

IMPACT OF COVID-19 ON LAW PRACTICE

Written by *Marino Marrero Baez*

Lawyer Member Association of Certified Financial Crimes Specialists

INTRODUCTION

Covid-19 has created various problems around the world and the legal profession has faced them too. The virus has had an adverse effect on the legal professionals and law firms by putting across unprecedented challenges and disarrays. These challenges are not restricted to the courts and bars but also to the independent practitioners, contract drafters, and the legal consultancy service providers. It can be stated that the impact of Covid-19 has been felt hardest at the courtrooms. With the lockdowns and ban on gatherings, most courtrooms were shutdown. This has a large impact on litigation trials which take place primarily in packed courts. Several hearings have repeatedly postponed, depositions have been cancelled, and deadlines have been extended. Social distancing norms have been strictly enforced. Instances are aplenty. It's pandemic days. The courts are often packed like sardines with court room having 40 seating capacity swelling to 400. The scene of jam-packed court rooms, corridors, bar libraries, roads and pavements leading to court houses is common notes. But the world has changed amidst the pandemic health crisis and necessarily so. The judiciary proceedings have undergone transformation with utmost emphasis on health and well-being of humans.

THE EFFECTS OF LACK OF COURT APPEARANCES AND OLDER CLIENTS

The switch to remote work by lawyers and law firms is the need of the hour. At the backdrop prevailing crisis, the key areas need to be prioritized of prospective clients and potential litigants. It is of paramount importance to protect their rights, recovery of legitimate dues, defending undue claims and demurs besides voicing protest against unlawful claims and complaints. Prospective clients and potential litigants may be looking for legal counselling than

conflict strategy making. The larger interest of clients including mediation, out of court settlement, negotiation, conciliation and even time bound arbitration by those having specialized knowledge on the subject of dispute has to be taken care of. The options like alternative dispute resolution process with emphasis on resolving rather than lengthening the problem is a matter of priority.

The shift to online practice will be largely dependent upon the court appearances that have scheduled and the attitude of the clients. A large number of cases have been postponed and many courthouses were shut down. Some of the cases are essential in nature. These cases include the ones like criminal hearings, hearings around child custody and these have not been postponed. Nonessential hearings which include commercial hearings were put on hold. Now, the cases that a law firm deals with be it essential or nonessential will have an impact on how it performs during the pandemic. The law firms primarily dependent on nonessential cases and hearings will have a hard time to deal with the pandemic unless the hearings shift online. A secondary factor that will play an important role in the performance of law firms will be the attitude and flexibility of the clients. The relatively older clients who are not akin to technology will find it hard to shift to online client meetings. If the law firms find a way to properly communicate with the older clients through video-conferences, then it would help out their practice a lot and help keep the client's trust with the firm. Regular updates regarding the latest legal happenings and judgments would be important to keep clients engaged.

Pre-litigation review and due diligence of the cause and issues of litigation by an independent law firm just to gauge the depth of the matter may be opted by the law firms. The prudent clients should make in-depth pre-litigation review by independent law who are armed with a robust dispute resolution process. This will help not only the clients but also the law firms to dispose of cases in a quicker manner and it will help resolve disputes faster.

ONLINE HEARINGS IN FLORIDA

The e-conferences with clients, counsels, e filing and digital hearing are the viable options by which the judicial proceedings could take place in adherence to social distancing. State courts throughout Florida are operating in accordance with the United States Supreme Court Administrative Order AOSC20-32. Pursuant to that order, each court developed an operational

plan to address the requirements of the order and to clearly establish how the court would move into Phase 2. In AOSC20-23 (amended), the Supreme Court has suspended some of the deadline but many courts are still in the Phase 1. The ones that are in Phase 2 are still following strict social distancing norms to safeguard the health of the judges and the court employees. It is quite beneficial for lawyers since many courts are also hearing cases online through video conferences.

Five circuits were selected to participate in a pilot program of remote technology as an alternative to traditional in-person civil jury trials. The locations for the pilot projects of civil jury trials are:

- Jacksonville's Fourth Judicial Circuit
- Daytona Beach's Seventh Judicial Circuit
- Orlando's Ninth Judicial Circuit
- Miami-Dade County's Eleventh Judicial Circuit
- Fort Myers's Twentieth Judicial Circuit

The pilot is ongoing, and the results or outcome of the trials will be submitted to the Chief Justice by October 2.

CONCLUSION

The COVID crisis has left many jobless mainly in the private and corporate sectors. Overwhelming numbers of disputes have cropped up in many parts. The legal fraternity has a pivotal role to play in this humanitarian crisis- to bring out a truce with amicable resolution and effective compliance management mechanism in conformity with labor legislation. Many are suffering from psychological breakdown with family ties breaking up. The married life is also bearing the brunt of COVID- crisis. The global pandemic has provided the opportunity for lawyers to effectively play the role of mediators and restore happy moments in homes. The pandemic has also thrown up ample leisure time for lawyers to hone their skill. They could make judicious use of spare time by attending webinars, e conferences and workshops, writing articles, delivering e lectures, appearing in virtual court proceedings.