

## Judicial Panel: Litigation in the Face of a Pandemic

MAY 12, 2020

On May 12, Winston & Strawn, the Berkeley Center for Law & Technology, and the Berkeley Judicial Institute co-hosted a panel discussion on litigation in the face of a global pandemic.

Three of this country's busiest judges – Federal District Court Judges Alan D. Albright (TXWD), Rodney Gilstrap (TXED), and Maryellen Noreika (DED) – provided insight on how they are proceeding with cases while courts across the country are shut down due to the COVID-19 pandemic.

Topics of discussion included:

- What are the ramifications of COVID-19 on dockets?
- How are hearings conducted? What works well? What can be improved? What can litigants do better?
- What kinds of requests are coming in from litigants? How are they being handled?
- What lessons are being learned from this time? Will the way cases are managed or tried change after COVID-19?
- Has the new format of hearings impacted public access to hearings? Has there been any innovation in that area?
- Has moving to virtual hearings provided more opportunities for junior lawyers to argue?

### Panelists

**Judge Alan Albright** is the federal district judge for the Western District of Texas, Waco Division. Judge Albright was nominated by President Trump and was sworn in on September 18, 2018. Under Judge Albright, the Western District of Texas has become a hotbed for patent litigation, seeing more new cases since Albright took office than the previous four years combined.

**Judge Rodney Gilstrap** is the chief judge with the United States District Court for the Eastern District of Texas. Judge Gilstrap was nominated by President Obama and was sworn in on December 6, 2011. In 2018, he was appointed chief judge of the court. Judge Gilstrap oversees more than a quarter of U.S. patent cases and is often referred to as the busiest patent judge in the country.

**Judge Maryellen Noreika** is a federal district judge for the District of Delaware, the busiest patent jurisdiction in the country. She was nominated to the court by President Donald Trump and was sworn in on August 9, 2018. Prior to taking the bench, Judge Noreika spent 25 years at Morris, Nichols, Arsht & Tunnell where she specialized in patent law.

**Kathi Vidal**, moderator, is managing partner of Winston & Strawn's Silicon Valley office and one of the leading patent litigators and Federal Circuit advocates in the country. As a former Federal Circuit clerk with a bachelor's and masters in Electrical Engineering and five years of industry experience, Kathi focuses on technology cases. Kathi advises clients ranging from Fortune 100 companies to start-ups on the full-range of intellectual property and other technology law matters.

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Kathi Vidal