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## **Long-Term Effects of COVID-19 on the Legal Profession**

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# ‘You’re on Mute!’ and Other Pandemic Practice Lessons

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**T**he COVID-19 pandemic has had a profound impact on the practice of law and is likely to have long-lasting side effects. When COVID-19 shut down our law offices in Philadelphia, Pennsylvania, we had about 24 hours to go into our offices, retrieve what we thought we needed for a week or two, and then wait for word when we would return. Our carpool commute to the office went on hiatus, replaced with a shuffle downstairs to a makeshift workspace.

Pennsylvania lawyers were soon advised by state officials that the practice of law was not deemed “essential.” Solo and small law firms were particularly hard hit during this shutdown, and many clients in need of legal services were adversely impacted. Through the advocacy of the Pennsylvania Bar Association and local bars, the practice of law was moved up the priority list, and a number of helpful measures were implemented, including remote notarization of documents.

## Why Is Our Dining Room Table Surrounded by Redwelds?

Most attorneys in large cities have been displaced from their law offices for well over a year. We crowded around the dining room table, with often conflicting Zoom meetings. Our three adult children also studied or worked remotely from our dimly lit basement or a bedroom, leaving the home printer/scanner and Wi-Fi overburdened. Rather

than fighting the traffic into the city each morning, we settled into a reliable, if uninspired, routine, reserving time for at least a short walk in the evening and the occasional Starbucks run. We also assumed elder care obligations after Kathleen’s elderly father suffered an injury. Working remotely helped us address his personal and medical needs.

## Embracing the Remote Workplace

We were pleasantly surprised by how many lawyers embraced remote working with enthusiasm, honing their cooking skills, boosting their fitness routines, and learning new languages for exotic post-pandemic travel. We studiously avoided self-improvement but did replace our ailing refrigerator with a shiny new model.

Attorneys transitioned into conducting witness prep and depositions via Zoom. In large cases with many parties, such as toxic tort or class actions, taking remote depositions saved substantial travel time and lodging expense. While handling exhibits remotely is more cumbersome, it’s no longer necessary to duplicate and carry multiple copies of every potential exhibit to the deposition. Attorneys now add to their standard questions for deponents “Who is in the room with you, and are you relying on your notes?”

Many judges have embraced remote technology and plan to continue to use it as a regular alternative to scheduling in-person conferences and for oral argument on at least routine discovery disputes. Judges conducted virtual meetings without having to manage a steady stream of lawyers in their chambers. Mediators proved especially adept at remote conferencing, placing lawyers, clients, mediators, and claims representatives in separate virtual “rooms.”

Drawing from this experience, we believe that lawyers who embrace remote technology and who

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are proactive in taking advantage of remote training, mentoring, and networking opportunities will better position themselves to adapt and succeed.

### Civility in Stressful Times

Practicing law can be a highly stressful profession. Studies show that lawyers experience a higher incidence of depression, substance and alcohol abuse, and other wellness challenges than most other professionals. Those adverse mental health effects were only exacerbated by the disruption, anxiety, and uncertainty that the pandemic added to the mix.

We also know that the transition to remote work adversely affected many women lawyers with children and affected attorneys of color. Parents had to juggle Zoom depositions while their children were attending school remotely or being home-schooled. Many attorneys felt overwhelmed, powerless, and isolated. The recently released 2021 American Bar Association Profile of the Legal Profession found that female lawyers reported experiencing stress about work during the pandemic and feeling overwhelmed at significantly higher rates than male lawyers. The Practice Forward Survey also found that one-third of senior attorneys changed their retirement plans due to the pandemic.

The pandemic also highlighted the importance of treating others dealing with the profound personal and professional disruption produced by the pandemic with empathy and respect. In addition to highlighting the resources available to lawyers in crisis or facing emotional or mental health concerns, the Pennsylvania Bar Association (PBA) has highlighted the importance of professionalism and civility by moving to designate its rapidly growing Civility in the Profession Committee as a permanent standing committee under its bylaws. Lawyers behaving badly reflects poorly on our profession, especially during a national public health crisis.

### Nurturing Networks Virtually

The pandemic has underscored the importance of active participation in professional development activities such as the excellent educational programming offered by our Villanova Law J. Willard O'Brien American Inn of Court and other organized or affinity bar associations. Thanks to video conferencing platforms and modified continuing legal education (CLE) rules, attorneys were able to satisfy all their CLE credits remotely.

The PBA held a series of virtual wellness programs that allowed lawyers to network and make new friends, offering succulent plantings workshops, chocolate and wine tastings, and remote mindfulness

walks. Many spouses and friends participated. The PBA had record attendance at these remote programs that offered a social networking component for those who had been isolated in their workspaces.

### Returning to the New Normal

Despite the natural desire to return to "normal," it appears that the majority of law firms are recognizing that remote work is here to stay and are implementing thoughtful hybrid work policies following reopening. Those policies take into account the results of employee preference surveys, firm culture, and specific practice group and client needs.

The new normal will not be a one-size-fits-all working environment. Rather, some level of flexibility seems warranted as a good business practice, particularly for those attorneys and valued professional staff who have demonstrated they can work efficiently and effectively from home, while also addressing their personal child or elder care obligations.

Smaller firms have found it easier to return to work, and some have mandated vaccinations for all. Some firms are setting aside separate work areas for those who are not fully vaccinated. Most midsize and large firms are planning to have lawyers and staff return to work in phases or on a staggered basis until the public health crisis is over. Law firms are closely studying these concerns and metrics and determining how to adjust their practice models and associate training regimen so as to retain valued young lawyers by offering greater flexibility through hybrid work options.

As of late July 2021, more than half of the lawyers at the large law firms in Philadelphia are still working remotely. Concerns about COVID-19 variants may delay the best-laid return to work plans. Well over a year into the pandemic, our dining room remains the site of competing Zoom calls, video screens, assorted office supplies, and paper. Piles of paper. It is getting a bit old. Our lawyer friends also seem ready to return to the office, at least on a hybrid basis, and look forward to interacting with their colleagues in-person again. ♦

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