



King County Superior Court in Coordination with the King County Bar Association
Presents:

Conducting Remote Bench Trials in the King County Superior Court
Courtroom Procedures and Electronic Presentation of Evidence Using Zoom and ShareFile

Presenters:

Judge David Keenan, King County Superior Court
Judge Steve Rosen, King County Superior Court
Jane Morrow, Attorney Otorowski Morrow & Golden, PLLC
Isham Reavis, Attorney Aoki Law
Katie J. Comstock, Attorney Levy, Von Beck, Comstock, P.S.
Armando Padron-Cruz, Deputy Assistant Prosecuting Attorney King County
Colin Mieling, Attorney Schroeter Goldmark & Bender

Monday, June 22, 2020, 12:00 – 1:30pm

Via Zoom

AGENDA

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| 11:55am | Introductions and Overview |
| 12:00 – 1:00pm | Professionalism and Conduct of witnesses during remote trials (Ethics) <ul style="list-style-type: none">• Overview of the pretrial conference, preparing for a remote trial via Zoom, and remote trial procedure• Technical requirements for conducting a trial via Zoom and working with electronic exhibits via ShareFile
• RPC 1.1 (Competence) “requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation,” e.g., you need to be prepared for a Zoom trial and electronic exhibit handling.• RPC 1.1 cmt. 8. “To maintain the requisite knowledge and skill, a lawyer should <u>keep abreast of changes in the law and its practice, including the benefits and risks associated with relevant technology,</u> engage in continuing study and education and comply with all continuing legal education requirements to which the lawyer is subject.”• RPC 1.4(a)(2) requires you to “reasonably consult with the client about the means by which the client’s objectives are to be accomplished,” e.g., you need to talk with your client about |

whether a Zoom trial is right for you, and, if not, how you'll explain that to the court.

- RPC 3.3 (Candor Toward the Tribunal) requires that you be honest about, for example, what you've provided to your witness, what the witness has seen, what the witness has access to, and whether anyone is with the witness when they testify from a remote location.
- RPC 3.5(b) (Impartiality and Decorum of the Tribunal) prohibits you from communicating ex parte with the judge, e.g., don't send the judge a private chat message during a Zoom trial if you're unhappy with opposing counsel.
- RPC 3.4(a) (Fairness to Opposing Party) means that you can't do something to obstruct another party's access to evidence, e.g., don't conceal a document which you're required to upload to ShareFile.

1:00 – 1:30pm Live demonstration of trial scenarios

1:30pm Adjourn

King County Superior Court remote bench trials begin July 6, 2020. Are you ready?

Biographies

Judge David Keenan - Judge Keenan joined the King County Superior Court bench in January 2017, and serves at the Maleng Regional Justice Center in Kent, where he presides over criminal and civil trials. Judge Keenan brings a unique perspective to the bench, having grown up in poverty and interacted with the judicial system as a young man.

Prior to being elected, Judge Keenan worked in complex civil litigation at the global law firm Orrick, Herrington & Sutcliffe, where he litigated cases in state and federal court. As an attorney, Judge Keenan frequently represented marginalized communities free of charge in civil rights matters, and has argued before the United States Court of Appeals for the Ninth Circuit.

Judge Steve Rosen - Judge Rosen joined the King County Superior Court bench on January 9, 2017, having been elected to serve. Judge Rosen assumed the position previously occupied by Judge Richard Eadie, who retired from the bench.

Judge Rosen began his legal career in the Pierce County Prosecutor's Office, where he handled computer crime and tried many jury trials. He later moved to the King County Prosecuting Attorney's Office, where he focused on drug charges and juvenile offenses. Still later, he moved to the Attorney General's Office, where he prosecuted the state's most dangerous sexually violent predators.

In 2003, Judge Rosen opened his own law firm and focused on misdemeanor and felony defense as well as civil class actions. He also owned and operated a licensed real estate brokerage. For several years, Judge Rosen frequently served as a pro tem judge in the Federal Way, Olympia, Renton, Everett, Buckley, Bonney Lake, Milton, SeaTac, Tukwila, and Black

Diamond Municipal Courts, as well as in Pierce County District Court. In 2008, he was named as the part-time judge for the City of Black Diamond, and in 2010, he was elected to the Seattle Municipal Court bench, where he served until joining the Superior Court bench.

Judge Rosen earned his undergraduate degree at the University of Washington and his law degree at the University of Minnesota. During his time at Seattle Municipal Court, Judge Rosen became a leader in improving the racial diversity of our state's jury system.

Jane Morrow - had a vision of providing compassionate representation and zealous advocacy for injured people. Ms. Morrow's first career was not in the legal field, but in critical care nursing. Well into her nursing career, she witnessed the rise in the need for patient care in the form of legal representation, returned to school and completed her law degree. Now as a Medical Negligence/Personal Injury lawyer, she utilizes her medical background and industry expertise to dissect complex cases and bring them to a meaningful resolution. Ms. Morrow is a member in the law firm of Otorowski Morrow & Golden, PLLC. Her practice focuses on the representation of those who have suffered injuries or death due to the negligence of others

Jane is inducted into the American Board of Trial Advocates and a past Board member of the Washington State Association for Justice and the Washington State Bar Association Litigation Section Executive Committee. Jane currently Co-Chairs the King County Judiciary and Litigation Committee and is a member of the Kitsap County Bar Practice and Procedure Committee. Her commitment to public safety extends to her service on the Northwest Regional Board of the American Red Cross where she currently serves as the Chair of the Board in King County.

Isham Reavis - Isham Reavis is a trial attorney, litigator, and active member of the legal community. He has fought for his clients in matters including Criminal Defense, Civil Litigation, and Protection Orders.

Isham co-chairs the King County Bar Association's Judiciary & Litigation Committee and is a member of the Washington State Bar Association's Court Rules and Procedures Committee. He presents on legal ethics, legal technology, and civil rights. Before working at Aoki Law, Isham interned with the Federal Public Defender and externed for the Federal Trade Commission and the Honorable Marsha J. Pechman of the U.S. District Court for the Western District of Washington. In law school he served as a Managing Editor of the Washington Law Review. He is admitted to practice in all Washington state and federal courts.

Katie J. Comstock- Katie, a shareholder in Levy, Von Beck, Comstock, P.S., is admitted to practice in Washington, including the United States District Court for the Western and Eastern Districts of Washington. Katie's practice focuses primarily on construction defect litigation, real estate disputes, commercial collection, and homeowner and condominium association

disputes. Her clients include homeowners, small business owners, material suppliers, contractors, and condominium and homeowner associations.

Katie is a successful litigator who has been recognized for five consecutive years by Super Lawyers as one of the Top Attorneys and Rising Stars in Construction Litigation. Katie is also a fellow of the Construction Lawyers Society of America.

Katie is very involved in the legal community. Katie is a Co-Director of Continuing Legal Education Seminars for Mother Attorneys Mentoring Association of Seattle. Katie is also an active member of the King County Bar Association Judiciary and Litigation Committee, and Washington State Bar Association.

Armando Padron-Cruz - is a graduate of Stetson University College of Law. During his years in law school he participated as an advocating member of Stetson's Mock Trial Board and competed in three national competitions in Sacramento, San Francisco, and Chicago. Simultaneously, Armando worked for Smith Thompson Law, an insurance litigation firm in Tampa, Florida, where he capitalized on every opportunity to enrich his knowledge of trial preparation and motion practice. Armando supplemented the tools and skills he learned from Stetson Law's Mock Trial Board with the rigorous work experiences afforded to him by the firm. Armando attended every deposition, motion hearing, and trial as a means to learn and observe effective styles used by experienced, intelligent attorneys both inside and outside of the courtroom.

In the fall of 2019, Armando moved to Seattle, Washington, with his Tabby cat, Judge. After his acceptance into the Washington Bar, Armando applied his trial and litigation skills by tirelessly working for the victims of King County as a Prosecutor in King County District Court's Criminal Division. Armando sits on the Board of Trustees for the Young Lawyer's Division and is also a member of the KCBA's Litigation Committee and the YLD's Social Committee.

Colin Mieling - Colin is an attorney at Schroeter Goldmark & Bender. Colin represents individuals who have suffered wrongful death or serious personal injury due to exposure to industrial toxins. At SGB, Colin's practice concentrates on representing individuals and their families who have been injured as a result of asbestos exposure. In addition to his litigation practice, Colin has become exceptionally familiar with the nuances of asbestos bankruptcy trusts and has personally handled dozens of confidential arbitrations and mediations relating to several disputed issues.

Colin lives in Columbia City with his talented partner and their two children. When he is not practicing law, he can be found running around South Seattle at rather absurd times in the morning, hooked up to an apheresis machine, or in his kitchen, trying to convince his children that vegetables are, in fact, edible.