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Surviving the Virtual World and Real-Life Problems of Law Office Management after COVID-19

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with family law background supplied by my mom, **ELYSE MARGOLIN**, Esq. Founding Partner, Levin & Margolin.

Oh, wow, it is a strange time. It has been all year. Rough is an understatement. Like many, I share the seemingly oil-and-vinegar sentiments of being grateful and being frustrated. I'm grateful that I'm alive, that I'm working at all, and that I can work from home. Yet natural human social inclinations are being unnaturally inhibited.

Also for family law attorneys like my mom, who I interviewed for this article and talk to like 10 times a day (so I have more than a little clue into her professional life), being a family lawyer in Los Angeles in these times has led to an expanding advisory role like: informing clients of the ever changing status of the family law courts; understanding the academic resources offered by LAUSD; sharing local state and federal resources available to individual and business for economic relief; and negotiating with landlords who are supposed to be accepting rent deferrals. My mind vacillates between dwelling on physical mortality, to worrying about finances, to having to come to terms that I have to be more of a disciplinarian at home than I enjoy - while not being very good at it. Yet I have never found more solace in practicing law and navigating the ins and outs of statutes than in this time of solitude.

Prior to this week, I have spent several baths since April worrying about how I'll conduct cross-examination on a computer screen. But listening to the United States Supreme Court doing oral arguments telephonically on what I'm sure will become historic cases, (<https://www.cnbc.com/2020/05/12/listen-live-supreme-court-hears-arguments-over-trumps-tax-records.html>), I got over myself. If a landline with occasional toilet flushing (<https://www.npr.org/2020/05/07/851826555/toilet-flush-heard-during-supreme-courts-conference-call>) is good enough for the lawyers and justices in the Supreme Court, I should be thrilled that we get to do most of our legal work on an audio and video platform.

Practice Pointer #1: To Zoom or Not to Zoom

Zoom – You’ve got to Zoom, share your screen as well, and unmute. Just as in real life, pushing the mute button is a challenge for attorneys and politicians, so it goes in the virtual world. See this funny article: <https://www.wsj.com/articles/work-from-home-congress-also-cant-figure-out-how-to-unmute-11588869755>.

To be effective as an attorney in these times, you must be able to interface with colleagues on zoom.com because it is rapidly being adopted by the business and legal communities. It is also likely part of your kids’ educational platforms. That being said, there are alternatives.

Google Meet – Something I enjoy about Google Meets / Google Hangout is that you can more easily have a professional “hangout” with staff or colleagues in greater numbers. It more easily accommodates a party or seminar full of people on at once. It’s likely a component used in your kids’ virtual school as well.

Facetime – FaceTime by Apple is another alternative. It allows up to 32 people at once, provided everyone has an internet connected Apple product. <https://www.cnet.com/how-to/apples-32-person-facetime-chats-could-ease-self-quarantine-loneliness-get-started-now/#>

MS Teams – Many companies also use Microsoft Teams as well, so it’s good to be familiar with it. On Teams you can host events for up to 10,000 people. <https://www.microsoft.com/en-us/microsoft-365/microsoft-teams/online-meeting-solution>

A major issue for virtual communication, however, is its integrity and the ability of a lawyer who knows little to nothing about cybersecurity to be able to maintain their duty of confidentiality to their client while discussing sensitive or any information with their client on a virtual platform. After talking an old friend who is a cybersecurity lawyer I have known for many years, one whom I am not sure would want to be named, I have determined that the safest way to communicate with a client is to use a landline.

I understand that a landline has the least chance of being hacked and/or surveilled without a warrant, unless someone puts a physical old-fashioned bug in your house. Also, because the telephone infrastructure is mature and developed, there is much less chance that participants on a land line call get their lines crossed by unwelcome participants. <https://www.law360.com/articles/1273524/zoom-sued-after-bible-study-derailed-by-traumatizing-porn>

Practice Pointer #2: Put Protocols in Place Like Systems for Mail Pickup/Processing and Consider Updating Your Bar Information

For most, I would recommend putting in place a protocol to regularly have your hard mail picked up. However, based on a bad experience of missing important mail, and given the potentially long-lasting duration of the current stay at home order I now recommend some practitioners consider changing your bar address to your home if you plan to work virtually for any length of time (two weeks or more

<https://www.latimes.com/california/story/2020-05-12/coronavirus-beaches-reopen-los-angeles-county-move-toward-new-normals>.

I also recommend forwarding your mail to your home if you are the head of the firm, even if this is the first time in your legal career, or the first time in a long time you've been looking at your own mail. We don't have the luxury at these times of having several people look through mail at different passes. That being said, don't give up, and completely despair, if you do miss a piece of important mail, but do fix the problems that led to the mistake(s).

Administrative bodies, and the courts, will likely consider the promptness with which you respond once you are on notice of a missed deadline (unless jurisdictional), but see the court rules because it is possible some deadlines may be extended, which means you may not have miss that deadline after all:

http://www.lacourt.org/newsmedia/uploads/1420205131740520_NR_Order5-13-2020.pdf.

Consider the strength of your protocols and make the effort to improve your systems. If you make a mistake, these efforts are important and relevant in a sanction or other administrative or bar action.

Practice Pointer #3: Prepare to Continue to Work from Home

I for one believe we have an obligation to work from home if possible, to prevent the spread of the disease to essential workers. In fact, it's beyond a moral obligation; it's the law. To be clear, lawyers in California may be defined as essential workers, but it depends on what the attorney is doing. According to Governor Newsom's April 28, 2020 order, "professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities and critical sector services" are considered essential services.

<https://covid19.ca.gov/img/EssentialCriticalInfrastructureWorkers.pdf>

But for purposes of the Los Angeles Superior Court, even matters considered essential by the Governor's order must be conducted remotely through June 22, with limited exceptions such as family law restraining orders and ex-parte family law hearings. (2020-GEN-0 12-00, pages 4-8).

Only certain matters are considered essential and under state and local law, lawyers are prohibited from conducting non-essential or emergency matters (as defined by local state and federal rules of court) in the office. The office we're talking about is wildly different from the one you ran just a few months ago. If returning to work at an office, you may be subject to thermal imaging of your temperature, and or rules regarding how many can go to the bathroom at once. Needless to say, sanitizer will be everywhere and will replace coffee as the key to surviving the office.

Even if we do service essential services, I think we have a moral obligation to not get sick or expose others to sickness. We also have a simultaneous obligation to respect our clients – which may mean continuing to wear masks and sitting six feet apart. To me that is more awkward, and definitely more unsafe, than meeting virtually.

Practice Pointer #4: Make Information Technology (IT) a Priority

In this almost 100 percent virtual professional world, it is important to have a reliable IT person to navigate and mitigate the security risks of your home internet system. It's like having a guard at the front of your building. If you're a parent, or guardian, you may want to ask your IT person to get you going with some internet hubs in the backyard so you can handle your own Zoom meeting while your son swings, does phonics, and has you hose off his legs at the same time.

You also need an IT person to fix any computer issues you have. You will thank me profusely when they fix that perpetual wheel of death on your computer. You'll feel like a new person. I got three computers fixed last week. I felt like three new people, until that is, I momentarily stopped breathing for a second when the wheel of death appeared for a moment on my desktop tonight. That reminds me, I must confer about this issue with my household head of IT (my 11-year-old daughter Juliet who I nicknamed Beni, a female version of Benjamin Franklin), who taught me how to navigate Google Duo, Google Meet, Google Classroom, as well as Seesaw and Scratch. I would be lost, this article would never have begun, without my inhouse coder. If you don't have a child or adviser around the age of 10, get one and pronto. It also would not be written without this article's co-author and my chief adviser (my mom), and my husband, who takes care of me on the nights I'm awake worrying about the present and the future.

Practice Pointer #5: Apply for State, Federal and Private Loans ASAP

You will feel much better, be able to strategize how to make your next professional moves and concentrate more on the clients you presently serve if you have money for payroll, rent, and expenses the next 8 weeks. If you haven't applied for the Payroll Protection Program (PPP) loan through the federal government, please do. You can apply through your bank and simultaneously through Square or PayPal, and whichever is processed first will work.

My firm applied successfully through Banc of California, so I can recommend them. But I also recommend doing an application simultaneously through Square or PayPal. I just advised my someone on a PPP loan and she got approved in less than a week through Square.

Facebook has small business loans available. And the SBA will hopefully allow law firms to apply again for the Economic Injury Disaster Loan (EIDL), which is currently only available to the agricultural industry.

Practice Pointer #6: Take this Time to Plan

Figure out a Financial Game Plan for the year, including how to sustain current practice areas and create new ones based on current trends.

**Practice Pointer #7: Do What you Know How to Do –
Write, Write, Write, Read, Read, Read, Get Advice, Give Advice**

As an attorney that services people in the middle of the pandemic, be a resource for others especially your clients. For instance, my mom Elyse is not just advising her less techy clients on the ins and out of Family Wizard, but she is telling them how to get free computers for their kids from LAUSD schools, how to apply for the Angelino fund, and of course how to access SBA loans.

There is a lot out there, but many people are too stressed out and consumed with their obligations to pay attention. Many who are depressed don't pursue the funds because they assume they are ineligible. As a lawyer, be there to give your clients the strength to keep trying. Also, as family law attorneys, you are in a special and position to help negotiate family drama. In a time when many believe child abuse may be at an all-time high, try to help your clients diplomatically resolve situations. Of course, you're not responsible for your clients' actions but a little kindness and extra effort can go a long way to preventing tragedies.

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