

ASSOCIATION OF BUSINESS TRIAL LAWYERS

abtl

REPORT

LOS ANGELES

FALL 2020

INTRODUCTION



*Hon. Debre Katz
Weintraub (Ret.)*

The COVID-19 health crisis has required trial courts to balance parties' due process rights in civil proceedings against the obligation to ensure the health and safety of litigants, attorneys, court staff, judicial officers, jurors, and others appearing in courtrooms. This balancing caused the Los Angeles Superior Court to close most of the civil courtrooms for several months in 2020. Civil trials were

not held for much of the year, and most civil jury trials will not commence before January of 2021. The result has been a significant backlog of cases that must be tried.

The optimists among us might say that this public health crisis has provided an opportunity to improve civil court operations. A realist might say that these difficult times require us to proceed with caution and deliberate steps. Both would agree that one must proceed with knowledge and creativity in the continued representation of clients in resolving their disputes.

For litigators, the question remains, "How to best represent your client?" Let me suggest that we step back and take a fresh look at alternative dispute resolution options to resolve ongoing civil cases.

Before the COVID-19 pandemic, we knew that one should consider and discuss ADR with one's client, as well as with opposing counsel. We have long been aware of the benefits of ADR—certainty of result, shortened time to that result, reduced cost, increased control of the parties over the process, and increased privacy for the parties.

ADR's benefits are now more valuable than ever. COVID-19's impact on civil court operations means increased delay in the start date of jury trials and corresponding increased costs. Whether you

are an optimist or a realist, ADR is at least as important as before the pandemic, and probably a lot more important.

This issue of the ABTL Report examines alternative dispute resolution in this pandemic time. Articles focus on various procedural alternatives—remote mediation, the Los Angeles Superior Court's settlement programs, arbitration and judicial references—along with Code of Civil Procedure Section 664.6 and the use of electronic signatures.

We hope this issue will help you in evaluating ways to escape the backlog.

Hon. Debre Katz Weintraub (Ret.) is a past Supervising Judge of the Civil Courts of the Los Angeles Superior Court and sat as a Settlement Judge for the Court. She also served as Chair of the ADR subcommittee of the Judicial Council's Civil and Small Claims Advisory Committee, and until her recent retirement from the bench was a member of ABTL-LA's Judicial Advisory Council.

Editors' Note: This ADR-focused issue of the ABTL Report was Judge Weintraub's idea, well before we knew how relevant COVID-19 would make the subject. We thank her for her idea and her encouragement.