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SPECIAL COVID-19 ISSUE

Practicing Family Law During a Pandemic

4 Tips for Working from Home During COVID

Pandemic Practice Management Videos

Taking Your Case to Virtual Court

Why You Should Care About CARES

Estate Planning in the Time of COVID

Coping with Coronavirus Fatigue

**COVID: Surge in Divorce &
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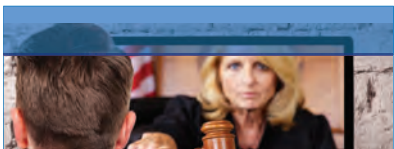
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MESSAGE FROM THE PUBLISHER



Dan Couvrette is the CEO of Divorce Marketing Group and Publisher of Family Lawyer Magazine, Divorce Magazine, and DivorcedMoms.com

The COVID Effect: Adapt and Create

You are receiving this special COVID-19 issue in an electronic format rather than the printed magazine that usually arrives at your office by mail. This is a first for us. This is the result of COVID – but it is also the result of our willingness to adapt and create a solution to address the anticipated problem that you may not be at your office to receive the print magazine due to the stay-home orders.

This special issue is about adapting and creating, and I hope we have demonstrated this way of life with this issue. Further, we have seized the opportunity to bring you six video interviews, recorded using Zoom or Google Meet, with family lawyers and other professionals on the subject of COVID and your practice. This is another first for us – but not the last. Watch for more of these interviews in the future.

Since the pandemic began, I've been scouring the Internet to learn what the best and brightest have to say about this global crisis. I want to know about the best ways to keep my family (including my work family) safe, what our lives will look like, and whether our "new normal" is here to stay. From reading articles to listening to podcasts to watching videos, I've gained insight into how life will likely unfold as a result of the business closures, social distancing, people working from home, government intervention, etc.

Also, as the owner of three divorce-focussed websites and Divorce Marketing Group, a marketing agency that is 100% devoted to helping family lawyers and divorce professionals grow their practices, I am keenly interested in what my business and family lawyers' business may look like.

In a nutshell, here's what I've concluded: family lawyers who are willing to change their mindset and adopt new ways of doing business can grow their practices significantly – both during and after the pandemic. This includes embracing technology and marketing on a whole new level. My conclusion is based on actual traffic statistics from our websites over the past 90 days, recent conversations with our new and existing family lawyer clients, and interviews with other business coaches and professionals. Please read about them on pages 15, 25, and 49.

All articles and videos in this special digital issue are devoted to helping you navigate COVID-19 while taking advantage of every opportunity to maintain or even grow your law practice over the coming months and years.

I hope this issue inspires you to adapt and create new thinking, strategies, and processes that are not just necessary for survival but also empower you to take actions that improve your practice, your life, and the lives of your clients.

Until we see each other again at a family law conference or in your office, take care, and be well.

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Practicing Family Law During a Pandemic



The Pandemic should serve as a lightning rod to push firms to develop the ability to operate virtually and remotely if the need arises. COVID-19 aside, the practice of remote lawyering is here to stay.

By David M. Lederman, Family Lawyer

On March 13, 2020, I was conferring with a clerk of the Contra Costa family court regarding an order I needed to pick up. Advised that the order was ready, I said thank you and I'd have someone pick it on Monday. The response I received was that I had better send someone to pick it that day because the court would be closed the following Monday. "Excuse me?" That was my notice of court closure.

As a practitioner in Contra Costa County with a busy hearing/trial schedule, I learned that all of my hearings and trials were going to be vacated. Following this notice the courts struggled. On March 16, 2020, the Director of Health Services for Contra Costa County issued its order to shelter at home in response to the COVID-19 pandemic. On March 19, 2020 Governor Newsom issued his statewide order that "all individuals living in the state of California... stay home or at their place of residence except as needed to maintain continuity of operations of the federal infrastructure sectors..."

Moving to a Virtual Office

By Monday March 16, my office was 100% virtual: we had instructed staff members to work remotely from home, the phone system was forwarded to cellphones, we were all accessing firm data via the cloud, and we had continuity of operations. Our infrastructure was designed to be scalable and untethered to physical geography. Our data exists on a secure cloud data farm. There was no difference in our access to internal systems

and resources; we literally turned off the lights in our physical offices and reopened as a virtual firm the next day. In the modern practice of law, Distance is Dead.

We are now 30+ days into the remote practice of family law, and I've learned a few things. The biggest lesson is that while I still believe Distance is Dead, I also believe that humans need connection and structure. Let's break this process apart.

Database Management Systems

There are a variety of database management systems that enable the modern lawyer to work remotely and have access to data, as the British rock group The Who sings: "Anyway, Anyhow, Anywhere." It is not the purpose of this article to promote one system over another. My firm uses Smokeball. Others use Clio, PracticePanther, or a variety of other platforms.

The basic elements that I recommend firms look for in a practice management/data system include the following:

1. **Cloud-based, not physical servers.** If a firm is tethered to a server located on site, they are tethered to their firm's physical location and must manage the ongoing security issues that go with managing a local server. To access an on-premise server, the remote user must log onto the physical server somehow (and hope it is turned on). Cloud-based is always on and should have end-to-end encryption.

Cont. on page 8

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2. **Communication tools.** One of the features I like about Smokeball is “Communicate.” Communicate is a feature that allows for intra office messaging.
3. **Integrated billing system.**
4. **Integrated accounting system.**
5. **Integrated calendaring system.**
6. **Integrated client-searchable document files.**
7. **Behavior tracking (automatic timing).**

From my perspective, the entire firm needs to “live” in the system.

In addition to a data management system, a modern firm needs a VoIP phone system. VoIP stands for Voice over Internet Protocol and this describes a phone system that uses the internet for phone services. One of the benefits of VoIP is its versatility. It is easy to route phones in any manner needed and it is not reliant on the phone company for services.

The Transition to Virtual Office

Since we were working through Smokeball, all of the attorneys were already able to work remotely. Each attorney has a Surface Pro computer that we use for court hearings, trials, conferences, etc., so we did not need to purchase and set up new equipment.

Our administrative staff was not set up for remote work, so I allowed the admin team to take their computers home and log in from home. That worked fine. Everyone is able to log into our systems and function as if they were in the office... Sorta... We are all able to collaborate as if we are in the same office, but working from home has its own unique challenges: kids, dogs, spouses, and a variety of other distractions that permeate the work-from-home environment.

However, some people need to physically get out of their homes to work effectively. It has nothing to do with ability. Although we all have the functionality to work virtually, that does not mean that working virtually is the most efficient system. Successfully working from home requires discipline and clear boundaries – and the other residents (both two and four-footed) need to respect those boundaries.

A separate room with a door – preferably one that locks for when you are video conferencing – away from distractions helps. Although I can work from home, I don’t like to. I’d rather be in my office space. During our period of isolation, I am able to walk to the office and work from there. The building is empty, except for my wife and me, so our family unit is not contaminated by interactions with others. Since I wanted to ensure my team’s safety, I couldn’t allow anyone else to work in the office with us.

Coping with Working from Home

To make this work, we need to try to make everyone still feel that they are part of a team and not left to drift on their own. I noticed that some people were far more productive the more I checked in with them, which of course led to me needing to constantly check in with them. My firm has two offices in different cities, and I normally divide my time between both. Under

the rules of the Pandemic, this was no longer practical.

Since staff could no longer walk into my office or hover at my office door, we needed to create an alternative. The communication feature of Smokeball helped, and we added Zoom video meetings a couple of times a week. To increase professionalism and personal connections, I mandated that video cameras should be turned on and staff appropriately dressed for these meetings.

Communicating with Clients

In the Pandemic world, intake to interview is handled virtually. Calls come in through the normal phone system, and we set appointments by phone or through Zoom video conferencing. Documents can be sent to the firm through a secure Dropbox link or secure email. Since we are a paperless office, we do not need to get bogged down by figuring out how to get paper documents delivered to the office.

When I have a Zoom conference with a client, I have two connected monitors and a Logitech camera and microphone perched on top of the monitor directly in front of me. I take notes and work off one screen and I share the second screen through Zoom with the client. This enables me to share my notes (if I want), and review shared documents in real-time. I actually prefer this system to in-person meetings (although the video feed can get jittery during times of high internet traffic).

Riding Out the Pandemic

I’ve been asked how practitioners should “ride out the pandemic.” To ride something, we need to know the duration of the trip; currently, we lack that clarity. The Pandemic is not a transitory episode to “ride out”; rather, it should serve as a lightning rod to push firms to develop effective and efficient infrastructures. The world that I hope we enter after the Pandemic subsides is a world where we can work together physically, but with an ability to operate virtually and remotely if the need arises. The COVID-19 Pandemic aside, the practice of remote lawyering is here to stay. ■



David Lederman is a Certified Specialist in Family Law by the State Bar of California, Board of Legal Specialization. He was appointed to the State Bar’s Family Law Executive Committee in 2013 and served as chair in 2017. He is currently an advisor to the California Lawyers Association, Family Law Section. www.ledermanlaw.net

Related Article

Running Your Family Law Practice Remotely During the Coronavirus Pandemic

If you are scrambling to figure out how to keep your solo or small family law practice functioning in these days of social distancing and quarantine, here are eight tips.

www.familylawyermagazine.com/articles/running-your-family-law-firm-remotely-during-the-coronavirus-pandemic



Why Family Lawyers Should Care About CARES

Here is what matrimonial lawyers and their clients need to know about the substantial tax and economic benefits of the CARES Act.

By John E. Johansen, Tax and Valuation Expert

The \$2 trillion stimulus bill, known as CARES (“Coronavirus Aid, Relief, and Economic Security Act”), was signed into law on March 27th with the goal of addressing the economic and industry impacts of the COVID-19 pandemic. It includes tax relief, grants, and loan assistance. Not only will the provisions of this Act affect divorce settlements in 2020, but the effects will also need to be understood and addressed by family lawyers for several years into the future. Here are how the key provisions of the act will affect these settlements.

2 Primary Loan Programs

The CARES Act created two primary loan programs:

1. the Paycheck Protection Program (PPP); and
2. the Economic Injury Disaster Loan (EIDL).

The PPP is primarily designed to cover the costs of keeping employees on the payroll while the business is closed. It is designed to be a forgivable loan if 75% of the funds are used to pay eight weeks of payroll costs (wages up to \$100K, health insurance and retirement plan contributions); 25% of the funds

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can be used to pay rent, mortgage interest, and utilities. The forgiven loan is not taxable.

If the funds are used for other business expenses and therefore not forgiven, PPP is a two-year loan at 1% interest with a six-month deferral period on repayment but not on the accrual of interest. This program was initially funded with \$350 billion and the funds were totally distributed in less than two weeks. As of the writing of this article, there has been a second round of funding approved and an additional \$321 billion in funding is in the process of being distributed to businesses.

EIDL, the second loan program funded as part of the CARES Act, offers working capital loans for payroll, accounts payable, and other bills, as well as fixed debts that could have been paid had the disaster not occurred. The loans are made only to small businesses with fewer than 500 employees and can be for up to \$2 million. The repayment term is 30 years at 3.75% with a 12-month deferral period on repayment but not of the accrual of interest. This program also ran out of funding, but as I write this, there also has been a second round of funding approved and an additional \$60 billion has begun flowing to businesses.

These programs are not only important to family lawyers trying to settle cases in 2020 but also in future years when they are looking at their client's or their client's spouse's business cash flow. The business valuation experts the lawyers hire to assist them will need to make adjustments to the financial statements of these businesses for the above programs – especially for the forgivable portion of PPP.

CARES Changes to the Tax Code

The two loan programs are not the only ways for businesses and individuals to receive much-needed cash flow – the CARES Act also made substantial changes to the tax code that can be utilized to produce immediate cash.

The first of these allows employers to defer their 6.2% share of the social security tax otherwise required to be made from March 27 through the end of the year; half of the deferred amount is due 12/31/21 and the other half on 12/31/22. Self-employed individuals can defer payment of up to 50% of their SECA tax.

Special rules apply to employers that receive PPP loans. They may defer deposit and payment of their share of Social Security tax, without penalty, through the date that the lender

issues a decision to forgive the loan. Once an employer receives that decision, the employer is no longer eligible for the payroll tax deferral on an ongoing basis. However, the amount that was previously deferred will continue to be deferred through the end of 2021 and 2022.

In addition to the deferral of the employer portion of the 6.2% Social Security tax, there is the Employee Retention Credit. This credit is not allowed to be combined with the above deferral or by an employer taking a small business interruption loan (PPP or EIDL), so it is important for the employer and their CPA to prepare an analysis of which program produces the greatest benefit for them. The Employee Retention Credit applies to employers who are at risk of closure due to COVID-19; they can receive a payroll tax credit against eligible payroll taxes for each quarter equal to 50% of the qualified wages paid to each employee.

The credit is available for an employer whose operations were fully or partially suspended due to a COVID-19 related shut-down order from an appropriate governmental authority or if gross receipts declined by more than 50% when compared to the same quarter in the prior year. The eligible wages for an employee are up to \$10,000 for all calendar quarters. Qualified wages include wages and health benefits paid to an eligible employee. Since the credit is 50% of up to \$10,000 of eligible wages, it could be worth \$5,000 in tax credits per employee, which can be applied to all payroll taxes – including the employer and employee share of Social Security and Medicare taxes, as well as Federal Withholding taxes.

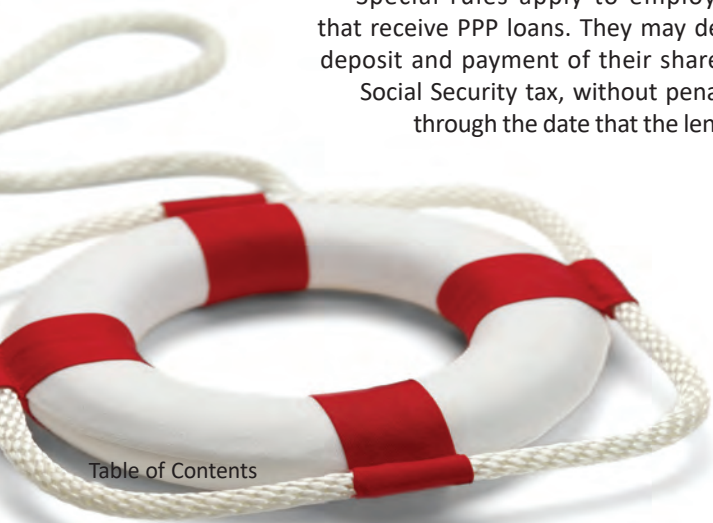
3 Changes to the Tax Cuts and Jobs Act (TCJA)

Three changes to the TCJA affecting businesses are temporarily eased and can be carried back to prior years to reduce taxes in those years, thereby producing refunds. These refunds can be requested for quick refund by filing a Form #1045 or Form #1139.

The first is that Net Operating Losses (NOLs) generated in 2018, 2019, and 2020 can be carried back five years; normally these losses could only be carried forward and would not be eligible to be applied to prior years. This means that if a business had a loss in 2018 or 2019 and is currently carrying it forward, they can file amended returns and apply it to the profitable years that they had in the last five years, reducing taxes and generating refunds of taxes paid in those years. Additionally, a NOL normally could only be applied to 80% of taxable income; for purposes of the five-year carryback, the 80% limitation does not apply. The NOL changes will also apply to NOLs generated in 2020 – and there are sure to be many.

The two additional business tax changes that can be applied to prior years by amending returns and thereby produce refunds are:

- The limit for deducting business interest on business debt is increased for 2019 & 2020 from 30% of adjustable taxable income to 50% of ATI.
- The cap on the deduction for business losses on individual returns is suspended for 2018 through 2020.



Prior to this change, the amount of trade or business losses over \$500K for couples and \$250K for single taxpayers was nondeductible with any excess carried forward.

A Welcome Correction to the TCJA

A key technical correction to the TCJA could produce the biggest refunds of all the changes created by CARES. The correction involves depreciation for restaurant, retail, and leasehold remodeling, known as Qualified Improvement Property. Under the 2017 Act, this property was meant to be given a 15-year life, making it eligible for 100% bonus depreciation; unfortunately, this did not happen, and businesses have been stuck taking these expenses over a 39-year period.

Now, businesses can amend their tax returns for 2018 and 2019 and take 100% of the cost of these capital improvements as an expense – thereby reducing taxable income or even potentially producing NOLs that could be carried back for five years. This change could be the life preserver that restaurants, retail stores, and other businesses need right now to stay in business.

Retirement-Related Help for 2020

The CARES Act also includes four key retirement-related easings for 2020.

1. Individuals can skip taking their required minimum distributions from IRAs and employer plans.

2. The 10% penalty on pre-59.5 payouts from retirement accounts is waived on up to 100K of Coronavirus related payouts.
3. Funds repaid within three years are treated as tax-free rollover distributions; otherwise, tax is spread over three years.
4. Eligible individuals can borrow up to \$100K from workplace plans – such as 401K plans – and repayments on retirement plan loans due in 2020 are delayed for one year.

An Increasingly Complex Tax Environment

As you can see, an already complex tax environment just became more complex. Family lawyers are going to need to be familiar with these concepts – but now more than ever, they need to have a strong relationship with an experienced CPA who understands the above as well as how the CARES Act will affect business valuations going forward. ■



John E. Johansen (CPA, ABV, CFP, MBA) has been part of the tax, accounting, and financial planning industry for over 25 years. Together with his team of professionals, he specializes in working with individuals and closely-held businesses in implementing tax minimization strategies. www.tax-first.com

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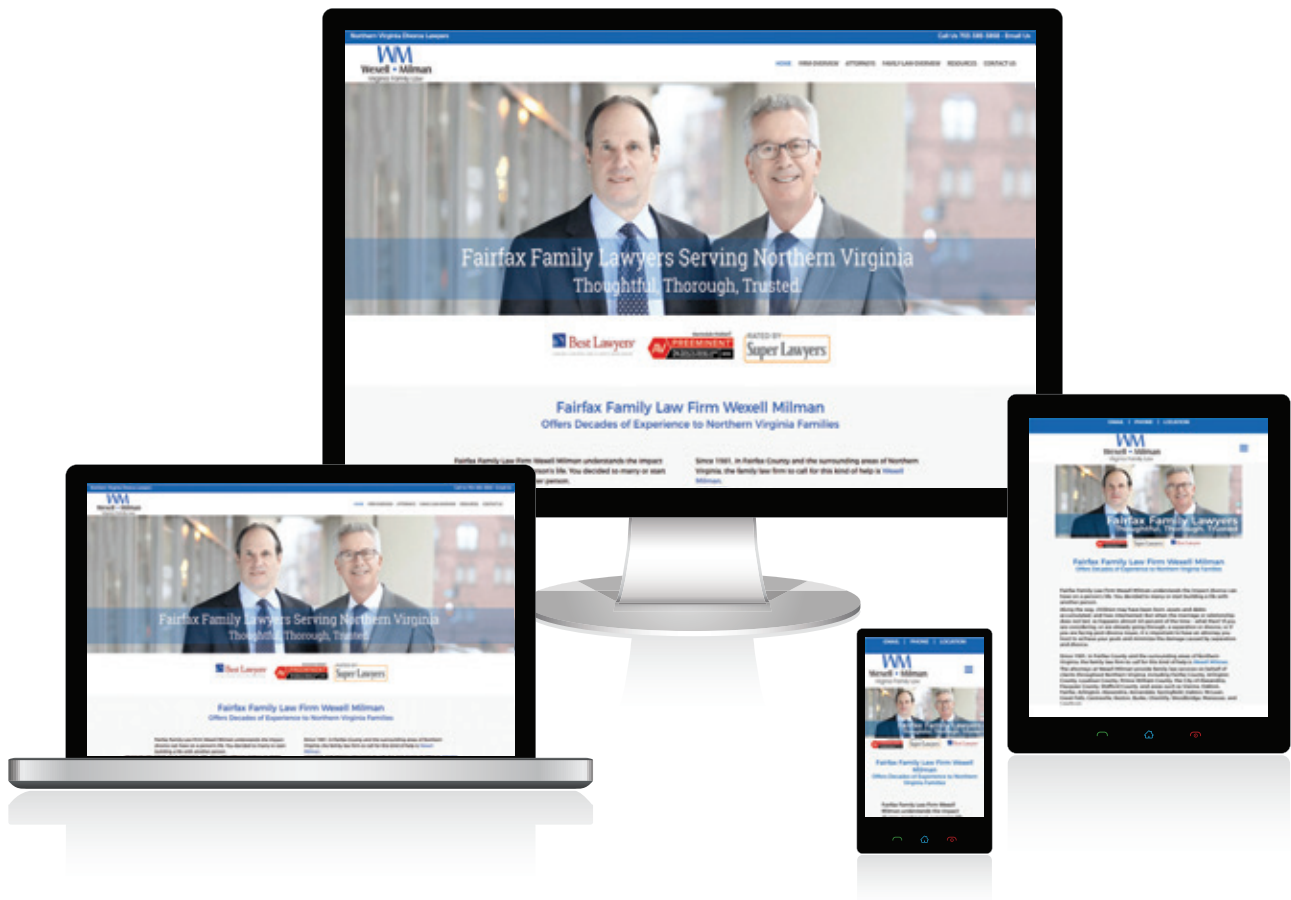
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~ Josh Woodburn, Partner
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“Thank you for sending me the link to your Firm’s website. It is very reassuring to read about your accomplishments and affiliations... in reading through the Family Law page, I really appreciated the Firm’s policy on actually focusing on reducing emotional stress and financial burden. I am terrified, to be honest, because divorce is a major change. But I now have a great deal more confidence in my selection of representation.”

~ M., a California client’s client



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COVID: Surge in Divorce and Family Law Firm Marketing

Our data shows some interesting trends on divorce in March, April, and early May, 2020. We also experienced family law firms upping their marketing ante with some urgency during this pandemic.

By Dan Couvrette and Martha Chan, Marketing Experts for Family Lawyers

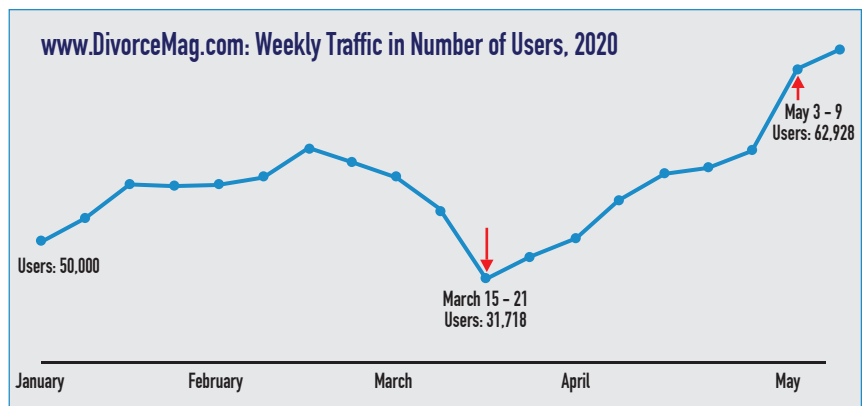
Our company, Divorce Marketing Group, has been working with both divorcing people and family lawyers for 25 years. Aside from marketing family law firms, we publish *Family Lawyer Magazine*, *Divorce Magazine*, and DivorcedMoms.com, and these divorce-focused websites receive about 3.4 million visits a year. This makes us uniquely well-suited to share data, experiences, and observations about the impact of COVID-19 on divorcing people and family law firms' marketing activities.

This article is based on actual traffic patterns of our and our clients' websites and on consultations with existing and new clients over the last three months. Our broad perspective allows us to provide some highly relevant information, trends, and insights that you cannot find anywhere else. We hope this helps you with growing your family law practice – both during and post-pandemic.

Online Divorce-Related Searches Increased in April with a Surge in May

Let us start by sharing the traffic volume to www.DivorceMag.com, which is 100% focused on helping people before, during, and after divorce. The chart (on this page) shows traffic

data between January 1 and May 16, 2020 (about 1 million visits for the first 4.5 months). While our traffic was steadily increasing since January, it began to drop in late February when COVID-19 began to dominate the news headlines. Our traffic hit a low in the third week of March when most states had either declared or were about to declare their stay-home orders. It took a few weeks for people to adjust to their new work and home situations, but by the end of April, traffic had climbed back to where it was before the drop. Then, in the first week of May, our traffic surged – it was twice that of the lowest point in March and last week, we had the highest traffic in 2020.



This suggests that COVID-19 might have delayed some people from moving forward with their divorce, but now that they have lived with the pandemic – and their spouses 24/7 – for a couple of months, they have decided that life and divorce have to go on. In fact, there is likely to be a surge of new cases just around the corner due to the “deferred” divorce, unhappy couples having to spend a lot of time together, and conflicts between exes over parenting during a stay-home order. China, for example, reported a spike in divorce filings when the country began to emerge from quarantine in March.

Our Family Lawyer Clients’ Experience over the Last Three Months

Traffic reports from our clients’ websites show that same pattern with a dip in traffic in March and a rise in May. Some of our clients say they have actually been busier than before the courts were closed. As co-parents continue to interpret the stay-home orders differently, child custody and parenting time cases have increased dramatically. Some have experienced a drop in new cases in March and April and an increase in May. One client said she had 30 cases too many and is now hiring. While these are anecdotal stories from some of the 250 family lawyers currently working with us, the trend matches the DivorceMag.com traffic pattern for the same period.

Close to 99% of our clients have not reduced their marketing programs – especially their search engine optimization (SEO) and pay-per-click (PPC) advertising budgets – they have contracted us to deliver. They continue to use our monthly newsletter to stay in touch with their referral sources; they are seeing a much greater value in using a monthly newsletter to stay connected with their clients and referral sources on a regular basis to provide updates about courts, new office procedures, etc., than ever before.

A Growing Sense of Urgency to Market Their Practices

Some clients are seizing the opportunity to publish articles on their firms’ and our websites, and record podcasts and videos with us. Although shooting a professional video in a client’s office isn’t possible right now, we are recording many Zoom videos on topics related to divorce and COVID-19. One video we recorded with a client in April received 10,500+ views in just two weeks after it was posted on DivorcedMoms.com and on our DivorcedMoms Facebook page. An article we posted on DivorcedMoms.com resulted in our California client being interviewed by a French media company. Now, she cannot wait to record her podcasts with us – something that has been put on the back burner for 6 months. A Pennsylvania family lawyer client is eagerly awaiting her new firm brochure and stationery to be printed since we rebranded her company with a new logo and website design last month.

Clients who have contracted us to redesign or build new websites for them want them to be ready when their stay-home orders are lifted. A new client in Chicago wants us to take over their website, redesign it, and launch it in 30

days. A client in Newport Beach just found out their courts will be reopening on May 22, so he asked us to help launch his new Google PPC advertising campaign a few days prior to the reopening.

We Have Had Our Best Two Months in New Business in 25 Years. So Can You

Since March, family lawyers have been actively contacting us and asking how we can help them better market their practices. These new clients have also taken a much shorter time to make their decision to hire us than what we had experienced prior to COVID-19 – and they cannot wait to get started.

Our new clients not only want us to build new websites for them, but they are also taking our advice to let us edit existing – and write new – text that is optimized for search engines and that helps differentiate their firm from the competition. They realize they need much more than window dressing – such as an improved design and new pictures of their attorneys – to be successful. They want podcasts, newsletters, and to lease our Divorce Guides to make their website a resource that will have prospective clients return and pass along as a resource to others.

The stay-home orders have made some law firms realize they need to increase their online presence and find new ways to keep referrals coming. For 25 years, Divorce Marketing Group has been telling family lawyers that they need to attend to their online footprint, and some firms are now taking this advice to heart – asking us to audit then clean up their online reputation and help them collect 4- and 5-star reviews on their Google My Business page. Some clients have expanded their marketing efforts into social media by asking us to create/improve their Facebook and LinkedIn pages and even post for them regularly.

Our marketing agency has set a record high for new business in March and April, and as we write this article, May is trending in the same direction. We assert that our new business did not increase overnight just because of COVID-19. It is about being ready. Divorce Marketing Group has created a roster of great products and services, built an excellent reputation among family lawyers, and consistently invested in marketing before and during the last few months.

The same is true for your family law practice: if you have a good practice and it is supported by a solid marketing foundation, you can grow your practice both during and after this pandemic.

Get More Referrals While Practicing Physical Distancing

Family Lawyer Magazine emails a newsletter to 24,000 family lawyers and divorce professionals twice a month. The recipients are extremely busy people who one may think would not have time to read newsletters. But as we have always told our clients, if you train people that you have a newsletter

Cont. on page 45



Taking Your Family Law Case to Virtual Court

As we shelter in place due to COVID-19, lawyers have had to adapt to remote practice and remote hearings. Here is how to “appear” when your appearance is virtual, and why your newfound online skills may be useful for the months – and perhaps years – to come.

By Timothy J. Conlon, Lawyer and Author

Like many jurisdictions, our small state’s domestic practice has traditionally funneled to county-wide calendars, assigned to specific judges, broken up to include both contested and uncontested divorces, paternity matters, child support collection, and miscellaneous petitions for other relief, such as modification or enforcement of existing orders.

These calendars were called daily, often resulting in a crush of folks coming to the Courthouse as clients, lawyers, witnesses, and the various supporting cast of characters assembled, who tried, with varying degrees of success, to be ready as their case was called. Not surprisingly, cases were often continued due either to scheduling conflicts or the parties’ desire to resolve an agreement through further discussion outside of court. In many other instances, agreements were made and orders were entered, or placed on the record, to be entered after the fact.

Occasionally, there were telephonic hearings, either because a party was out of state or in prison.

Then COVID-19 hit.

Since our courthouses were basically mass public meeting places, they had to be shut down. If there was one place

no lawyer wanted to be, it was in a packed courthouse, and it made no sense to expose the entire judiciary to the kind of risk posed by the pandemic.

Of course the Court never really closes: a Judge can issue an order over the phone or from their house, as long as the basics are in place. They have been doing so for years – issuing warrants and ordering detention on nights and weekends – but now we needed to be available and safe at the same time.

The Courts Are Evolving

Within days of the shut down, I heard from lawyers (and judges) that informal processes were evolving to allow lawyers to confer and handle emergency matters over the phone or online. One clever judge, having seen his children attending school over Zoom, held a Zoom conference with a guardian and counsel for the parents in an emergency matter, much as he would have done in chambers pre-COVID. It saved everyone the time of getting to the courthouse, and it protected the guardian, who was immuno-compromised from prior chemotherapy.

Word started to spread, and in consultation with the Judges and the Bar, legal counsel for the Court formulated the

temporary Executive Order under which we now function. This Order formally creates a process for the Court to act remotely on emergency matters, and allows for non-emergency matters to be handled remotely by agreement. (Admin Order 2020-02, RI F. Ct.)

How to “Appear” When Your Appearance Is Virtual

If you are in one of the many jurisdictions that has gone online, here are four tips about appearing virtually:

1. When appearing virtually, you still need to appear professional.

At least one Judge has cautioned lawyers that virtual court is still court, so video conferencing from their bedrooms (from bed in one instance), wearing casual clothing, bathing suits, or even appearing shirtless is unacceptable. If you don't know how to set up your background, lighting, and audio, there are plenty of online resources to help.

2. Be prepared.

Going online for a hearing doesn't mean you should “wing it” when it comes to the mechanics of getting before the Judge. It may have been years since you had to figure out how to get into a courtroom or where to sit, but now you have to learn some of that all over. If your court uses a particular platform (ours uses Webex, many are using Zoom), get familiar with it before your appearance. Being used to some other platform isn't a reason to ignore the need to learn the medium in which you will be appearing. Trial or free versions of most of these apps are available; consider “buddying up” with another lawyer at your firm to practice using the platform before you get to virtual court.

3. Prepare to be effective.

When appearing online in front of a Judge, you have to prepare as thoroughly as you would if going to court – and then some. Iron out the process for submitting and marking Exhibits before the hearing starts. Make sure you have a way to watch the proceedings and a way to look at your notes (or any other materials you need to present your case) at the same time. In our jurisdiction, the clerks can “share” a document they are looking at with the entire room. That is very helpful for examining a witness, but I also have marked copies of key documents in my file that I use to examine witnesses. Make sure your copies are paginated the same way the court document is.

4. Prepare your client.

You wouldn't bring a client to counsel table without discussing the rules of the road, so why would you let them loose with a video camera and open mic in front of the opposing party and the Judge? After you have prepared for your own digital appearance, prep your client. Remind them of how to dress, how to appear, and that they should speak only if spoken to. The usual problem of not having folks talk over each other is amplified when you are online, and no one likes somebody continually butting in. Consider practicing with them until you are sure they understand the dos and don'ts of their day in virtual court.

Why Bother to Perfect Your Virtual Court Skills?

This may seem like a lot of time and energy to devote to a temporary situation. However, consider the following:

- **The new normal for courts may be normal for some time.**

Not unlike sports stadiums or movie theaters, courthouses are high-volume, tight quarters, with a large turnover every time they open. Just like the stadiums and theaters, courts are likely to be the last to go back to “business as usual” – if they do at all.

- **This may become more normal than you think.**

Leaving COVID-19 aside (please!), how would you like to be able to appear in any court in your jurisdiction without leaving your office? How would you like to be able to book appearances at specific times, and have a virtual chambers conference to move a case along without tying up an entire morning in court? What would your day be like if you didn't have to get from one courthouse to the next because all the cases were online? What if you did your mediations that way? In preparing to go digital, I spoke with administration in the Alaska court system, and they laughed at the idea that a lawyer would spend time driving from courthouse to courthouse, or that everyone would have to wait in a physical courtroom to have their case heard. Distance being what it is in Alaska, they have been doing telephonic hearings for years. Their summonses have a dial-in number and time, and the clerks stack clusters of cases on hold to move before the Judge for telephonic hearings at or around their scheduled time.

All of us want to put COVID-19 behind us ASAP, but it may take some time – and at least some of the practices that are a part of this new normal may prove useful to streamline the handling of family law cases going forward. Years ago the paperless office seemed like a dream, yet now we take it for granted. There are equally compelling reasons to get up to speed on your virtual courtroom skills as we may find perfectly good reasons to do virtual appearances long after COVID is just a memory. ■



Timothy Conlon studied electrical engineering and pre-law at Brown; in 1983, he was the first to bring a computer into Family Court in Rhode Island. He was MIS Director for the RI Attorney General before entering private practice in 1987, and he co-authored Electronic Evidence for the Family Law Attorney (ABA, 2017).

www.tjcsq.com

Related Article

Gathering, Organizing, and Presenting Evidence

“Well Begun is Half-Done” applies to trial preparation – especially in relation to gathering, organizing, and presenting evidence in family law cases.

www.familylawyermagazine.com/articles/gathering-organizing-and-presenting-evidence

4 Tips for Family Lawyers Working from Home During COVID-19

Family lawyers working from home during the pandemic need to keep on task (including tracking their time), set realistic boundaries for when they're available to communicate with clients, offer helpful remote tools and technologies to their clients, and keep up with COVID-19 news and how it might impact their cases.

By Chris Beck, Marketing and Sales Entrepreneur

There's no precedent for how to handle the COVID-19 pandemic. It feels like much of the world's stopped turning. However, as a Family Law attorney, you're continuing your work at home. The last thing you want is for circumstances to delay or derail your cases. But to keep your matters moving forward, you have to adjust to a new normal. Here are four tips for settling into a routine and helping your clients navigate shared child custody during the coronavirus outbreak.

1 Keep on Task and Track Your Time

Transitioning to working from home when you're used to going to the office is tough. One of the best ways to remain on top of your cases is to find the right tool to track your time, even if you don't use billable hours.

Some Family Law attorneys rely on manual time-tracking methods, whether it's paper and pencil or a spreadsheet. Fortunately, there's a lot of helpful technology out there to assist practitioners. If your firm invests in law practice management software, such as Rocket Matter, MyCase, or Clio, or legal billing software like Timesolv Legal, Time59, or Bill4Time, then get to know the software's time-tracking capabilities. These platforms let you track your time on specific matters,

which makes invoicing less of a hassle.

If your firm doesn't use practice management or billing software with a timekeeping feature, then consider a stand-alone time tracking app. Tikit Carpe Diem, iTimeKeep, and On-Core Time Master are just a few options. Some of these programs sync with legal billing software – something to check out before choosing one.

A final option is passive time-tracking software, like Time Miner. You can download programs onto your computer or phone that track how much time you spend on the applications on that device. This method has the benefit of documenting time on work-related matters you might miss in the whirlwind of distractions at home.

2 Communicate with Clients – But Set Boundaries

The best thing you can do is proactively reach out to your clients to address their concerns. Everything is up in the air right now, and they need assurance. They want to know your firm is open, and you're still paying attention to their child custody matters. Let them know your firm is handling cases securely and confidentially while everyone works from home.

Don't get stuck answering your phone and returning emails at all hours of the day. Working from home requires

boundaries. If you're taking care of children, relatives, and pets, be realistic about when you can answer and return phone calls and emails.

Manage your client's expectations by giving them the most likely times you'll be available. You might not be at a desk from 9 a.m. to 5 p.m. anymore. Also, be honest about the amount of time it'll take you to return messages. While you might have gotten back to most clients the same day while working at the office, it's now reasonable to say there might be a 24-to-48-hour delay for non-emergencies.

3

Your Clients Are Home, Too – Offer Them Helpful Remote Tools

You aren't the only one suddenly working from home. Many of your clients are navigating working from home with children out of school for the foreseeable future. There are at least 124,000 public and private school closures in the U.S., affecting at least 55.1 million students, according to Education Week's Coronavirus and School Closure Map. Though parents should respect court-ordered parenting time schedules, they might have to figure out new childcare and schooling arrangements. Adjustments could put a parent in alcohol recovery at home with their kids for longer periods.

Handling a matter involving custody and alcohol presents unique challenges, especially during the COVID-19 crisis. Children's safety is paramount. A few months ago, an emergency room trip for a few stitches wouldn't potentially expose the family to a dangerous virus. Now, families must avoid non-essential trips outside of the home.

Co-parents need solutions for working together and keeping their children safe. Telehealth and remote alcohol monitoring options are available to parents willing to prove their sobriety. Soberlink is a comprehensive remote alcohol monitoring system with automatic, real-time results, which a person can use daily or only during parenting time. Our FDA-approved remote testing system includes adaptive facial recognition technology, tamper detection, and wireless connectivity to a cloud-based web portal.

Everyone has to lean a little more on technology at the moment. As a Family Law attorney, introducing your clients to Soberlink demonstrates that you can offer the right solutions during the most challenging times. Parents can implement Soberlink remotely, and it gives them the tools to build transparency and trust and keep their kids safe all while staying home.

Soberlink tests can be submitted from anywhere at any time. Once the parent completes the breath test, the results are live immediately. It's a non-invasive process a parent can complete quickly without leaving their kids unsupervised. Co-parents and other Concerned Parties can immediately receive the test results via email or text. It also allows users to view Daily, Weekly, and Monthly Reports.

The children's safety isn't your client's only concern, though. Ask your clients how they're staying in touch with children who are at the other parent's home. If they don't have an iPhone, iPad, iPod touch, or a MacBook computer to use Facetime, they can use video conferencing software, like Zoom, WhatsApp, Google Hangouts, or Skype to chat face to face.

Also, ask your clients how homeschooling is going. With widespread school closures, parents have suddenly become teachers. Many schools have moved classes online, but if this isn't the case for your client, point them toward online educational resources. Many companies have made all or parts of their educational services free.

4

Stay Up to Date with the News

The situation in the U.S. and around the world is continually evolving. Resources for staying up-to-date with what's happening and how it might impact your clients include:

- World Health Organization
- Centers for Disease Control & Prevention: Coronavirus

(COVID-19) Information

- Your State or County Department of Public Health
- Your Governor's Office
- Your State, County, or City Bar Association
- Your Local Courts
- Your Local School District. ■



Chris Beck is an entrepreneur who has been assisting small companies in marketing and sales services for the last 25 years. Balancing work from home and a growing family through foster care requires discipline and a strict daily routine. When he can squeeze in time to recharge, you can find him playing the local links and fueling his competitive spirit. www.Soberlink.com

Related Video

WATCH: Custody Conflicts & Maintaining a Successful Family Law Practice During COVID-19

Pennsylvania Family Lawyer Maria Cognetti discusses custody, visitation, and running a family law practice during the pandemic.

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Could COVID-19 Lead to More Divorce Settlements with Less Family Suffering?

As divorcing spouses recognize the suffering and sadness, worry and anxiety in each other due to the pandemic, we can begin to talk openly about fair and good resolutions of divorce cases. The combination of shared anxiety and astoundingly long wait times from Courts could allow COVID-19 to lead to more divorce settlements with less family suffering.

By Dr. M. Jude Egan, Family Lawyer

Today a friend told me he was optimistic. Another told me he was hopeless. For my own part, I have been painfully closer to hopelessness than to optimism these last couple of weeks. I have meditated each morning with positive effects; it is probably the only thing keeping me from plunging into the pit of despair. I pressed my optimistic friend on his outlook, and he said he believed in the American spirit and that as a nation we would rise again. His confidence struck me and forced me to consider how a divorce lawyer could be optimistic during such dire times? After all, we divorce lawyers are rarely optimistic creatures.

I spoke later in the day with a client who is a well-known music producer. She and her husband have been deeply stressed about their marriage for several months, both wanting to get divorced and both wanting to preserve their assets. It is not a complicated divorce in terms of the division of assets, but the existential questions being asked by both have made it more complex: "Where will each of us live? How will we finish our residential lease? How will we share the dogs (there are no kids in this marriage)?"

These questions boil down to the following: “What will my life look like when this is over?”

These types of questions produce tremendous anxiety in both parties, anxiety that could often be resolved with simple gestures that neither party is willing to make. Statements like: “I will make sure you are not left homeless” or “I can’t take care of you forever, but I promise to support you the next few months until you get on your feet” are difficult to come by when people are angry and hurt about the breakup of their marriage. In many instances, angry spouses are spouses looking for a bit of reassurance, and once receiving it they may settle for a very different outcome than the law requires.

This is especially the case today when facing the prospect of death from a pandemic. People’s priorities change.

An Opening for Settlement Discussions

Two weeks ago the above couple wanted an unreasonable outcome – well outside any range of normal or expected outcomes in a divorce trial. Both spouses were angry, and neither was willing to recognize the anxiety being experienced by the other. This is a terrible platform from which to begin a negotiation and, normally, I would not even try to do so. Yet, ironically, a silver lining has appeared as a result of the current quarantine situation. When I spoke to my client today, she said that in the intervening two weeks the couple had had a COVID-19 scare in the home, and her husband had been very sick. She was trying to stay quarantined from him while also taking care of him and, of course, they were both worrying that she might get sick herself.

All California state courthouses are closed for at least two months. That means the first date that anyone will see a courtroom is in June 2020 and there will be a huge backlog of cases stacking up from early March when the courthouses first closed. This means there will be at least five months’ worth of cases being ready to be heard in June, plus whatever the marital COVID-19 quarantine pressure cooker cooks up for the family law bar by then; with increased financial pressures, stay at home orders, unemployment, and having the kids at home all day, every day, the family law bar expects an explosion of divorce cases, including a good deal of domestic violence cases that will take all the Court’s initial priority.

My client and I discussed all these things today and it led us down a different road than we were expecting. I suggested that the three of us sit down and just talk out what anxieties each party is holding and see if we can get to a resolution that would involve reducing some of those. Using the backdrop of court closures and the prospect of the divorce dragging on for an additional year or more, as well as the feelings of shared humanity, I am optimistic that we have an opening for settlement discussion.

Recognizing Shared Vulnerability/Humanity + Court Backlogs = More Divorce Settlements with Less Family Suffering

I am also optimistic that this vulnerability and recognition of humanity in the soon-to-be-ex is not limited to this couple or even to people who get sick. Instead, I believe that this sense of vulnerability and shared humanity comes from any experience of tragedy or loss and is particularly true in the face of a collective shared tragedy like 9/11, Hurricane Katrina, or the COVID-19 pandemic. Recognizing the existence of the other – their suffering and sadness, worry and anxiety – we can begin to talk openly about fair and good resolutions of divorce cases.

The COVID-19 pandemic is as completely novel for divorce lawyers as it is for physicians and mental health professionals. We were not trained to deal with a world with no courthouses or trials. We have huge backups happening in the legal system and I would expect that divorce cases will take a year longer than normal to resolve. I think the combined shared anxiety and astoundingly long wait times from Courts will provide a golden opportunity to settle cases quickly with an eye toward helping resolve anxieties about the future that too often stymie our ability to broker reasonable agreements. ■



M. Jude Egan Ph.D., JD, is certified by the State Bar of California, Board of Legal Specialization, as a Certified Family Law Specialist. He was commended by the National Voluntary Organizations Active in Disaster for his work drafting the National Nonprofit Relief Framework for a policy paper ultimately adopted by the Centers for Disease Control. www.JudeEganLaw.com

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Gaining Market Share During & After COVID-19



Family lawyers who are willing to adopt new ways of thinking about marketing can grow their practices significantly – even in these most uncertain of times.

By Dan Couvrette,
Marketing Expert to Family Lawyers

I've spent countless hours over the last two months researching to gain insights into how life and business will unfold as a result of the business closures, social distancing, people working from home, government intervention, stock market swings, etc. Staying up-to-date allows me to recommend the best marketing strategies to our family lawyer clients who look to my company Divorce Marketing Group (DMG) for leading-edge advice. My research shows that family lawyers who are willing to change their mindset and adopt new marketing strategies can grow their practices significantly – both during and after the worst of the pandemic.

Forward-Looking Family Lawyers Are Ramping Up Their Marketing Efforts

Based on what I've seen so far as a result of COVID-19, there will be consequences for those family lawyers who don't improve their websites, enhance their Internet footprint, and seriously improve how they connect with their referral sources electronically.

The number of inquiries from family lawyers about our company's marketing services tripled in March, April, and May from previous months. This indicates that many family lawyers want to get their marketing in better shape than they ever have before. (For more on this new reality, see "COVID: Surge in Divorce and Family Law Firm Marketing" on page 15.)

For some of you, the thought of growing your business might seem counter-intuitive while you are wondering how loved ones will survive the pandemic – and how clients will pay their bills if they're unemployed. However, these are the exact reasons why many lawyers are ramping up their marketing efforts. Some see the need to protect their business; others see an opportunity to gain market share (whatever the market size is going to be) by developing a strategy to grow their business now.

I have 40 years of marketing experience, 25 of those years working exclusively with family lawyers through DMG: a full-service marketing agency that owns DivorceMag.com

and DivorcedMoms.com as well as *Family Lawyer Magazine*. I have a great deal of experience with family lawyers and their prospective clients.

I've broken this article into three sections and have included my recommendations as well as those of Allison Williams, a family lawyer and owner of Law Firm Mentor, and Michael Mogill, CEO of Crisp Video Group and author of The Game Changing Attorney blog. The three sections are:

1. Develop a Growth, Business, and Marketing Mindset,
2. Significantly Enhance Your Internet Footprint,
3. Connect with Your Referral Sources Like Never Before.

In addition to reading this article, I recommend that you download our *Marketing Guide for Family Lawyers*, which contains useful information to help you better market your family law firm.

1 Develop a Growth, Business, and Marketing Mindset

At DMG, we've been encouraging family lawyers to think more like business owners for 25 years. When our Editorial Director Diana Shepherd and I published the first issue of *Divorce Magazine* in 1996, very few family lawyers looked at their practice as a business.

Most of them told me they were doing fine through referrals and did not need to market their practices.

They didn't see the need to place advertisements or write for *Divorce Magazine*. They certainly did not see the need to have websites. As the Internet grew, I urged them to record videos and podcasts, start a firm Facebook page, or send regular eNewsletters to their prospects and referral sources.

Some family lawyers have taken advantage of the enormous changes that have occurred over the last two decades – particularly younger attorneys, who didn't graduate from law school thinking "marketing" and "advertising" were only for inferior lawyers. Many younger attorneys have taken market share away from more qualified, conservative attorneys.

Progressive family lawyers have taken full advantage of the Internet. They knew that if they had a great website; advertised with the right message in the right places; were active on social media; created content-rich videos, podcasts, and blogs; networked; and stayed in regular contact with their referral sources, then they could take business away from more experienced family lawyers. So that's what they have been doing over the past 10 to 15 years.

Fast-forward to 2020. Most family lawyers understand that being good at their jobs is not enough to attract and secure clients, but few have developed the right mindset to grow their practices. One side-effect of COVID-19 is that the traditional way of doing business is gone, and things may

never return to the way they used to be. COVID has increased the gap between lawyers who have an effective marketing plan and those who don't. As we become more and more Internet-dependent, refurbishing your online footprint is not optional.

DMG is getting more inquiries than ever before for the works: new websites, website content and SEO, videos, podcasts, e-newsletters, social media marketing, branding, and strategic planning. We've also noticed that they are making the decision to move forward with their marketing programs within days of having an initial conversation with us rather than taking months or years to move forward. COVID has given them a real sense of urgency.

As part of my research for this article, I reached out to Michael Mogill, the CEO of Crisp Video Group; like me, he also coaches lawyers to develop a growth mindset. To watch the entire interview, go to page 49; in the meantime, here are the highlights from that video interview.

Michael Mogill on Business Growth During COVID

Dan: You and I believe that there's an opportunity for the leaders to lead and to take more market share now. What do lawyers need to do to enhance or change their mindset so they're more growth-oriented?

Michael: If you believe that there are no opportunities for you to be successful in your existing situation then chances are you're not going to attempt new things, innovate, or be creative, and you will not be as successful compared to looking at every situation as an opportunity. There are definitely reasons to believe there is an opportunity right now because many firms are pulling back, but for the first time in probably decades, you have solo and small firms that have the capability of gaining market share, so long as they're willing to be creative and innovative and willing to invest.

We've found that if a client has specific goals, they're much more proactive and motivated. What are your thoughts about setting goals?

The first step is to actually have a clear target. Usually, if you put a number on a goal, I find that really helps to have clarity. You could say, we want to bring in X number of new cases, or we want to reach a revenue target, etc. If you make that commitment public then you've built in more accountability. Finally, if you're tracking and reporting it, there's public accountability and the likelihood of achieving that goal improves exponentially. People who are half-hearted about a goal have far less chance of achieving it.

Tell us about your "Game Changing Attorney" podcasts. What was the goal when you started the podcast, and what subjects do you cover?

It's about getting into the mindset of market leaders, both legal and outside of the legal field, and learning how they think, how they make decisions. My goal was that by the end of listening to an episode they would at the very least

Cont. on page 50



This Is How We Do It: Estate Planning in the Time of COVID-19

As the pandemic continues, creative legal minds will undoubtedly devise many ways to accomplish estate planning. For now, we must educate our clients and the greater community that quality estate planning is still available – and that distance is no reason not to properly plan for the future.

By Kara Rademacher, Trusts and Estates Lawyer

Often people do not give serious thought to their estate planning until misfortune strikes – the death of a loved one, the diagnosis of a serious illness, a divorce or separation – and the COVID-19 crisis has inspired many to focus on their estate planning. However, the need for social distancing has upended the way people traditionally go about estate planning.

Gone are the days of meeting with clients in a conference room to discuss the distribution of assets, tax credit shelters, beneficiaries, and fiduciaries. There are no more in-person meetings to review drafts, to answer questions, or even to sign documents.

Some people are turning to online estate planning services to produce urgently needed Wills, Health Care Proxies, and Powers of Attorney, but as many attorneys are aware (particularly the litigators among us), these online services can do more harm than good, resulting in estate plans that are inaccurate and ineffective, and ultimately end up decimated in court.

Estate Planning in the Time of COVID-19: Reimagining How We Serve Clients

From my perspective, estate planning practitioners need to

reimagine the ways in which we provide client services so that we can do so safely and effectively. Here are three possible solutions.

1 You must implement virtual operations.

First, trusts and estates practitioners – possibly more so than other types of attorneys – must implement virtual operations to provide quality estate planning services to their clients in a manner that protects the health and safety of both the attorney and the client.

Zoom (with password protection) and Microsoft Teams are excellent programs to meet with clients face-to-face and offer screen sharing capabilities to facilitate the review of documents. *[Ed. Be aware that Zoom is working on some very serious privacy and security breaches right now, so you might want to consider using a different video conferencing app or service for your more sensitive video calls until Zoom has resolved these issues.]* Using these programs, attorneys can engage with their clients much to the extent that they did during in-person meetings. Studies have shown that considerable information about a client is lost when visual contact is lost, such as body language, non-verbal cues,



tonal meaning – and it is this information that is essential to an estate planning attorney’s assessment of whether a client has the capacity to make a Will and other estate planning documents in the first place. Video conferencing can ensure that attorneys are able to cull all of the relevant information they need in order to draft an effective estate plan.

Draft documents, once sent through the mail, can be shared by emailing password-protected documents directly to the client, or by uploading the documents to an online server, such as DropBox. These methods not only ensure the safety of the client receiving the documents but also result in quicker turnaround – the client can review the drafts the moment they are completed, without having to wait days for delivery.

Once the drafts have been received and reviewed by the client, video conferencing can again come into play to answer any questions or explain any provisions of the documents. The screen sharing functions of programs such as Zoom and Microsoft Teams enhance attorneys’ ability to explain documents and make changes that the client can see in real-time.

2 Figure out how to execute documents while maintaining isolation protocols.

Figuring out how to execute estate planning documents while maintaining isolation has by far been the trickiest piece of the virtual operations puzzle. Unlike other legal documents, estate planning documents cannot be executed with electronic signatures – they must actually be signed by the client. However, there are ways for this to be accomplished, even in isolation. First, many estate planning documents can be executed with virtual assistance from the attorney. Once the draft documents have been finalized, the client can print them at home and sign them in the presence of the attorney on a video conference call. Virtual notarization has been approved in most states, and documents such as Powers of Attorney and Revocable Trusts, which in New York require only a notarized signature, can be executed entirely virtually.

Other documents, such as Wills, Health Care Proxies, and Living Wills, require the signatures of witnesses, and in most states, the witnesses must be in the presence of the signer when witnessing the documents. For clients who are sheltering in place with others who qualify to serve as witnesses – i.e., adults who are not named in the documents – this is not a problem. But most people probably will not have qualified witnesses available in their homes with them because they are likely sheltering with their immediate family members – i.e., children and adults who are named in the documents.

One solution is for all parties to meet in an outdoor location with all necessary protective measures taken: all parties maintain six feet of distance, wear masks and gloves, the client provides his/her own pen and hard surface to write on and the original executed document remains in the custody of the attorney who produced it. While this solution may be a bit cumbersome, it conforms to the traditional requirements of a

Will execution and may be the surest way of ensuring that the Will is later upheld.

Another solution – that is admittedly totally untested – is for the client, the attorney, and the witnesses to participate in the execution ceremony from their own separate homes via video conference. Each party would have an execution copy of the document to be signed. The attorney and the client would go through the document together; in the case of a Will, the attorney would conduct the proper execution ceremony, and the client would sign his/her execution copy before the witnesses on the video conference. Each witness would, in turn, sign in the appropriate place on their execution copy, as well as an affidavit of attestation, and the attorney would then virtually notarize the affidavit. The attorney would then prepare affidavits for all parties stating the facts of the execution ceremony: that because of the COVID-19 crisis and mandatory precautions, the parties were unable to sign the document in the same physical space, but that the witnesses observed the client’s signing of the Will, and the client observed each of the witnesses’ signing of the Will. All documents would then be returned to the attorney to be stored together.

This solution would at least provide the client with estate planning documents during the crisis; when it is safe to gather again, the client could simply re-execute his/her Will in the traditional manner.

3 Encourage clients to create and fully fund Revocable Trusts.

A third solution, that is really aimed at ensuring that the client has a Will or Will substitute in place at this critical time, is to encourage clients to create and fully fund Revocable Trusts. As discussed above, a Revocable Trust only needs a notarized signature, which can be done virtually. The client can then re-title all of his/her assets in the name of the Trust – and this can typically be done online. That way, if a client passes away, there is no need for a Will and thus no question of whether a Will was properly executed. Those clients with minor children can execute a stand-alone Nomination of Guardian, which also only requires a notarized signature.

As the COVID-19 crisis continues, many more creative legal minds will undoubtedly devise alternative ways to accomplish estate planning in isolation. But it is critical at this point to educate our clients and the greater community that quality estate planning is still available and that distance is no reason not to properly plan for the future. ■



Kara Rademacher, Esq. is a founding partner of the trusts and estates law firm, Douglass Rademacher LLP. She works with a wide range of clients to create innovative estate planning solutions to address unique family situations, to protect family assets and, ultimately, to assist in the accumulation of generational wealth.

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Six Best Video Conference Tools to Communicate with Your Colleagues & Clients

With most of us working from home because of the COVID-19, it's important to take the proper steps to figure out how to connect with family, friends, colleagues, and clients. Before you jump on the video chat bandwagon, take the time to find out which one is going to work best for you. Here are the six best video conference tools for family law professionals.

By Burton Kelso, Technology Expert

Family law professionals across the nation are working from home during self-isolation or quarantine; to stay in contact with clients and coworkers during this challenging time, more and more professionals are turning to video conferencing software. With this wonderful piece of technology, you can easily check in with your colleagues and staff – holding regular meetings to keep everyone up-to-date and connected. You can have a daily chat room where people can drop in if they're feeling isolated – or host a virtual happy hour to boost morale.



And, perhaps most importantly, you can consult with clients or potential clients – many of whom are upset, stressed-out, or even terrified by having to face divorce and a pandemic at the same time. Seeing your face and hearing your voice can go a long way to reassuring them that they still have you on their side, and that you can obtain emergency orders if necessary to protect them and/or their children at this challenging time.

Before your firm decides to jump on the video conference bandwagon and start using one of the popular platforms (like Zoom or Google Hangouts Meet), there are some things you need to take into consideration: for instance, whether your video chats need to be confidential, what you need to have in place, and even what will be showing behind you during a video chat. And if you have young children or pets, you also need to have a strategy for keeping them out of your home office while you're on a video conference – and another strategy for when that first strategy fails.

The following three questions will give you a better idea of what direction you need to go when it comes to using video conferencing for your family law firm or other divorce-related practice.

Q1. How fast are you surfing the web?

Before you even begin to think about streaming video, you need to get a good idea of how fast your internet is at home with your land-based Internet and your cellular provider. Get in contact with your Internet provider to find out what your plan is and if you're getting unlimited Internet, especially if you're wanting to stream video from your smartphone. Why? Video uses a LOT of data and if you're on a limited plan, you can burn through your data quickly. Once you confirm you're not on a limited data plan, visit Ookla's Speedtest or download the app to your smart device. This service allows you to check out your current

Internet speed so you can compare it to what Internet speed plan you are paying for and if your speeds are consistent. Fast, reliable Internet is important. When you run the test, the most important number is your download speed, which should be at least 20 Mbps (Megabits Per Second) or higher. The faster the download speed, the faster you can stream video on your computer or phone. You can also use it to troubleshoot if you're having connectivity issues with your Internet provider.

Q2. Do you mind if people listen to your video conversations?

Depending on what type of information you plan to share during your video call, you want to be selective about which service you use. If you want your video chats secured, make sure the service you're using has end-to-end encryption. Simply put, end-to-end encryption allows your chat to be secure and private. Now, all video chat programs use encryption to keep the conversation secret, but with end-to-end encryption, you add another level of security to your videos. Without it, there is a possibility your conversations can get into the hands of people who want to steal your personal or business data. Note that video conferencing apps using end-to-end encryption will use more of your Internet data.

Q3. Have you thought about universal appeal?

When considering video conferencing software, you want to consider software available on every platform. For example, Apple's Facetime is one of the oldest video chat apps around. It's easy to use and it offers end-to-end encryption. It's perfect for secure connections with customers and family members who have iPhones – but sorry Apple users, we still live in a Windows world and not everyone has an iPhone.

The Best 6 Video Conference Tools for Family Lawyers

So, what are the best video conferencing choices for family lawyers and other professionals working in the family law and divorce arena? Here are six safe bets.

1. Zoom

You can't talk about video conferencing software without talking about Zoom. It's easy to use and it's available for every tech device on the market. For most users, the features



offered in a free account are more than enough for video calls and webinars from 2 to 100 or more connections. One of my favorite features includes the ability to share your screen during video calls and the fact you can record video from your calls. End to end encryption is automatically enabled in Zoom chat, but you need to enable end to end encryption for video by logging in to your Zoom account then going to "Meeting Settings," then navigate to "end-to-end encryption" and slide the switch from off to on.

[Ed. Be aware that Zoom is working on some very serious privacy and security breaches right now, so you might

want to consider using one of the video conferencing tools (below) for your more sensitive video calls until Zoom can reassure us that they have resolved these issues.]

2. Google Meet

If you have a Gmail account, you have free access to Google Hangouts. This popular video chat app allows you to share documents, links to websites, your screen, and images.

Similar to the video calls in the free, consumer version of Hangouts, Google Meet is Google's enterprise video conferencing software. Like Zoom, you can join from any tech device and you can talk to up to 250 participants (and 100,000 live stream viewers) if you have a paid GSuite account. G Suite's Enterprise edition also creates a dial-in phone number for each meeting, so you can use your phone to join the meeting if you're on the road without wifi or data. Although Google Hangouts Meet video is encrypted in transit between your device and Google's servers, it does not have end-to-end encryption.



3. Skype and Microsoft Teams

Skype has been around forever, but depending on which version you have, you may be limited regarding what you can do. If you have the free version of Skype, you can video conference from any device and talk with up to 50 people. If you are paying for a Microsoft Office 365 account, you can use Microsoft's professional online meeting solution, Microsoft Teams, which has replaced Skype for Business Online. Microsoft Teams allows you to talk up to 250 people via instant messaging, video conferencing, calling; and share your screen and files. With Teams, you can connect to a meeting using a landline or mobile phone without access to the software. In case you were wondering, both Skype and Teams have end-to-end encryption.



Burton Kelso is the Chief Technology Expert and Founder of Integral, a technology company offering service, consulting and problem-solving for clients. He has worked with hundreds of customers across many different industries, and he takes pride in finding solutions tailored to each one's individual needs.

www.callintegralnow.com

4. GoToMeeting

This is a great video conferencing solution when you need to work with several co-workers and it can support up to 150 people. It works with both Windows and Mac computers and most smartphones. GoToMeeting is powerful enough that you can create personal meeting rooms allowing more than one meeting to take place. It's the only program that allows you to share your mouse and keyboard with the people you are conferenced in with.



5. Cisco Webex

Like GoToMeeting, Webex lets you create multiple conferencing rooms, share your screen, and send files back and forth.

You are able to host up to 200 people, save the video of your presentation, and you have end-to-end encryption for your sessions.



6. WhatsApp

WhatsApp is probably the most – used chatting app on the planet and it has a video chat feature as well. Video calls only work through the iPhone and Android app (so no video calls from a desktop computer). It also has end-to-end encryption which will keep those calls secure. It isn't as robust as many of the business video chat platforms, but it is good enough to chat with friends and family or a small group of up to four people.



With most of us working from home, it's important you take the proper steps to figure out how you are going to connect with family, friends, colleagues, and clients. Before you jump on the video chat bandwagon, take the time to find out which one is going to work best for you. ■

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4 Tips for Managing Your “Work Family” Remotely

Our family law department is a tight-knit family. The day-to-day connection with each other is the foundation of our success, and the move to a remote work environment has tested our ability to support each other – personally and professionally.

By Brian P. McCann and
Kristen E. Marinaccio, Family Lawyers

The COVID-19 pandemic challenges our basic emotional needs in ways many of us have never experienced before. As human beings, our need for certainty, variety, significance, connection, growth, and contribution are under attack, sending many of us into a panic, triggering damage control and survival mode. The family lawyer is not immune and the practice of family law has shifted as our work environment goes virtual.

As we manage and control our new work environments, it will not always be easy or feel comfortable – nothing new ever does. We must accept at a management level that this transition is a work-in-progress and we will learn and improve as we go.

Our family law department is a tight-knit family. We thrive on the ability to communicate with one another quickly, walking down the hall to another’s office to ask a question, bounce ideas around, or collaborate on strategies. We share stories about our personal lives over lunch. We celebrate birthdays and professional wins. We support each other when life knocks us down and when we have a tough day in court.

The certainty of having the team present in the office, the day-to-day connection with each other, is the foundation of our success. With the change to a remote work environment, the fabric of what makes our department successful is being tested. However, like a true family, we are circling our wagons, rolling up our sleeves, and finding ways to thrive, not just endure through these uncertain times.

Here is what we have learned thus far about managing your “work family” remotely.

1 Check In with Your Team (No – Really Check In)

Initially, the focus was transitioning from the office to fully remote, getting basic operations set up remotely, ensuring files were distributed, and setting up phone lines. It was hectic, but believe it or not, that was the easy part. The challenge now is supporting each other through the personal and professional challenges of working remotely. You think you know the individuals on your team, but crisis affects everyone differently. Check in with them. No – really check in. Do not make the assumption that your quietest associate is loving the solitude or that the social butterfly home with his big family is coping well. The founder of our firm, Sean Callagy, is legally blind and pushes us to “see what we do not see.” Each day, you should take the pulse of your team and ask yourself, “What am I not seeing that is going on?” “How is this pandemic affecting how we work, individually and as a group?” Take time to listen, ask questions, interpret, evaluate, and respond with empathy. It is easy to focus on the bottom line: how will we meet our financial goals and billable hour expectations? But you must support your “work family” – on a professional and personal level – for your organization to thrive.

2 Avoid Communication Gridlock

Our team went from shouting down the hall “hey can you jump on this call?” to being scattered across two states. Inter-office emails are suddenly building up, replacing those two-minute talks we used to have standing in the doorway of an office. Now, we are emailing, calling, Zoom video calling, and group texting in lieu of quick chats in a colleague’s office – and that transition has not been easy. We are at home, some of us sharing a kitchen table as our new “office space.” Many of us are juggling remote schooling our children while drafting a motion and listening to an upset client on the phone. Add in a curious toddler, a few barking dogs, and realizing it is your turn to empty the dishwasher, and a Zoom call is nearly impossible. One of our senior associates, who has been working from home in New York City with her toddler and husband, who also works full time, captured this challenge when she said, “We work in shifts to the best of our ability, but it changes daily depending on whether there is a call, conference, or court ‘appearance’ – and whether our son decides that today is the day that there is going to be a ‘nap rebellion.’” Accept that it is going to take time to adjust and figure out how to communicate, understanding each individual’s circumstances. Plan ahead for calls, figure out times of the day that are the least busy for everyone. Discuss how best to communicate with your team. What is important is that you do not let the difficulty in communicating gridlock the real work that needs to be done.

3 Focus on Non-Work Virtual Communications

Humor is a big part of our team dynamic and success. The practice of family law is not easy; emotions run high. We are oftentimes lawyer, counselor, friend, confidant, and punching bag. It takes a toll on us. Being able to share a joke or funny story with our team makes an otherwise extremely difficult day bearable. With our team now remote, there is no water-cooler talk, no

dropping into a colleague’s office to share about our weekends. Instead, we need to make a conscious effort to connect virtually and share positive non-pandemic-related content. If you listened to a podcast and loved it, send the link around. If something funny happened to you at home, share it with your team. Send a meme or a hilarious post from the internet. *[Ed. Avoid racism, sexism, religious bias, or offensive language – anything that would be problematic if it somehow made its way into the public domain.]* More than anything, keep connecting, and don’t stop the friendly banter that characterized your pre-pandemic communication style. Schedule a daily or weekly Zoom coffee chat or happy hour. It is weird at first, but do it – if for no other reason than a virtual escape from the four-walls of your home offices, the Disney movies on loop, or to save yourself from binge-watching “Better Call Saul” again. Find ways to maintain your personal connections with your “work family.”

4 Do Not Forgo the Future

It is easy to panic and let paralysis set in. However, this is not the time to stop innovating. Do not just go through the motions, do not forgo the future. As Stephen Covey said, “I am not a product of my circumstances: I am a product of my decisions.” Sean challenged us, asking: “Where do you want to be in six months? Stick your flag pole in the ground now and then figure out how to innovate and get there.” Business development has changed, our in-person connections are no longer an option. Instead, we must pivot and immerse ourselves into the social-media-based-world. We must continue to develop existing strategic partnerships by co-creating social media events, such as podcasts, webinars, and articles. Continue to innovate. Do not limit yourself to only survival mode thinking. Look to add value and meaning to your community and to the people and organizations that need your help. Find ways to create with purpose, providing certainty, significance, growth, and contribution to those you connect with. This situation is temporary, when we return to “business as usual,” the decisions you make today will lay the groundwork for your success tomorrow.

Continue to Communicate and Connect

None of us knows what is to come tomorrow, but basic human needs have not changed. We must find new and innovative ways to continue to meet those needs and care for one another. Continue to communicate and connect. Confront the realities, but do not lose faith. Search for the best answers. Take care of your “work family” and reach your flag pole. More than anything, remember to laugh. As Robert Frost said, “If we couldn’t laugh we would all go insane.” ■



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Coping with Coronavirus Fatigue

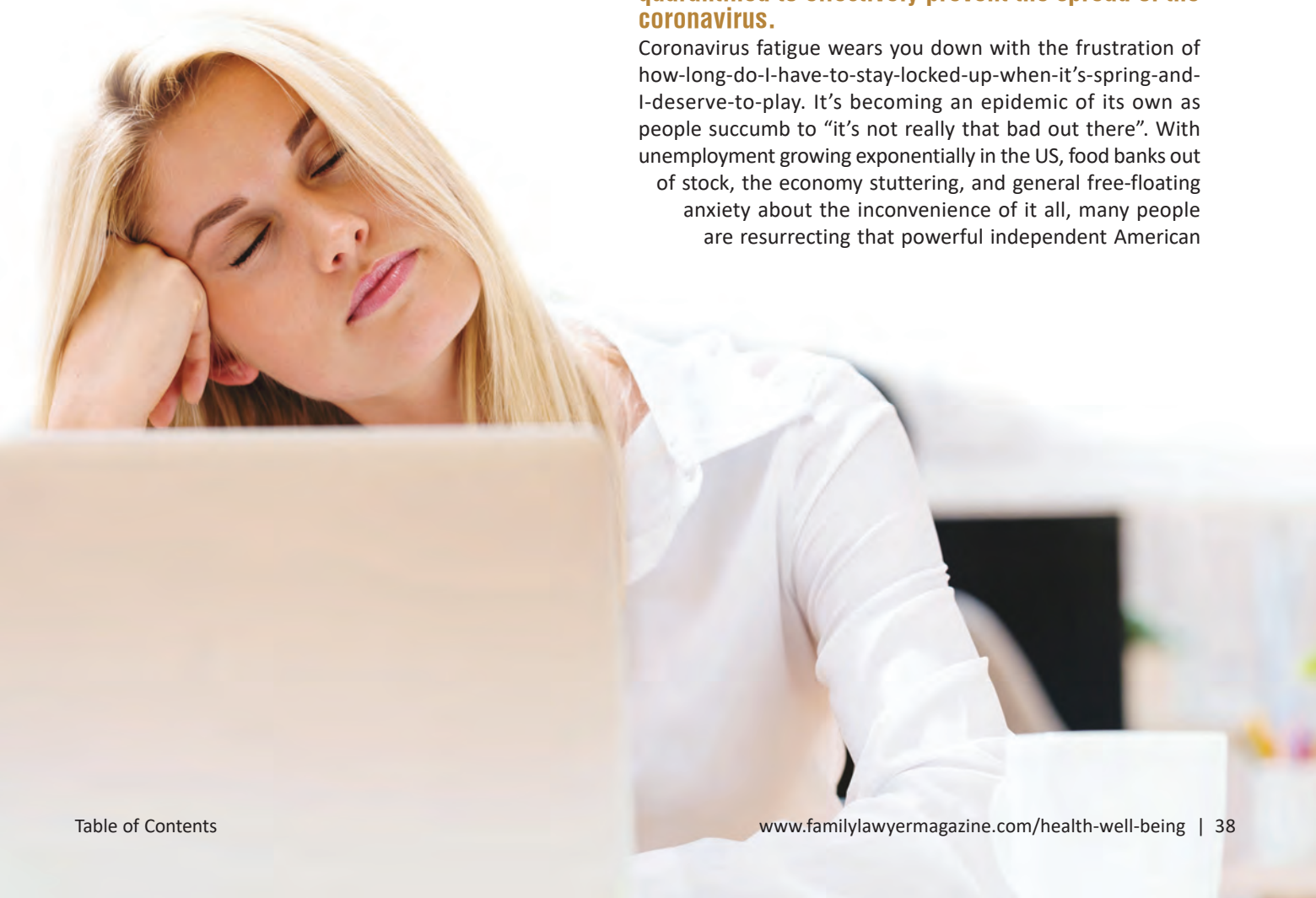
What it is. Why it's dangerous. What to do about it.

By Kat Forsythe, Therapist and Author

This is for those of us who are getting antsy. It's getting old, this staying-at-home thing. People are beginning to fall into a psychological behavior we're calling Coronavirus fatigue. Stay tuned. You're about to hear that term bandied about everywhere.

Coronavirus fatigue is the mental exhaustion of staying at home and the waning discipline to stay quarantined to effectively prevent the spread of the coronavirus.

Coronavirus fatigue wears you down with the frustration of how-long-do-I-have-to-stay-locked-up-when-it's-spring-and-I-deserve-to-play. It's becoming an epidemic of its own as people succumb to "it's not really that bad out there". With unemployment growing exponentially in the US, food banks out of stock, the economy stuttering, and general free-floating anxiety about the inconvenience of it all, many people are resurrecting that powerful independent American



spirit that fired up our forefathers and mothers to strike out from Europe and start their own country. That's the spirit that settled the west, and traveled north to Alaska to a new frontier. Americans don't like to be told they can't do something. Americans are big on the "Can do!" of our founders.

Coronavirus Fatigue Sets In

Frustrated with strict orders to stay at home for weeks, watching the economy stagger, and wanting full independence, some of us are exclaiming, "I'm an American! I can do what I want, and that overblown virus won't be at my hairdresser/bowling alley/park/ beach/golf course anyway!" Problem is, we're fighting an invisible foe, not conquering a physical roadblock. We're in an episode of The Twilight Zone. We're at war with an enemy we can't see, hear, smell, taste, feel. That enemy is one notch above us on the food chain, and if we aren't careful, cautious, and wise, that virus is going to eat us up just when you think it's safe to go back in the water (to borrow a phrase from Jaws).

Are you off to the beach today where the surf is pounding, and you can capture that elated feeling of the sun on your shoulders, the wind in your hair, the aroma of sea surf in your nostrils? It sounds so perfect – and you might be just fine. However, there's not a person alive who can predict whether the coronavirus will be brought to that beach today by an asymptomatic carrier. One thing is for sure: If you don't go to the beach, you can't get the virus from the surfer dude who's carrying it. Is it really worth the risk – for you and your loved ones?

Without a vaccine, the only way to prevent this enemy from killing us and winning the war is to hide from it.

Hope Won't Stop the Virus

Right now, we have no vaccine. We're working on it. However, hope for a vaccine or declaring "we're almost there" or rosy scenarios of recovery doesn't scare the virus. If hope for tomorrow is your only defense as you defiantly head off to the beach today, please know that you're playing Russian Roulette. You're still a mouth-watering meal or free ride for Mr/Ms C. Virus, who is eager to meet you and your family.

Should you avoid the beach and skip the haircut even though you're starting to look like a mountain man? Ask a frontline worker who has watched one of us gasp our last

excruciating breath or endure a fever so high we become delirious. Ask a grocery clerk who faces unknown carriers of the virus every day, then – perhaps because of a lack of protective gear or safety measures – takes the virus home to his elderly grandparents, wife, and children.

The American spirit is indefatigable. We can beat this! That's how we sacrificed and built bombers in World War II. We rallied behind the war effort because we were united, determined, focused, and powerful. We want to win. We want to be the best and the strongest. We want our freedom and our independence. But when did independence and freedom become synonyms for selfish and entitled? What happened to that dedicated war effort now that our enemy is cutting a deadly swath across our country? And what happened to the spirit behind JFK's famous words: "Ask not what your country can do for you – ask what you can do for your country"?

Surviving Coronavirus (and Coronavirus Fatigue)

What can you do for your country? Stay at home and hide from the virus. That's the winning strategy right now. Endure the coronavirus fatigue. Stay home unless your work is deemed essential. If it isn't, be thankful: it means you're not putting yourself in harm's way and you won't become a quick snack for the virus. Resist the selfish urge to blast out of the house

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only to bring the virus home to your family. Let the scientists do their job. Learn that patience will win this game, not impulsiveness. This is a nasty virus, a sneaky enemy, and formidable foe. Underestimating this enemy is a fatal mistake.

Here's how you will survive.

First, understand the impact of Coronavirus fatigue. What does it look like? How does it play out for you?

Here's how I've experienced Coronavirus fatigue in my clients – and my own family. It mimics both extreme “down” emotions and “up” emotions at opposite ends of the bell curve of normal behavior.

On the “down” side, coronavirus fatigue mimics depression, anxiety, anger, sadness, and loneliness. It doesn't mean you have those conditions, but your brain is weary and desperate to get out of this prison of limited activity. So, it pouts. Voila! Depression. Is it fixable? Yes, but you must be willing to take an active role in your own self messaging and drop any victim mentality. (“This is happening to me. I'm stuck. I can't do anything about this.”) I'll give you suggestions on how to do this, below.

The “up” side signals of Coronavirus fatigue include exhilaration, giddiness, silliness, elitism, condescension, joy at “beating the system”, and rationalizing to get what you want. These create cognitive dissonance in the brain – knowing the facts and ignoring them. It plays out as nervous energy, which is just as dangerous as the “down” emotions.

The best plan is to walk the middle ground between self-pity and arrogance.

Antidote #1: Fix Your Own Mask First

Like the oxygen mask on an airplane, you must attend to yourself before helping others. That means awareness of when you're going down. Learn to self soothe. Have a private place in your home that is just for you. Go there or go outside (in your yard if you have one, on a walk staying at least six feet away from other people if you don't). Take some deep breaths. Listen to your own thoughts, and then:

- **Get the facts.** Fact: you won't be in this coronavirus situation forever. If you break the quarantine, what might you be sacrificing? If you don't break the quarantine, what will you be gaining?
- **Understand that your brain believes everything you tell it.** Be careful what you say to yourself. If you catastrophize, your brain will see the world through drama and fear. If you rationalize, the brain struggles between your truth and your actions. To find balance, repeat positive self-messages, such as: “I can get through this just fine,” “I can distract myself from fear or boredom,” “I will neither read nor heed advice from unqualified sources,” “I will examine facts from reputable sources, and then I will make a plan.” “As what we know about the virus changes, I will change my behaviors accordingly,” “I am

willing and able to sacrifice to keep this nation powerful, strong, and healthy.” Be careful of rationalizations such as “I deserve to play golf/go sailing/hike/go to the office.” What are you risking? You must weigh the options. Remember that this virus doesn't care what you think you “deserve.”

- **Know that “Idleness aversion” is a real thing, and you need to counter it.** No one likes to be idle for long. How can you feel forward motion without sacrificing social distancing or without leaving home?

Antidote #2. Make a Plan to Achieve Some Normalcy in Abnormal Times.

- **Create a routine – and stick to it!** Outline your days and your week. When will you get up? When will you work in your home office? When will you exercise? When will you eat? Set a time for getting dressed: I suggest no later than 8:30 a.m. Put on decent clean clothes – a different outfit every day. Follow your regular routine as much as possible.
- **Join or create a regular video call to check in with colleagues.** This could be a virtual lunch with staff, or a weekly “Happy Hour” with members of your local Bar Association.
- **Be aware of Coronavirus updates** by researching respected news outlets or watching reputable news channels – but limit yourself to one hour per day. Be aware that TV journalism is crafted to get you hooked; more than 1 hour and you're living for the drama.
- **Make a list of what you can do during the quarantine.** Schedule time blocks into your day/week to complete projects.
- **Create a Go-To list for raising your spirits.** Here are ideas to move into a positive frame of mind. Decide which appeal to you and then do them.
 - Contact old friends via email (good), phone (better) or video call (best). These are desperate times. Your friends are lonely, too. Call them.
 - Donate money to the nonprofits struggling to stay alive. Your local Food Bank is a great place to start; as domestic violence worsens during quarantine, shelters for victims of domestic violence desperately need funds to cope with the sharp increase of people needing their services.
- **Quick tricks to pull you out of a slump.**
 - Listen to your favorite music. What is it? Get it ready.
 - Sing. It soothes your soul. Close the door. Turn up the tunes. Blast out the lyrics that speak to you! My personal favorite is The Rolling Stones' “You Can't Always Get What You Want”.
 - Drink a glass of water. Anxiety can lead to dehydration. Gulp it down and get hydrated. You'll feel so

much better. A minimum of six glasses a day is a good number to shoot for.

- Focus on a game or take a Masterclass at www.masterclass.com. The card game “Solitaire” was made for times like these. Play online games with others: from poker to chess to checkers. Learn a magic trick (or at least how it works). Many Wii games (tennis, for example) can be played by yourself.
- Slow your breath. Take deep breaths. In to the count of 8 (slowly). Out to the count of 8. Repeat 5 times.
- Eat some protein. Low blood sugar can be a trigger for emotional upset.
- Write about what matters to you. Do it in a journal every day, if you can. Journaling gets the negativity out of your brain and dumps it on the written page. You will find it very cleansing – mentally and emotionally.
- Express your thanks and gratitude. Make a list of what and whom you’re thankful for. Do it every night before you drift off. You’ll sleep better, too.

Coronavirus Fatigue Is Testing Us

The Coronavirus is testing where our independent spirit starts and stops, our loyalty and dedication to this great country, and our ability to sacrifice for the greater good. How much are you willing to tolerate so we can end this deadly threat? If we think of it as a war effort (and it is), we must harken back to the ways in which our grandparents and great-grandparents won the wars – how they were willing to sacrifice so much, including their lives. Together, we can do this – but only when we’re willing to let go of individual desires and make a plan together to stop feeding new victims to the virus so that it dies for lack of a host.

Take a deep breath right now, then take another. Stay at home. Use these strategies to stay beyond the virus’ reach. This may be a long journey. Be brave. Be informed. Be safe. Learn the lessons this virus is teaching us so we emerge from our cocoons wiser, perhaps a little less selfish, and with a better understanding of what makes life worth living. And pray for a vaccine so that interacting with others doesn’t turn into a death sentence. ■



Kat Forsythe (MSW) has more than 25 years of credentialed experience as a therapist, coach, and communication/relationship consultant – including divorce recovery. A respected motivational speaker and author, she was a special consultant for young attorneys dealing with client personal issues – especially divorce – for the Cincinnati Bar Association. www.katforsythe.com



Quick Tricks to Pull You Out of a Slump:

**Listen to your favorite music. Sing.
Focus on a game. Slow your breath.
Express your thanks and gratitude.**

Related Article

Addiction and Mental Health Issues Among Family Lawyers


The legal profession is waking up to the fact that it has a serious problem with substance abuse and mental health disorders; thankfully, several national lawyer organizations have stepped up to offer programs to promote lawyer well-being.

www.familylawyermagazine.com/articles/addiction-and-mental-health-issues-among-family-lawyers

How to Reduce Stress During this Pandemic

Stress is caused by fear, which is our hardwired response to the unknown. How family lawyers handle their stress and fear can determine whether they succeed or fail.

By James Gray Robinson, Family Lawyer



Practicing law can be stressful even in the best of times. Adding a pandemic to the mix can make it seem impossible. Lawyers are having to be even more nimble and retrainable in order to keep in contact with their clients, colleagues, and the courts. Learning new tricks with virtual conferencing, resolving conflicts without the Courts, and watching our hard-earned savings evaporate can make any lawyer despair. Here are a few suggestions on how to weather the storms caused by COVID-19.

Dealing with Stress, Fear, and Uncertainty

Stress is caused by fear, which is our hardwired response to the unknown. When we don't know what is going to happen, or when difficult times are at hand, it is to be expected to experience some fear of the future. How we handle that fear determines whether we will succeed or fail.

Mankind has come up with numerous strategies for dealing with uncertainty; my personal favorite is controlling my thoughts. Contrary to what you may currently believe, you do have the ability to control what you think about. Researchers confirm that you can only have one thought at a time, so you need to choose which thought to have. If you focus on positive aspects of your life, you can overcome (or at least mitigate) your fears about the future. If you focus on the negative aspects, however, you open the door to fear and stress.

The first step to controlling your thoughts is to separate your awareness from your thoughts. In other words, you have a consciousness that is separate from our thoughts. You are not your thoughts, but you can be overwhelmed by them. Start by simply observing your thoughts from second to second. One way to visualize this is to imagine that your awareness is the sun, and your thoughts are like clouds passing by. By being an observer of your thoughts, you can avoid the emotional reaction that follows. When you catch yourself thinking negative thoughts, take a deep breath, and remind yourself to flip your mental script back to the positive side.

Simply being aware of being separate from your thoughts will substantially reduce your irrational thinking and catastrophizing. Sometimes, your most delusional and devastating thoughts will stop if you ask yourself, "Where did that thought come from?" One of the more interesting aspects of our psyche is that our thinking can spiral up or down, depending on whether we are having positive thoughts or negative thoughts.

Focus on What You Can Control

It is also imperative that you focus on what you can do versus what you have no control over or obsessing about the unknown. This is a great time to review your practice and decide what is and what is not working to make your practice more efficient – and to make you happier and more fulfilled. Perhaps this lockdown combined with the death toll has allowed/forced you to discover that there is more to life than 100-hour workweeks. Do you live to work or work to live? Do you allow your practice to invade or completely take over your personal life? Now is a great time to make new rules about drawing boundaries between your professional life and your personal life. You deserve a fulfilling personal life, and part of that may be considering changes to your professional life. As we are all rebooting our lives, we can make minor or

even substantial changes while we are at home.

Just because we are at home doesn't mean we can't interact with our clients and colleagues. Zoom and Skype (and soon Facebook) have great conferencing abilities which are free. It is fun to catch up with family, friends, clients, and colleagues on these video conferences. You can network with your law firm to show you care about each other, and perhaps to let your staff see you in your personal environment.

Accentuate the Positive, Eliminate the Negative

Just as it is important to focus on positive aspects of your life, it is also important to minimize how much negative information you absorb. The stress caused by reading or watching bad news compromises our immune system just as much as any other stress. Don't watch the news more than you have to. Get plenty of sleep. Watch uplifting movies or play "relaxing music. Get some exercise. Meditate or have some quiet time every day. Start a new habit or hobby, or resume hobbies you enjoy but haven't had time to pursue in years.

You can practice positive thinking at any time. When you go to sleep or wake up are both excellent times to practice. A favorite positive affirmation/thought of mine is: "I am getting better every day in every way and everything is as it should be." Simply thinking that over and over will help you face these most uncertain of times. ■

**Just as it is important
to focus on positive
aspects of your life,
it is also important
to minimize the
negative information
you absorb.**



James Gray Robinson, Esq., was a third-generation trial attorney, specializing in family law, for 27 years. In 2004, he switched gears to become an individual and business consultant who works with a wide range of people, professional organizations, and leading corporations. At the age of 64, Gray passed the Oregon bar exam and is once again a licensed attorney.
www.JamesGrayRobinson.com

Related Article

9 Reasons Why Lawyers Quit Practicing Law

One lawyer's personal perspective on why lawyers quit – or want to quit – and how to handle feelings of loss, inadequacy, and especially failure.

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5 Tips for Family Lawyers Riding Out the COVID-19 Pandemic

Though this period of uncertainty may seem daunting, you should use it as an opportunity to not only improve yourself as a lawyer but also as an individual.

By Matthew P. Barach, Family Law and Appellate Attorney



While the entire world is suffering the impact of the coronavirus pandemic, those involved in family law matters are facing additional unexpected personal issues, such as how to best fill the time created by courts that are now temporarily shuttered.

As family lawyers across the country are adjusting to our “new normal,” it’s important during this period of uncertainty to use time wisely and productively to better serve not only your clients but yourself.

Below are five tips that may help those lawyers who are struggling to find a balance during COVID-19.

1 *Maintain a Routine*

During this unprecedented time, maintain a consistent routine and schedule your time wisely.

Use blocks of time for work, exercise, and rest, and be consistent with your use of time to stay effective.

Make connecting with your staff and peers part of your consistent routine. Schedule weekly virtual meetings to maintain connections and regularly check in with your professional relationships to ensure they remain strong.

However, be sure to not over-schedule or overcompensate for the void in your time. The thought of not having enough work may seem unimaginable. Avoid the immediate reaction to over-schedule client calls and virtual meetings. It is important to recognize these are strange times and you will have both good and bad days – accept it and stay mentally healthy by providing balance to your time.

2 *Make Time for Yourself*

Speaking of staying balanced, it is essential to make time for yourself so you don’t end up staring at a screen all day. Do things for you – whether that means getting some fresh air, exercising, or just stepping away from your computer to have a coffee break. Whatever gives you a mental timeout, schedule that time into your calendar daily.

3 *Grow Your Skills*

Since you are no longer running back and forth between courts, use this extra time to learn something new, whether professionally or personally. Many associations are now hosting online seminars and workshops, giving professionals the opportunity to hone their skills from the comfort of their own home.

Additionally, you can use this time to try something new. Have you wanted to learn to play the guitar or speak mandarin? Now is the time to go for it. Utilize your extra time to foster your creativity or develop a skill that will benefit you and your business in the long term.

4 Plan for the Future

With so much uncertainty in the world, it may be challenging to focus on the future. However, it's important that you also think about your plans once the pandemic is over. What can you take away from this experience and how can you utilize that to better yourself and your business? Encourage your employees to think outside the box as well and ask questions such as:

- Were there things you enjoyed or didn't enjoy about working remotely?
- Should you consider adding a new practice area?
- Will you continue to have virtual meetings to cut back on travel time?
- Should you be making more time for yourself?
- How can I continue to balance life and work?

These are the types of questions that should be contemplated before going back to business-as-usual.

5 Market Yourself

Clients are putting divorces, custody battles, and other family law matters on hold for now – however, that will quickly change once life returns to normal. Use this newfound

downtime as an opportunity to market yourself so that once the pandemic subsides, you are positioned as the go-to family lawyer.

As potential clients look to begin their family law cases, they'll be researching attorneys who are well-informed on the latest policies. Take this opportunity to update your bio on your firm website, publish a blog post, contribute an article to your favorite legal news source, or even make new connections through LinkedIn. Most of these opportunities are free and only take a few minutes of your time, making now the perfect time to explore them.

Use This Time for Professional and Personal Improvement

Though this period of uncertainty may seem daunting, you should use it as an opportunity to not only improve yourself as a lawyer but also as an individual. Handling family law matters is not usually easy, and it undoubtedly becomes even more difficult in the face of a pandemic. Nonetheless, having a solid balance in the face of it all is key to your success. ■



Matthew P. Barach is a family law trial attorney and appellate family law specialist. The founder and principal of Barach Family Law Group in Massachusetts, he is the author of The Family Law Guide to Appellate Practice (ABA Book Publishing, 2019). www.barachfamilylaw.com

Surge in Divorce / Cont. from page 16

with valuable content, they will open and read it. The open rate of our Family Lawyer Magazine newsletter has always been above the industry average, and it increased from 18% in January to 20% in April.

Your job is to stay top-of-mind with prospective clients and referral sources so they will remember you when the time comes to recommend a family lawyer. A newsletter is a very good way of keeping in touch when physical distancing is ordered or encouraged. While trapped at home – especially if they have experienced a decrease in new business – many family lawyers are very interested in giving and receiving referrals.

A Great Need for Family Lawyers Is Around the Corner. Are You Ready for It?

Being able to take advantage of the expected surge in need for family lawyers is about your preparedness: those who make the effort to get their law firm's marketing in order now will benefit the most from this surge. You already know about preparedness – after all, that is how you win cases and succeed in negotiations, right? If having a successful and growing family law practice is a top priority for you, now is the time to polish and expand your law firm's marketing and increase and/or improve your online presence. ■



Dan Couvrette and Martha Chan are the co-owners of Family Lawyer Magazine, Divorce Magazine, DivorcedMoms.com, and Divorce Marketing Group. The CEO of Divorce Marketing Group – the only marketing agency dedicated to promoting family lawyers and divorce professionals – Dan has been working in the divorce and family law niche since 1995. Martha has been a marketer, speaker, and educator for 40 years and provided her marketing expertise to many fortune 500 companies. She has been focusing solely on marketing family lawyers and divorce professionals for almost 20 years. www.DivorceMarketingGroup.com

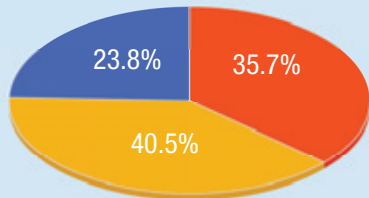
Related Article

Gaining Market Share During & After COVID-19

Starting on page 25 of this special issue, this article is packed with valuable information to help your family law firm prosper during these unusual times. For more in-depth marketing advice, download the complimentary *Marketing Guide for Family Lawyers* at www.divorcemarketinggroup.com/marketing-resource.

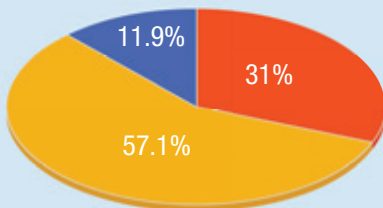
Was your family law or financial firm prepared for the pandemic?

- Yes, we were completely prepared
- Yes, we were somewhat prepared
- No, not at all prepared



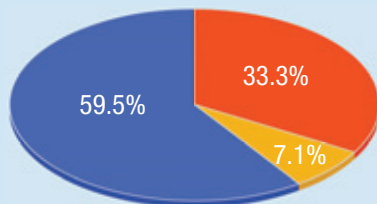
Did you have a strategic operating plan and protocols that were triggered by the pandemic?

- We have detailed plans for emergencies like this
- We have plans for natural disasters, but not for pandemics
- This was not on our radar



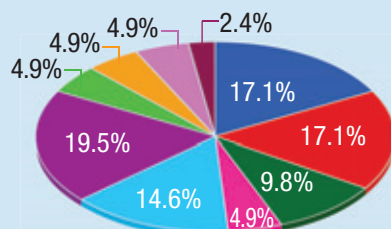
Is everyone at your firm now working from home?

- We are all working from home
- Most of us are working from home
- I/We need to go into the office to work efficiently



Have you seen an increase or decrease in divorce inquiries?

- 50%+ Increase
- 30–50% Increase
- 15–30% Increase
- 5–15% Increase
- 50%+ Decrease
- 30–50% Decrease
- 15–30% Decrease
- 5–15% Decrease
- Not sure at this time
- No change



Survey Results: COVID and Your Family Law Practice

Family law professionals answer questions and offer advice for emerging from the pandemic with a thriving practice.

By Diana Shepherd, CDFA®, Editorial Director of *Family Lawyer Magazine*

It has been more than two months since COVID-19 (the “Coronavirus”) started shutting down businesses and courts across North America. The number of deaths is alarming, the stock markets have been volatile, and many businesses – both large and small – are struggling since a pandemic was not factored into their operational plans.

The sliver of good news for family lawyers is that about half of survey respondents had started to see an increase in people calling to inquire or start the divorce process by the end of April, and that number is predicted to soar after social isolation ends. (See “Surge in Divorce and Family Law Marketing” starting on page 15 for more about this.)

Other lawyers have noticed a flare-up in custody cases, with current or former clients urgently asking to reopen cases to change the parenting arrangements when they believe their co-parent is putting their children’s lives at risk.

Although the pandemic was not on most lawyers’ radars (57%), the fact that most firms had started moving towards cloud computing well before they had ever heard of COVID-19 meant that they were able to start working from home and collaborating with colleagues without excessive downtime.

All respondents are already thinking of what changes they need to make so they can hit the ground running when the pandemic is over – from updating or rebuilding their websites (60%) to offering video conferencing (50%) to increasing their social media presence (38%). (Note: respondents could choose more

than one option for some questions.)

Video conferencing has become a lifeline for many these days; according to our family law respondents, the four most popular services for virtual meetings are Zoom (93%), Microsoft Teams (26.2%), FaceTime (19%), and GoToMeeting (14%).

Best Advice for Running a Family Law Practice Remotely During the COVID-19 Pandemic

We received too many responses to share them all here; to read them all, go to www.familylawyermagazine.com/articles/survey-results-covid-19.

Stay calm, stay connected, stay safe, and stay home.

~ Barry J. Dalnekoff, *Family Lawyer*

Always run your office as if some disaster has occurred; that way you won’t be taken by surprise when it really happens.

~ Allecia Lindsey Pottinger, *Family Lawyer and Mediator*

Be flexible. Communicate clearly and consistently with clients and potential clients. Be very willing to learn and apply new procedures quickly. Repeat “It’s a new world” pretty much every day, and take that to heart.

~ Annette T. Burns, *Family Lawyer*

Create a new normal and act as though it has always been that way.

~ Carolyn Walsh Parry, *Family Lawyer*

Have daily check-ins with your team. It will keep everyone focused and on task.

~ Stephanie Jones, *Family Lawyer*

Check-in regularly with your staff to make sure that they are feeling well and comfortable with their workload. Schedule video conference with all staff members multiple times a week, so that everyone is on the same page. Now is a great time to work on projects that you have wanted to complete but have not had the time to do. Stay compassionate and positive. Prepare for the boom at the end of this, because it's coming.

~ Angel Foster, Family Lawyer

I've been running my practice virtually since 2015. As long as your files are on the cloud and you have the right systems in place, you do not need to physically be in an office. The tools that have helped me the most are MyCase, Zoom, Acuity, and VickyVirtual (my virtual receptionist). I can do everything I need to do to run my practice from anywhere in the world with these tools.

~ Joleena Louis, Family Lawyer

Stay on top of breaking news concerning the courts' status of limited functioning, news regarding financial help for clients during the pandemic, and news regarding executive orders on social distancing. Be in a position to offer your clients sound advice on being confined with their spouse's significant others and child(ren) during the pandemic. Also, be prepared to answer challenging questions concerning custody, parental access, and child support for which there is no precedent because this pandemic is uncharted territory for all of us.

~ Alla Kurolapnik, Family Lawyer and Mediator

Take it one day at a time and try not to dwell on the pandemic. Utilize any downtime to learn how to use new tools or apps for business (such as Excel or features of existing programs that are under-utilized), catch up on CLEs, and most importantly, keep to a schedule.

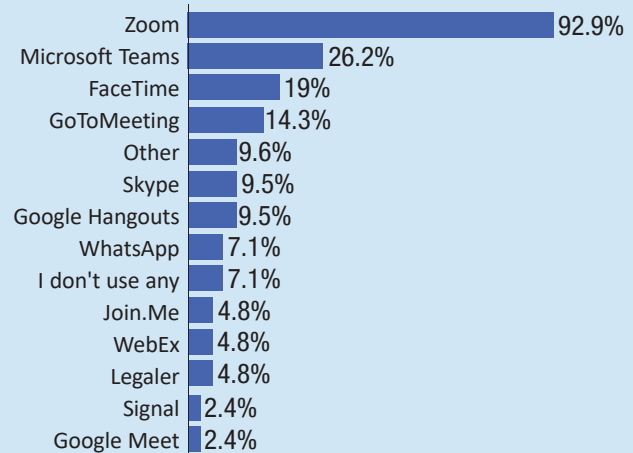
~ Karen Ann Ulmer, Family Lawyer

Stay calm. There is technology out there that will allow you to continue to serve clients and increase your business.

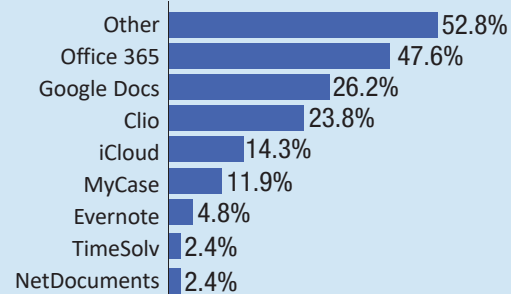
~ Sheryl Dennis, Family Lawyer, Mediator, Arbitrator, and Parent Coordinator

Don't slack off because business is slow: stay on top of emails and phone calls, and be immediately responsive to your clients,

What video conference services are you using to hold virtual client consultations or team meetings?*



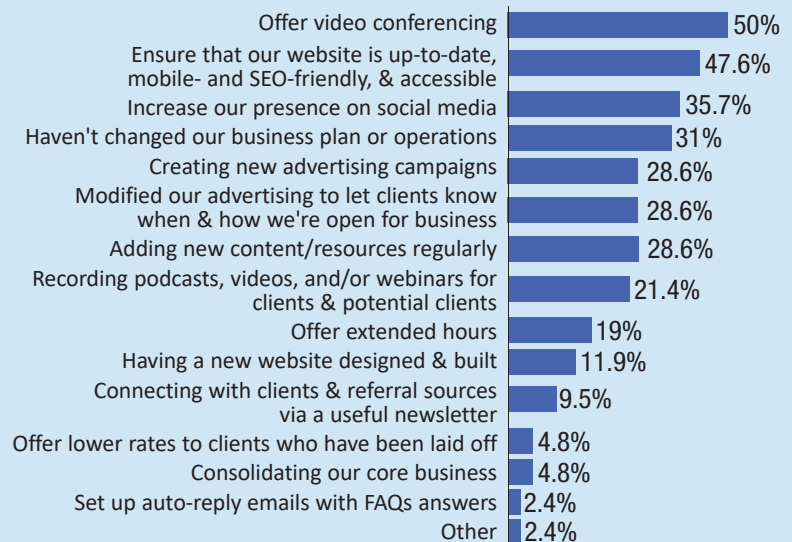
If you are working from home, what cloud service(s) are you using to collaborate with your team?*



How are you keeping in touch with your clients, potential clients, and referral sources?*



How are you ramping up to hit the ground running when the pandemic is over?*



* Respondents were able to check more than one box to answer these questions.

as they are especially worried now that the courts are closed and they cannot seek judicial relief. Mediating agreements is critical right now.

~ Paul J. Sweeney, Family Lawyer

Stay calm, ensure the phones are answered quickly, and respond to emails promptly to ensure continuity of business operations.

~ Dana L. Reynolds, Family Lawyer

I use more Zoom and conference calls, but since I have had a home office since 1989, not much has been affected.

~ Jeffrey L. Pollock, Family Lawyer

First, let your clients know that you are still working for them and how they can reach out to you. Second, remember that each member of your staff is handling the virus in their own way. Be very patient with any staff who are extremely concerned about the virus and make sure you do the best you can to assist in allaying their fears. Remember you are a team and every member of the team is vitally important especially now.

~ Maria Cagnetti, Family Lawyer

Call pending client cases to check on their health and needs, and note my availability, if needed.

~ Ronald C. Davies, Family, Estate, and Elder Lawyer

Use a good collaboration tool and write down and assign everything that has to be done, religiously.

~ Sandra Burt, Family Lawyer

Stay organized and be consistent. Create a new routine. I find I have been making better use of my time when I dedicate certain hours (i.e., 9:00 a.m. - 5:00 p.m.) every day to complete my work; even if on some days it is more difficult to find work to fill my day, I force myself to maintain my focus until my dedicated work period is complete.

I find using a space to work from home that is clutter-free and comparable to your space in the office makes it easier to maintain focus and motivation.

Ensure you have a proper connection to a wifi network and troubleshoot your remote server to ensure it is working prior to scheduling client meetings via video conferencing.

~ Ida Mirzadeh, Family Lawyer ■

3 Tips for Moving Forward During COVID

By Natasha Roggi, Family Lawyer, Mediator, and Arbitrator

1. Embrace the technology: it is effective and it is working.

We are able to keep clients moving forward with virtual mediation sessions and it has been working extremely well. We are also running virtual collaboratives and have been using this time to bring all matters closer to agreements and settlements. Clients and potential clients alike *enjoy* seeing someone face-to-face on a Zoom call and have been very open to learning new technology. We have always been equipped to run remotely. We have a great deal of international divorce casework, and have leveraged video conferencing and technology to meet these clients where they are, and now we get to use it with everyone. Folks appreciate that we are ahead of the curve and that they don't have to slow down the forward-progress they've been working on for months... full steam ahead.

2. Now is the time to get your market share.

As soon as the pandemic hit, we created a schedule of financial tools, mental health tools, and legal tools that we could release to clients and potential clients to help them through these times. It continues to grow and evolve, and we have been pushing our video series with new content *daily*. Potential new clients have found us via this "In Control During COVID" content – and it's been very well-received. Popular topics include:

- "What Do Court Closures Mean for My Case"
- "How Is Our Firm Handling COVID & Leveraging Technology to Help Clients"
- "How to Stay Strong, Co-Parent Effectively, & Be Supportive of Children, Families, & Older Parents" (collaborate with your LMFT partners for these segments)
- "How Does Virtual Mediation Work"
- "How to Reduce Financial Anxiety and Regain Power" (with a CDFA® or other divorce financial expert partner, of course).

The list goes on.

Then *take the time to get it out there* – if you don't have a huge Facebook following, remember: folks in your LinkedIn network are your potential clients, too – share everywhere. Share with your referral partners (and ask them to share), send to your newsletter subscribers, share on your website (our web developer created our COVID landing page for us in less than a day). Offer "COVID Consultations" – it will work. There are very specific, acute problems arising right now in our business segment and people need your help. We've developed a special engagement called the Freed Marcroft Legal Rx. It's a flat rate, it gets folks answers they need, we take the next steps to solve a problem, and if we need to enter a full engagement, then naturally we'll go down that road with our client.

3. Stay Positive, Stay Connected

We are keeping our energy high, sharing helpful mindset pieces with each other (like David Neagle, meditation recordings, inspirational music, a midday yoga stretch recording, etc.), keeping our team connected with Zoom morning round-up calls, strategy meetings, and even our regular Friday night happy hour. We continue to remind everyone that *problem-solving* is contagious – *opportunity* is contagious – and so is forward motion. Just keep going! ■

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Pandemic Practice Management Videos

We interviewed divorce professionals on these COVID-related topics.

Conducting Trials Using Zoom and How Technology Can Help Courts Cope Post-COVID

~ Randy Kessler, Family Lawyer



Custody Conflicts and Maintaining a Successful Family Law Practice During COVID-19

~ Maria Cognetti, Family Lawyer



What Divorcing Individuals Should Know About the CARES Act

~ John Johansen, Tax and Financial Expert



Divorce & Estate Planning: Urgency in Light of COVID-19

~ Sharon Klein, Wealth Strategist and Trusts & Estates Attorney



How Family Law Firms Can Increase Referrals

~ Allison Williams, Law Firm Mentor and Family Lawyer



Growing Your Business During COVID-19

~ Michael Mogill, Law Firm Growth Specialist



understand the market leader's point of view, and whether they agreed or not, it would stimulate new ideas and new ways of looking at their business and their life.

What are the four things family lawyers should do right now to grow their business?

First, make a career decision in terms of how you are going to respond: are you going to be a spectator who waits it out to see what happens as the situation develops, or are you going to be proactive, growth-minded, accept the reality of what is, adapt, innovate, and then take action? Second, start with leading yourself before you lead anybody else. Your team will certainly be much more productive and engaged if you yourself are calm, as opposed to someone who's frantic and panicky. Third, change what you did in the past that is no longer likely to produce results and do something else. We see firms really, really struggling right now, because there was something they did and had fine-tuned over the past 10 or 20 years that worked really well in bringing in new business consistently, then COVID hit, and now whatever they were relying upon is no longer even an option. They need to develop a new capability because the conditions have changed. Fourth, create demand by building trust. Your firm's brand exists already, whether it's by default or by design, but if you build trust you will build demand.

2 Significantly Enhance Your Internet Footprint

The use of the Internet for both work and entertainment are up significantly as a result of COVID-19: the reported increase varies from 35% to 75% depending on the source and the habits we're now all forming will influence how we gather information post-COVID, including information about professionals we'll need, family lawyers among them.

The Internet will continue to increase in importance because that's the direction we were already headed and COVID gave us an additional push. Two notable facts:

- www.DivorceMag.com saw a drop in traffic in mid-March when stay-home orders started, but the number of visitors in May is at its highest level in two years.
- Traffic from organic searches from May 1 to 26 increased by 73% vs. the period from March 1 to 26.

This means that your prospective clients are performing more online searches to find a lawyer, so your Internet footprint is important now and will be even more so in the future. If they can find you online, they will judge and choose you – or not – based on your Internet footprint.

Many of you reading this article rely heavily on referrals to provide you with your next case. As a result of COVID, you'll undergo increased online scrutiny because the Internet is everyone's lifeline right now. That trend will continue even as social distancing restrictions are lifted – particularly for those who are 50+, have underlying medical conditions, or have loved ones they need to protect from infection.

How Do You Enhance Your Internet Footprint?

What follows is a partial list of what constitutes your Internet Footprint and how each part will be used to determine if you're the right family lawyer for a prospective client.

A. Your Website

Almost all potential clients will visit your website before contacting you, so I recommend that you ask yourself these four key questions:

i. Does your website look as good as your top 5 competitors' websites?

If you don't know what your competitors' websites look like do a Google search using the name of your city followed by "divorce lawyer" (e.g., "Chicago divorce lawyer") and check the first five websites you see of competing family law firms. From a strictly visual point of view does your website look better or worse than your competitors? Don't worry about the content at this point, just make an assessment of your first impression of your competitors' websites and don't base your opinion on the quality of your competitors' legal work because that will give you a biased point of view – something a prospective client won't have.

If you really have no idea what constitutes a good-looking website, have a look at these websites we designed:
www.fairfaxvalaw.com
www.mmrjfamilylaw.com
www.amarillofamilylaw.com

ii. Does your website do everything it can to elevate your status and help you stand out from competing family law firms?

Do you have testimonials from your clients that not only say great things about you, but also provide a clear indication of the types of clients you serve?

iii. Does your website answer the basic questions your desired clients would ask?

For example, if you want to attract business owners, you should have information that appeals to them to reinforce the message that you understand their needs and know how to address their concerns.

iv. Does your website have anything current about the pandemic?

B. Create, Develop, Update, and Enhance



Feel free to do your own research; I'm certain you'll be convinced that all of these plus others deserve your immediate attention if you want to gain market share:

- **Manage Your Online Reputation** – Google your name and your firm name. You may be surprised by the incomplete and inaccurate information you'll find. List all the websites you appear on and then update and enhance them with the same branding, photographs, firm information, and contact information.
- **Reviews and ratings** – Bad reviews and ratings on Google, AVVO, Yelp, etc., can definitely hurt your chances of getting new clients. Respond to these ratings professionally and generate more positive ratings to balance them out.
- **Google My Business Page** – Update it and add content and reviews on a regular basis.
- **Google Maps** - Update your information so you can be found more easily.
- **Your Firm's Facebook Page** – There are 2.3 billion active Facebook users, don't ignore them.
- **Your Firm's LinkedIn Page** – There are 230 million active LinkedIn Users, don't ignore them.
- **Videos on YouTube** – Videos account for 70%–80% of all traffic on the Internet. Put some videos on YouTube and on your website. Use Zoom or another platform if professional videos are not within your budget, but make sure their quality is good. (In case you didn't know, Google owns YouTube.)
- **Podcasts on iTunes/Podbean** – Podcasts are easy to produce and once produced they can be multi-purposed to provide valuable information to potential clients, enhance your image, distinguish you from competing family lawyers, and provide you with content you can use in many, many ways and places to promote your practice now and in the future.



one-on-one interactions at work, social gatherings, business meetings, business functions, CLE events, etc. – is no longer an option for some of the population. You will no longer get many of the referrals you would have received as a result of personal interactions, which could have a detrimental effect on your business. So if you try to return to “business as usual,” you will likely find that your referral business will drop during and post-COVID.

I've met with thousands of family lawyers over the past 25 years, and when I ask them what percentage of their business comes from referrals, the number ranges from 10% to 99%, with most in the 50%+ range. When I ask what they are doing to nurture and develop their referral sources, most say they send a “Thank-You” email or call to the referral source and that's it. Now, you must have a referral development program in place; people who are referred to you by a trusted source are more likely to show up for an initial consultation, more likely to hire you, and are more likely to pay their bills than a random contact.

I reached out to Allison Williams, who owns both a successful family law practice in New Jersey and a company called Law Firm Mentor, to talk about increasing referrals. To watch the entire interview, go to page 49; here are the highlights.

Allison Williams on Nurturing Referral Sources

Dan: Let's talk about referrals in the year 2020.

Allison: Today, lawyers who want to create relationships and connect with people as a means of generating referrals need to be very active online, particularly during and post-COVID. There is definitely an art to making powerful connections with people and actually staying in front of them online because there are so many messages online and so many people vying for attention. You really have to cut through that with a genuineness about what your goals are, in terms of creating those relationships.

So where should a family lawyer start? What's the process?

Everything starts with our mindset, of course. Creating a relationship with somebody is a one-to-one experience. For those of you that think it's so overwhelming to go out into a room full of people that you don't know and try to drum

3 Connect with Your Referral Sources Like Never Before

The effects of social distancing will last far beyond COVID-19. Of course, everybody looks forward to the day when we'll be free to come and go as we please, but until then, a large percentage of the population will continue to stay away from large groups of people (e.g., CLE events).

The way a lot of information used to be shared – via

up business, this really does not have to be a condition to develop referrals. Now that we are all online, you have a lot more opportunities to create relationships with people from all over the country. A lot of new networking opportunities are springing up that don't involve the same level of potential stress, time, and financial commitment that they used to. Virtual Happy Hour has become a thing. Some of these groups have a limit in terms of the number of people from any one area of business, i.e. insurance agents, real estate, etc., or a limit on each type of attorney. They may only want to have one custody attorney and maybe one adoption attorney, so you're not going to get a glut of family law attorneys. You can create your own Happy Hour: all that's really required is a Zoom account, or GoToMeeting.com or GoToWebinar.com. It's very easy to set up, it's inexpensive, and as the group expands, you will connect with people you don't already know.

What do you recommend to stay connected to your referral sources?

First, put any person that you have had any form of professional contact with into your CRM [Client Relationship Management] software, and sort them based on how you know them and what their area of interest is. So put all Family Lawyers together, put all mental health professionals together, and so forth, and then create an ongoing email contact with them, not a generic type of form letter. On average, 18 to 22% of emails will be opened. Email is a great reminder: even if they see nothing other than your email address it reminds them of you. Second, I would put the Check-In call on your calendar, just to say hi, I'm still here, I still help people with this problem. Third, a lot of family lawyers use social media, so ping them every once in a while, get a funny article, and share it in a group. A lot of us already have groups by our state, and by our practice area; you should stay in those groups – and Facebook groups – as doing so will generate referrals, if you participate. In fact, last year my law firm generated well over six figures just from my associations with people in Facebook groups; e.g., somebody in Texas has a friend that's moving to New Jersey and he needs a family law attorney.

Get Ready to Capture a Larger Share of Your Market Post-Covid-19

All indicators within my reach suggest there is a wave of family law matters coming our way. Even if I am wrong

about the increase will be, my recommendation for what to do right now would be the same: family lawyers who are forward-thinking, well-prepared in marketing, and who take action will increase their market share. ■



Dan Couvrette is a marketing expert for family lawyers and divorce professionals. He is the co-owner and CEO of Family Lawyer Magazine, Divorce Magazine, DivorcedMoms.com, and Divorce Marketing Group, a marketing agency dedicated to promoting family lawyers and divorce professionals. www.DivorceMarketingGroup.com

Related Content

Access Dan Couvrette's video interviews with Michael Mogill and Allison Williams on page 49.

Read "COVID-19: Surge in Divorce and Family Law Firm Marketing" on page 15 of this special issue to find out how COVID has impacted divorcing people and the marketing of family law firms.

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