

New IADC Defense Counsel Journal Articles Examine Witness Testimony, Crisis Management and Sandra Day O'Connor's Arbitration Legacy

Trends in expert witness testimony, crisis management in the legal arena, and the arbitration legacy of former U.S. Supreme Court Justice Sandra Day O'Connor are diverse topics dissected in the first-quarter 2022 edition of the Defense Counsel Journal (DCJ), published by the International Association of Defense Counsel (IADC).

Frequently and favorably cited by courts and other legal scholarship, the DCJ is a quarterly forum for topical and scholarly writings on the law, including its development and reform, as well as on the practice of law in general. DCJ articles are written by members of the IADC, which is a 2,500-member, invitation-only, worldwide organization that serves its members and their clients, as well as the civil justice system and the legal profession.

Also in the current issue of the DCJ, IADC member and DCJ editor Christopher B. Parkerson makes a case for developing alternatives to remote court proceedings as a lesson learned from the COVID-19 pandemic.

"I believe a witness taking an oath over Zoom and testifying from his or her couch doesn't take a deposition as seriously as someone asked to appear in a courtroom or conference room," Mr. Parkerson writes. "I also believe that a party appearing in court in front of a judge has more respect for the procedure than someone sitting behind the wheel of their car

watching proceedings on a laptop.”

Mr. Parkerson opines that the process and formality of going to court and being in front of a judge should not be forfeited to technology or convenience.

“Things like testing, additional ventilation and circulation in court rooms, rooms that allow for proper spacing, and other precautions are much better and allow for a more effective use of the system,” Mr. Parkerson adds. “The use of remote proceedings should only be reserved for exceptional circumstances once these new procedures are identified and implemented.”

Following are brief summaries of the articles included in the first-quarter 2022 issue of the DCJ:

“Taking a ‘Hard Look’ at Expert Witness Testimony Under Rule 702” by Munjot Sahu, counsel-litigation and legal compliance at Eli Lilly and Company, and King & Spalding attorneys Geoffrey M. Drake, Eva Canaan and TaCara Harris, partners, and Luke Bosso, an associate – The article examines the rules and laws governing expert witness testimony, analyzing current trends in courts’ scrutiny of expert testimony and providing insights on what the future may hold in this critical area of litigation.

“Lessons From a Year in Crisis: Do’s and Don’ts of Crisis Management” by Faegre Drinker Biddle & Reath LLP attorneys Michael C. Zogby, a partner, and Kaitlyn E. Stone, an associate; and Claudia V. Garcia, corporate counsel, commercial, at Exelixis, Inc. – This piece reviews current events impacting clients and law firms and discusses approaches and practices for any business to manage associated risks in order to deliver the best results possible.

“The Arbitration Legacy of Justice Sandra Day O’Connor” – by Mitchell L. Lathrop, an attorney and domestic and international arbitrator; Daniela Karollus-Bruner, a partner

at CMS; and Kevin F. Truxillo, a partner at Garrison, Yount, Forte & Mulcahy, LLC – This article looks at former U.S. Supreme Court Justice Sandra Day O'Connor who, according to the authors, participated in landmark arbitration decisions and whose positions cemented arbitration as a means of commercial dispute resolution in the United States.

The IADC is the preeminent invitation-only global legal organization for attorneys who represent corporate and insurance interests. Founded in 1920, the IADC has members who hail from six continents, 49 countries and territories, and all 50 U.S. states. The core purposes of the IADC are to enhance the development of skills, promote professionalism, and facilitate camaraderie among its members and their clients, as well as the broader civil justice community. For more information, visit www.iadclaw.org.