

Looking Past COVID-19

ISBA members contemplate the COVID-19 pandemic and the “new normal” it may leave behind.

BY PETE SHERMAN

NEARLY HALF OF ISBA’S MEMBERSHIP SUSPENDED OPERATIONS DURING THE COVID-19 PANDEMIC

and nearly as many experienced a decrease in client matters. When asked whether the pandemic has increased their levels of stress, roughly six out of every ten members said yes. When asked whether members perceive more stress in their colleagues and employees as a result of COVID-19, more than 80 percent said they did.

These are among the results of an online survey commissioned by the ISBA to assess how the pandemic is affecting members professionally and personally. Administered by Readex Research, the survey was sent to 20,519 members (excluding law students) last October and was completed by 2,925 respondents (a 14 percent completion rate). As an incentive to complete the survey, respondents were placed in a drawing for a chance to win one of two \$100 Visa debit cards. ISBA leaders are using results

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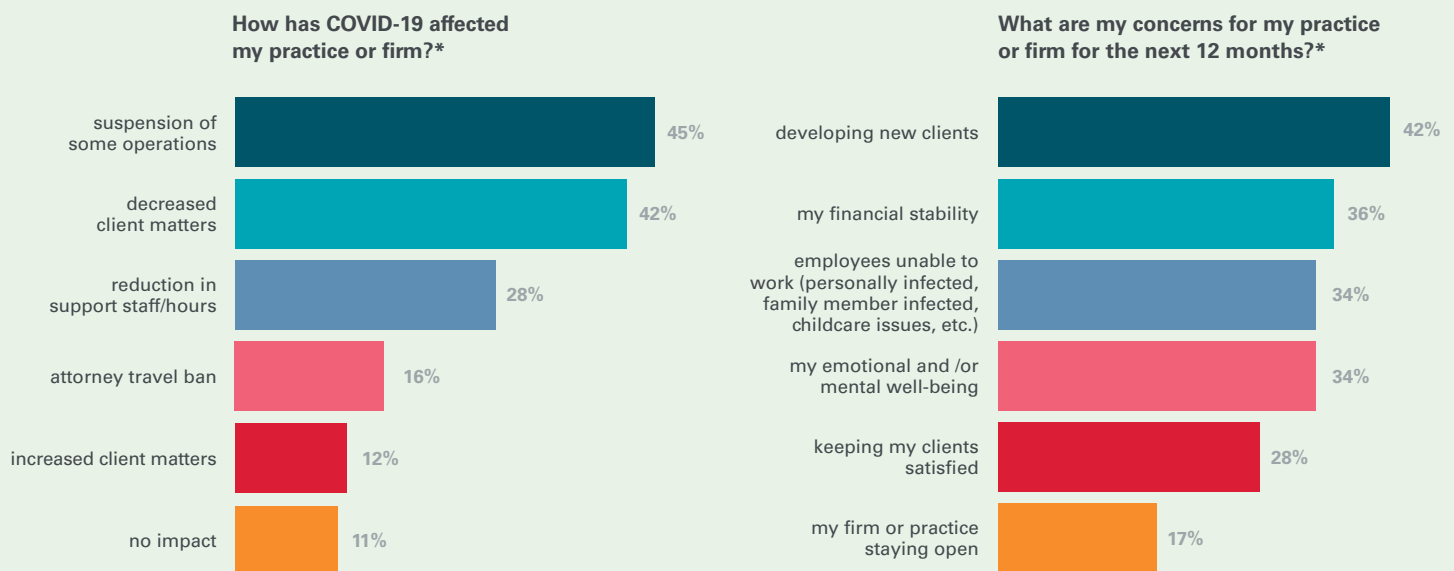
from the survey to assess whether the association's programs and benefits are addressing members' more critical needs.

The survey also revealed more positive news, including an increase in business for some attorneys during the pandemic. Roughly 60 percent of respondents said their shift to remote working will last beyond the pandemic, as will their willingness to engage in business via videoconferencing. Roughly half of all members would like to see greater emphasis on mental health and well-being even after the pandemic ends. Also, 65 percent would like to see some form of remote court business continue beyond the pandemic.

Members also left thousands of comments in survey fields that allowed for open-ended responses, which reflected a wide range of experiences and opinions. For example, one respondent stated "I'd like to see continued use of Zoom for status calls, pretrials, and nonevidentiary hearings" after life returns to "normal." Another said, "I'd like nothing to be remote." Comments ranged from despairing and anxious to hopeful and reflective.

What follows is a summary of the results interspersed with representative samplings of open-ended comments left by respondents. To read Readex Research's survey report, visit law.isba.org/COVID-19survey.

"COURT SCHEDULING IS A DISASTER. CLERKS, JUDGES, AND COURT ADMIN HAVE CONSTANTLY CHANGING AND MUTUALLY, LOGICALLY EXCLUSIVE RULES ON THINGS."



*Respondents were allowed to pick more than one answer.

COVID-19's impact on business

Whether a firm suspended some operations during the pandemic depended on its size. Solo firms and firms with lawyers of 50 or more were less likely to suspend operations (42 percent and 47 percent, respectively) than firms of two to nine lawyers and firms with 10 to 48 attorneys (50 percent and 53 percent). But the larger the firm, the less of a decrease in actual client business they reported: 55 percent of solo firms experienced a

drop in client matters compared with 47 percent of firms employing two to nine employees; 39 percent of firms with 10-49 lawyers; and 35 percent for firms of 50 or more attorneys.

Takeaway: Reflected throughout results from the survey, larger firms were able to suspend operations without suffering as much loss in actual client business, whereas solo firms were more inclined to remain fully open even as they were more likely to experience a decrease in client matters.

“REAL ESTATE WAS BUSIER THAN EVER AND IT WAS EXHAUSTING TRYING TO HANDLE THINGS REMOTELY/SAFELY AND A STRUGGLE TO FIND HELP SAFELY AND REMOTELY DURING A PANDEMIC. I AM VERY GRATEFUL FOR THE BUSINESS, BUT IT WAS THE MOST STRESSFUL AND OVERWHELMING TIME.”

COVID-19's impact on lawyers personally

If the coronavirus seemed more determined to punish solo and small-firm business, it didn't seem to care where attorneys worked regarding the toll it has taken on them personally. On average, 58 percent of respondents stated they have experienced increased stress during the pandemic. But solo attorneys were the least likely to report an increase in stress compared with attorneys at larger firms who reported increased stress levels. Similar percentages played out with increased mental-health concerns, with fewer solo attorneys reporting an increase in mental health concerns than attorneys from larger firms. In fact, attorneys at firms with 50 or more lawyers were most likely (one in every three, or 33 percent) among lawyers from all firm sizes to report rising mental-health concerns. Solo attorneys were least likely to report an increase in mental-health concerns (22 percent).

COVID-19 also has left a dent in members' take-home pay. More solo attorneys (38 percent) and attorneys at large firms (33 percent) reported salary cuts than attorneys in small (28 percent) and medium-sized firms (25 percent).

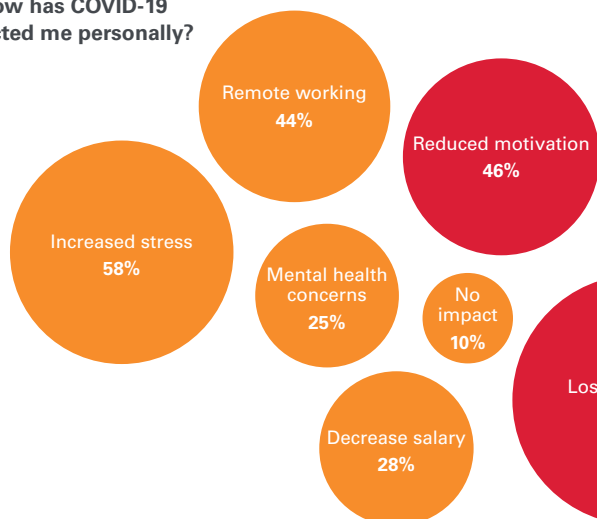
Takeaway: Stress, mental-health concerns, and lower paychecks during the pandemic were seen pervasively throughout the legal profession.

The nature of work

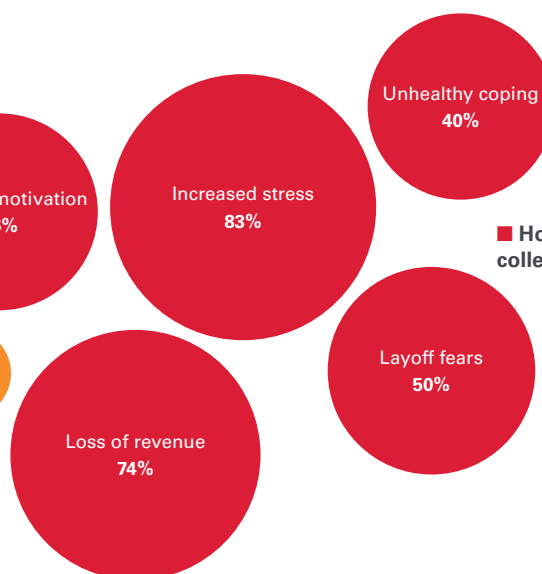
Perhaps because many solo and small-firm attorneys already work from home, fewer reported that they began working remotely during the pandemic. The percentage increased in proportion to the size of respondent's firm, from 37 percent of solo attorneys stating the pandemic forced them to begin working remotely to 74 percent of attorneys at firms of 50 or more lawyers who began working remotely this year.

A slice of good news is that a clear majority of attorneys from all firm sizes were not concerned or only somewhat concerned that they'd have to close their practice as a result of COVID-19. Still, 24 percent of solo attorneys did express serious concerns about the sustainability of their practice, a significantly higher percentage than that of attorneys at larger firms. Similar percentages were reflected in answers to questions concerning members' financial stability in 2021.

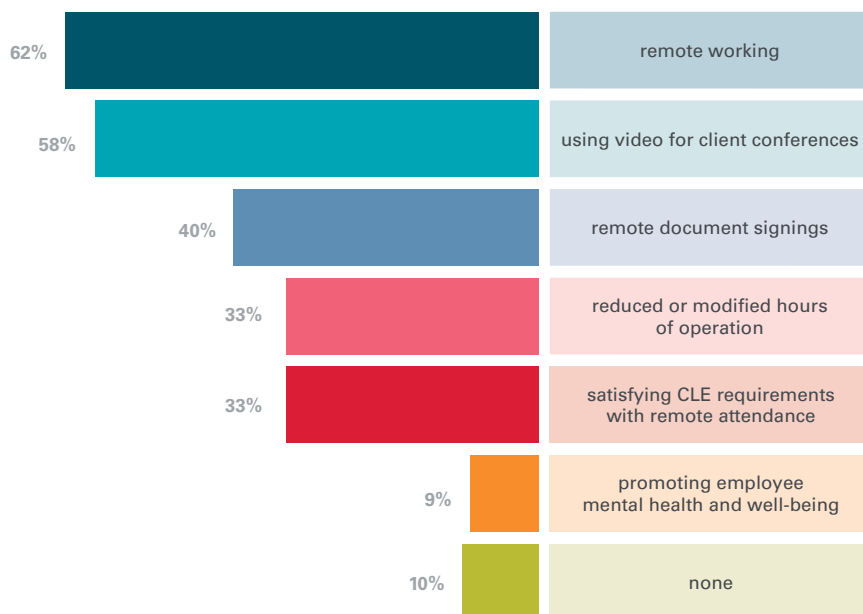
■ How has COVID-19 affected me personally?



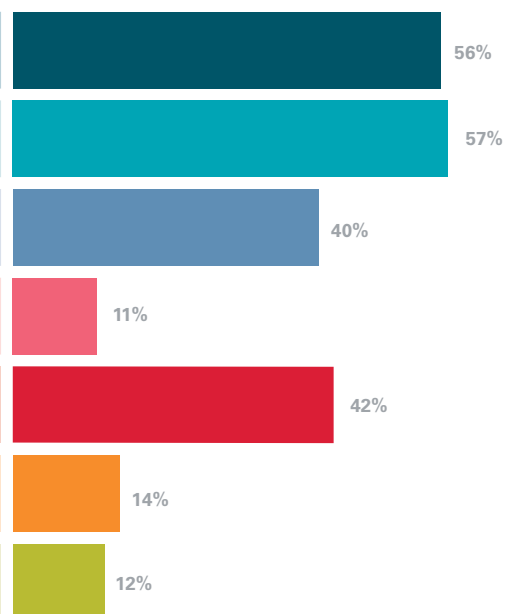
■ How has COVID-19 affected colleagues and employees?



What have you done for the first time because of COVID-19?



When the pandemic ends, what will you likely continue to do?



A concern among many attorneys regarding 2021 is whether employees will be able to work due to infected family members, child care issues, and other challenges, with anywhere from 26 percent of solo attorneys expressing this to 45 percent of attorneys at the largest firms. These concerns also mirror a significant increase in workplace flexibility options. More than 60 percent of ISBA's membership reported working remotely for the first time, and similar increases were seen in first-time uses of videoconferencing and remote document signing as a result of COVID-19.

Takeaway: As the pandemic upended the global economy and work routines across industries, the practice of law and all who are employed by it also continue to adjust.

"I'D LIKE TO SEE CONTINUED USE OF ZOOM FOR STATUS CALLS, PRETRIALS, AND NONEVIDENTIARY HEARINGS. ZOOM IS CONVENIENT AND EFFICIENT FOR NONEVIDENTIARY MATTERS. EVIDENTIARY MATTERS LIKE TRIALS AND HEARINGS SHOULD BE IN PERSON."

What should stay or go?

Once the pandemic fades from view, how much of life will return to prepandemic routines? Members were asked what behaviors should, or are likely to, continue after COVID-19 restrictions are lifted. A majority predicted that videoconferencing and remote working are here to stay (57 percent and 56 percent, respectively). A minority of respondents predicted that remote document signing and relying on only

remote CLE events will last (the one exception is that 50 percent of lawyers from large firms said remote document signing will remain a viable option).

But when asked whether members "hoped" certain things would last past the pandemic, clear majorities were in favor of remote court hearings, remote working, using videoconferencing with clients, and signing documents remotely.

Between "predictions" and "hopes" for the future, perhaps the starkest divides in the survey regarded whether firms will continue placing a greater emphasis on mental health and well-being once the pandemic is over. Only 14 percent of respondents expected that their firms will continue supporting greater mental-health and well-being awareness after the pandemic, but 49 percent "hoped" their firms would continue efforts to

“OUR FIRM HAS BEEN VERY ADAPTIVE AND HAS MOVED MANY OF THE STAFF TO WORKING FROM HOME AND DIFFERENT HOURS. HOWEVER, IT SEEMS AS IF WE ARE DOING WELL. I WOULDN'T SAY NO IMPACT BECAUSE THE OFFICE IS NOT THE SAME OPEN, CLOSE-KNIT PLACE OF THE PAST.”

85%

of survey respondents prefer Zoom over all other video-conferencing platforms.

“I DO NOT EXPECT A ‘BACK TO NORMAL.’ TO CONTINUE TO PRACTICE I WILL HAVE TO ADAPT TO THE ‘NEW NORMAL’ WHETHER I LIKE IT OR NOT.”

What should the legal profession continue to support after the pandemic?



promote well-being and mental health. When asked what their colleagues and employees are experiencing, 83 percent of respondents said “increased stress,” 74 percent indicated “loss of revenue fears,” 50 percent indicated “layoff fears,” 46 percent saw “reduced motivation,” and 40 percent saw unhealthy coping (e.g., increased drug or alcohol use, etc.).

Takeaway: Given that 1) 84 percent of

attorneys reported a decrease in face-to-face meetings with clients and 2) 85 percent now use Zoom (one of many videoconferencing platforms mentioned by respondents in their open-ended comments), remote technology usage has a strong chance of becoming part of the “new normal.” Less certain is the extent to which well-being and mental health will be given more attention. [\[3\]](#)

About the survey

- Of ISBA members who responded to the survey, 34 percent practiced real estate law; 30 percent practiced in trust and estate planning; 24 percent were general practitioners; 21 percent practiced family law; and 19 percent concentrated in personal injury law. Other concentrations indicated by respondents included corporate, antitrust, and international; criminal; commercial, banking, tax, bankruptcy, securities, and insurance; employment labor and workers’ compensation; government relations and municipal; immigration; health care; intellectual property; entertainment; and environmental.
- Responses were completed by representatives from all of Illinois’ judicial circuits.
- The mean age of all respondents was 51.5.
- Most respondents (68 percent) worked at firms employing one to nine attorneys.
- Based on the number of responses, Readex Research calculated a confidence level of 95 percent and a margin of error of +/-1.7 percent. (This means that the survey will produce the same results within 1.7 percentage points if given 95 times out of 100.)