

MEMORANDUM

TO: Board of Governors

CC: Dori Foster-Morales, Josh Doyle, Gypsy Bailey, Francine Walker, Terry Hill, Joni Hooks

FROM: The COVID-19 Recovery Task Force Members Mike Tanner, Amy Fariior, Cory Brandfon, Esther Jacobo, Jacob Brown, Jeremy Branning, John Agnew, Jorge Piedra, Laird Lile, Laura Davis Smith, Larry Sellers, Masimba Mutamba, Sia Baker-Barnes, Stephanie Marchman

DATE: April 26, 2021

SUBJECT: COVID-19 Recovery Task Force Final Report: Lessons We Have Learned from the Pandemic

President Foster-Morales appointed the task force in the summer of 2021 to identify specific, useful benefits the bar can give our members to help them deal with the professional and personal difficulties the pandemic created. The task force first met on August 5, 2020. This first meeting took place roughly 5 months after the pandemic began and the unprecedented disruptions to every aspect of our lives and our legal practices had already become the new normal. This delay was understandable because the need for such a task force was not immediately apparent.

To date, the task force has met 15 times and its subcommittees have met multiple additional times. Because the 15 status reports for these meetings provide detail of the task force's activities, this final report will focus on lessons we have learned that may help future leaders of The Florida Bar navigate crises and major disruptive events.

Lesson 1: Create a Diverse Task Force.

The task force acted as the bar's central clearing house for COVID-related information and issues. The individuals selected to serve on the task force, many of whom were not on the board of governors, came from diverse backgrounds, ages, practice areas, and firm sizes. They were also diverse in terms of gender, race,

ethnicity, and geography. This diversity was intentional and useful, playing an integral role in the task force's ability to understand and address the pandemic's broad and varied effects on our members' personal and professional lives.

Lesson 2: Communicate and Educate.

The task force relied on multiple means to communicate with and educate bar members during the pandemic, primarily the COVID-19 page on the bar's website, member surveys, and virtual town halls.

The COVID-19 page proved an effective communication and education tool because it was prominently displayed on the bar's home page, easy to use, and constantly updated with timely, current, and relevant COVID-related news, and information. Members had one place they could reliably find the latest health news, pertinent section and committee activities, updated court procedures, articles addressing practice concerns, and pertinent proposed legislation. It also provided links to member benefits, articles, and free CLEs aimed at helping members transition to a virtual practice and cope with the mental and financial stresses the pandemic caused or exacerbated.

While the webpage allowed the bar to communicate information to the members, the virtual town halls President Foster-Morales conducted in each circuit, as well as the member surveys the task force conducted, enabled members to speak directly to the bar on the issues they faced because of the pandemic. The surveys particularly helped the bar assess how well remote proceedings are working in the various practice areas. This information should prove invaluable to the courts as they look beyond the pandemic to determine which, if any, virtual proceedings should continue and under what circumstances.

While it sounds like a cliché, communication is key in any crisis. In a future crisis, the bar should similarly use every communication tool at its disposal to inform and educate our members about the crisis, the functioning of the courts system, and the ways in which the bar can help.

Lesson 3: Appreciate (Empathize).

The pandemic's financial impact on our members, particularly in the early stages of the shutdown, was apparent. The bar took immediate steps to help, by offering dues installment payments, free CLEs, delayed CLE deadlines, etc.

The personal impact on our members was less obvious at first. However, the feedback we received in the townhalls allowed us to appreciate how our members were faring on a personal level. We heard about the isolation and stress many experienced. The pandemic's effect on younger lawyers trying to work from home while wrangling with toddlers and helping school-age children with remote learning came into particular focus.

It was important that the bar and the task force did more than just hear our members' concerns; we empathized and acted to help. For example, the task force looked for ways to help these lawyers cope with childcare issues and even housekeeping.

Another very important tool the bar employed was not developed during the pandemic, namely the mental health and wellness initiative President Foster-Morales instituted as president-elect. This initiative was ready to roll out early in the pandemic when the need for mental health support became apparent. While the number of people who took advantage of this service may not have been large, those who did no doubt found it helpful.

The pandemic has also showed us that when we address quality-of-life issues and professional fulfillment, we can overcome anything. It is fair to say the legal profession previously resisted changes, such as allowing lawyers to work remotely, out of fear productivity would suffer. Instead, productivity increased during the pandemic because we helped lawyers work in the ways they can be most productive – which is not the same for every lawyer and does not have to be the way we have always done it.

Lesson 4: Cooperate and Coordinate.

Another task force goal was to communicate with the courts and assist them in their efforts to keep the justice system moving during the pandemic. This is one area in which several task force members felt the bar has the most work to do. Many shared the sentiment that it felt like many different groups in the state were working

in their own silos to create the same wheel. And while the task force occasionally heard from representatives of these other groups, there seemed to be little cooperation or coordination among these groups.

Task force members have suggested the formation, under the auspices of the supreme court, of a standing committee, comprised of representatives from all the major stakeholders in the judicial system, that the supreme court could summon at the first sign of trouble. The committee could be composed of representatives from the supreme court, lower courts, clerks of the courts, local and state bar leaders, and lawyers practicing in the major areas of law. Each of these stakeholders has a unique perspective and skill set that should be brought to bear in a crisis. Had this committee existed when the pandemic began, we may have been able to solve problems even faster.

Obviously, The Florida Bar cannot require the supreme court to adopt this proposal, but perhaps it is an idea the bar could explore with the court.

Lesson 5: Innovate and Anticipate.

One point on which all task force members agree is that Florida's legal system proved far more flexible and adaptable than we believed possible. The wholesale adoption of remote proceedings is something we thought might happen in the distant future, yet it happened practically overnight. We went virtual because we had to. The justice system had to keep working. But the crisis created the opportunity for change.

Task force members have questioned why we must be forced to innovate? Innovation should be an ongoing process. If nothing else, the pandemic has taught us that we should constantly assess what is already possible -- and go from there.

Conclusion.

The pandemic's end may be in sight, but it is not over. It may well have additional or even different lessons to teach us before we are back to "normal." History takes time to put events in context. But one thing is clear, even at this point, the pandemic has forever changed, not only how we practice law, but how we think

about what is possible. It is, of course, not possible to predict the precise nature or extent of future disruptive events. The next event may challenge our increased dependence on technology. But we hope these general lessons can be used by future bar leaders so they are not crafting their response from a blank page.