



3. Family Law *by Kristy A. Mara*

The COVID-19 pandemic has created stress and anxiety for many Minnesotans. I practice at a boutique family law firm, and I have seen firsthand the impact of the pandemic. For many people, the pandemic has caused marital issues that result in divorce. Since April 2020, our firm has been busier than ever before. The last data statistics show a 30 percent increase in divorce filings. Post-divorce issues such as child custody, parenting time, and visitation have also increased dramatically.

Due to COVID-19 we've refined our office practices as follows:

- 1) Documents, e-mail, and billing are cloud-based and secure.
- 2) Stricter confidentiality safeguards have been instituted with our lawyers and staff while working remotely. Our office online security protocol has been modified to include multifactor authentication and encrypted Wi-Fi connections.
- 3) Client consultations/meetings, mediations, and court hearings are all being done via Zoom.
- 4) Our firm invested in advanced technology to meet the virtual needs of our family law practice.
- 5) We use online notaries.
- 6) We've all become Zoom experts.

The court system is doing its best to adapt to the pandemic by using Zoom technology to handle conferences, hearings, and even trials. With the dramatic increase in case volume, clients should expect to wait longer than usual for hearings and trials. In-person emergency hearings are available, but limited to specific issues, including domestic abuse.

We are seeing more financial issues in our cases due to reductions in income, layoffs, and reduced working hours. We are encountering more business valuation issues due to the volatility of the stock market and clients' worries about the short- and long-term impact of the pandemic on their businesses.

Our biggest change is that everyone in our office must use Zoom and have the equipment to appear by video. We've modified our office online security protocol. During video conferences, we ask clients if anyone else is present or recording the session. During Zoom trials, we ask more questions of witnesses regarding their location, anything they are looking at that we cannot see on the screen, and if anyone else in their location may hear or see the video conference or otherwise coach or assist the witness. We protect against text-message coaching during depositions/testimony by asking witnesses if their cell phone is within reach and instruct them not to text during their testimony or during breaks. We prepare our clients differently when using Zoom versus in-person testimony. We discuss nonverbal cues, facial expressions, camera lighting, the use of breakout rooms, and how to mute their audio during a Zoom session. We've learned how to overcome many different technical issues over the past eight months.

We can't predict what the future holds once our communities, law offices, and the courts return to "normal" or what we may come to know as the "new normal." Some of the virtual transformations may not be temporary and video conferencing may be the new normal. The main take away is to be patient with everyone as we learn to navigate these new ways.



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