



San Bernardino County Bar Association

BULLETIN

Vol. 48, No. 6

Our 145th Year

April 2020

Special Issue

Maintaining Optimism and Staying Strong 3

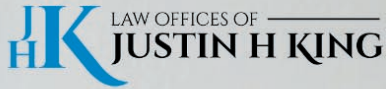
Listening in a Time of Crisis 4

San Bernardino Superior Court Updates 8

Riverside Superior Court Updates 9

COVID-19 Pandemic: Stress and Coping 10


Coronavirus: Tech Issues for Lawyers Working at Home 14



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From the President's Desk

by Eugene Kim



Maintaining Optimism and Staying Strong

The social and financial implications of COVID-19 have been austere. I never thought I would see grocery stores with aisles of empty shelves, churches with no congregations, or an executive order from the governor ordering all individuals to stay at home. On top of that, the stock market had its largest single-day drop in history, employees across countless business sectors are getting laid off or furloughed, schools and universities have closed, and courts have implemented an emergency relief order. Life is slowly grinding to a halt.

But instead of obsessing over the parade of horrors, I maintain optimism that we, as a county, as a nation, and as part of this world, will overcome COVID-19. When you look at history, we have conquered similar epidemics with less resources, such as the Spanish Flu, the Bubonic Plague, and Small Pox. More recently, we overcame SARS, the Swine Flu, and Zika Virus. Although times are grim right now, we can stop COVID-19 by washing our hands, staying at home, keeping six feet apart, coughing into your elbow, and not touching your face.

This tragic virus has made me realize the weight of humanity, the interconnectivity of the world, and the importance of public health. For example, with 7.53 billion people on earth, can one person realistically affect the spread of COVID-19? Yes. On January 22, 2020, there was only one confirmed case of COVID-19 in the United States. (www.cdc.gov/coronavirus/2019-ncov/cases-updates/cases-in-us.html) On February 22, 2020, there was only fifteen confirmed cases. (Id.) Then on March 22, 2020, there were 33,404 confirmed cases of COVID-19. (Id.) Only eight days later, there were 163,539 confirmed cases of COVID-19 in the United States. (Id.) In California, there was 6,932 confirmed cases and 150 deaths as of March 30, 2020. (www.cdph.ca.gov/Programs/CID/DCDC/Pages/Immunization/ncov2019.aspx) More importantly, there was 126 confirmed cases and four deaths in San Bernardino County as of March 31, 2020, which is an increase of 14 cases (13%) and one death since March 29, 2020. (www.sbsun.com/2020/03/30/map-shows-coronavirus-cases-in-san-bernardino-county-cities/) This rapid outbreak can be managed as long as we do our part.

This quarantine has also taught me several important life lessons. For example, spending time with my family has been a blessing. I have home-schooled them, exercised with them, and most importantly, I talked to them and gained a deeper appreciation of how they are maturing into adulthood. I have also learned how to telecommute more efficiently. I am traditional insofar as I like to work in the office. But this quarantine has taught me how to work remotely, using Zoom or Accession for telephone conferences, editing and commenting on documents through Adobe Acrobat, and maintaining confidential partnership discussions through Slack. Interestingly enough, in a time where technological advances have seemingly diminished human interaction, COVID-19 has strengthened my important relationships and enhanced my technological capabilities.

So when we defeat COVID-19, let's not forget about our health and the importance of protecting the health of others. Because if we are not healthy, we cannot spend time with our family, we cannot work, and we cannot enjoy life. Stay strong San Bernardino!

FROM THE DESK OF THE PRESIDENT OF THE
HON. JOSEPH B. CAMPBELL INN OF COURT

By Joseph B. Widman

Listening in a Time of Crisis

Until as recently as two weeks ago, I had planned for this column to be about an issue raised by the most recent meeting of our Inn of Court, on March 11. The meeting was about the first consultation between an attorney and a prospective client. The questions I planned to consider are present whenever two or more people are speaking with one another, but they're not something that people consciously notice under regular circumstances — who is speaking, who is listening, and what does that tell us? I have long found these intra-communication dynamics insightful, and plan to address them in a future column. (I'm sure you can't wait.)

But, on the night of our meeting, the President gave a solemn Oval Office address about the ongoing Coronavirus health crisis, the NBA announced that it was suspending its season, and the actor Tom Hanks and his wife, Rita Wilson, announced from Australia that they had tested positive for the disease caused by Coronavirus, COVID-19. After the meeting was over, there was a widespread sense that America had just turned a corner. Chatter was that we probably wouldn't have an April meeting. What we didn't realize was how rapidly and drastically things would change.

During the following two days, March 12 and 13, our inboxes were flooded with a succession of emails cancelling upcoming meetings and events. It became clear that schools and daycare centers were preparing to close as early as the following week, which is precisely what happened. By then, most public accommodations were closed. Major sporting events, like the collegiate basketball tournament known as "March Madness," the Indians Wells Masters tennis tournament, and even the start of Major League Baseball's regular season, were promptly and unceremoniously shelved. Even the Olympics are being postponed for a year. Cultural events like Broadway and concerts, exact same thing. All large gatherings have disappeared, except for those at hospitals and grocery stores. Most white collar workers have been sent home to telework. College students, teenagers, children, and toddlers are all home. Many working parents are suddenly home-schooling their kids. Many service-economy workers are just being sent

home, without pay, their economic situation thrown into peril by this drastic turn of events.

So, things have changed. And how. It would seem tone-deaf to devote this column to anything other than this ongoing public health crisis, which has thoroughly upended so many lives. Nearly everyone's plans for this spring-into-summer have been affected. And beyond that, who knows? The first few days of all this seemed downright surreal, especially with the dark skies and pounding rain throughout Southern California. Now, as of late March, things seem to be transitioning to a new normal of ongoing social distancing, but with a very heavy dose of anxiety and uncertainty about what comes next, and whether things will start heading back toward normal or whether they will continue getting crazier. I was living in Manhattan in the days and weeks following the terrorist attacks of September 11, 2001, and the atmosphere of fear and uncertainty that we've been experiencing the past few weeks reminds me of that time. Never knowing when the next shoe is about to drop. Rumors flying. Both situations involved a palpable sense of physical danger. My dad would warn me about riding the subway, fearing a follow-on terrorist attack. Now I'm the one warning my dad to carefully practice social distancing. But this crisis has proven to be more disruptive than even 9/11, all encompassing, affecting everyone's daily life across the country and much of the world.

The original idea for this column had to do with what we can be learn by simply noticing who is speaking and who is listening. The concluding insight I would've offered concerned the power of listening, its unique ability to not only collect information, but also to express humility and to show respect and compassion. Talking is frequently easier and more satisfying than listening. The ability to attentively and respectfully listen is a learned skill for most people.

But listening is a skill that is especially important in time of crisis. We should listen to public health experts. We should listen to our elected leaders. We should listen to each other, to understand and to care for each other. And perhaps most importantly, we should seek out and listen to those most affected by this crisis, the first responders on the front lines, mostly medical personnel, as well as workers who perform critical public functions, like grocery store cashiers, police officers, and delivery persons. We should feel grateful for them. They will give us the perspective and insights that we could all really use right now. None of us can see the future. None of us has the answers. But what we can all do is support each other, listen to each other, and do our part to help all of us, including those who are the most vulnerable, get through this.

As with so much else, the status of our upcoming Inn of Court meetings is uncertain. We will not be able to have an in-person meeting in April. We plan to assess our May and June meetings, tentatively scheduled for May 13 and June 17, in the coming days, as this crisis continues to play out. We are evaluating the possibility of conducting one or more of our upcoming meetings online. Like everyone else, we are going to have to play this by ear. Take care, and be safe.

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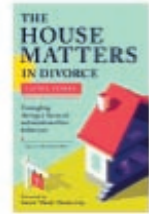
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SBCBA General Membership Meetings: 2020 Calendar

IF HELD, The following MCLE programs are held on the 2nd Tuesday of each month at 12 noon. Held in the San Bernardino Justice Center, Dept. S-3. (June in *S-28)

Due to the current health crisis, April & May meetings will be rescheduled.

- TBA Cannabis Law – *David Colella, Panel Moderator*
- TBA Additional Dwelling Units - New Laws Make it Easier to Build a Granny Flat – *Michael Reiter*
- June 9 Social Media Forensics – *Joseph Jones, Certified Social Media Intelligence Expert*
- July 14 Why Google Doesn't Trust You – *Sean Stonehouse, MediaSmack*
- Aug 11 Fair Employment Law (Ethics) – *Galen Ages, Staff Attorney, Legal Aid at Work*
- Sept 8 Selecting a Guardian Ad Litem in Civil Cases – *Derek Raynes, Raynes-Erickson*
- Oct. 13 Substance Abuse – (Competence) – *Jamie Lamb, CEO, Cedar House*

(All offer 1 hour of general credit unless otherwise noted. All are Brown Bag meetings.)

NOTE: The topics listed may be switched between the listed dates, as some of the speakers may or may not be available. We will post the programs in the Bulletin and online each month as soon as we confirm the details.

San Bernardino County Bar Association, California State Bar-approved MCLE provider #2813, certifies that these activities are approved for California MCLE credit (as indicated above) by the California State Bar.

SAN BERNARDINO SUPERIOR COURT CALENDARING PROTOCOL

CALENDARING PROTOCOL RE: PRE-PRELIMINARY, PRELIMINARY HEARINGS AND TIME CRITICAL MATTERS

To: District Attorney, Public Defender, Conflict Panel, Bar Association, and San Bernardino Sheriff's Department (cc: Presiding Judge, Criminal Supervising Judges, Criminal SBJC & Rancho Judges, Executive Team, District Managers and Supervisors)

In response to ongoing limited services/temporary closures due to the coronavirus pandemic, we are implementing a process for requesting time sensitive criminal cases be placed on calendar. We require your adherence to these protocols, so that together we can comply with safety and health requirements for all, while mitigating transportation of inmates, where appropriate. Effective April 2, 2020, and until further notice, the following processes shall be followed for calendaring pre-preliminary, preliminary hearings and time critical matters.

Pre-Preliminary and Preliminary Hearings

Pre-Preliminary and Preliminary hearings will continue to be heard in the following locations and will be set at 8:30 a.m. unless otherwise noted for a particular case:

Joshua Tree Cases	Joshua Tree District
Rancho Cucamonga Cases	San Bernardino Justice Center
San Bernardino Cases	San Bernardino Justice Center
Victorville Cases	Victorville District

To submit a calendar request, send an email to PrelimHearingCal@sb-court.org by 11:00 a.m. to request a future calendar date, using the following format:

Email Subject: **Pre Pre and Prelim Request (Indicate case jurisdiction, i.e. JT, RC, SB, VV)**

In the body of the email, include:

- **Case number**
- **Defendant name**
- **Booking number, if applicable**
- **Counsels' names & contact information**
- **Whether defendant is in-custody or not**
 - **If defendant is in-custody whether presence is required**
- **Brief & relevant notes (plea agreement reached, etc.)**
- **Calendar date**

Any requests received after 11:00 a.m. will not be processed until the following day.

Additional In Custody Pre Pre and Preliminary Calendar Information

Effective April 3, 2020, we will target calendaring with no more than 40 defendants for the SBJC/Rancho calendars in an effort to mitigate transportation and increase compliance with safety and health requirements for all.

Time Critical Matters

To submit a calendar request, send an email to timecriticalrequests@sb-court.org by 11:00 a.m. to request a future calendar date, using the following format:

Email Subject: **Time Critical Request (Indicate case jurisdiction, i.e. JT, RC, SB, VV)**

In the body of the email, include:

- **Case number**
- **Defendant name**
- **Booking number, if applicable**
- **Counsels' names & contact information**
- **Whether defendant is in-custody or not**
 - **If defendant is in-custody whether presence is required**
- **Qualifying factor for time critical status**
- **Calendar date**

Any requests received after 11:00 a.m. will not be processed until the following day. Please contact the following court team members, should you have any questions or need assistance.

District	Court Contact	District	Court Contact
San Bernardino Justice Center	Espee Randle 909-521-3084 Maribel Betancourt 909-521-3575 Tiffany Lemus 909-521-3123 Amber Lewis 909-708-8835 Gaby Lee 909-521-3389	Victorville	Debanie Comeaux 760-269-4818 Andrea Olvera 760-269-4834 Karen Morrill 760-269-4803
Rancho Cucamonga	Erin Duncan 909-285-3602 Jennifer Croy 909-285-3661 Nicole Owens 909-285-3653 Angelique Johnson 909-285-3587	Joshua Tree	Terri Daniel 909-320-5129 Melissa Stewart 760-974-3017 Tatiana Miranda 760-974-3031 Amanda Andrade 760-974-3024

Thank you in advance for your ongoing collaboration and partnership. Please contact Anabel Romero or Judge Yabuno with any concerns regarding this calendaring protocol.

SAN BERNARDINO SUPERIOR COURT CLOSURES

On behalf of Presiding Judge Michael A. Sachs and Court Executive Officer Nancy CS Eberhardt:

Regarding the closure of the San Bernardino County Courts from April 3, 2020 to April 30, 2020, please see the General Order linked below regarding Implementation of Emergency Relief pursuant to Government Code Section 68115. Click to view PDF: <https://tinyurl.com/t5fxusj>

SAN BERNARDINO SUPERIOR COURT TEMPORARY JUDGES APRIL TRAINING CANCELLED

In response to the continuing public safety challenges presented by the coronavirus (COVID-19) pandemic and state and federal recommendations on self-isolation and social distancing, **the Bench Conduct for Temporary Judges training scheduled at the San Bernardino Justice Center for Friday, April 24, 2020 has been cancelled.** You will be notified when the class is offered again at a later date.

Please email TempJudge@sb-court.org if you have any questions. Thank you for your patience and understanding during these unusual times.

RIVERSIDE SUPERIOR COURT

CONTINUES HEARING EMERGENCY MATTERS DURING COVID-19

Release Date: March 27, 2020

Contact: Marita C. Ford, Public Information Officer

RIVERSIDE COUNTY:

The Riverside Superior Court continues to operate in a limited capacity, hearing emergency matters only, since its closure on March 20, 2020 (Press Release March 19, 2020). The court is evaluating on a daily basis any changes that may be necessary as a result of health mandates related to COVID-19. This includes the current closure end date of April 3, 2020 as well as the reduced hours of operation (9:00 a.m. to 2:00 p.m.), with the goal being to address the highest priority court services that affect public safety in a way to minimize in-court appearances.

Order re: Implementation of Emergency Relief – on March 23, 2020 the court’s Presiding Judge signed a Second Amended Order re: Implementation of Emergency Relief Authorized per Government Code section 68115 in response to the Statewide Order by Honorable Tani G. Cantil-Sakauye, Chief Justice of the California Supreme Court on that same day.

Priority Matters – the court is handling only emergency matters affecting public health & safety. These are listed in the March 19, 2020 press release and include but are not limited to:

- In-custody arraignments, preliminary hearings and priority sentencing hearings;
- Restraining orders in civil, criminal, family, juvenile and probate;
- Emergency ex-parte applications in civil, criminal, family, juvenile and probate;
- Temporary guardianship and temporary conservatorship cases; and
- Juvenile detention hearings.

Video Arraignments – In addition to current telephonic appearance capabilities, the court will be going live with video technology for arraignments and associated matters so that in-custody defendants can remain in the jail and counsel and interpreters can provide services from their offices in order to adhere to the CDC social distancing recommendation.

Website – in an effort to provide accurate, timely and critical information to all court customers, the court has developed a new website page providing information on COVID-19 Court Operations. This will include current matters handled, court closures, hours of operation, directions for electronic document submission and telephonic appearances, jury duty, and detailed information by case type.

Social Distancing – the court is complying with federal, state and local guidelines on social distancing, including limited staffing, teleworking, exploring remote technologies for limited case matters, and maintaining a distance of six feet between individuals who are working in the same area within a courthouse. The court has also increased janitorial rotations which include heightened sanitation efforts and provision of health-related supplies to employees.

Jury Duty – Jurors who have received a summons for service should not report during this period of time, but rather request a postponement by utilizing one of the following options:

- Log on to the Juror Web Portal; or
- Use the automated phone system at: 951.275.5076 or 760.342.6264

We appreciate the support and understanding of the public and justice partners during these challenging times.

Electronic version available at <https://riverside.courts.ca.gov/GeneralInfo/MediaInfo/media-info.php>

COVID-19 Pandemic: *Stress and Coping*

by Jacqueline Carey-Wilson

As of this writing, Riverside County – along with many communities all over the world – is experiencing a public health crisis that is affecting everyday lives in a way never seen before in our lifetimes. This article chronicles the evolution of the COVID 19 pandemic and offers a broad array of coping strategies for our readers.

In early January 2020, stories first trickled out of China about the unusual prevalence of individuals diagnosed with pneumonia in the city of Wuhan. Soon the reports changed from pneumonia to the underlying cause: a novel coronavirus.

On January 11, China reported its first death from the new virus. The first case in the United States was reported on January 13, when a 35-year-old resident of Washington state was diagnosed with the same virus. The Washington resident had recently returned home from Wuhan.

On January 23, China placed Wuhan under quarantine and, a week later, the World Health Organization (WHO) declared a global public health emergency.

By February 8, China reported 811 deaths as a result of the coronavirus. Two days later WHO named the new virus COVID-19.

COVID-19 spread and reports of new infections came from different parts of the world. On February 19, Italy placed all residents on lockdown.

On March 8, WHO declared a pandemic - a global outbreak of disease. Pandemics happen when a new virus emerges to infect people and can spread between people sustainably. Because there is little to no pre-existing immunity against the new virus, it spreads worldwide.

By March 17, most states had declared a state of emergency as a result of COVID-19.

The United States Supreme Court cancelled oral arguments and most courts have closed, except for emergency orders and hearings in civil, and in-custody criminal arraignments and preliminary hearings. Most organized religions have cancelled in person services and many have reached out to their members through social media like Facebook or YouTube.

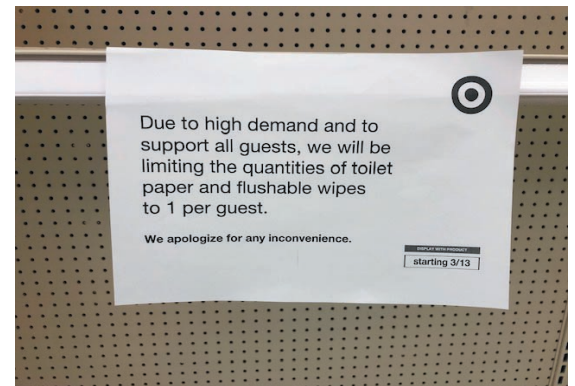
In order to mitigate the impact of COVID-19 and to disrupt the spread of the virus, at least thirty states, including California, and many nations across the globe have issued stay-at-home or lockdown orders.

In California, all residents are ordered to stay at home or place of residence except to obtain food, care for a relative or friend, get necessary health care, or go to an essential job. When individuals leave home, they are required to maintain a distance of at least six feet from other people. Restaurants are closed to dining in and are open only for take-out. Movie theatres, amusement parks, ski resorts, hiking trails, museums, libraries, and state and national parks are closed. Many employees are working remotely from home and millions have filed for unemployment benefits due to the numerous closed businesses. Social gatherings are limited to ten people.

As people all over the world adjust to the new normal of social distancing, quarantines, and self-isolation, there has been a rush to stock up on food, medical and cleaning supplies, and paper goods such as paper towels and toilet paper. Customers are experiencing long lines at supermarkets and big box stores like Costco and Sam's Club. Certain store shelves are empty and some products are out of stock on line.

Education institutions from elementary to university level have closed and many students are attending classes online. All collegiate and major league sporting events have been cancelled or the season postponed, including the 2020 Olympics in Japan, which are now scheduled to begin in July 2021.

On March 31, WHO reported 754,948 confirmed cases worldwide, with 36,571 deaths in 203 countries. In the United States, the U.S. Centers for Disease Control and Prevention (CDC) reported 163,539 COVID-19 infections and 2,860 deaths. Infections are reported in all 50 states, and in the District of Columbia, Puerto Rico,



Guam, Northern Mariana Islands, and the U.S. Virgin Islands.

As of March 31, the California Department of Health reported 5,763 confirmed cases and 135 deaths throughout the state. The Riverside County Department of Health reported 291 confirmed cases and 9 deaths in the county. The San Bernardino County Department of Health reported 125 confirmed cases and 4 deaths in the county. These numbers will be outdated by the time you read this article, as they change significantly each day.

Families are staying home and many events, including graduations, proms, weddings, birthday parties, plays, concerts, performances, recitals, and sporting events, have been cancelled or indefinitely postponed. As we adjust to this new reality, it is important to acknowledge and grieve lost routines, social connections, family structures, and our sense of security — and then create new ways to move forward. The CDC offers the following coping strategies to help guide of us through this challenging period.

Stress and Coping

The outbreak of coronavirus disease 2019 (COVID-19) may be stressful for people. Fear and anxiety about a disease can be overwhelming and cause strong emotions in adults and children. Coping with stress will make you, the people you care about, and your community stronger.

Everyone reacts differently to stressful situations. How you respond to the outbreak can depend on your background, the things that make you different from other people, and the community you live in.

People who may respond more strongly to the stress of a crisis include:

- Older people and people with chronic diseases who are at higher risk for COVID-19
- Children and teens
- People who are helping with the response to COVID-19, such as doctors and other health care providers, or first responders
- People who have mental health conditions including problems with substance use

If you, or someone you care about, are feeling overwhelmed with emotions like sadness, depression, or anxiety, or feel like you want to harm yourself or others call:

- 911
- Substance Abuse and Mental Health Services Administration's (SAMHSA's) Disaster Distress Helpline: 1-800-985-5990 or text TalkWithUs to 66746. (TTY 1-800-846-8517)

Stress during an infectious disease outbreak can include:

- Fear and worry about your own health and the health of your loved ones

- Changes in sleep or eating patterns
- Difficulty sleeping or concentrating
- Worsening of chronic health problems
- Increased use of alcohol, tobacco, or other drugs

People with preexisting mental health conditions should continue with their treatment and be aware of new or worsening symptoms. Additional information can be found at the Substance Abuse and Mental Health Services Administration (SAMHSA) website.

Taking care of yourself, your friends, and your family can help you cope with stress. Helping others cope with their stress can also make your community stronger.

Things you can do to support yourself:

- Take breaks from watching, reading, or listening to news stories, including social media. Hearing about the pandemic repeatedly can be upsetting.
- Take care of your body. Take deep breaths, stretch, or meditate. Try to eat healthy, well-balanced meals, exercise regularly, get plenty of sleep, and avoid alcohol and drugs.
- Make time to unwind. Try to do some other activities you enjoy.
- Connect with others. Talk with people you trust about your concerns and how you are feeling.

Call your healthcare provider if stress gets in the way of your daily activities for several days in a row.

Reduce stress in yourself and others:

Sharing the facts (<https://tinyurl.com/wl4gfkz>) about COVID-19 and understanding the actual risk to yourself and people you care about can make an outbreak less stressful. When you share accurate information about COVID-19 you can help make people feel less stressed and allow you to connect with them.

Learn more about taking care of your emotional health: <https://emergency.cdc.gov/coping/selfcare.asp>

For Parents

Children and teens react, in part, on what they see from the adults around them. When parents and caregivers deal with the COVID-19 calmly and confidently, they can provide the best support for their children. Parents can be more reassuring to others around them, especially children, if they are better prepared.

Not all children and teens respond to stress in the same way. Some common changes to watch for include:

- Excessive crying or irritation in younger children
- Returning to behaviors they have outgrown (for example, toileting accidents or bedwetting)
- Excessive worry or sadness
- Unhealthy eating or sleeping habits

- Irritability and “acting out” behaviors in teens
- Poor school performance or avoiding school
- Difficulty with attention and concentration
- Avoidance of activities enjoyed in the past
- Unexplained headaches or body pain
- Use of alcohol, tobacco, or other drugs

Below are ways you can support your child:

- Take time to talk with your child or teen about the COVID-19 outbreak. Answer questions and share facts about COVID-19 in a way that your child or teen can understand.
- Reassure your child or teen that they are safe. Let them know it is ok if they feel upset. Share with them how you deal with your own stress so that they can learn how to cope from you.
- Limit your family’s exposure to news coverage of the event, including social media. Children may misinterpret what they hear and can be frightened about something they do not understand.
- Try to keep up with regular routines. If schools are closed, create a schedule for learning activities and relaxing or fun activities.
- Be a role model. Take breaks, get plenty of sleep, exercise, and eat well. Connect with your friends and family members.

Learn more about helping children cope: <https://www.cdc.gov/childrenindisasters/helping-children-cope.html>

For Responders

Responding to COVID-19 can take an emotional toll on you. There are things you can do to reduce secondary traumatic stress (STS) reactions:

- Acknowledge that STS can impact anyone helping families after a traumatic event.
- Learn the symptoms including physical (fatigue, illness) and mental (fear, withdrawal, guilt).
- Allow time for you and your family to recover from responding to the pandemic.
- Create a menu of personal self-care activities that you enjoy, such as spending time with friends and family, exercising, or reading a book.
- Take a break from media coverage of COVID-19.
- Ask for help if you feel overwhelmed or concerned that COVID-19 is affecting your ability to care for your family and patients as you did before the outbreak.

Learn more tips for taking care of yourself during emergency response: <https://emergency.cdc.gov/coping/responders.asp>

For People who have been Released from Quarantine

Being separated from others if a healthcare provider thinks you may have been exposed to COVID-19 can be stressful, even if

you do not get sick. Everyone feels differently after coming out of quarantine. Some feelings include:

- Mixed emotions, including relief after quarantine
- Fear and worry about your own health and the health of your loved ones
- Stress from the experience of monitoring yourself or being monitored by others for signs and symptoms of COVID-19
- Sadness, anger, or frustration because friends or loved ones have unfounded fears of contracting the disease from contact with you, even though you have been determined not to be contagious
- Guilt about not being able to perform normal work or parenting duties during quarantine
- Other emotional or mental health changes

Children may also feel upset or have other strong emotions if they, or someone they know, has been released from quarantine. You can help your child cope.

Resources:

The following topics may be found here:

<https://www.emergency.cdc.gov/coping/index.asp>

For Everyone

- Coping with a Disaster or Traumatic Event

For Communities

- Coping with stress during an infectious disease outbreak
- Taking Care of Your Behavioral Health during an Infectious Disease Outbreak

For Families and Children

- Helping Children Cope with Emergencies
- Coping After a Disaster – A Ready Wrigley activity book for children age 3-10

For First Responders

- Emergency Responders: Tips for taking care of yourself
- Disaster Technical Assistance Center (SAMHSA: <https://www.samhsa.gov/dtac>)

This difficult time creates many different types of challenges. It is possible that these new circumstances may also create many positive opportunities for personal growth, innovation, and creativity. It is important to remember that the more we can all demonstrate empathy and care for our loved ones, friends, families, neighbors, and members of our community, we will create the likelihood of a more positive outcome for all of us.

Jacqueline Carey-Wilson is a deputy county counsel with San Bernardino County, past president of the Riverside County Bar Association and the Federal Bar Association, Inland Empire Chapter, and the editor of the Riverside Lawyer.



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Best regards,

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President ADR Division
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Coronavirus: Tech Issues for Lawyers Working at Home

by Sharon D. Nelson, Esq., John W. Simek and Michael C. Maschke

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The world is trying to deal with the coronavirus pandemic in a variety of ways. Controlling the spread of the deadly virus is at the top of the list. Travel is being restricted, and some countries have even closed their borders. The United States has been slow to react, but recent events have accelerated action by the federal government, states and major corporations. Social distancing and maintaining clean hygiene practices are the normal mode of operation now. More and more businesses are asking their employees to stay at home where possible. Some are being commanded by civil authorities to have their employees work from home.

What does that mean for the practice of law? How will you meet with clients? Many firms have or will adopt a telework environment and allow their employees to work from home. Making the working remotely decision will have different consequences depending on your current capabilities and whether a plan is already in place. While we can't cover all the possibilities and capabilities of every law firm, we'll attempt to attack some of the common considerations.

Equipment

Let's start with a very basic item...the computer. Hopefully, everyone is already using a laptop as their main office machine. If not, expect some popular models of laptops to be in short supply. Worst case, you may have to find a Best Buy, Target, Walmart, etc. and see if you can purchase a consumer-grade machine. If you planned properly, laptop users are already configured for remote access. Perhaps now would be a good time to modify your infrastructure plans and budget for laptops and docking stations for those folks that need a mobility option.

Some firms are telling all employees to work from home. Believe it or not, people are picking up their work computers, monitors, keyboards and all other peripherals on their desk and taking them home. We can't imagine the headaches the IT support people will have instructing a user to connect all the cords and devices up properly, not to mention configuring the desktop to connect to the home network. Our suggestion is to avoid taking desktops home and just deal with laptops and home machines. It will save a lot of headaches, wasted time and support costs. Speaking of home machines...they bring a whole new set of problems and liability which we'll address later.

If your employees are working from home (or other remote location) for an extended period of time, we recommend having an external monitor, full-size keyboard (wireless preferred) and mouse available. You will be much more productive with a full-sized keyboard and a larger screen. Another consideration is printing. Understand that you may need to help your employees configure their home printer (if they have one) to work with the firm's computer. If they don't need to print, so much the better. That should pretty much do it for the hardware requirements.

Workspace

If possible, designate a separate area as your work environment. The space should be away from the kitchen, living room, family room, or other active family areas. If you don't have a desk available, you can always use a table for your work surface. As mentioned earlier, use an external monitor and full-sized keyboard to create a more comfortable, productive work environment. Consider positioning your work area, so you have a view out of a window if possible. The view will help when you have those periods of mental blocks. Working in a windowless area will make you feel like you're in prison, which isn't a good thing. Of course, maybe it was like that in the office!

Network Connectivity

Many of us have a home wireless network that can be used for our work-at-home environment. We recommend avoiding using your home wireless, especially if other family members are also working from home. Besides the security issues, connecting to the home wireless means you are competing for bandwidth with all the other connected devices. Now would be a good time to make sure your home wireless is protected with WPA2 encryption.

We suggest that you connect your computer directly to an Ethernet connection. You can purchase a long Ethernet patch cord if you are not too far away from your internet router. Ideally, you would have a hard-wired Ethernet connection in your house (we do) for your home office. As an alternative, purchase a powerline Ethernet adapter. The adapter provides Ethernet connectivity utilizing the electrical wiring in your house. You plug one adapter in an electrical outlet near your router and a second adapter where you set up your computer. The TP-Link AV1000 Powerline Ethernet Adapter is an excellent choice and is around \$55 on Amazon.

Depending on your situation, you may need to get re-educated in how to use the hot spot capability of your smartphone. While the connection speed may be a little slower, it's a more secure network than connecting to free Wi-Fi at a Starbucks, McDonald's, etc. Our long standing recommendation has been to avoid any free Wi-Fi and use your hot spot, even if using a VPN. For the record, you shouldn't be working at a public facility during these times anyway. The health risk is just too great, even if your locality/state permit it

Remote Access Software

There are a lot of choices for provisioning remote access. Many firms will already have a VPN (Virtual Private Network) available. Make sure you check the licensing and capacity for your VPN implementation. If your entire firm is working remotely using a VPN, there may not be enough capacity at your office to handle the load. Check with your IT personnel to see if there are any limitations with using a VPN. It's probably a good idea to refresh the procedure for using the VPN with those that will be connecting remotely, especially if they don't regularly access the firm's network with the VPN.

While we're talking about VPNs, not all VPNs are created equal. As organizations increase the use of VPNs for working at home, more vulnerabilities are being discovered. The bad guys are shifting focus to target VPNs since they know so many more users will be remote during the pandemic. In addition, make sure the latest Windows security updates and patches are installed. It goes without saying that you should be using MFA (multi-factor authentication) for your VPN and any other remote access solutions. Have your IT support personnel review AA20 073A: Enterprise VPN Security (<https://www.us-cert.gov/ncas/alerts/aa20-073a>) from CISA for technical details about using and securing VPNs as a result of the COVID-19 pandemic.

Without getting too much in the weeds, there is a concept with VPNs called split tunneling. Basically, you configure the VPN to route desired traffic through a specific encrypted tunnel. As an example, one tunnel would be configured to send work traffic to your office, and a second tunnel would be for all other internet traffic. This helps reduce the bandwidth requirements at your office as only traffic destined for the firm's network would be coming in. Normally, you would not be implementing split tunneling for a variety of reasons, but now may be the time to change the configuration to allow more capacity since there will be a lot more work-at-home employees.

Some firms will want to enable the Remote Desktop Protocol to connect to their office computers. Words of caution – there is a reason the Remote Desktop Protocol is disabled by default on Windows computers. Generally, it's not recommended to expose your firm's computer(s) to the internet using Remote Desktop Protocol. Larger firms with Terminal Services have controls in place to safely use the Remote Desktop Protocol.

Another alternative is to use a remote-control solution such as LogMeIn. Many of our clients already have LogMeIn licenses available as part of the desktop monitoring solution that we deploy. If you use a remote-control solution, you will have to leave your office computer turned on at all times.

Larger firms may already have a remote access solution such as Citrix or Microsoft Terminal Services. As previously stated, make sure you have sufficient licenses and bandwidth for all the intended connections, and you have configured MFA for both Citrix and Microsoft terminal server.

Using Home Computers

We understand that not everyone is using laptops as their primary work computer and law firms don't want to spend the money to purchase laptops for remote employees. Many firms want their employees to use their home computers to work remotely. Understand that there are a LOT of issues and concerns when you decide to allow a home computer to connect to the firm network even if you are using a VPN.

The obvious concern is security. The firm doesn't own or control the home machine. You really don't know what security software may be installed or if the computer is fully patched with the latest updates. The reality is that many solo and small firm lawyers will be using home computers to connect to the office.

One of the first considerations is to determine what you will do about the security software on the home machines. Will you

allow employees to use their personal security software and enforce it through policy? We would suggest a better approach is to extend your law firm's licensing to the home machines. In other words, make the home machines part of the centrally managed endpoint security system that already exists for the office. Such an approach may not be economically feasible, depending on your size and licensing terms. If you are using an MSP (managed service provider) for your IT needs, you should be able to add licenses on a monthly basis instead of paying an annual fee for each seat, which could get pretty expensive.

Do the employees have the necessary software on their home computers? At this point, you are probably rethinking the options for using cloud services. If you subscribe to Office 365, users could use Office in the cloud or possibly install Office on their home computer. If you use a VPN to connect, does the employee already have the appropriate software installed and configured? Bottom line...you will need to assess what capabilities will be required for your work-at-home employees and address any gaps that may exist.

Another challenge with home machines is the mixing of business and pleasure. Make sure you understand any applicable data protection laws (e.g. GDPR). Using a home computer puts you at risk for exposing client confidential data. It would be a nightmare if you inadvertently shared confidential data using your personal social media account. If you do use your home computer for work, try to limit (or ban) family members, especially children, from using the machine. Family members may be duped into downloading malware that compromises your computer and may transfer to your firm's network.

Telephone and Mail

Don't forget to address how you will handle telephone calls, especially those inbound from current or potential clients. If you have traditional phone lines, don't forget to forward the firm's number(s) to a number that you will be using to answer calls prior to closing the office. If you are not going to forward the number, have a message for callers to advise what number to call and how best to reach you.

The situation is so much better if you have VoIP phones. You should be able to just take your VoIP phone home, connect it to your home network, and it will ring just like it was sitting on your desk. As an alternative, you may have a soft phone available, where you install software on your computer to emulate your desk phone. You would then use your computer sound and microphone (or headset) to answer and make calls.

Don't forget about mail deliveries. Will the post office deliver mail if your office is closed? You may have to have the mail held at the post office or have the mail delivered to an alternate address. Once you've decided where the mail will end up, someone needs to handle it. The mail should be scanned (converted to electronic form) and sent to the appropriate person. Obviously, you'll need a scanner. You may be able to use your copier as a scanner if you don't have a separate scanner. An alternative is to use a scanning app for your smartphone.

Video Conferencing

Instead of face-to-face meetings, many law firms are utilizing some sort of video conferencing capability. There are a lot of choices out there to connect with people visually. As a result of the coronavirus situation, many companies are allowing

temporary free usage. As an example, Microsoft is offering free usage of Teams for up to six months. Office 365 subscribers already have Teams included, but we're sure not all your clients are using Office 365.

Zoom is a very popular video conferencing solution. There is a free version that can host up to 100 participants. The company has lifted the 40-minute time restriction for the free version. The Pro version is an affordable \$15/month. Of course, many larger firms already have enterprise accounts for services such as GoToMeeting or Webex, to name a couple.

To state the obvious, you will need some sort of camera to participate in a video conference call. Most modern-day laptops are equipped with a webcam for video calls. You could even use your iPad or smartphone with some of the video conferencing apps. Another consideration is sound. The built-in microphones for laptops or phones don't sound particularly good if you are on the receiving end. Consider using a headset (with microphone) or earbuds. You'll be able to hear better, and so will all the other participants.

Don't forget where you physically sit during the video conference. If your back is to an open window, the brightness may make you difficult to see. Objects behind you may be distracting too. Think about what the person on the other end is seeing. Be cognizant of those around you too. Family members may be able to hear you discussing confidential information even if you are wearing a headset.

Finally, remember the recommendation to connect your computer to a wired Ethernet port? Utilizing Ethernet will significantly improve the stability of your connection during your video conferencing call. The last thing you want is choppy video or garbled audio when you are working with a client or other counsel.

Cloud to the Rescue

Is it too late to move to the cloud? Not in our opinion. Putting your client's confidential information in the cloud brings different considerations for security. How does the cloud provider protect your data from unauthorized access? Will you need to encrypt the data before you use the cloud service? There are so many great tools available to enhance your law practice.

Cloud-based practice management is a good place to start. We've already mentioned Office 365 for your productivity software. There are options for document management and document assembly in the cloud too. Backups are critical for surviving a ransomware attack. We've always recommended having a local backup and additional encrypted versions stored in the cloud too.

If you are not currently in the cloud; it's probably not a good time to take your critical business functions and move them to the cloud during the current pandemic. However, we're sure you can see the value of using cloud services for any future disaster that may come along.

Opportunity Knocks

The cybercriminals never miss an opportunity to profit from a disaster. The coronavirus pandemic is no different. The goal is

to target people searching for information about the virus and infect them with malware. Thousands of domain names have suddenly been registered to host malicious websites. The bad guys know that a lot of people are now working from home and have initiated campaigns targeting those remote users. Be particularly vigilant concerning requests to reset your password even if the email looks like it is valid.

Final Tip

If you are not currently participating in a work-at-home environment, you should be planning for it in the future. If you have a laptop as your primary work machine, bring it home every day. That way, you'll be ready to respond quickly should the situation change overnight. It would also be prudent to have any needed data readily accessible. Perhaps now would be a good time to have secure cloud storage so you could access the data from anywhere.

Hopefully, your firm has some sort of policy for the changing of passwords. It is no longer necessary to change passwords as frequently as we have done in the past, but they should be changed periodically for the time being. There is no reason these days to change your password at intervals of less than 90 days. No matter what your password expiration policy is, if you are closing your firm, you should change your password prior to leaving the office and starting your work-at-home experience. Changing the password will reset the timer so that it hopefully won't expire while you are not physically connected to the firm's network.

Final Thoughts

As we mentioned at the beginning, it would be impossible to address every situation a law firm may encounter during the coronavirus pandemic. Hopefully, some of our suggestions and recommendations will assist in your practice and allow you to serve your clients well in these difficult times. Be safe out there.

Sharon D. Nelson is a practicing attorney and the president of Sensei Enterprises, Inc. She is a past president of the Virginia State Bar, the Fairfax Bar Association and the Fairfax Law Foundation. She is a co-author of 18 books published by the ABA. snelson@senseient.com

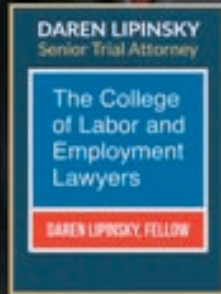
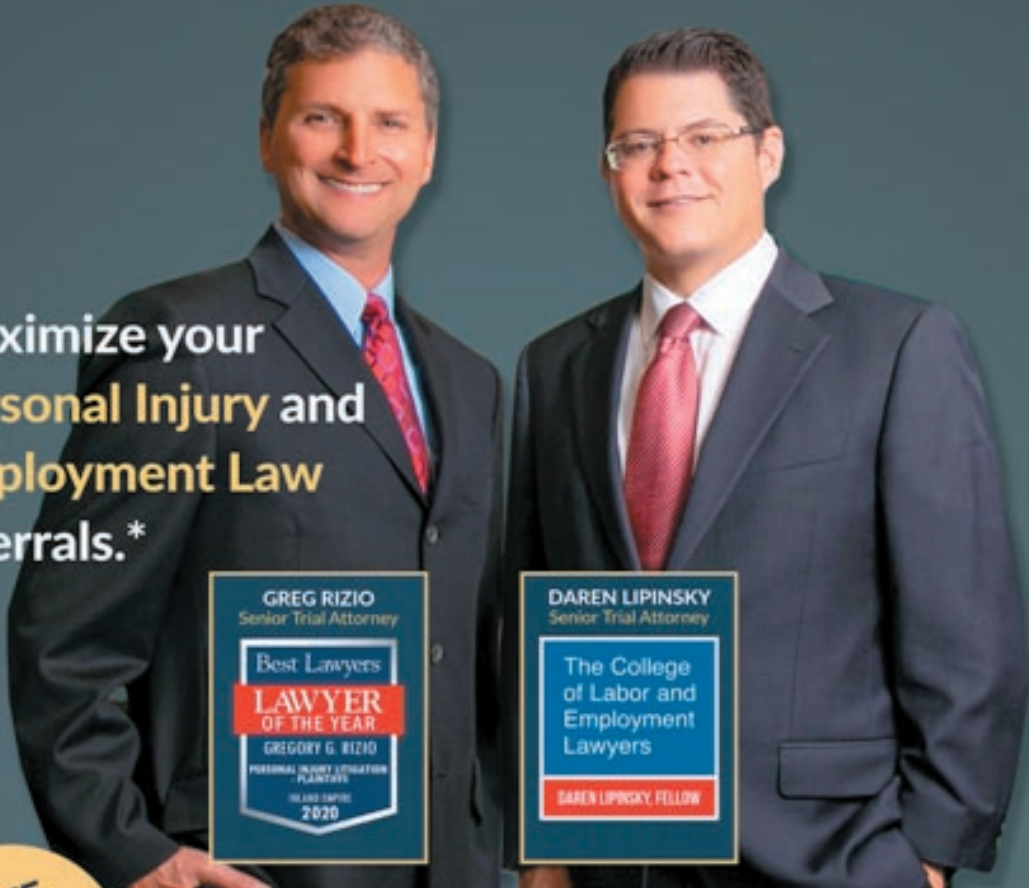
John W. Simek is vice president of Sensei Enterprises, Inc. He is a Certified Information Systems Security Professional, Certified Ethical Hacker and a nationally known expert in the area of digital forensics. He and Sharon provide legal technology, cybersecurity and digital forensics services from their Fairfax, Virginia firm. jsimek@senseient.com.

Michael C. Maschke is the CEO of Sensei Enterprises, Inc. He is an EnCase Certified Examiner, a Certified Computer Examiner (CCE #744) a Certified Ethical Hacker and an AccessData Certified Examiner. He is also a Certified Information Systems Security Professional. mmaschke@senseient.com.



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April 2020

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