



Law.com and the Mid Market Report Publishes Charley Macedo's Article on The Impact of COVID-19 on Law Firms: Disruption, Acceleration and Innovation

Law.com and the Mid Market Report

Author(s): Charles R. Macedo,

As NYC opens back up 100 days after its first reported COVID-19 case, partner Charley Macedo shares his insights with the Mid-Market Report on "The Impact of COVID-19 on Law Firms: Disruption, Acceleration and Innovation."

Read the [full article](#) as well as below:

This article discusses some of the impacts that COVID-19 has had on business operations as a disruptor, accelerator, and spark for innovation both in the short-term and long-term.

Disruption

As the number of those infected and killed due to COVID-19 continues to grow,[1] the disruption is real and is having a severe impact on our lives, economy and prospects for the future.

First, large gatherings and conferences were cancelled. I personally had just landed in California to participate in the annual meeting of the Association of University Technology Managers (AUTM) in early March when the Governor of California announced a ban on such gatherings. Thus, conferences like AUTM's annual meeting, sporting events, concerts, and other gatherings of more than 50 people started to adjourn, delay and eventually cancel in response to fears of spreading COVID-19.[2]

Further, churches and other places of worship were told to stop all in-person services. Department stores and other non-essential shopping venues were shut down. Restaurants were told to halt in-store services. The travel industry, including airlines, hotels and amusement parks, were devastated or shuttered almost overnight. Hospitals and doctor offices were either overwhelmed (like in New York City), or virtually shuttered for fear of spreading the potentially lethal virus. Even internet deliveries of non-essential items were impeded as Amazon's warehouses made room for essential deliveries.



State and local leaders throughout the nation began providing regular reports to soothe our unconstrained fears, which resulted from combinations of disinformation, cabin fever, and anxiety over the unknown. Should I wear a mask? Does it matter if it is an N95? How do I properly wash my hands? Will garlic keep away the virus? These and a thousand other questions were racing through the internet and social media, and we needed our local leaders to provide us with trusted and reliable answers.

In New York, both Governor Cuomo and New York City Mayor DeBlasio spoke to us about the state of emergency and offered respective (and often differing) plans to address the pandemic as it continued to grow through March and April. Ohio Governor Mike DeWine and Kentucky Governor Andy Beshear also soothed their constituents with regular addresses, staking their claims as some the highest ranked leaders in addressing the crisis.

Notwithstanding the efforts of the federal Government to prop up the economy with helpful measures like the Paycheck Protection Program (PPP), mortgage forbearance, the reduction of interest rates and other stimulus efforts, we have still seen the Dow Jones Industrial Average drop from a high of close to \$30,000 as 2020 began to a low of slightly over \$18,000, with a current price of around \$24,000.[3] Reported unemployment rates grew from virtual full employment (~3.6%) to nearly 15% in April 2020, while the effects of the PPP were still in full gear.[4]

Bankruptcies of household names have been led at alarming rates, including J.C. Penney, Neiman Marcus, J.Crew, Gold's Gym and Hertz Rental. While hopefully these and many other businesses will merely be reorganized and come out stronger and survive, at a minimum, many more jobs will be cut, leases terminated and vendors hurt in the process.

Though this list of disruption is hardly complete and yet to be fully realized, what is clear is that COVID-19 has been, and will likely continue to be, a major disruptor in how we all live, work and continue to operate for at least the near future. But even in this time of uncertainty and grief, with the virus having injured many industries, it has helped others grow.

Acceleration

Notwithstanding the doom and gloom detailed above, the silver-lining of COVID-19 has turned what were previously considered gimmick or quaint technologies into the new norm. Our prior reluctance to use remote technologies like video conferencing and online grocery delivery have now become not only accepted alternatives, but a preferred method of doing things in our new socially-distanced world.



Our firm is fortunate to have already put in place remote working technologies in 2018. We had cloud computing for all our systems (document management, emails, docketing, etc.), except for our accounting system (which was scheduled to be converted this year). As a result, we had everything necessary to work remotely, with the last piece of the puzzle to be fully implemented in the summer of 2020. Of course, we were not expecting to need this technology in this way, but we have used it to adapt from conference rooms to video chat squares. We were privileged to have the infrastructure to continue operating remotely and efficiently through this new reality.

What COVID-19 did was cause us to accelerate—and in some cases upgrade—our use of the technology. We had Microsoft Teams (an enterprise version of Zoom) in place and available without any further costs to all our employees. We did not begin to use Teams, however, until we became trapped in our socially distant home environments. We now can regularly conduct team meetings on the *ô€f—y* with a click of a button, share screens and collaboratively edit documents all within the safe confines of our home.

Like everyone else, from schools, universities, churches and temples to webinars and marketers, we also have learned to use Zoom, Go-To-Meetings and Google Hangouts to communicate remotely with our clients, prospects, colleagues and others outside the firm. Thus, we see COVID-19 as a catalyst that accelerated the use of pre-existing technology and caused a commercial acceptance that without the adversity of the pandemic may have taken years to become so widely accepted.

There has also been some mixed success. The courts and agencies that our firm deals with have seamlessly continued to operate remotely. For our patent, trademark, and copyright *ô€f—lings*, which have been performed via the internet for a while, little changed from working from home.

With respect to federal court work, which is where most of our intellectual property litigation occurs, the court's electronic *ô€f—ling* systems were already in place and readily available with the standard way of operating. We had used telephone interviews with government agencies, as well as telephonic status conferences occasionally with district courts in the past. COVID-19 merely made it the exclusively way in which we spoke to agency and court officials.

The biggest change in the federal courts was at the Court of Appeals and U.S. Supreme Court, where oral arguments became exclusively telephonic. We had one of the earliest telephonic oral arguments before the Second Circuit in New York, as my partners reported on in the *New York Law Journal*.^[5] We have had settlement conferences over the telephone in our cases, and expect to have more status conferences, hearings and oral arguments in the foreseeable



future. While not ideal, and certainly more challenging, we have nonetheless forged away remotely with these telephonic proceedings.

However, the State courts, which often lack the same computer infrastructure as the federal courts and agencies, have been slower to adopt to the electronic e-filing and telephonic hearings. In New York, Governor Cuomo also tolled all statute of limitations during the pandemic. Nonetheless, we expect them to slowly catch up with the accelerated implementation of distancing technology.

The acceleration of adoption was not merely in the use of cloud tools to get our work done from home. We have seen an acceleration in our adoption and desire to use long-available services like Seamless and Grubhub to receive deliveries from restaurants and what used to be Peapod, replaced by Amazon Fresh and Whole Foods or Instacart, to have “shoppers” pick out and deliver groceries to our homes. Here again, the pandemic and fears of interacting with other people in tightly packed grocery stores or eating in restaurants have accelerated the adoption of previously available options; the fear no doubt changed the way we will order and obtain supplies long beyond 2020. Once social distancing is eased and we are permitted to pick out fresh tomatoes and bananas ourselves, will we have been retrained to continue to order our produce, groceries and meals by a click of a button instead of a trip to the local market? How long will it take to obtain necessities as we used to, if we ever will?

While we have long had FaceTime on our iPhones, and the kids had social group chats using Google Hangouts, the pandemic forced the word “Zoom” into our vocabulary overnight. It accelerated the adoption of video chatting and the use of webinars instead of in-person meetings dramatically. As now our best (and often only) option, we are attending or hosting webinars in place of what had long been in-person events. My presentation for AUTM (discussed above) has been replaced with a webinar scheduled for early June 2020. My presentation for the Licensing Executive Society and Georgia Intellectual Property Association that was originally scheduled for May 12 in Atlanta was virtually presented to a larger and more geographically diverse audience. In the past, where webinars would have been at best a third choice, they have become the primary way to present thought-leadership to our peers and prospects.

Thus, we see an acceleration in the implementation of already existing technology addressing the voids caused by the disruption associated with COVID-19.

Innovation



The best businesses learn how to make lemonade out of lemons. With barriers being created by COVID-19's disruption, we have had clients come to us with the innovations developed to allow business and life to continue. Little things, like new mask designs, technologies used to prolong the usefulness of precious N95 masks, and improved stations for pop-up medical facilities, are examples of the types of innovation this crisis has engendered.

We have witnessed significant investment in finding better approaches to testing and treatment, as well as (hopefully) vaccines for COVID-19. The world depends upon our best and brightest coming up with fast, effective, efficient and quickly deployable solutions to this pandemic, while still fostering and rewarding those who achieve it. This is critical for the world's health.

Yet innovation occurs not only in how we diagnose, treat, and avoid infection, but also in how we address the disruption that the pandemic has brought to our daily work and home life.

For example, the timing of the pandemic was such that some of our favorite television shows did not get to complete the final episodes of their seasons before everyone was ordered to socially isolate. The approaches taken by these shows varied based on the unique circumstances they each faced. We saw *NEW AMSTERDAM* rewrite their episode with the unfortunate subject matter of a pandemic in New York City and showcase Zoom interviews with their casts. On the other hand, *THE BLACKLIST* had shot only some of the scenes when production shut down, resulting in a *jump* between live shots, split shots, and animations to complete the episode. Other shows like *ALL RISE* created entire episodes through video conferencing technology) to show the effects of social distancing measures and stay-at-home orders on the daily lives of individuals.

We have also seen new approaches to video production. On YouTube, we can see a web series called *QUARANTINED (REAL LIFE EDITION)*, in which a survivor-like scenario is played out satirically in a series covering a single Zoom call, in which only one player will survive to earn the \$25 CVS gift card.[6]

When the time eventually comes for us to return to our offices, we will likely face new restrictions on how we interact at the office, whether it be restrictions on which door is used to enter or leave our offices, how many people can be in an elevator at a given time, times to wear a mask, whether we have plexiglass installed to separate us from our colleagues, or some other protection put in place to slow the risk of another round of infection.

As our businesses are forced to reinvent themselves—restaurants incorporating delivery services, car manufacturers becoming ventilator manufacturers, and classrooms being replaced or supplemented with online education—our ability to adapt and innovate in our new



environments will no doubt create new opportunities and businesses.

Conclusion

It is through adversity that we learn to overcome and prosper. While the disruption caused by COVID-19 is horrific and should not be understated, we should learn to take advantage of the technologies it has accelerated and the innovation it has, and will no doubt further, inspire. As we look for ways to re-invent our lives and businesses during these troubling times of social distancing and sheltering-in-place, let's continue to innovate and implement those innovations to make the American Dream come true.

Endnotes

[1] See Coronavirus: All the Celebrities Who Have Tested Positive for COVID-19

(<https://www.glamour.com/story/all-the-celebrities-who-have-tested-positive-for-coronavirus>), Glamour (Apr.

19, 2020).

[2] On May 23, 2020, The Washington Post reported that according to its tracker, 94,000 people died in the

U.S. from COVID-19 and almost 1.6 million people were confirmed to have been diagnosed. See Miriam

Berger et al., Coronavirus May Still be Spreading Uncontrolled in 24 States, Study Suggests

(<https://www.washingtonpost.com/nation/2020/05/22/coronavirus-update-us/>), Wash. Post (May 23, 2020).

Many believe these numbers underestimate the true infection rate (and possibly the mortality rate) since not

everyone infected gets tested and/or exhibits the full range of symptoms giving rise to most people's fears.



[3] See MarketWatch, Big Charts
(<https://bigcharts.marketwatch.com/quickchart/quickchart.asp?>

[symb=DJIA&insttype=Index&freq=1&show=&time=19](https://bigcharts.marketwatch.com/quickchart/quickchart.asp?symb=DJIA&insttype=Index&freq=1&show=&time=19)), (May 24, 2020).

[4] See Erin Dušn, U.S. Unemployment Rate: Seasonally Adjusted April 2020

(<https://www.statista.com/statistics/273909/seasonally-adjusted-monthly-unemployment-rate-in-the-us/>),

Statista (May 12, 2020).

[5] See Douglas Miro & Brian Comack, Practical Considerations for ‘Virtual’ Oral Argument Before the Second

Circuit During the Pandemic

([https://www.law.com/newyorklawjournal/2020/05/20/practical-considerationsfor-](https://www.law.com/newyorklawjournal/2020/05/20/practical-considerationsfor-virtual-oral-argument-before-the-second-circuit-during-the-pandemic/)

[virtual-oral-argument-before-the-second-circuit-during-the-pandemic/](https://www.law.com/newyorklawjournal/2020/05/20/practical-considerationsfor-virtual-oral-argument-before-the-second-circuit-during-the-pandemic/)), N.Y.L.J. (May 20, 2020).

[6] See McMurphy Productions, Quarantined: Real Life Edition Trailer

(https://www.youtube.com/channel/UCefWtrJxU1GOoRb_wtzloog), YouTube (May 2, 2020).

[Charles R. Macedo](#) is a partner at Amster, Rothstein & Ebenstein.

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