

Lawyering Through a Pandemic

By Lynn Patrick Ingram

Dearborn attorney Robert “Rob” Cassar is a lawyer’s lawyer. He’s the guy who seems to be in every courthouse, shaking hands, hugging, and making things happen. All the judges and lawyers in the tri-county area seem to know him, and love him. He’s been at it for years, and he’s good at what he does.

So, like thousands of other practitioners, the recent pandemic hit him like a ton of bricks. Of course, in true Rob Cassar fashion, instead of sitting back and waiting to see what might happen, he seized the opportunity to get out in front of it. Not only did he not miss a beat, but he set himself and his practice up for the future.

According to Cassar, it happened quickly and with a certain ferocity. And by making the necessary changes to his practice, and his expectations, he not only survived, but thrived.

Cassar recently sat down with me (via Zoom, of course) to share his thoughts on the current and future state of everyday legal practice in Michigan.

Before the pandemic, what did a typical day look like for you and your law practice?

Like most solo and small-firm lawyers in the tri-county area, I spend a lot of time meeting with clients, running from court to

court, and making sure I’m on top of things. My practice focuses on family law, probate administration, and criminal defense—all intense, high-volume practice areas. My office is in Wayne County, which is always busy, but I also spend a lot of time in Oakland and Macomb. A typical day starts with going to court, followed by client meetings and office work in the afternoon. It’s fast paced and never really slows down.

Describe how things changed during the first two weeks of the pandemic.

At first, everyone was casually talking about wearing masks and staying away from social functions. But things changed quickly when the governor came out with her stay-at-home order. That’s when I knew I was going to need to make some significant changes. The first thing I did was contact two of the most tech-savvy attorneys I know, Chris Shemke and Neil Deblois. They helped me think through my various options for effectively running my office remotely.

There’s nothing quite like a pandemic to force you to accelerate your technological capabilities. I had to quickly learn about

the cloud, operating my computer remotely from home, taking credit card payments over my cell phone, and of course Zoom conferencing. I set up a home office with all the accoutrements—scanner, printer, file folders, everything I needed to get work done. I told all my clients I was prioritizing for the most essential and time-critical situations, and I got busy. I would’ve preferred a home office on the beach, but I made the best of the situation.

Once things stabilized, what did a typical day look like?

One of my assistants has a medical issue, so we’re not taking any chances with her health. On a typical day, nobody is allowed to enter our office building, not even the mail carrier. If something has to be notarized, we do either remote notarization or we have the person stay outside and we will leave a clipboard and watch them through the glass. I do Zoom court hearings regularly now, and I meet with clients via Zoom. My clients have been very understanding. I think they are relieved when they learn that it’s not mandatory to come to the office and sit down for an interview.

“The issues I deal with require a personal connection that you just can’t get with a remote meeting. So there will be some things that won’t, and shouldn’t, go away.”

—Dearborn lawyer Robert Cassar



“Future of Law” is a regular column of the *Michigan Bar Journal*. Articles about lawyers who are innovating the practice of law are written by Lynn Patrick Ingram. To submit a story idea, please contact Lynn at lingram@michbar.org.

What changes have you put in place in your practice to thrive during these unprecedented times?

I'm not sure I would use the word "thrive" just yet, but my practice has been pretty busy with the cases I had going on before the pandemic. I do Zoom meetings with clients to keep them informed, but a large number of our court cases have been adjourned over and over again. It's going to be a very busy summer playing catch-up once the courts reopen. We've had great success resolving matters through Zoom mediation hearings (Jennifer Smith is a Zoom mediator, and she has made the process very comfortable for my clients).

Have there been any glitches, and how did you overcome them?

The biggest glitch has been getting clients to become tech savvy. How do you teach a typical senior-citizen client how to use Zoom? One client actually said, "I haven't needed a computer for 75 years and I'm not using one now!" I told him to give me the phone number of his 14-year-old grandson, and we made it happen. This is when it becomes important to plan way in advance. I have a pretty good system in place for practicing with clients in advance of hearings. I also advise that our older clients have somebody older than seven help them navigate the technology. I've had numerous Zoom hearings where the client can't get into the meeting room, so I always make sure to have a phone number handy so the client can call in and participate without video.

Have there been any silver linings? In other words, have any of the changes resulting from the pandemic been pleasantly surprising?

Zoom has allowed my efficiency to increase to levels never seen before. I used to drive up to an hour to get to court, park, then wait for my case to be called. This would take up most of my morning. Now I run upstairs to my home office five minutes before a hearing so I can throw on a suit for my designated Zoom hearing slot. The judges have been great about not keeping us waiting too long. I will not comment on

the speculation that sometimes I am wearing shorts with a suit coat and have a dog on my lap during some of these hearings.

On a personal level, I'm loving the amount of family time that is happening now. I have a son in high school and a daughter in college, and I can't remember a time when my family has so consistently sat down at the dinner table together, exercised together, and played board games together. Turns out my negotiation skills work very well in Monopoly! We have learned by necessity how to cut each other's hair (and the dog's hair too). We've become much more thankful for what we have and always think about the large number of people that live alone and are cut off from the rest of the world.

With the courts reopening soon, what will the "new normal" look like, and how do you think it will look in the long run?

I think the majority of family and probate courts will keep doing Zoom hearings for the foreseeable future. Things will change the most once there is a reliable treatment for COVID-19 or a vaccine. Until then, I think the state will see a spike in new cases, and chief judges won't want to risk the health of the parties or their staff if there is a good alternative like Zoom. I'm hoping that electronic filing will become the new norm since there isn't really any reason to force people to show up in person just to file a document. It wouldn't surprise me if all courts required masks to be worn in the courtroom (I will be the guy wearing a "scales of justice" mask).

Do you believe any of the new methods you and other lawyers have put in place to work around the pandemic will stick? If so, which ones?

The only thing we might see more of post-pandemic is electronic filing and Zoom hearings (for procedural-type hearings). In the past, many judges would allow various hearings to be held by phone. If a judge was only going to hand out a scheduling order, I can't see why they wouldn't use Zoom going forward. Most judges and attorneys never had a reason to use Zoom before. I think once they become more familiar

with the technology and feel comfortable using it, it will become a regular staple in the courthouse. As far as clients are concerned, I know the vast majority will want to meet their attorneys in person once they are able. The issues I deal with require a personal connection that you just can't get with a remote meeting. So there will be some things that won't, and shouldn't, go away. But we will definitely see significant change.

How do you think your practice area(s) will be permanently affected by this?

I think with the exception of more use of Zoom hearings and electronic filings, most other things will be back to "normal" within about eight months. Once a vaccine becomes available or if COVID-19 becomes more treatable, then I think judges will generally prefer to see parties in person so they can assess their credibility and keep control of their courtrooms. With a virtual courtroom, it's much more difficult for a judge to keep law and order in place. It's just not the same when a judge says, "I'm holding you in contempt; come to the courthouse so we can lock you up." I know one judge mentioned that a defendant was on a Zoom hearing without a shirt, and another was sitting in bed. There are simply some things you can't do as well remotely.

What advice do you have for other lawyers who might be struggling to adapt to the changes (temporary and permanent) brought on by the pandemic?

I think the biggest struggle that attorneys will face is going back to a regular 9-to-5 workday after having untold amounts of freedom to structure their days any way they want. It will also be interesting to see if handshakes and hugs will become part of the norm again or if we will be relegated to fist bumps for the next decade! ■

Note: This interview has been lightly edited for clarity.

Lynn Patrick Ingram, Esq., is publications development manager and legal editor at the State Bar of Michigan.