

A View from the ‘Observation Deck’: How Latham Harnesses Remote Arguments to Get Associates a (Virtual) Seat in the Courtroom

“Maybe because everything is so unpredictable, a lot of our junior lawyers would say, ‘I got interesting opportunities that I wasn’t expecting.’” says Michele Johnson, Latham’s litigation department chair.

By Ross Todd
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One lingering question I’ve had since large swaths of the legal world shifted to remote work is how all the changes have affected junior litigators at large law firms. Those lawyers were already struggling to get court time and stand-up opportunities in front of judges and juries before trial dates got pushed and large portions of courtroom work shifted to video- or phone-conferences.

I spoke with **Michele Johnson**, the global chair of the litigation & trial department of **Latham & Watkins** for this week’s episode of Law.com’s Legal Speak podcast. The bulk of our conversation focused on her projections for **the litigation climate in 2021** and the challenge of keeping her team of 800-plus litigators connected while managing her own busy docket. But in the excerpt below, Johnson talked about the unique opportunities that practicing during the pandemic has offered the firm’s most junior attorneys. The following has been edited for length and clarity. I’ll be sure to link to the full podcast after it goes live on Law.com.



Michele Johnson, Latham & Watkins (Photo: Courtesy Photo)

Lit Daily: Tell me about how you’ve tried to maintain training and mentoring opportunities for young litigators while working in this all-remote setting.

Michele Johnson: I think one of the interesting things that we’ve put into place is what we call an observation deck, which is a curated list of our lawyers’ proceedings. It can be trials, arguments, motions, other things that now are remote. Before the pandemic, one would have to travel wherever and watch one of our colleagues give an opening statement or cross-examine a witness, or argue a motion.

But now, if you know about it, you can just click and log on and it's public and you can watch or listen. And so, our fantastic staff across the country has done the work to curate that list. So every day our associates can go find something that's in their practice group or in their geography—or not in their geography—or something they might find interesting, and click and watch it.

We encourage and support our lawyers to then meet up with any interested junior associate who might want to talk about the proceeding and get some background. That's been a great training and mentoring opportunity. We've had tons of involvement [and] engagement by our younger lawyers. They certainly miss being in person and getting that one-on-one training, but this is a silver lining to be able to connect our younger lawyers with opportunities that they might not have otherwise had the chance to do.

I think our junior associates are able to attend more hearings than what they have been able to in the past, and—this might be anecdotal— but I think they've been able to take more hearings and depositions than otherwise, because the budget would have only permitted one lawyer to travel. But now, two or more can attend remotely and the partner can sort of second chair the associate by either being right off-camera or remotely with the associate or on IM which is a very unique trend and opportunity.

That was my next question: Before this all started getting junior lawyers stand-up

courtroom experience or deposition experience was something that a lot of firms were struggling with. High-risk, highwire legal moments like that are when clients are less apt to hand over the reins and hand things off to a junior lawyer. I'm wondering now, with this new way of practice, if it's opened the door for younger lawyers? Or if it's made clients all the more apt in a time of uncertainty to go to their tried-and-true hands?

Yeah, I've observed the former. I've observed clients being open to allowing our younger lawyers to have more opportunities. It takes commitment from the senior lawyers to be there and to put in more time to train the junior lawyers than it would to handle it yourself, for instance. But, when we do that the client then gains additional confidence in that junior lawyer.

Each instance of a stand-up opportunity gives the client additional confidence in the junior lawyer and then next time you don't need the senior lawyer sitting right next to you off-camera handling your sticky notes. So, I've observed the former. Maybe because everything is so unpredictable, a lot of our junior lawyers would say, "I got interesting opportunities that I wasn't expecting."

Ross Todd is the Editor/columnist for the Am Law Litigation Daily. He writes about litigation of all sorts. Previously, Ross was the Bureau Chief of The Recorder, ALM's California affiliate. Contact Ross at rtodd@alm.com. On Twitter: @Ross_Todd