAGA AND THE UNFAIR C...** DATE Oct 18, 2018  
COUNTY Santa Clara County, CA  
CASE # [17CV319202](#)

 **ANSWER TO 1ST AMENDED COMPLAINT (TRANSACTION ID # 61921913) FILED BY DEF...** DATE Apr 16, 2018  
COUNTY San Francisco County, CA  
CASE # [CGC17561299](#)  
The third cause of action for **unfair competition** is barred because Plaintiffs cannot show an injury to **competition**, as distinguished from injury to Plaintiffs, which such injury Defendant denies. SIXTEENTH SEPARATE AND AFFIRMATIVE DEFENSE 16.

 **DECLARATION OF REID P. MULLEN ISO GOOGLE LLC'S RESPONSE TO ANTHONY LEVAND...** DATE Feb 07, 2020  
COUNTY San Francisco County, CA  
CASE # [CPF20516984](#)  
Levandowski's counterclaims broadly assert violations of the California Labor Code, breach of contract, and **unfair competition**. Ex. C at 3-5 For example, Mr.

 **ANSWER TO CROSS COMPLAINT (TRANSACTION ID # 100035785) FILED BY CROSS DE...** DATE Apr 19, 2018  
COUNTY San Francisco County, CA  
CASE # [CGC17563132](#)  
AS AND FOR A TWENTY-SECOND AFFIRMATIVE DEFENSE to cross- complainant's cross-complaint, **GOOGLE** is informed and believes and therefore alleges that any contract or agreement, if there be such an agreement or contract, is unenforceable because it is unconscionable and enforcement would be grossly **unfair**. 6 ANSWER TO CROSS-COMPLAINTnN w TWENTY-THIRD AFFIRMATIVE DEFENSE 23.

 **RESPONSE TO ANTHONY LEVANDOWSKIS PETITION TO VACATE FINAL AWARD \*\*\*** DATE Feb 07, 2020

- Expert Testimony
- Jury Instructions
- Motions to Disqualify
- Good Faith Settlements

Trellis

# Research Opp Co's Prior Motions

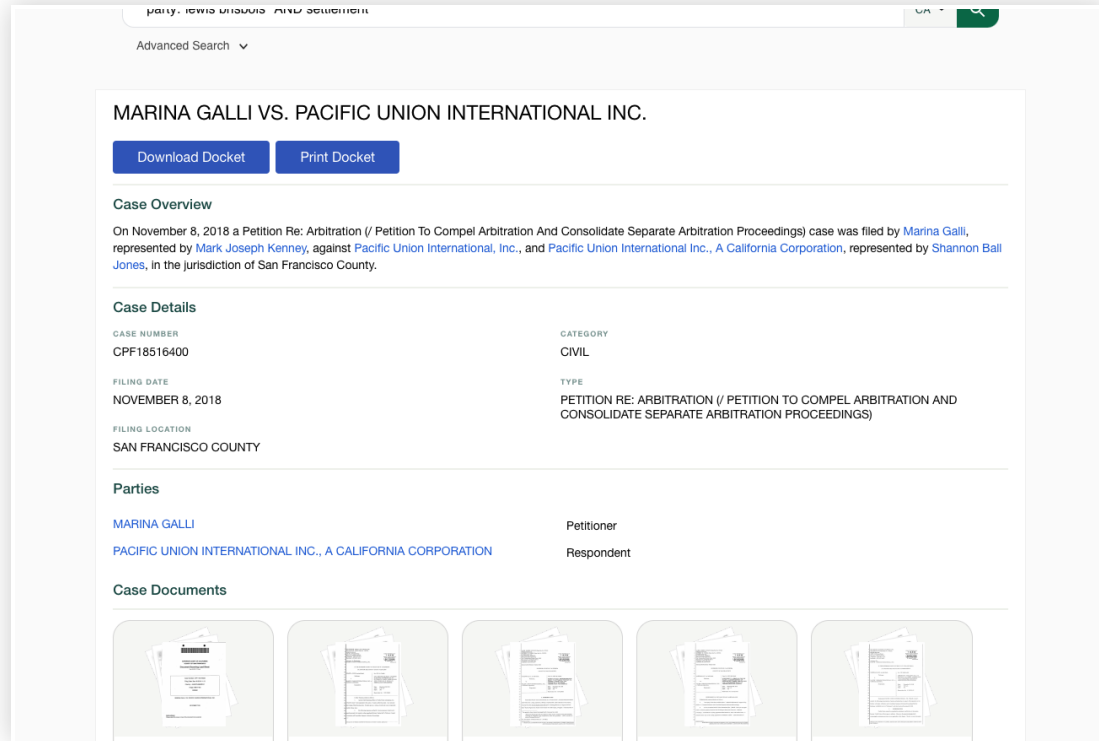
- Search motions/briefs filed by opposing counsel
- Gain insights into how they position specific issues in the past
- Draft sections of the Reply before opposing counsel has even filed their moving papers

The screenshot displays a legal research interface with the following components:

- Search Bar:** Contains the query "gibson dunn" AND "summary judgment" AND "memorandum of law" and a location filter set to "NY".
- Advanced Search:** A dropdown menu for refining the search.
- Filter By:**
  - Type:** A list of document types with checkboxes and counts, including Commercial (6), Commercial (General) (5), Commercial - Business Entity (2), Commercial - Contract (14), Commercial Division (310), Commercial Division (Interpleader) (1), Commercial Division (Unfair Competition) (3), Commercial Division (Breach Of Fiduciary Duty) (1), Commercial Division (Business Entity; Contract) (1), Contract (Non-Commercial) (14), Foreclosure (Non-Residential Mortgage) (18), and Other Matters - Contract - Other (3).
  - Judge:** A list of judges with checkboxes and counts, including Andrea Masley (40), Andrew S Borrok (4), Anil Singh (5), Barbara Jaffe (2), Barbara Kapnick (2), Barry R Ostrager (8), Bernadette T Clark (1), Bernard Fried (12), Carolyn E. Wade (1), Charles Edward Ramos (27), David B Cohen (1), and Eileen Bransten (34).
- Results:** A list of documents with the following details:
  - Document 1:** MEMORANDUM OF LAW (MOTION #012) - DEFENDANTS' SUPPLEMENTAL MEMORANDUM OF... X DEFENDANTS' SUPPLEMENTAL MEMORANDUM OF LAW REGARDING SUMMARY JUDGMENT. DATE: May 09, 2018. JUDGE: Joel M Cohen. COUNTY: New York County, NY. CASE #: 654328/2013.
  - Document 2:** MEMORANDUM OF LAW IN SUPPORT (MOTION #004) - MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT WILK AUSLANDER LLP 1515 Broadway, 43rd Floor New York, NY 10036. DATE: Feb 18, 2014. JUDGE: Charles Edward Ramos. COUNTY: New York County, NY. CASE #: 652577/2012.
  - Document 3:** MEMORANDUM OF LAW IN SUPPORT (MOTION #001) - MEMORANDUM OF LAW IN SUPPORT OF WAL-MART'S MOTION FOR SUMMARY JUDGMENT. Dated: October 22, 2009. GIBSON, DUNN & CRUTCHER LLP 200 Park Avenue New York, NY 10166-0193 Telephone: (212) 351-4000 Facsimile: (212) 351-4035 Counsel for Plaintiff Wal-Mart Stores, Inc.IL IL. DATE: Oct 22, 2009. JUDGE: Richard B Lowe. COUNTY: New York County, NY. CASE #: 603875/2008.
  - Document 4:** MEMORANDUM OF LAW IN OPPOSITION (MOTION #007) - PLAINTIFFS' OPPOSITION T... Again, this may be fodder for a jury argument, but it is hardly dispositive on summary judgment. DATE: Mar 20, 2015. JUDGE: Shirley Werner Kornreich. COUNTY: New York County, NY. CASE #: 654033/2012.
  - Document 5:** MEMORANDUM OF LAW IN SUPPORT (MOTION #003) - MEMORANDUM OF LAW OF PATRIA... X MEMORANDUM OF LAW OF PATRIARCH'S MOTION FOR. DATE: Jun 01, 2017. JUDGE: Barry R Ostrager. COUNTY: New York County, NY.

# Strategic Intel on Opposing Counsel

Competitive intelligence on opposing counsel



The screenshot displays a legal case record for "MARINA GALLI VS. PACIFIC UNION INTERNATIONAL INC." on a legal research platform. At the top, there is an "Advanced Search" dropdown and a search bar. Below the case title, there are two buttons: "Download Docket" and "Print Docket". The "Case Overview" section provides a summary: "On November 8, 2018 a Petition Re: Arbitration (/ Petition To Compel Arbitration And Consolidate Separate Arbitration Proceedings) case was filed by Marina Galli, represented by Mark Joseph Kenney, against Pacific Union International, Inc., and Pacific Union International Inc., A California Corporation, represented by Shannon Ball Jones, in the jurisdiction of San Francisco County." The "Case Details" section is organized into two columns. The left column lists: "CASE NUMBER: CPF18516400", "FILING DATE: NOVEMBER 8, 2018", and "FILING LOCATION: SAN FRANCISCO COUNTY". The right column lists: "CATEGORY: CIVIL" and "TYPE: PETITION RE: ARBITRATION (/ PETITION TO COMPEL ARBITRATION AND CONSOLIDATE SEPARATE ARBITRATION PROCEEDINGS)". The "Parties" section identifies "MARINA GALLI" as the "Petitioner" and "PACIFIC UNION INTERNATIONAL INC., A CALIFORNIA CORPORATION" as the "Respondent". The "Case Documents" section at the bottom shows five document thumbnails.

Advanced Search

MARINA GALLI VS. PACIFIC UNION INTERNATIONAL INC.

Download Docket Print Docket

**Case Overview**

On November 8, 2018 a Petition Re: Arbitration (/ Petition To Compel Arbitration And Consolidate Separate Arbitration Proceedings) case was filed by Marina Galli, represented by Mark Joseph Kenney, against Pacific Union International, Inc., and Pacific Union International Inc., A California Corporation, represented by Shannon Ball Jones, in the jurisdiction of San Francisco County.

**Case Details**

|                      |  |
|----------------------|--|
| CASE NUMBER          | CATEGORY   |
| CPF18516400          | CIVIL  |
| FILING DATE          | TYPE   |
| NOVEMBER 8, 2018     | PETITION RE: ARBITRATION (/ PETITION TO COMPEL ARBITRATION AND CONSOLIDATE SEPARATE ARBITRATION PROCEEDINGS) |
| FILING LOCATION      |  |
| SAN FRANCISCO COUNTY |  |

**Parties**

|  |            |
|--|------------|
| MARINA GALLI   | Petitioner |
| PACIFIC UNION INTERNATIONAL INC., A CALIFORNIA CORPORATION | Respondent |

**Case Documents**

- How many cases do they have pending?
- How often do they take cases to trial?
- Do they tend to settle cases after MSJ?

"Bisnar Chase"

CA



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Rulings (36)

Dockets (511)

Documents (211)

Verdicts (8)

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Filter by Type



Judge



Filter by Judge Name



Benny C. Osorio (4)



Brian S. Currey Or John A. Slawson (1)



Colleen Sterne (2)



Dennis J. Landin (1)



Edward Weil (1)



Elaine Lu (2)



Georgina Torres Rizk (5)



Holly J. Fujie (1)



Howard L. Halm (1)



Judge Colleen Sterne (4)



County



Filter by County

1-25 of 36 results

Sort By **Most Relevant**

**OLGA HINOJOSA VS BENJAMIN THOMAS CONWAY ET AL**

The court's file also reflects that Bisnar & Chase and Avrek Law Firm filed a Notice of Association of Counsel on 1/22/19, but did not serve it on counsel for Defendant Conway, Law Offices of Santa Cruz, Brownwood & Cannon. As a result, Bisnar & Chase were not served with the discovery at issue or the Defendant's Motion for Terminating Sanctions. The Avrek Law Firm was under the mistaken impression that Bisnar & Chase were responding to discovery. Parman Declaration ¶ 10.

HEARING Aug 26, 2019

JUDGE

**Georgina Torres Rizk**

COUNTY

Los Angeles County, CA

**OLGA HINOJOSA VS BENJAMIN THOMAS CONWAY ET AL**

The court's file also reflects that Bisnar & Chase and Avrek Law Firm filed a Notice of Association of Counsel on 1/22/19, but did not serve it on counsel for Defendant Conway, Law Offices of Santa Cruz, Brownwood & Cannon. As a result, Bisnar & Chase were not served with the discovery at issue or the Defendant's Motion for Terminating Sanctions. The Avrek Law Firm was under the mistaken impression that Bisnar & Chase were responding to discovery. Parman Declaration ¶ 10.

HEARING Aug 26, 2019

JUDGE

**Georgina Torres Rizk**

COUNTY

Los Angeles County, CA



**GAYTAN VS. BENAVENTE**

1) Motion to be Relieved as Counsel of Record Motion of Law Office of Bisnar Chase, by Tom Antunovich, to be relieved as counsel of record for plaintiff Raul Gayton is granted. The Court will sign the proposed order, which will become effective upon filing of a proof of service of the order. 2) Case Management Conference – Parties to Appear

HEARING Aug 15, 2016

JUDGE

**Martha K. GOODING**

COUNTY

Orange County, CA

# Search Across Counties/States

"motion to compel arbitration" AND "memo"

FL, NY, TX

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☐ 08 Haimes, David A. (7)

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1-25 of 694 results

Sort By Most Relevant



MEMORANDUM OF LAW IN OPPOSITION (MOTION #001) - MEMO OF LAW OPPOSE MOTION T...

ARGUMENT THE MOTION TO COMPEL ARBITRATION SHOULD BE DENIED BECAUSE THE AGREEMENT DOES NOT REQUIRE ARBITRATION OF THE DISPUTE PRESENTED IN THIS ACTION A.

DATE

JAN 05, 2014

JUDGE


CAROLYN E. DEMAREST, COM1

COUNTY

KINGS COUNTY, NY

CASE #

506012/2013



MOTION TO COMPEL ARBITRATION

§ 125th JUDICIAL DISTRICT t C ric MOTION TO COMPEL ARBITRATION ist

DATE

JUL 30, 2019

JUDGE


KYLE CARTER

COUNTY

HARRIS COUNTY, TX

CASE #

201822162



APPLICATION/PDF;376247;ACCOUNTS/8CF60014-E58D-41FC-8095-A1B80E53D297/ROB...

Ahmed, 283 F.3d 1200 (9th Cir. 2002) (granting motion to compel arbitration because plaintiff "was given ample opportunity to investigate any provisions he did not understand before deciding whether to opt out" of arbitration program); Michalski v. Circuit City Stores, Inc., 177 F.3d 634 (7th Cir. 1999), Wright v. Circuit City Stores, Inc., 82 F. Supp.2d 1279, 1284 (N.D.

DATE

JUL 24, 2014

JUDGE


02 Bowman, John B.

COUNTY

BROWARD COUNTY, FL

CASE #

CACE14010555



RESPONSE TO MOTION TO COMPEL ARBITRATION - ANSWER

§ Defendants 410th JUDICIAL DISTRICT PLAINTIFF'S RESPONSE TO DEFENDANT'S MOTION TO COMPEL ARBITRATION COMES NOW Plaintiff and respectfully asks the Court to deny the motion to compel arbitration.

DATE

JUN 23, 2015

JUDGE

Robin, Jennifer J.

COUNTY

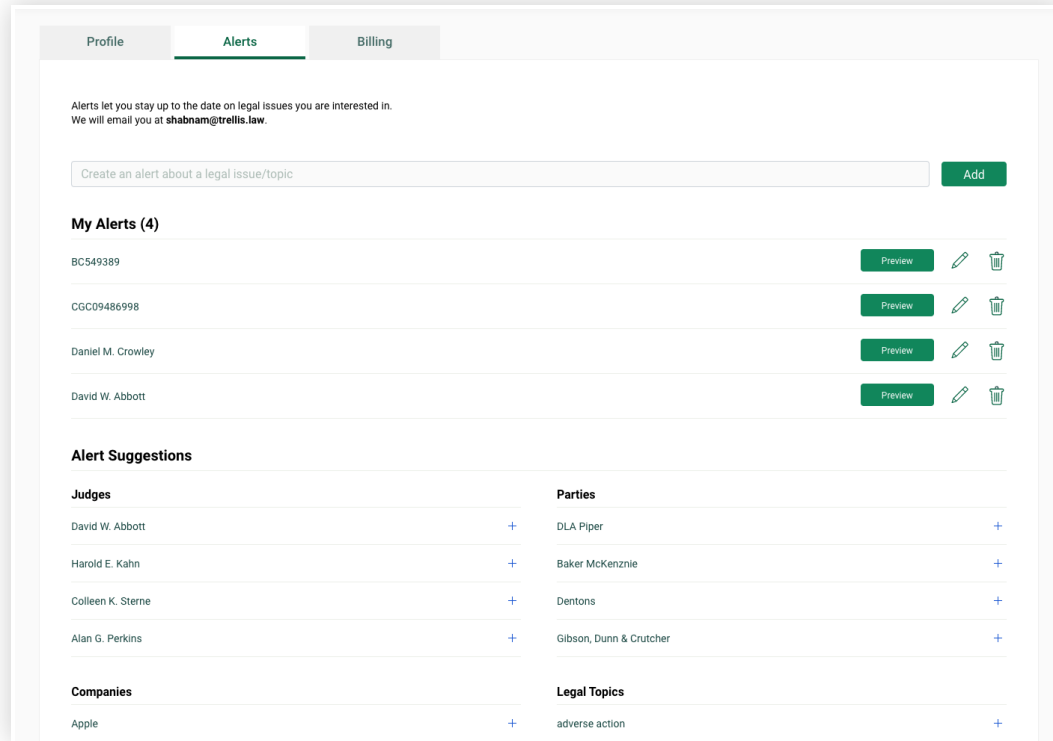
MONTGOMERY COUNTY, TX

CASE #

15-05-05260

# Alerts

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My Alerts (8)

AB 5

BC574869

CCPA

CPPA

franchise tax

judge:freeman AND "Breach of contract"

PAGA settlement

"prevailing party" and "attorneys fees"

Alert Suggestions

Judges

David W. Abbott

Harold E. Kahn

Alert Preview

×

CALIFORNIA DUI LAWYERS ASSN ET AL VS CALIFORNIA DEPT OF MOTO

The Current Motion On September 4, 2020, Plaintiffs filed and served a motion for attorneys' fees (the "Motion"), in which they seek attorneys' fees in the amount of \$5,242,243.00 against DMV. The requested attorneys' fees are based upon a lodestar amount of \$2,621,121.50 and a multiplier of 2.0.

HEARING

November 4, 2020

JUDGE

Holly J. Fujie

TYPE

Other

COUNTY

Los Angeles County

SUB TYPE

Intellectual Property

CESAR MENDEZ VS MERCEDES-BENZ USA, LLC, A LIMITED LIABILITY COMPANY, ET AL.

Discussion Here, it is undisputed that Plaintiff is entitled to attorneys' fees pursuant to the Song Beverly Act. As the prevailing party, Plaintiff are entitled to reasonable fees. Plaintiff requests a total amount of \$45,194.73, which consists of \$38,794.00 in fees, \$2,521.33 in costs and a 1.1 lodestar multiplier for \$3,879.40. As to the base fees and costs requested, Plaintiff provides counsels' verified billings. (Goldsmith Decl., ¶ 2; Ex. 1.)

HEARING

November 3, 2020

JUDGE

Patricia D. Nieto

TYPE

Contract

COUNTY

Los Angeles County

SUB TYPE

Breach

KSY INVESTMENT, LLC VS SPE TRADING, INC., ET AL.

Legal Standard Attorneys' fees are recoverable as costs under Code of Civil Procedure section 1032 when authorized by statute. (Code Civ. Proc. § 1033.5(a)(l)(B).)

HEARING

November 3, 2020

JUDGE

Gregory W. Alarcon


TYPE


Real Property

COUNTY


Los Angeles County


Preview







Preview







Preview







Preview







Preview







Preview







Preview





Preview



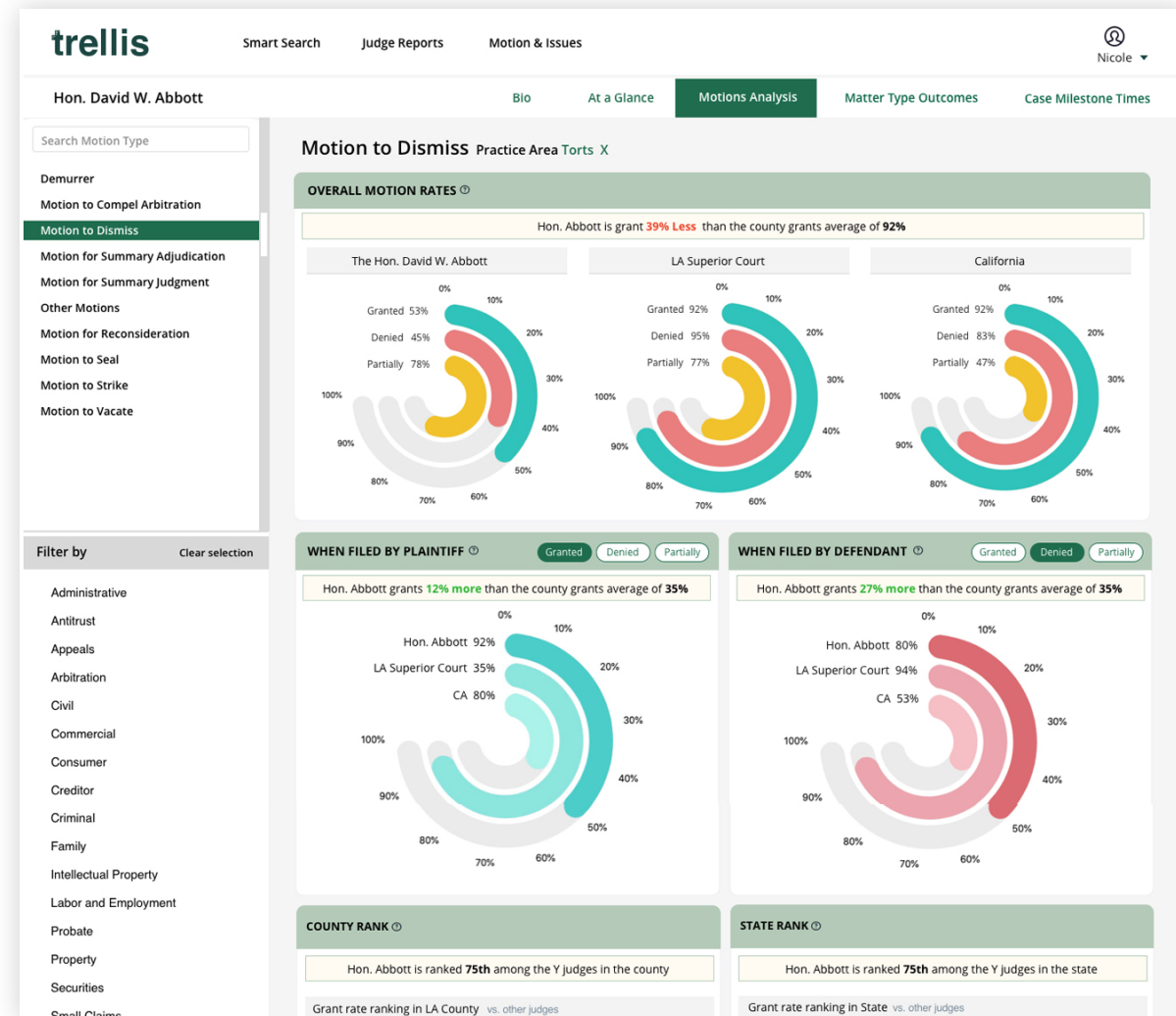


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# Let's Dive In



Section 4

# Professional Responsibility & Technology

# View from the ABA: Technology Duties & Ethics

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## ATTORNEY DUTY

- Competence
- Confidentiality
- Supervise
- Communicate
- Ethics Opinion

## ABA MODEL RULES

- 1.1
- 1.6
- 5.3
- 4.1
- Formal Opinion 477

# ABA Model Rule 1.1 [8] - Duty of Competence

---

## Attorney Duty

[8] To maintain the requisite knowledge and skills, a lawyer should keep abreast of changes in the law and its practices, including the benefits and risks associated with relevant technology, engage in continuing study and education and comply with all continuing legal education requirements to which the lawyer is subject.

\*\*Clear attorney duty of competence relating to tech added in 2012 Amendments\*\*

# ABA Model Rule 1.6 - Duty of Confidentiality

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(a) A lawyer should not reveal information related to the representation of a client, unless the client gives informed consent, the disclosure is impliedly authorized in order to carry out the representation.....

(c) A lawyer shall make reasonable efforts to prevent inadvertent or unauthorized disclosure of, or unauthorized access to, info related to the representation of the client.

\*\* (c) added in 2012 Amendments - 'reasonable efforts' is the attorney duty relating to preventing inadvertent or unauthorized disclosure of technology matters to preserve confidentiality\*\*

# Model Rule 1.6 [18] - Confidentiality

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Acting Competently To Preserve Confidentiality

[18] Paragraph (c) requires a lawyer to act competently to safeguard information relating to the representation of a client against:

- unauthorized access by third parties; and
- inadvertent or unauthorized disclosure by the lawyer; or



# Model Rule 1.6 [18] - Confidentiality CONTINUED

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- inadvertent or unauthorized disclosure by other persons who are participating in the representation of the client or who are subject to the lawyer's supervision. See Rules 1.1, 5.1 and 5.3.

*\*\*Confidentiality duty includes 3rd party helping attorney and extends to all technology related matters and communications\*\**

**Discussion Question:** *How should this duty be applied to client communications made while travelling or remote via Zoom? Is it okay to communicate via open wi-fi?*

# Model Rule 1.6 [18] Confidentiality - CONTINUED

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[18] ....inadvertent or unauthorized disclosure of information relating to the representation of a client does not constitute a violation if the lawyer has made reasonable efforts to prevent the access or disclosure.

Factors to be considered in determining the reasonableness of the lawyer's efforts include, but are not limited to:

# Model Rule 1.6 [18] Confidentiality - CONTINUED

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- the sensitivity of the information
- the likelihood of disclosure if additional safeguards are not employed
- the cost of employing additional safeguards
- the difficulty of implementing the safeguards
- the extent to which the safeguards adversely affect the lawyer's ability to represent client's (e.g. by making a device or important piece of software excessively difficult to use)

\*Above are the factors to consider when determining whether firm's efforts to avoid disclosure or to safeguard confidentiality of technology info is reasonable or not, and thus permitted or not.\*\*

# Model Rule 5.3 - Duty to Supervise

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## Responsibilities Regarding Nonlawyer Assistance

(a) a partner, and a lawyer who individually or together with other lawyers possesses comparable managerial authority in a law firm shall make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that the person's conduct is compatible with the professional obligations of the lawyer;

# ABA Model Rule 1.1 [8] - Duty of Competence

---

## Attorney Duty

[8] To maintain the requisite knowledge and skills, a lawyer should keep abreast of changes in the law and its practices, including the benefits and risks associated with relevant technology, engage in continuing study and education and comply with all continuing legal education requirements to which the lawyer is subject.

\*\*Clear attorney duty of competence relating to tech added in 2012 Amendments\*\*

# Model Rule 5.3 [3] - Duty to Supervise

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## Supervision Of Lawyers Outside The Firm

3] A lawyer may use nonlawyers outside the firm to assist the lawyer in rendering legal services to the client. When using such service outside the firm, a lawyer must make reasonable efforts to ensure that the services are provided in a **manner that is compatible with the lawyer's professional obligations**. The extent of this obligation depends on the circumstances, including:

# Model Rule 5.3 [3] - Duty to Supervise - CONT'D

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- education, experience and reputation of the nonlawyer
- the nature of the services involved
- terms of any arrangements concerning the protection of client information, and
- the legal and ethical environments of the jurisdictions in which the services will be performed, particularly with regard to confidentiality."

\*\*When an attorney engages and supervises nonlawyers outside of their firm on technology-related matters, the attorney must make sure the services being provided are consistent with their professional ethics and must make special efforts to preserve



# Model Rule 4.1 - Duty to Communicate

Communications  
(a) A Lawyer shall:

- 1 | promptly inform the client of any decision or circumstance with respect to which the client's informed consent...;
- 2 | reasonably consult with the client about the means by which the client's objectives are to be accomplished;
- 3 | keep the client reasonably informed about the status of the matter

\*\*This ABA Rule bleed into Duties to Convey Settlement Offers and to Disclose Liability Insurance\*\*

# ABA Formal Opinion 477

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## Securing Communication of Protected Client Information

“A lawyer generally may transmit information relating to the representation of a client over the internet without violating the Model Rules of Professional Conduct where the lawyer has undertaken **reasonable efforts** to prevent inadvertent or unauthorized access. However a lawyer may be required to take **special security precautions** to protect against the inadvertent or unauthorized disclosure of client information when required by an agreement with the client or by law or when the **nature of the information requires a higher degree of security**.

# ABA Formal Opinion 477 - CONTINUED

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**\*\*Attorney duty of communication to clients is maintained when an attorney takes reasonable efforts to prevent improper access to it, and if needed, takes special precautions.\*\***

**Discussion Question:** A lawyer should take reasonable steps to make computer systems more secure and limit the vulnerabilities. When communicating with clients what are some of the areas your firm has implemented here to protect confidentiality?

# What is Delaware doing?

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- **Delaware** adopted the aforementioned ABA technology competency rules as many states have.
  - Delaware approved **changes to its rules to include technology competence** on January 15, 2013, effective March 1, 2013.
  - Amended Comment 8 to Rule 1.1 of the Delaware Lawyers' Rules of Professional Conduct states: "a lawyer should keep abreast of changes in the law and its practice, including the benefits and risks associated with relevant technology...."

Section 5

# Legal Ethics Obligations During Covid-19

# Legal Ethics Obligations During Covid-19

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- Although the pandemic is having a palpable effect on how attorneys are practicing, it's important to realize that the [ABA] Rules of Professional Conduct (the "Rules") and the duties they set forth *are not suspended*.
- At all times, and same goes for other professional responsibility duties, an attorney should perform legal services with "competence," defined in Rule 1.1 as "the (i) learning and skill, and (ii) mental, emotional, and physical ability reasonably necessary for the performance of [required legal] service."

# Legal Ethics Obligations During Covid-19

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- Covid-19 related personal issues - such as family health concerns, lack of child care, school closures, or other responsibilities - normally would not excuse an attorney's duty of competence to their client. Attorneys are expected to put client interests ahead of their own personal interests or issues.
- See *Smith v. State Bar* (1987) 43 C3d 525 ("even in the face of serious personal problems, an attorney has a professional responsibility to fulfill his duties to his clients or to make appropriate arrangements to protect his client's interests.").
- Even amidst a crisis, attorneys are bound by their ethical obligations and must protect their clients' interests. (See ABA Special Committee on Disaster Response and Preparedness (February 12, 2011), and note Model Rule 1.1, Comment [3])



# Legal Ethics Obligations During Covid-19

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- During Covid 19 attorneys must continue to competently and diligently represent clients, communicate relevant information, keep client confidential information safe, adhere to court issued filing deadlines, fulfill fiduciary duties and appear remotely for court appearances.
- Law firms should have business continuity plans (BCPs) in place that spell out just how the firm will be providing critical business operations during or in the aftermath of a disaster.

# Legal Ethics Obligations During Covid-19

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The ABA Special Committee advises that law firms take the following steps in the event of an emergency:

- Prepare internal/external messaging regarding the firm's ability to operate;
- Work with records management to ensure that incoming docs are being stored securely and that records are accessible as needed;
- Confirm that attorneys are performing analyses to identify and prioritize urgent matters, including docketing litigation deadlines and court appearances; and
- Identify firm leadership responsible to respond to q's re: essential firm function

Section 6

# Professional Responsibilities & Working Remotely

# Professional Responsibilities Working Remotely

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Best practices for legal teams to take when working remotely during the current Covid-19 crisis to meet legal ethics obligations include -

- Keep your laptop, computer or tablet charged and available
- To make sure you don't miss any client-related or filing deadlines, keep good track of your calendar and
- Be mindful of court, agency and other closures or limitations, and how they may impact your ability to comply while working remotely.

# Professional Responsibilities Working Remotely

---

- Ensure that you have the ability to access to necessary client files and other client-related data when working remotely and in your office staff is not available to assist
- Make sure that your means of remote access is sufficiently protected against potential hacking and other cyberattacks (e.g., by use of a secure private network or VPN)
- Think about ways to have incoming hard-copy mail rerouted or scanned and / or electronically delivered
- Make sure your clients know how to reach you by email/phone, so they and essential staff have a good way to reach you while working remotely.

# ABA Tech Tips For Remote Hearings & Trials

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## Equipment

- **Audio and Video:** Participants, including parties and witnesses, have access to a computer, tablet, or smartphone. The device employed by a participant must have a functioning camera, speaker, and microphone.
- **Connectivity:** Participants must know and understand the court's system requirements. **Participants should test the device he/she intends to use on the court's system prior to the hearing.**

# ABA Tech Tips For Remote Hearings & Trials

---

## Equipment

- **System Specifications:** Participants need access the court's website to locate specific instructions, the court's video system's tech requirements, and other relevant info. These sites will identify the specific video conferencing app, provide participants w/ instructions on how to download the app, and provide instructions on how to access and use.



# ABA Tech Tips For Remote Hearings & Trials

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## Equipment

- **Secondary Devices.** Participants, especially counsel, have multiple devices available, so one device can access documents and another can handle the video.

# ABA Tech Tips For Remote Hearings & Trials

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## Preparation

- Make sure he or she has received the remote video hearing invite.
- Make sure any participants who need to be part of the hearing (i.e., witnesses or clients) have received the invite so they can join the hearing.
- Test equipment ahead of the hearing and ensure that the equipment of any clients or other participants, including witnesses, has been tested.

# ABA Tech Tips For Remote Hearings & Trials

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## Exhibits

- Have all exhibits and other documents counsel intends to use as part of the hearing uploaded and available on the court's video app share function prior to commencement of the hearing.
- Send all exhibits separately in PDF format to the court and opposing counsel prior to the hearing. Counsel should check local court rules for timing requirements.

# ABA Tech Tips For Remote Hearings & Trials

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## Exhibits

- Use the available “share function” in the video app as a backup for showing exhibits.
- Be ready to share “rebuttal” or “impeachment” exhibits during the hearing. The share function on the video app and/or sending them separately are both viable options.

# ABA Tech Tips For Remote Hearings & Trials

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## Camera Use

- Plan to participate in the hearing in a quiet place, and be aware of your surroundings. Other hearing participants will have a clear view of the contents of your video frame, including items around or behind you.
- Ensure proper lighting. Too much lighting from behind or above can cause a participant to look washed out. It is best to have lighting behind the video device that projects directly on your face.

# ABA Tech Tips For Remote Hearings & Trials

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## Camera Use

- Place the camera at eye level or slightly above.
- No one else should be in the room with you without notice and approval of the court.
- If multiple persons are in one room, consider separately logging in to eliminate issues with respect to visibility of participants.

# ABA Tech Tips For Remote Hearings & Trials

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## Camera Use

- \* Sit or stand during the hearing. Do not move around the room during the hearing.
- \* Run the remote video app on only one device. Other internet connections and apps should be turned off, as they can interfere with the effectiveness of the remote video app.



# ABA Tech Tips For Remote Hearings & Trials

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## Special Rules

- \* ID all persons on the video conference or in the video conferencing space.
- \* No private communications (i.e., phone, text, or email) with witnesses during a witness's testimony.
- \* Do not record the hearing or conference. Only the court is allowed to record.
- \* Do not have more than one participant in the same room with separate video apps open. This will cause an echo or other audio-related issues.

# ABA Tech Tips For Remote Hearings & Trials

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## Etiquette

- \* Dress as you would if making a physical appearance in court.
- \* Avoid busy clothing patterns or narrow stripes. These items can create distracting images.
- \* Be especially careful of talking over the judge, other counsel, or witnesses.
- \* This is a significant problem w/ remote video hearings, as the audio capability of video apps typically cannot handle more than one speaker at a time.

# ABA Tech Tips For Remote Hearings & Trials

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## Etiquette

- \* Pause before speaking.
- \* Identify yourself when beginning to speak and after others have finished speaking.
- \* Look directly into your camera when speaking or questioning..
- \* Be slow and deliberate in your presentation and questioning.

# ABA Tech Tips For Remote Hearings & Trials

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## Witnesses And Exhibits

- \* Witnesses will need to identify where they are physically located and verify that they are alone in the video conferencing space.
- \* If a witness is participating in an attorney's office, the witness should be placed in separate room to avoid audio-related issues.
- \* Be sure the witnesses have been sent all pertinent exhibits/documents ahead of time so they have them readily available.

# ABA Tech Tips For Remote Hearings & Trials

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## Witnesses And Exhibits

- \* Be familiar with the local court rule on remote swearing-in of witnesses. Many jurisdictions have passed new laws or rules that apply when the court official and the witnesses are not in the same physical space.
- \* Make sure witnesses can access the video conference and exhibits. Don't leave them out of the education process on how to be involved in remote video hearings.

# ABA Tech Tips For Remote Hearings & Trials

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## Evidence - Direct Examination

- \* Regular rules apply but be mindful of the difficulties created by the examining lawyer and witness not being in the same physical space.
- \* Examine in a slower manner, and ask more deliberate questions.
- \* Use exhibits wherever possible to keep the witness on track.
- \* Be careful about interrupting the witness.

# ABA Tech Tips For Remote Hearings & Trials

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## Evidence - Cross Examination

- \* Know his/her purpose and goals for the cross-examination.
- \* Ask well-thought-out, short, leading questions that will elicit an admission of one fact per question.
- \* Liberally use documents to force the witness to admit key facts.

# ABA Tech Tips For Remote Hearings & Trials

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## Evidence - Cross Examination

- \* Listen to the witness's answers for appropriate follow up.
- \* Try not to allow the witness to repeat direct testimony or explain answers. It is very difficult to control the remote witness without good, short, one-fact questions.



Section 7

# BYOD Security Practices & Takeaways

# BYOD Security Practices and Takeaways

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When using personal devices and networks to manage sensitive or confidential information, at a minimum, “reasonable efforts” to address data breach or cyberattack risks must include:

- Installing basic cybersecurity systems like anti-virus software, encryption, VPNs, firewalls, and the like on your firm's computer system.
- Comprehensive system assessment; cyber awareness training for employees, including proper email etiquette and how to avoid infected websites; and sporadic testing of employees.

# BYOD Security Practices and Takeaways

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- Law firms should conduct some simple and basic due diligence of its vendors who may be hosting their clients' data to ensure they have adequate security systems, training, and testing in place

*Most client sensitive or confidential information breaches by law firms using personal devices are not the result of technological shortcomings, but instead are the result of user error or lack of training.*

# Tech to Support Professional Responsibilities

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## Important Considerations

- **Leverage solutions that support automation of certain functions**
  - Popular choice is automating Legal Analytics -- ALM's 2020 Legal Analytics Survey found 90% of users say Legal Analytics make them a better, more informed, more efficient and effective lawyer.
- **Test and adjust processes periodically to improve efficiencies**

# Tech & Professional Responsibilities - CONT

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## Important Considerations

- Implement solutions that enable the research and sharing of data across the enterprise
- Adopt solutions with users in mind and establish feedback points
- Search, audit and reporting across solutions

# Office Best Practices

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- **Form interdisciplinary team to proactively address potential legaltech issues**
  - Legal, Team IT and Records management personnel
  - Other professionals as necessary (Compliance, Audit etc.)
- **Engage IT department for targeted programs and solutions**
  - Focus on: network/server security, password permissions, access rights, technology vulnerabilities, cloud computing & due diligence with vendors
  - Designation of legaltech liaisons

# Office Best Practices- CONTINUED

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- **Investment in the right technology to maximize legal intelligence**
  - Legal research
  - Digital forensics
  - eDiscovery
  - Judicial analytics
  - Computer system security
  - Opposing counsel intelligence
  - State court record search



# Q & A

Nicole Clark, CEO

@ nicole@trellis.law (info@trellis.law)

(213) 999 - 9843



# Take Trellis for a Spin!

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# Thank you

Trellis Research, Inc.