

On Lawyering

The practice and culture of practicing law

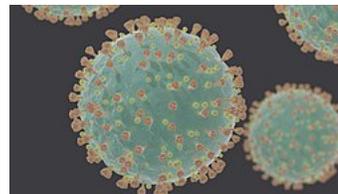
The Coronavirus Pandemic Has Irrevocably Changed the Practice of Law

📅 March 27, 2020 👤 Rich Cassidy 💬 Leave a comment

The Practice of Law Changed Irrevocably this Month.

The coronavirus pandemic has launched a worldwide, mass experiment in practice of law by remote means.

Of course, this isn't wholly new. All of us who have been in practice long enough have been seen our practices change a great deal since the internet became widespread. And many lawyers have adopted digitally enabled techniques to enhance their practices in very significant ways. A few have been practicing remotely exclusively for more than a decade.



But this week, with the Governor's Executive Order here in Vermont requiring workers in nonessential job categories to stay home, and with similar orders in California, New York State, and elsewhere, we embarked upon an unprecedented worldwide experiment in the remote practice of law.

Massive Use of New Technology

Across our profession, thousands upon thousands of lawyers are working remotely for the first time. Lawyers who, until this month, relied upon paper files are learning that they simply must have electronic, remote access to their cases. Real estate lawyers are struggling to figure out how to conduct closings without in person meetings. Town clerk's offices are closed to title searchers. Lawyers who at the drop of a hat would jump on an airplane to take a deposition far from home, are exploring various platforms for video conference depositions. Remote notarization of documents has quickly, if so far temporarily, been adopted in Vermont. Electronic wills will be next. At present, only essential cases are going forward in court, and we can expect, if this pandemic continues for weeks or months, that what has so far been limited use telephone and video appearances in court will become ubiquitous. Courts that have been previously refused electronic filing are accepting filings by email. In person continuing legal education programs are being canceled and many providers are not planning to reschedule them. Instead, they are joining the ranks of CLE providers that have already been using technology to present their programming.

Even mediations — where a premium has been placed on person-to-person contact — are now being scheduled on video platforms. My own experience, working with Zoom, suggests that, although in person mediation remain preferable, video mediation works well enough.

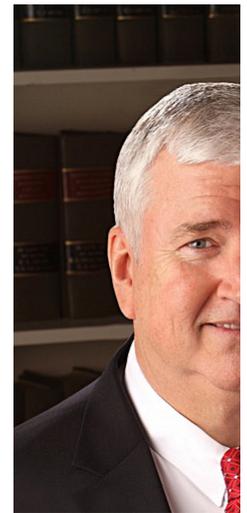
A New Normal

Even if you're an cockeyed optimist, and you think this pandemic will pass by Easter, the experiences of lawyers, and their clients, with the high-volume use of remote technologies to facilitate the practice suggests that we should not hold our breath expecting things to return to normal. They won't.

I don't mean to suggest that that every change that we are seeing now will be permanent. But by engaging in this massive test, we will learn what works and what doesn't, what's efficient and what isn't, and we will probably decide — or our clients will decide for us — that many of the in-person practices of the past are not essential.

So yes, we're headed to a new normal that will be considerably different from the recent past. How much change we will ultimately experience is not clear, but it won't be small.

Time to Adjust



Richard T. C.

The Wit and Wisc Horace Rumpole

"You very rarely see a co Bailey, which is one of tl an occasional case on Ci — Horace Rumpole

— *Sir John Mortimer*

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That doesn't have to happen to you. You're reasonably smart, or you wouldn't have come this far in our profession. So, don't be afraid. Buckle down and learn what you need to learn to adjust to the new normal.

We can do it if we want to.

Rich

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