

How Attorneys Can Feel At Home During An Out-Of-Town Trial

By **Brandon Lowrey**

Law360, Los Angeles (September 15, 2015, 2:51 PM ET) -- Trials can be harrowing even on home turf. But many attorneys who have to travel out-of-town for a trial must also cope with other factors, like unfamiliar city streets, foreign courthouse rules and etiquette, and a whole lot of distance from their home office.

Here, experts give their tips on how to make sure that traveling to a trial isn't too trying.

Delegate

Scott Long, trial coordinator for Los Angeles-based Munger, Tolles & Olson LLP, said appointing a nonlawyer staffer to make all of the necessary arrangements is the wisest course.

Long travels with Munger Tolles' trial teams, sometimes for 150 days out of the year, and he involves a cadre of technical support staffers and other experts to make sure everything runs smoothly.

Some firms use associates or paralegals to do the planning. Long said their time would probably be better spent elsewhere on something substantive for the case, rather than running around hotel lobbies trying to coordinate with caterers.

"My position adds value to our firm, and it ultimately saves our client money," he said. "You don't want [your attorneys and paralegals] focused on anything but winning that case."

In addition, they probably wouldn't be as quick or effective as someone who does the duty regularly and has learned what works best, he said. Making arrangements for travel, comfort and specific technical requirements is something Long has been doing for years.

He has been at Munger Tolles for about two decades, and has been the trial coordination guru for seven years. But before that, he worked in the hospitality industry, doing quality assurance for Ritz-Carlton hotels, among others.

Ronald Schutz, the chair of Robins Kaplan LLP's national IP and technology litigation group, said his firm also has a point person who makes arrangements for trial teams. Sometimes, Robins Kaplan hires a trial logistics firm to handle some of the matters.

The logistics people handle everything, down to the types of food and beverages attorneys, clients and

witnesses get in their hotel rooms, he said.

"Our view is we want the lawyers focusing on one thing: winning the case," Schutz said. "We don't want them worrying about where the food is going to come from, where to do laundry ... you're better off taking people who do this all the time, and people that you trust handle that stuff."

Prepare Early and Thoroughly

Logistical preparations for trial begin months in advance.

Under ideal circumstances, Long said, he tries to ink housing deals with hotels or apartments near the courthouse about three months in advance. There's always a risk that the trial date could get bumped after the deal is signed, potentially incurring stiff penalties, so it's crucial to get the client to buy in and participate in the process, he said.

But the home base should be within walking distance of the courthouse — close enough so that attorneys could walk back for lunch, Long said.

He looks at the location and the time of year, and he thinks up possible problems like whether umbrellas or snow boots would be needed.

A month before the trial, he pins down other arrangements and comes up with a realistic budget for trial expenses to provide to the client.

Then, roughly two weeks before the start of the trial, Long heads to the location himself to ensure the living quarters are furnished, the computer systems work, and a fully functioning office — connected to the home office's network — will be entirely in order by the time the trial team arrives.

James Jordan and Roland Goss, shareholders of Carlton Fields Jordan Burt LLP, said special attention must be paid to technical matters, not just for attorneys but also for staffers working on trial graphics.

The office setups are often fairly involved, and hotels hosting the trial team must have conference rooms for meetings and preparing witnesses, they said. Goss added that it's crucial to allow for some comforts for the trial team to avoid burnout as they spend long hours working in a strange place.

Schutz, whose firm sometimes takes over an entire floor of a hotel, agreed that boots need to be on the ground at least a week before the trial start date to make sure all of the kinks are ironed out.

When moving everything from clothes to computer servers, setting up networks and getting familiar with a daily routine, something is bound to go wrong. It's best that it's identified and fixed before trial begins, he said.

Be Ready for the Worst

"Seattle" is a word that evokes strong memories among some members of Munger Tolles' trial team.

In that rainy West Coast city, an entire Munger Tolles trial team was hit with food poisoning.

"Anything that anybody has told you about that is not exaggerating," Munger Tolles partner Susan Nash

told Law360 recently.

Nash recalled the dread she felt as she became violently ill one night, midtrial. She tried to sleep but couldn't.

"I'll spare you the gory details," she said. But one thing was certain: She wasn't going to be able to work the next day.

In the early morning hours, she finally came to terms with the fact that she was bedridden and sent an email to the rest of the team. Within minutes, several other members of the team sent similar emails.

Nine others had also come down with food poisoning that morning, and the team couldn't get the proceedings postponed, so some attorneys had to drag themselves to the courtroom anyway.

Nash recounted how Long quickly made arrangements for medication and a new caterer to feed 29 people three meals a day, and he even hired a firm to sterilize the shared office spaces to lower the chances that the bug could spread.

"I was running around handing out Tylenol and Imodium AD like M&Ms," Long said. "People were walking around the office like zombies. Of course, we didn't need catering for a couple of days because nobody could keep anything down."

But the team ended up prevailing in spite of the illnesses, Nash said. Illnesses aside, the firm's robust trial logistics preparation and team ensures that little else gets between the trial lawyers and their case, she said.

If a copy machine breaks down at 2 a.m., there's a technician on-hand to fix it immediately, she said. If a reservation falls through or there's some other scheduling snafu, Long can handle it.

Get Comfortable

Nash said attorneys should show up several days early and get the lay of the courthouse — meet the marshals or deputies manning the metal detectors and ask them how to make their job easier, and introduce themselves to the courtroom clerk.

"When you go into a new jurisdiction, you have to learn everything from the basics," she said. "The local rules, the written ones, are online. But the unwritten ones are not online."

A couple of days to explore would definitely pay off over potentially weekslong trials, she said.

Schutz said his team always arranges to have meals off-site on Friday and Saturday nights for a little bit of rest and relaxation.

If the trial is winding down and things aren't too hectic, the trial team might try to go out and do something fun and local, he said.

"We may take, as a group, a half-day off on one of the weekend days and visit some kind of a winery if we're in California, or go fishing if we're on the coast of Texas," Schutz said.

Such fun trips, of course, are often arranged by the trial logistics coordinator, a role that's growing more prominent as law firms are sending their attorneys to trials far and wide.

"This is really the new world," Nash said. "You're based in California, but you have to be ready to go everywhere. We've figured out a way to do it, and it's been quite a journey."

--Editing by Jeremy Barker and Emily Kokoll.

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