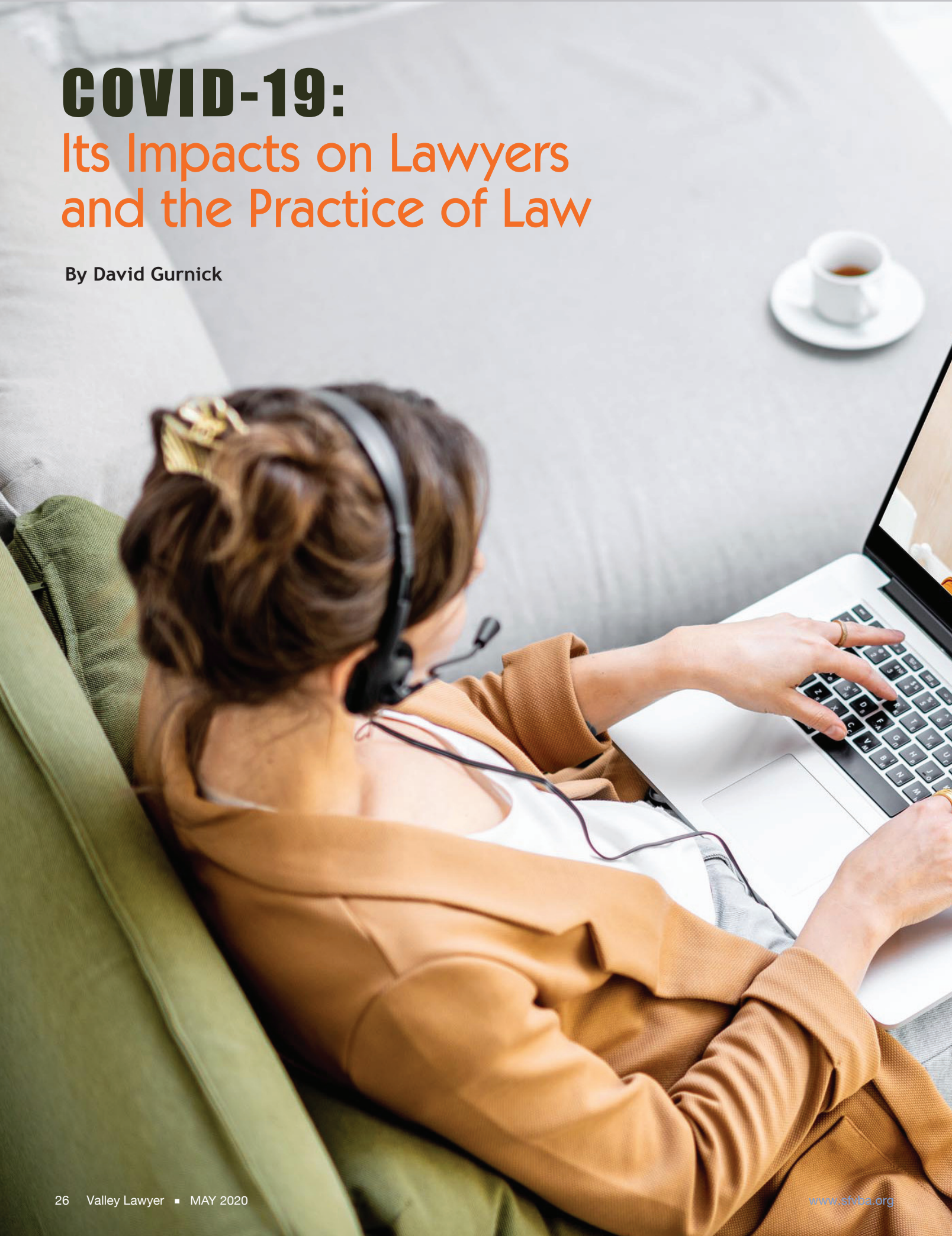


COVID-19: Its Impacts on Lawyers and the Practice of Law

By David Gurnick





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C OVID-19. JUST THREE MONTHS ago, this word did not exist. It first appeared in the *Los Angeles Times* on February 12, 2020.

That was a day after the World Health Organization assigned the name to the disease that, at that point, had sickened more than 42,000 people in China. At that time, there were seven cases in California and just five more in the rest of the United States.^{1 2}

In only a few more weeks, the word, and the coronavirus it refers to, have upended the world. The barely-visible microbe has proved far more disruptive than the world's chronic ethnic and religious wars, trade disputes, border closures, and politics.

The virus has, quite literally, wreaked havoc upon virtually every major aspect of society and daily life and has inacted dramatic changes for lawyers and the practice of law.

While it is too early to tell all the ways life and the practice of law will be permanently remade due to the crisis, this article looks at some of the most apparent changes so far, and how lawyers are coping.

Background: The Coronavirus

Coronaviruses are not new.

They are mentioned in court decisions as early as 1991, as well as a published opinion in 1994. They get their name from a crown-like appearance or corona seen when viewed through an electron microscope.^{3 4 5}

People may recall the SARS epidemic of the early 2000s, which was caused by a coronavirus. Most coronaviruses are mild. In fact, they also cause the common cold. They invade the upper respiratory tract, including

the nose and throat and cause cold-like symptoms. COVID-19, like SARS, attacks the lungs and lower respiratory tract, making it much more dangerous.^{6 7 8 9}

Coronaviruses spread through person-to-person contact and airborne droplets.

For example, if someone coughs on something, the droplets remain in place. If someone touches it, and then touches their own eyes, nose, or mouth, they are likely to become infected. The incubation period is about 2-14 days, while an infected person may not show any symptoms for as long as 14 days.^{10 11 12}

The current pandemic began in December 2019. It was first reported in the United States the following month and reportedly began in an unclean outdoor food-shopping center in Wuhan, China. Some people exposed there traveled abroad spreading the virus far and wide.^{13 14 15}

Its spread to the United States—its highly contagious nature, its deadly effects, and lack of immunity or any vaccine—mean other actions must be taken to defend against it.

Governments have imposed urgent, unprecedented measures to fight the spread.¹⁶

Measures Taken and Their Effects

Already, the measures taken are wide-ranging.

The President Trump has declared a National Emergency. Individual states have issued emergency and disaster declarations, while all 50 states, the District of Columbia and all U.S. territories are working closely with

the Federal Emergency Management Agency (FEMA). Under the President's COVID-19 emergency declaration, counties and cities nationwide have issued shelter-in-place, stay-at-home and safer-at-home orders.^{17 18 19 20}

Such orders have closed businesses, and mandated that people isolate themselves, avoid crowds, and stay at home.

Illustrative of the wide and deep effects of these measures, public gatherings have been restricted and in most places become unlawful.

Professional sports leagues have interrupted their seasons, while the annual collegiate basketball tournament—known as March Madness—was cancelled. Even the start of the Major League Baseball season was postponed, and whether the season will take place at all is in doubt.

Internationally, the quadrennial 2020 Summer Olympics has been postponed.

The world's amusement parks—Disneylands in California, Florida, Paris, Hong Kong, and Tokyo, Universal Studios, and the Cedar Fair—are closed and silent. Operas, concerts and theatre plays have ceased. Museums are shuttered. Giant cruise ships are docked or anchored offshore. The ringing ka-chings of Las Vegas casinos have been silenced as the casinos are closed, as are most shopping malls and movie theatres. Grocery stores, allowed to stay open, limit the number of customers inside, and require customers to lineup outside, six feet apart.²¹

At the businesses that are open, there are shortages of paper



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