

Procedural Developments: *Online Proceedings in U.S. Courts*

European Air Law Association

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Pre-Pandemic, Pandemic, and Now



U.S. Proceedings: An Overview

- Issue joined – Complaint filed, Answer filed
- Case Management Conference
- Discovery
 - Written Discovery
 - Testimonial Discovery, i.e., depositions
- Motion Practice (oral argument)
- Pre-Trial Conference
- Trial (bench or jury)
- Appeal

Pandemic Proceedings: Trials by Zoom

- **Pros**

- Convenience
- Less costly
- Easier to schedule

- **Cons**

- Technology
- Unable to control confidential information
- Unable to control what witnesses/ jury members are doing
- Less captivating



Pandemic Proceedings: Hearings, Depositions, Mediations by Zoom



- **Hearings Via Zoom**

- Easier to schedule
- More efficient – no travel time or waiting time
- Technology straight forward
- Lose ability to interact/build rapport

- **Depositions Via Zoom**

- Easier to schedule
- More efficient
- Technology can be challenging with exhibits
- Lack control over witness

- **Mediations Via Zoom**

- Easier to schedule
- More efficient
- Possibly less effective

Post Pandemic: Best Practices

IN PERSON	HYBRID	ZOOM
Trial	Depositions	Hearings
	Mediation	Conferences

