



CAALA Updates <noreply@membercentral.com>
to me

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Plaintiff and Defense Attorneys Need to Work Together During the COVID-19 Outbreak

TO:

**Membership of Consumer Attorneys Association of Los Angeles (CAALA)
Membership of Association of Southern California Defense Counsel (ASCDC)**

FROM:

**Jeff Rudman, CAALA President
Larry Ramsey, ASCDC President**

We hope that this memo finds you, your families, friends, co-workers, and colleagues safe and healthy during these unprecedented times.

Last week, the Executive Committees of both CAALA and ASCDC participated in a joint video conference call to discuss how both sides of the work together and support each other in protecting ourselves and our employees from the novel Coronavirus outbreak, while still moving cases the mutual benefit of our clients.

Plaintiff and Defense attorneys alike: We are all in this together, and practicing with civility, understanding and kindness has never been more imp

As most of us have been following the numerous Orders that have come from the various courts in Southern California, from the California Council and Chief Justice of the California Supreme Court, as well as the "safe at home" Orders from our local and state governments, we have everchanging landscape during this very fluid situation. We have seen courthouses close, trial dates and other hearings continued, and have be navigate the various modifications to our practices necessitated by these Orders and our efforts to keep ourselves, and those we care about, healthy.

Efforts continue to be made by our associations, as well as our sister statewide organizations, to obtain further clarification of, and/or redress l various Orders that affect our practices. Through our joint efforts, Governor Newsom issued an Order this past Friday 3/27/20 that expands the of the Judicial Council and Chief Justice to enact orders that will enhance our ability to continue our work for our clients, while also suspending limitations on e-service and remote depositions. There is much that can be done during these times to continue to move our cases forward, as lor all maintain civility and a spirit of cooperation.

The following are some areas where the leadership of both CAALA and ASCDC strongly encourage our members to cooperate with each reaching agreements or stipulations in these areas:

Electronic Service of Documents

We need to be understanding of the fact that due to the "stay at home" orders, and the recommendations by various health agencies and gove bodies to maintain social distancing, many offices are practicing remotely. Activities such as going to the office to pick up the mail, visiting a post engaging with others in serving documents by overnight delivery or personal service, potentially expose us to further spread of the virus, and pu our communities at risk.

Many of us have been practicing this approach over the past few weeks, either via stipulation or by sending courtesy e-copies of all pl documents, correspondence. Stipulations have typically allowed for all documents to be served by email, and address whether such service treated as electronic service (add 2 days), mail service (add 5 days), or personal service for purposes of calculating related deadlines. Agreeem have expiration dates, such as a set time after the "stay at home" order is lifted, or before upon mutual agreement by the parties.

Governor Newsom's Order this past Friday acknowledges the importance of e-service in our practice during this present crisis.

Remote Depositions

Continuances of hearings and trial dates per the current Orders, need not prevent our cases from moving forward. As we all know, deposit essential to not only gathering evidence for trial, but to support a Motion for Summary Judgment, or Opposition thereto; to give the p understanding of evidence which may be presented at trial in order to evaluate settlement value, a CCP Section 998 Offer to Compromise, or case for settlement talks or mediation. We face a pile up of depositions that will need to be taken once the "stay at home" orders are lifted and t hearings are placed back on calendar, and where practical, depositions may otherwise be conducted remotely during this time period.

Governor Newsom's Order this past Friday has now suspended limitations for going forward with remote depositions.

Many court reporter agencies are providing remote deposition services, some at a reduced cost, that enable us to keep our cases on track duri times. Contact your court reporting agency to see if it offers such services, or consider temporarily using an agency that does.

Minor's Compromises

With the recent continuances of all civil hearings in the Los Angeles Superior Court, as well as in other jurisdictions, a potential problem arises minor is in need of settlement funds allocated to medical care and currently does not have a mechanism for the required court approval of the se before those funds can be disbursed. Further, often times, the guardians of minor litigants seek to have the settlement proceeds structured. Howe

quotes by structure annuity brokers have expiration dates that may expire before a Minor's Compromise Petition can be heard. To help alleviate the problem, in cases where a delay of a Minor's Compromise hearings creates a true hardship or prejudice to the Minor, we urge counsel to enter into stipulations to have the Petition heard as an ex parte matter, with a waiver of any requirement that the petitioner or minor be present at the hearing, or to allow for them to appear by CourtCall.

General Cooperation and Civility

We are all officers of the court and members of the bar. We all make a living representing people and businesses and seeking justice on their behalf. We are all affected by various ways that the COVID-19 Outbreak has impacted our lives. As such, there has never been a greater time for practicing civility. This is not a time to use the current conditions to stonewall, make the practice of law harder on opposing counsel, or unnecessarily complicate the progression of our cases. We encourage all members to be understanding of, and compassionate for, your fellow members of the bar and make every effort of being cooperative. Enter reasonable stipulations. Meet and confer on discovery plans that take into consideration legitimate health concerns at all times we are all living in, while keeping our cases moving along. Explore settlement. Be creative. Be kind.

Both CAALA and ASCDC are here to support you during these difficult times. We wish you all health, safety, and success.

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