



Changing regulations and lifestyle shifts during the pandemic have created a windfall for some law practices while others languish.

By AMY STULICK Staff Reporter

**A**re attorneys “essential” workers during the coronavirus pandemic?

Based on responses from Valley-region lawyers, it depends. Some legal practices have prospered in the last year while others have suffered. Many attorneys told the Business Journal they feel their hands are tied by closed courts, an uncertain economy and the ever-changing regulatory rules.

The **San Fernando Valley Bar Association’s** attorney referral service has seen an uptick in calls for family law practitioners, along with the more obvious employment law services and landlord/tenant law.

**David Jones**, president of the association and an employment attorney at **Lewitt Hackman** in Encino, said bankruptcy law has been another constant topic for people calling in, but not as much as anticipated.

“Looking at the national and local news, and people struggling economically, we thought there would be a more significant uptick in bankruptcy, but it hasn’t really exploded yet,” explained Jones. “Word on the street for bankruptcy is that it’s coming, it’s coming imminently, like any day. Once unemployment ends, people will file for bankruptcy.”

Lewitt Hackman ranks No. 3 on the Business Journal’s list of Valley-based law firms.

Sectors of law struggling to bring in business, Jones said, included personal injury and workers’ compensation, but specifically highly compensable, significant injuries.

“Some of the essential workers, you’re still seeing people operating forklifts, but the activity is so low in terms of the physical involvement of people that workers’ comp is down,” added Jones.

The Valley Bar president suspects transactional law has slowed too, a notion echoed in a study published by New York

management consulting firm **McKinsey & Co.** that outlines lessons learned from previous downturns.

The study said transaction practices correlate more with the rest of the economy than traditional practices such as litigation and restructuring. But some industries might see opportunity while others were hampered by social distancing measures and stay-at-home orders.

“A third set of sectors that are not directly affected by COVID-19 but feel the impact of a general slowdown or a moderate uptick as people’s lives change at work and at home (such as home improvement, landscaping and consumer electronics) are experiencing muted or lumpy demand,” the report said.

According to state regulations, attorneys are deemed essential “when necessary to assist in compliance with legally mandated activities and critical sector services.”

## Workers’ Compensation

Employer clients seek counsel on workplace rules and medical claims related to the virus.

**B**usiness for employment and workers’ compensation attorneys has skyrocketed for local firms, with employers keeping counsel on speed dial when it comes to handling COVID-related regulations.

Throughout the pandemic, employment lawyers have been working 18-hour days to keep up with demand while still finding time to send email blasts and participate in seminars to educate existing clients on changing operating rules, firms told the Business Journal.

“We probably had one of our best years last year, financially, but one of the most difficult years in terms of running a law firm,” said **Nick Roxborough**, partner at **Roxborough Pomerance Nye & Adreani**, No. 26 on the Business Journal’s list of Law Firms.

Managing a remote firm across dozens of households, he said, can be a logistical nightmare, especially with a massive workload.

“Our clients fortunately have still been in

business and still maintain a significant part of their workforce, but sometimes they’ve had to lay people off and so they have faced a backlash in employment lawsuits from those that may have felt the squeeze of the pandemic,” added **Drew Pomerance**, also partner at RPNA. “Because of that, we’re getting as many if not more calls from our employer clients to help defend some of these employer claims.”



**Drew Pomerance**

Sometimes, referrals from insurance brokerages have turned into workers’ compensation business for the firm, Roxborough said.

Insurance carriers are delaying coverage to employers who don’t go through workers’ compensation first for COVID treatment, based on a California law which assumes an employee got the virus from work; employers need to prove otherwise.

“We had one (agricultural) client who had a self-insured program. They’re very large in the Central Valley, and the carrier says, ‘We’re not

going to pay any medical claims for COVID until first there’s an order denying workers’ comp coverage,” explained Roxborough. “Carriers are pointing fingers and putting roadblocks out there for employers, like delaying coverage.”

RPNA represented this particular client, the employer, in a workers’ comp claim.

As with any other practice, employment litigation has struggled with closed courthouses, partly mitigated with virtual court appearances when available. Criminal and family court cases took precedent for in-person court dates when stay-at-home orders lifted.

“I have some cases that were scheduled to go to trial in April and May of last year ... of course they couldn’t,” said Pomerance. “That has caused difficulty with compliance, it’s wreaked havoc on keeping witnesses engaged and making sure they’ll be available. July got pushed to September and September got pushed to December.”

Cases that cross state lines have caused a slew of other issues for law firms too.

The RPNA team recalled a case in the Illinois court system in January, when two of its attorneys fell ill with the virus. The arbitration

<b>Roxborough Pomerance Nye &amp; Adreani</b>  <b>HEADQUARTERS:</b> Woodland Hills <b>PRACTICES:</b> Workers’ compensation, employment, business transactions <b>EMPLOYEES:</b> 22 <b>LOCATIONS:</b> 1
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panel refused to issue a postponement of 30 to 45 days for the case until RPNA representatives got an opinion from a judge in that state and presented it to the panel.

“We had to go to court in Illinois to basically tell the panel, ‘What you’re doing is denying RPNA’s client of effective representation,’” Roxborough told the Business Journal. “In Los Angeles, we weren’t allowed to be in the office, we weren’t allowed to be together as a trial team, we had to be in different houses, in different counties. The other side had a very large law firm based out of Illinois where they didn’t have the same restrictions.”

— Amy Stulick