

M.C. Sungaila Writes in Law360 and Law.com on Coping With the COVID-19 Pandemic

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PRACTICES Appellate

Haynes Boone Partner M.C. Sungaila authored articles in *Law360* and *Law.com* about ways people in the legal industry are coping with the pandemic and her advice for preparing for remote appellate arguments.

Here is an excerpt from *Law.com*:

Since the nationwide shutdown in March, half of the high courts in 50 states have heard arguments remotely, and within two months, every appellate court in the United States, state and federal, likely will have held oral argument remotely—including, for the first time, the U.S. Supreme Court.

Check out the field before game time.

Before in-person oral argument, it is helpful to attend argument the day before your own to become familiar with the courtroom and to see the particular judges on your panel in action. It is also helpful to view or listen to recordings of prior oral arguments involving members of your same panel. In the new virtual realm, it remains helpful to see prior in person and remote arguments with members of your panel, to familiarize yourself with the panel and to see how they prefer to conduct argument in the remote setting.

It is equally important to understand how each court sets up remote oral argument. Which program do they use to connect? The U.S. Court of Appeals for the Ninth Circuit uses Cisco Jabber; the Texas courts use Zoom; the California Supreme Court uses Blue Jeans. You will want to make sure you have these programs on your computer before argument and know how to use them.

To read the full article, click [here](#).

Sungaila also authored an expert analysis in *Law360* outlining the challenges the pandemic has created in the appellate practice. Here is an excerpt:

Appellate lawyers can do much of their work remotely. Reviewing appellate records and writing briefs are best done in solitude, during uninterrupted chunks of time. Brainstorming and strategizing with the appellate team can be done by phone or videoconference.

But oral arguments have not been done remotely. With the pandemic, that is changing. Now, for the first time, entire oral argument calendars are being held with all participants — the judicial panel and advocates — in separate remote locations.

This shift in the use of technology by courts is happening nationwide, all at once. It has the potential to continue, at least to some extent, after the pandemic. If it does persist, it will usher in a massive shift in oral argument.

Oral advocacy on appeal changed in the late 20th century when oral argument questioning from the bench became more widespread. Entirely remote oral arguments have the potential to change advocacy again in the 21st century.

Litigation more generally in "corona time" has been impacted by frequent changes in court procedures and rules. The public health crisis is fluid, and the court rules are equally fluid, sometimes changing day to day.

What is the new deadline for opposing summary judgment, given the suspension of all trials? What about a notice of appeal — is the time to file one held in abeyance during the shutdown or not? Important questions, some of which have no clear answer.

To read the full article, click [here](#). (Subscription required)