



The Jury Factor

Preparing for Trial in a Virtual Environment

May 7, 2020

Moderator

Kristin Walker-Probst, Partner,
Womble Bond Dickinson

Panelists

- **Melissa Zujkowski**, V.P. Litigation & Disputes
Flex
- **Dr. David Cannon**, Co-Founder
Trial Innovations
- **Hon. John Nho Trong Nguyen (Ret.)**
Formerly Orange County Superior Court



Meet The Panelists



Melissa Zujkowski
Flex
V.P. Litigation & Disputes



Hon. John Nho Trong Nguyen (Ret.)
Formerly Orange County Superior Court



David Cannon, Ph.D.
Trial Innovations
Co-Founder



Kristin L. Walker-Probst
Womble Bond Dickinson
Partner

Case Development with the Jury in Mind

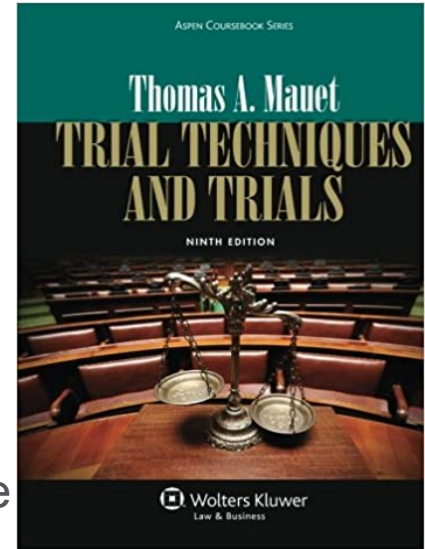




Case Development with the Jury in Mind

Case Inception

- Review applicable jury instructions
- Develop storyline, themes, & labels
- Case strengths and weaknesses (factual & legal)
- Unknowns
- Develop case strategy and risk assessment/exposure





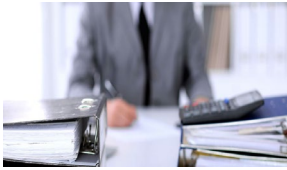
Case Development with the Jury in Mind

Discovery

- Have a plan/strategy
 - Know the purpose
 - Offense vs. defense
 - Know the Codes (CCP/Evidence)
-
- a) Non-expert discovery (written/depositions)
 - b) Expert discovery



"I ask the witness to quit taking advantage of the fact that his deposition is not being videotaped."

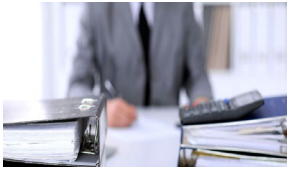


Case Development with the Jury in Mind

Pretrial

- **WARNING: Check the Local Rules!!**
 - **Santa Clara County** – by noon last court day before trial - L.R. 9(D)
 - **Alameda County** - 3 court days before PTC (or trial if none) - L.R.3.35
1. Motions in Limine
 2. Witness/Exhibit Lists
 3. Jury Instruction Requests
 4. Proposed Special Verdicts
 5. Stipulations
 6. Statement of the Case
 7. Trial Briefs * Exhibits lodged, not filed (when known)
 8. Glossary (Alameda County)





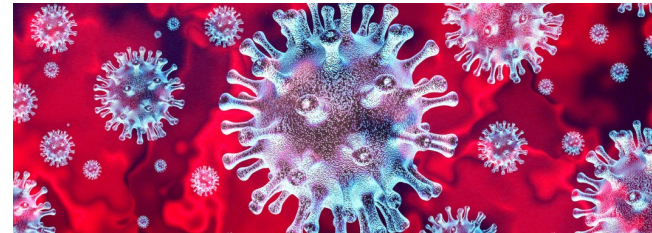
Case Development with the Jury in Mind

Pretrial

- Trial Documents
 1. Statement of the Case/Mini Opening
 2. Exhibit/Witness List
 3. Jury Questionnaire
 4. Jury Instructions/Verdict Forms
 5. Exhibits
 6. Trial Brief
 7. Deposition designations/objections
 - Witness Outlines (order, staffing)
 - Demonstratives/Technology



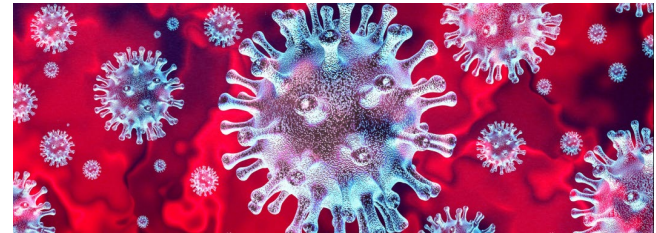
Preparing for trial in a virtual world: *The impacts of COVID-19*



Preparing for trial in a virtual world: *The impacts of COVID-19*

Court: Procedural

- Trial Dates Vacated?
- Discovery Deadlines/Motions?
- Settlement Conferences:
- Alameda County (E.L.R. 5.26)
 - Informal Settlement Conferences
 - For trials set 3/17 – 6/30
- SF County (4/30 General Order)
 - Remote VSCs
 - For trials set 3/23 – 6/1



Preparing for trial in a virtual world: *The impacts of COVID-19*

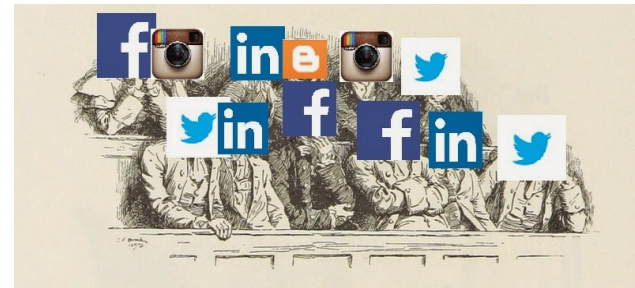
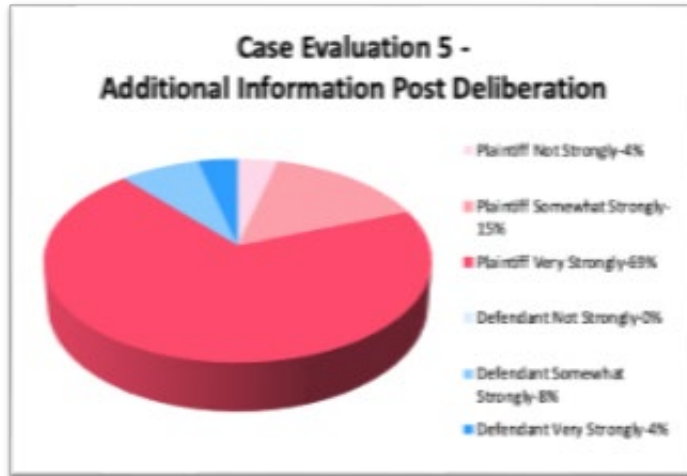
Discovery/Evidence

- **Depositions**
 1. Translator/Court Reporter
 2. Client conferences
 3. Exhibits
- **Recordings (Zoom, etc.)**
 1. Board/Privileged Meetings
 2. Privacy Considerations
 3. Penal Code Sec. 632 (consent)
 4. On the Web – Public/waiver?



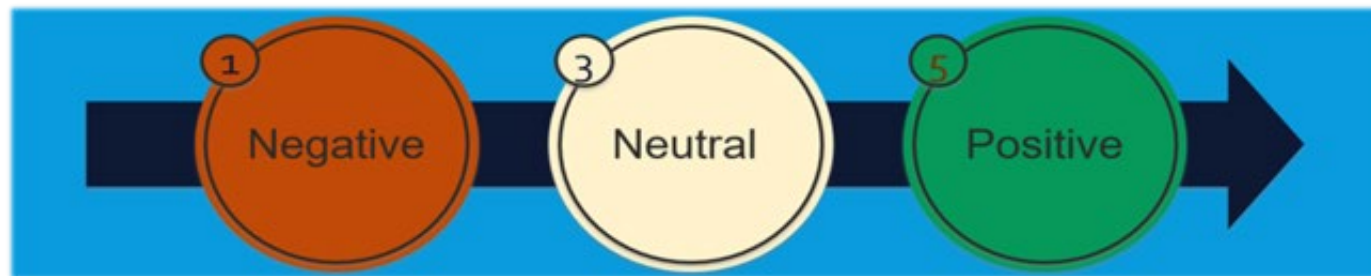
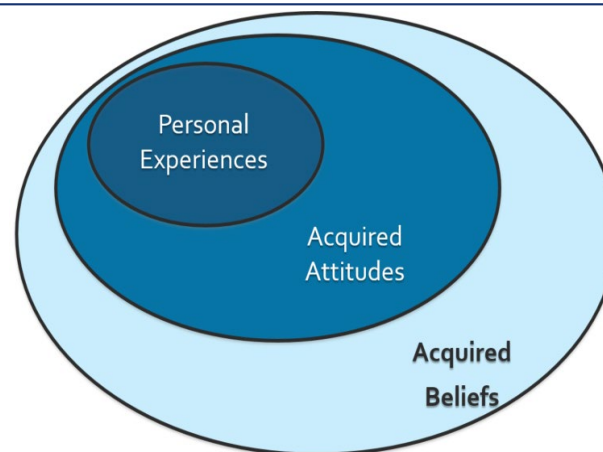
Jury Research

When you need it; What to Do with It



The Trial Itself

Beware the Jury is Watching



COVID-19 Resources

Resource Hub



To help you navigate the crisis, we are sharing actionable content on our [COVID-19 Resource Hub: Navigating the Legal Challenges of COVID-19](#). This is the best place to find fresh perspectives and insights from Womble Bond Dickinson (US) attorneys on a real time basis.

Weekly Digest



Each Friday, we are sending a COVID-19 Weekly Digest email on summarizing articles, alerts, webinars and other insights in an easy to browse format. To receive our COVID-19 Weekly Digest and general COVID-19 alerts, [please subscribe here](#).

YouTube Playlist



Our dedicated YouTube playlist for COVID-19 content can be accessed [directly here](#). This is where you can find recordings of prior webinars as well as other video insights related to the pandemic.

Thank You!

Contact Us



Melissa Zujkowski

Flex

V.P. Litigation & Disputes

melissa.zujkowski@flex.com



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Superior Court**



David Cannon, Ph.D.

Trial Innovations

Co-Founder

310.927.5879

David@Trialinnovations.com



Kristin L. Walker-Probst

Womble Bond Dickinson

Partner

657.266.1065

kristin.walker-probst@wbd-us.com

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Consolidating
our national
reputations and
regional heritage
under one powerful
transatlantic brand

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