



# IFA LEGAL SYMPOSIUM

# Zooming to Victory in Remote Franchise Litigation

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# Speakers

- Peter Loh, Moderator, Foley & Lardner LLP
- Alejandro Brito, Panelist, Zarco Einhorn Salkowski & Brito, P.A.
- Sherin Sakr, Panelist, WellBiz Brands, Inc.
- Adele Vespa, Panelist, Franchise Mediations with Adele

# INTRODUCTION

# What Will This Presentation Address?

- Technical, logistical, and ethical issues and considerations for conducting remote litigation
- Lessons learned for future application

# Funny Stories Many of Us Have Heard:

- Bikini-clad litigant
- Cigar smoking lawyer
- The kitty cat background setting



# Technological Thoughts

- What is your platform?
  - 1) Zoom
  - 2) Microsoft Teams
  - 3) Skype
  - 4) Webex
- Know the Functionality
- Contingency Plans



# DEPOSITIONS



- Exhibits
  - 1) Pre-deposition transmission to the opposing side
  - 2) Screen share or “over-share”
  
- Defending a witness
  - 1) The environment
  - 2) Attire
  - 3) Communication
  
- Preparing for Technological Glitches

# HEARINGS, PRE-TRIAL, AND TRIAL

# Presenting Evidence

- 1) Pre-litigating objections
- 2) Introducing exhibits
- 3) Assistance from court clerks

# Decorum

- 1) Updated platform software
- 2) Solid internet connection
- 3) Working hardware, i.e. camera, microphone
- 4) Choreographed exhibit presentation

# Witness Examination

- 1) Less ability to surprise
- 2) Conveying credibility
- 3) All remote or all in person
- 4) Preparation of witnesses more difficult



# Jury Considerations



- 1) Access to technology
- 2) Residential settings, i.e. kids learning from home, etc.
- 3) Lack of diversity of pool

# MEDIATION

# Zoom – The Preferred Platform

- 1) Cost savings
- 2) Leveled playing field
- 3) Confidentiality-  
Breakout Rooms
- 4) Screen share





# Q&A

