



Impact of COVID-19 on Claims & Litigation

By Mike Eisenbaum

Depositions and Mediations

Gray•Duffy has postponed the majority of our depositions and mediations in the best interest of clients. We recently conducted one witness deposition via Zoom because it was a fairly straightforward matter with minimal exhibits and paperwork. However, our attorneys are wary of a remote deposition of an opposing party, or having our client being deposed in any significant case. In person, you can better control the situation and read the room. You're relying on being able to react to facial expressions, tone of voice, body language and other cues, which get lost in a virtual setting. It's similar to poker; you can't tell if someone is bluffing if you're not in the same room to read their mannerisms.

Unless you generally know what the outcome of the case will be (in those cases that are highly predictable), we think it's better to wait and do everything face to face. There have also been comments in the legal community that conducting a deposition without the attorney and the client in the room together is below a reasonable standard of care for attorneys, and we tend to agree with that.

Communication with Clients

Our attorneys are talking with clients and reporting on case updates as much as possible, but it's not our typical level of communication or business development because trials, etc. are being pushed to a later date, and taking clients to lunch or dinner is currently impossible. For many clients, we're staying in touch by texting, emailing and calling, and even exchanging some personal experiences with having to work almost exclusively at home. All in-person client meetings have been postponed for the time being. Thankfully, new clients are still coming in the virtual door and we're seeing a consistent number of website leads/inquiries.

Transitioning to Working from Home

I have never been a work from home person so I'm still adjusting psychologically, and I think that's true for many of our attorneys. You miss the in-person camaraderie and consistent dialogue that happens in the office. There is a natural rhythm when you're in the office, and personally, that

keeps me motivated and productive. While working remotely, our attorneys make a point to have regular check-ins about new clients or ongoing matters, but this may happen a few times a week versus daily when we are all in the office.

We are fortunate to be able to operate at nearly full capacity. Managing partner Gary Gray is keeping us moving like a well-oiled machine and has implemented staggered shifts in the office when necessary. For example, I will go into the office (in a mask, practicing safety measures) to review paperwork that comes in the mail, or send something that needs to go out in the mail, or collect file materials that are not available electronically. Our staff rotates throughout the week to handle work that simply can't be done from home. We have set up dedicated and separated spaces so accounting staff can work without the risk of crossing paths with others. We're ensuring everyone is wearing masks and the office is being cleaned regularly so no one's health and safety is compromised.

The firm cares about our employees; most have been with the firm for many years. We have identified ways for employees to work part time, at a minimum, so they have continuous income. It's important for us to maintain this.

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