

*In Person Trials
are Resuming and
that Means Travel
is Resuming*

BY RYAN SPEAR



The backlog of trials continue to pile up in jurisdictions around the country. After a nearly six-month hiatus, courthouses are beginning to open up and likely in-person trials will again be taking place all over the country in a “New Normal.” Many of us will be taking our first flights and staying at our first hotels since the nationwide lockdown back in March. With so many things to consider on top of the normal craziness of preparing for a trial, we thought sharing our recent travel experiences and communications with hotels would be helpful.

New Sanitation and Health Safety Standards

Major airlines and hotel chains have all publicly shared their plans for sanitation and health safety standards to assuage guest concerns.

- [Marriott International](#)
- [Hilton Worldwide](#)
- [United Airlines](#)
- [American Airlines](#)

These procedures along with simple steps like wearing a mask, washing your hands and sanitizing surfaces will help to keep travelers healthy. Looking specifically at hotels, the plans are very well thought out and detailed, but it is up to the individual property and staff to carry them through. Will you have to wait 10 minutes for an elevator with no one inside? Are all staff members required to wear a mask and what about vendors and other hotel guests? In addition to sanitation, you must consider the hotel’s ability to accommodate distanced meetings, war rooms and working spaces. Will your remote network work all over the hotel? We have seen more firms inquire about large meeting spaces instead of or

in conjunction with using suites. We have asked for exact measurements and floor plans to illustrate how 6ft spaced desks will look. Assuming you are comfortable with the standards and specifications of the room set, you also want to consider what food and beverage options are available and the processes being followed to ensure safe handling. Are you more or less inclined now to order catering from outside the hotel and if you are in a meeting space is that even allowed (most hotels don’t allow food to be brought in to banquet space). Generally, you want to minimize the amount of outside contact that will be taking place and keep the team as isolated as possible.

These brings up a very important point about the trial team. Similar to what is taking place in professional sports, decisions will be made on whether a bubble is created with a lead-in quarantine time or if distancing and masks will be enforced at all times. Does the case require the team to physically meet in a room? Will you share a vehicle to and from the courthouse? Some of you may first have new norms established in your recently reopened firm office. However, for many this will be the first time back in a non-virtual working environment. The key is open communication with your team members and there is not a “One Size Fits All” answer. You will want to play out scenarios and have backup measures in place should anyone feel sick. Everyone should feel confident and comfortable with the plan, so they can focus on the case.

Your Business is in Demand

Let’s assume you have the plan set and you are now preparing to go to trial. Depending on the city your trial is taking place, some hotels are still not open. They could be in the process of setting a reopening date and your trial could be a determining factor. This provides a great opportunity to leverage your business and negotiate better terms. Most markets are still struggling to reach

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occupancies above 40% and because trial teams will be some of the first corporate clients, you will be in high demand. Hotels have furloughed and laid off many salespeople, so it could be more difficult to reach someone and get answers quickly. However, once you get someone you should be very well taken care of because they need your business more than ever.

We have and are in the process of negotiating many COVID-19 hotel agreements for trial teams. It has been a learning process for our clients and ourselves as we adjust to the unique circumstances in each situation. It is inherent that as a trial team, you have the best interests of your clients in mind. You look for every and any possible advantage to sway the jury's decision in your client's favor. While you have this focus on the court room, you can also protect your firm, your clients and your team by working with the right partner hotel. We break down some key things to consider as you get trial dates set and begin your accommodations search.

The Search: Start as soon as you have an idea of the trial dates. Gone are the days (at least for now) when you had to commit to a contract within a week of getting rates and availability from a hotel. Some hotels and certain geographic locations are projecting higher occupancies in the fall or next year, but that takes into account no further conference cancellations and added demand. Starting early will allow you to get a sense of the market and which hotels are willing and able to accommodate your special needs. We always recommend sourcing at least

5 hotels in a given area to obtain a cross section of rates, suite options and the ability to provide adequate internet needs at a reasonable price.

The Slow Play: In current times, it is beneficial to ask the hotels you feel could be a good fit to hold the rooms and space, while you wait further guidance from the court. Set expectations that you would not be comfortable having any financial liability until X date. If you are set on a

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certain hotel, ask them to draw up an agreement with no deposit or cancellation terms until much closer to your trial date. Keep them up to date on any pre-trial hearings, potential delays or changes in your requirements. Ask the hotel to provide you with the same level of communication if they happen to have a spike in demand or another group contract that would affect your rates and/or availability. You want to have "first right of

refusal" which means you get a certain amount of time to decide if you want to contract, before they release your hold to another client.

The Contract: We have many clients that have been burned by a strict hotel contract and a case settlement or dismissal. Depending on which side of the case you are on, this could be a WIN for the firm and the client, but why sacrifice monies when you don't have to. If you are on the wrong side or you simply have a new set of dates, but didn't protect yourself in the contract, the sting will be even worse. A settlement or dismissal would involve a cancellation of your contract. Assuming you have not checked in, your cancellation fee is usually set on a sliding scale with higher amounts as you get closer to check in date. Negotiating fees as close to check in can save you and your clients tens of thousands of dollars. Assuming you will check in at some point, you want to be protected by an "Early Departure" clause. This will help mitigate the amount of fees the hotel will charge for the lost revenue of your early check out. Prior to check in should a trial date change occur, you always want to ensure that 100% of your deposit and/or your cancellation fees will be applied to the new booking. This shows a commitment from your partner hotel as well as a commitment to the firm, that you will stay with them and not shop around. Following these simple steps will allow you to financially protect the firm and your clients, while ensuring you have suitable accommodations should the trial come to fruition.

Moving Forward

The debate of in person proceedings in court rages on. Some courts will land on a hybrid model with some virtual aspects and some in person. Some witnesses will be exempt due to health concerns or travel restrictions in place around the world. Some cases will settle or be moved to a bench trial, but we do know that as Justice Melton of Georgia's Judicial Council stated, "This broad prohibition cannot last too much longer, even if the pandemic continues, because the judicial system, and the criminal justice system in particular, must have some capacity to resolve cases by indictment and trial."

Many law firms are struggling due to business hardships caused by the virus. Trials are a big source of income for litigation firms and the need for revenue along with the client's need for resolution will support matters moving forward. "Going to trial" will pioneer the way for a return to business travel, along with helping the businesses near which the trial takes place. The gradual return of economic activities is required to restore the financial health of our nation's businesses and workers. However; physical and mental health must be the focus as we return to travel during these unprecedented times. Each firm and each individual at the firm will evaluate their own situation and make decisions moving forward. **ILTA**



Ryan Spear founded Spear Travel Group in 2017 in order to bring his exemplary hospitality experiences to best serve his clients. For over 15 years, Spear has provided luxury service to the world's most discerning guests. Working at 5 Star hotels, he has interacted with royals, celebrities and the most demanding of clientele. Spear brings all of this knowledge and experience to serve his clients to find the best travel accommodations for their needs.

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