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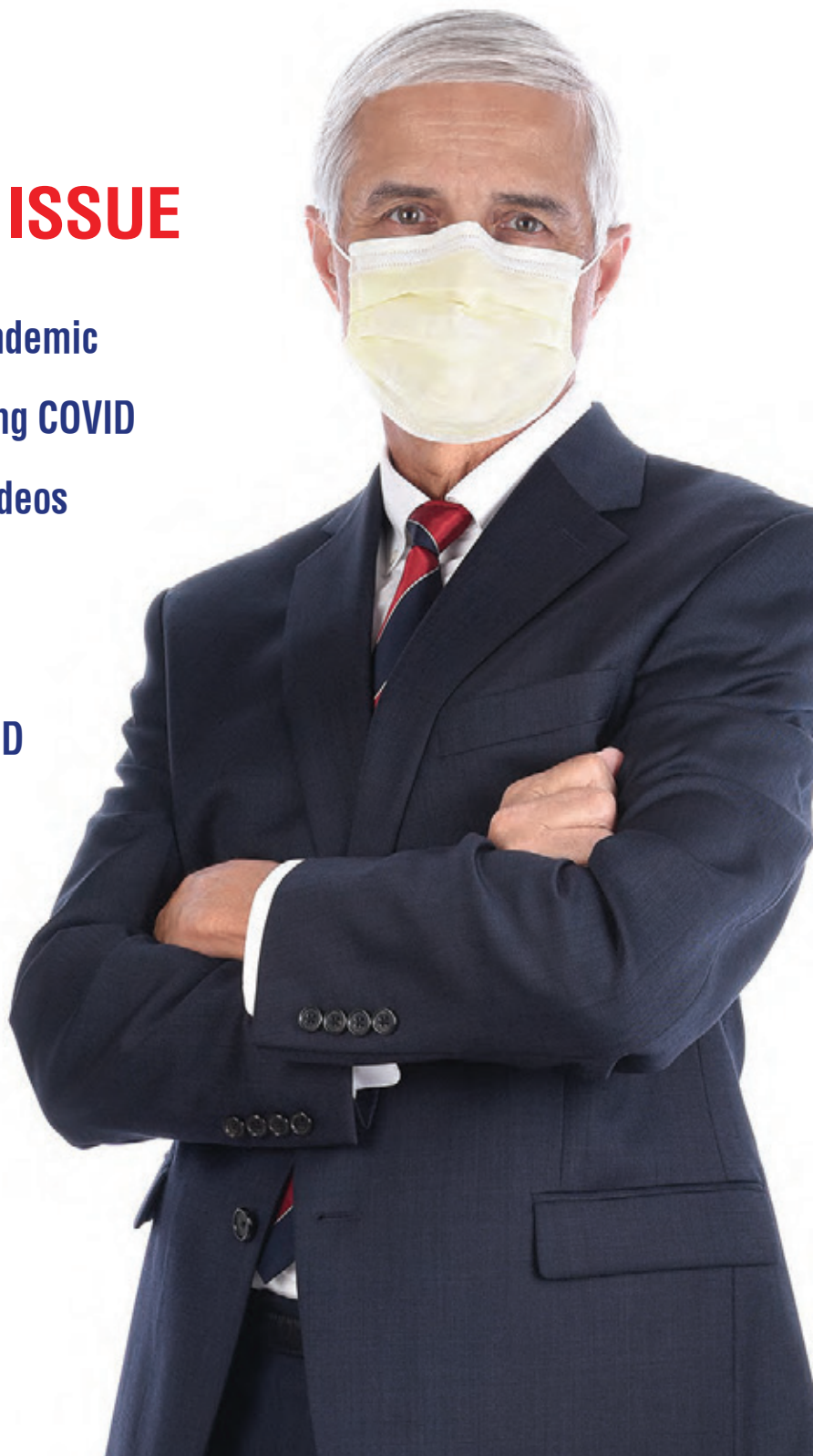
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Practicing Family Law During a Pandemic

The Pandemic should serve as a lightning rod to push firms to develop the ability to operate virtually and remotely if the need arises. COVID-19 aside, the practice of remote lawyering is here to stay.

By David M. Lederman, Family Lawyer

On March 13, 2020, I was conferring with a clerk of the Contra Costa family court regarding an order I needed to pick up. Advised that the order was ready, I said thank you and I'd have someone pick it on Monday. The response I received was that I had better send someone to pick it that day because the court would be closed the following Monday. "Excuse me?" That was my notice of court closure.

As a practitioner in Contra Costa County with a busy hearing/trial schedule, I learned that all of my hearings and trials were going to be vacated. Following this notice the courts struggled. On March 16, 2020, the Director of Health Services for Contra Costa County issued its order to shelter at home in response to the COVID-19 pandemic. On March 19, 2020 Governor Newsom issued his statewide order that "all individuals living in the state of California... stay home or at their place of residence except as needed to maintain continuity of operations of the federal infrastructure sectors..."

Moving to a Virtual Office

By Monday March 16, my office was 100% virtual: we had instructed staff members to work remotely from home, the phone system was forwarded to cellphones, we were all accessing firm data via the cloud, and we had continuity of operations. Our infrastructure was designed to be scalable and untethered to physical geography. Our data exists on a secure cloud data farm. There was no difference in our access to internal systems

and resources; we literally turned off the lights in our physical offices and reopened as a virtual firm the next day. In the modern practice of law, Distance is Dead.

We are now 30+ days into the remote practice of family law, and I've learned a few things. The biggest lesson is that while I still believe Distance is Dead, I also believe that humans need connection and structure. Let's break this process apart.

Database Management Systems

There are a variety of database management systems that enable the modern lawyer to work remotely and have access to data, as the British rock group The Who sings: "Anyway, Anyhow, Anywhere." It is not the purpose of this article to promote one system over another. My firm uses Smokeball. Others use Clio, PracticePanther, or a variety of other platforms.

The basic elements that I recommend firms look for in a practice management/data system include the following:

1. **Cloud-based, not physical servers.** If a firm is tethered to a server located on site, they are tethered to their firm's physical location and must manage the ongoing security issues that go with managing a local server. To access an on-premise server, the remote user must log onto the physical server somehow (and hope it is turned on). Cloud-based is always on and should have end-to-end encryption.

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2. **Communication tools.** One of the features I like about Smokeball is “Communicate.” Communicate is a feature that allows for intra office messaging.
3. **Integrated billing system.**
4. **Integrated accounting system.**
5. **Integrated calendaring system.**
6. **Integrated client-searchable document files.**
7. **Behavior tracking (automatic timing).**

From my perspective, the entire firm needs to “live” in the system.

In addition to a data management system, a modern firm needs a VoIP phone system. VoIP stands for Voice over Internet Protocol and this describes a phone system that uses the internet for phone services. One of the benefits of VoIP is its versatility. It is easy to route phones in any manner needed and it is not reliant on the phone company for services.

The Transition to Virtual Office

Since we were working through Smokeball, all of the attorneys were already able to work remotely. Each attorney has a Surface Pro computer that we use for court hearings, trials, conferences, etc., so we did not need to purchase and set up new equipment.

Our administrative staff was not set up for remote work, so I allowed the admin team to take their computers home and log in from home. That worked fine. Everyone is able to log into our systems and function as if they were in the office... Sorta... We are all able to collaborate as if we are in the same office, but working from home has its own unique challenges: kids, dogs, spouses, and a variety of other distractions that permeate the work-from-home environment.

However, some people need to physically get out of their homes to work effectively. It has nothing to do with ability. Although we all have the functionality to work virtually, that does not mean that working virtually is the most efficient system. Successfully working from home requires discipline and clear boundaries – and the other residents (both two and four-footed) need to respect those boundaries.

A separate room with a door – preferably one that locks for when you are video conferencing – away from distractions helps. Although I can work from home, I don’t like to. I’d rather be in my office space. During our period of isolation, I am able to walk to the office and work from there. The building is empty, except for my wife and me, so our family unit is not contaminated by interactions with others. Since I wanted to ensure my team’s safety, I couldn’t allow anyone else to work in the office with us.

Coping with Working from Home

To make this work, we need to try to make everyone still feel that they are part of a team and not left to drift on their own. I noticed that some people were far more productive the more I checked in with them, which of course led to me needing to constantly check in with them. My firm has two offices in different cities, and I normally divide my time between both. Under

the rules of the Pandemic, this was no longer practical.

Since staff could no longer walk into my office or hover at my office door, we needed to create an alternative. The communication feature of Smokeball helped, and we added Zoom video meetings a couple of times a week. To increase professionalism and personal connections, I mandated that video cameras should be turned on and staff appropriately dressed for these meetings.

Communicating with Clients

In the Pandemic world, intake to interview is handled virtually. Calls come in through the normal phone system, and we set appointments by phone or through Zoom video conferencing. Documents can be sent to the firm through a secure Dropbox link or secure email. Since we are a paperless office, we do not need to get bogged down by figuring out how to get paper documents delivered to the office.

When I have a Zoom conference with a client, I have two connected monitors and a Logitech camera and microphone perched on top of the monitor directly in front of me. I take notes and work off one screen and I share the second screen through Zoom with the client. This enables me to share my notes (if I want), and review shared documents in real-time. I actually prefer this system to in-person meetings (although the video feed can get jittery during times of high internet traffic).

Riding Out the Pandemic

I’ve been asked how practitioners should “ride out the pandemic.” To ride something, we need to know the duration of the trip; currently, we lack that clarity. The Pandemic is not a transitory episode to “ride out”; rather, it should serve as a lightning rod to push firms to develop effective and efficient infrastructures. The world that I hope we enter after the Pandemic subsides is a world where we can work together physically, but with an ability to operate virtually and remotely if the need arises. The COVID-19 Pandemic aside, the practice of remote lawyering is here to stay. ■



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Running Your Family Law Practice Remotely During the Coronavirus Pandemic

If you are scrambling to figure out how to keep your solo or small family law practice functioning in these days of social distancing and quarantine, here are eight tips.

www.familylawyermagazine.com/articles/running-your-family-law-firm-remotely-during-the-coronavirus-pandemic