



Commercial Litigation Part 1 – Litigating *Under Pressure*

Time: 1:00-2:00

This 60-minute session will focus on the new summary judgment standard in Florida, Do's and Dont's from the bench in commercial litigation cases (a view from the bench), tips for non-jury trials, and the use of *Daubert* motions in commercial litigation.

Session Chairs: Megan McNamara and Sean Smith

Panelists: Judge James Nutt, Judge Paige H. Gillman, Judge John S. Kastrenakes, Judge G. Joseph Curley, Amy S. Rubin (Fox Rothschild LLP), *Federal Judge TBD*

Session Moderator(s): Megan McNamara and Sean Smith

A. Introduction

B. “Another One Bites the Dust” - New Summary Judgment Standard (20 – 25 minutes)

1. What is it?
2. What is different?
3. When does it go into effect? What about motions filed but not heard before the change is effective? What about renewed MSJs?
4. How will commercial litigation change as a result?

C. *Daubert* Motions (10 minutes)

D. Tips for Non-Jury Trials (10 minutes)

E. Do's and Dont's from the bench (10 – 15 minutes)

1. The Judges on the panel will discuss issues that they find important and relevant as it relates to litigating complex commercial cases in their courtrooms

F. Questions and Answer (5 minutes)

2021 Palm Beach County Bar Association's Bench Bar
(Webinar Series)



Commercial Litigation Part 2 – Litigating Under Pressure

Time: 2:00-3:00

This 60-minute session will focus on the lasting legacy of COVID-19 in complex commercial cases in the Fifteenth Judicial Circuit, including discussion of “courtroom” technology, what judges find effective during Zoom presentations, and what attorneys should expect to see in our circuit going forward. There will also be a discussion about new opinions issued in 2020 and 2021 that impact the complex commercial litigation practice.

Session Chairs: Megan McNamara and Sean Smith

Panelists: Judge Glenn Kelley, Judge Howard Coates, Judge Samantha Schosberg Feuer, Matthew R. Chait (Shutts & Bowen LLP), Grasford W. Smith (Akerman LLP), Noel Chessman (Chief Information Officer of the Fifteenth Judicial Circuit)

Session Moderator(s): Megan McNamara and Sean Smith

A. Introduction

B. Update on the Current Status of Court / Resumption of Jury Trials (5 minutes)

C. The Lasting Legacy of COVID-19 in Complex Commercial Cases (20 – 25 minutes)

1. How the use of Zoom has impacted non-jury trials, hearings, depositions
2. How to effectively use Zoom throughout a complex commercial case
3. What Judges find effective during Zoom presentations
4. Continued use of Zoom in court proceedings after the pandemic ends
 - i. UMC
 - ii. Presenting live testimony from witnesses that do not reside locally
 - iii. Costs to the Courts to maintain Zoom licenses
 - iv. Changes in laws to facilitate continued remote proceedings
5. Mediation

D. Use of the 15th Judicial Circuit electronic evidence portal and other technology for remote trials and evidentiary hearings (10 – 15 minutes)

1. **Presentation by Noel Chessman** (Chief Information Officer of the Fifteenth Judicial Circuit)

E. Case law update (10 – 15 minutes)

1. New opinions issued in 2020 and 2021 that impact the complex commercial litigation practice
2. New receivership statute

F. Question and Answer (5 minutes)