

The future Ain't what it used to be

Pat Monks, Attorney at Law, Houston (Texas) USA

Well, are you tired of hearing what is the new normal going to be when the courts open? As the weeks progress, I really have learned the meaning of the FDR quote "The only thing to fear is fear itself". We all have our own feelings about the pandemic. The feelings range from impending doom from the liberal left, to this is a scammed hoax from the far right. The truth is somewhat in the middle. Where in the middle? I have no idea. I see post that the death rate is about .002 percent of most countries populations. Then you hear of death rates as high as 25% which would include a survival rate of 75% of those that survive ICU. I do know that vast number of deaths from Corvid 19 are cases where the victim was over 65 and had another critical medical issue. This would indicate that most people survive Covid 19. Only 12 million of the 318 million people in the U.S. have been tested. So, it is difficult to determine the real rate of contaminated people.

My personal experience with two families that contracted Covid 19 is that this virus is very contagious and aggressive. Both families experienced a week to 10-day fever, with a nasty 2 to 3-week cough to follow. I do not recommend being reckless with your hygiene because this is a nasty virus with no existing vaccine. But even if there were a vaccine, 25% of the American public would not even take the vaccine.

Regardless of the reality of this Virus and the true death rate, it has influenced our psychology. They say a habit form after 60 days. Guess what? It is formed. The Virus will affect business and law practices pretty much the way it has affected Human beings. If a business were in trouble before the pandemic it could be shutting down permanently. The same goes for any law practice that was in trouble before the pandemic. But we are finding from the ashes, come real opportunity. It is just a matter of watching for it to happen. The best book to read on the subject is "Who Moved my cheese" by Spencer Johnson. This book does not tell you have to react to change. It is more an outline of what happens to people when there has been a change in their work environment.

For the law practice, that change will be a closed courthouse and reduction in court cases. A reduction in in person legal representation. Many of the courts are experimenting with Zoom calls. Texas has just experienced its first Zoom jury trial in Collin County Texas. The case was more like a non-binding arbitration. But it did expose some personal weaknesses in our Jury system. Such as Jurors going off screen and emailing during proceedings. However, there was something positive that came out of this experiment. Most courts are going to allow proceedings to begin without the requirement of a client's presence. This archaic rule of requiring a client's presence has been outdated years ago. But many courts require it more as a ceremonial testament to the legal system.

Zoom meetings may not be the final format that courts use in legal proceedings like mediations, depositions, pretrial hearings and other non-trial matters. Just like the first cellular phones that carried huge batteries and had very short-range communication, Video conferencing will improve. The next few years I am sure we will see amazing improvements in video conferencing that will be easier to access, more secure, and track our current legal proceeding system.

I personally see great opportunity in the field of law. The ABA has indicated that new legal matters have dropped considerable. But that's more because Human behavior has been reduced to isolation at home. We are talking about a world economy that is coming out of Covid 19 hibernation. Some businesses and industries will be lost. Millions of jobs will be lost until new ones are re-engineered to accommodate the new world order. But life will go on. Until a Meteor hits the earth like the one that collided in the Yucatan and destroyed the Dinosaurs, we are still alive.

Lawyers are not going to be obsolete; they are just going to be different. The practice of law will be so different soon. Few realize when Abe Lincoln was a lawyer in Illinois in the 1850's. Judges and lawyers all traveled the circuit courts together. They all sleep in the same boarding houses and were often hired the day of court. Those days seem ancient and hard to conceive in our minds today. The same will be true for our lawyers of the future. Lawyers may be stunned to learn that we had so many in-people legal proceedings. They may even be shocked that we met in person. This may be an art form in our pre Covid 19 practice that will be obsolete. Our system of law will seem ancient and archaic. The future looks great. Just hang in there. Remember the only thing to fear is fear itself.

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