

Divorce During COVID – How We Have Adapted

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Like almost everything else in life, the COVID-19 pandemic has greatly altered the practice of family law. With court closures and social distancing measures, the court system, attorneys, and clients have turned to technology to keep the legal process moving along. Family law matters such as divorce and paternity can be difficult and complex, so the idea of using a virtual meeting platform, like Zoom, for attorney-client consultations, mediations, and hearings was initially met with skepticism.

As a client, you may wonder, as we once did, whether these meetings and proceedings can be effective if they are not handled in person. After all, divorce and paternity matters often involve highly sensitive issues such as parenting, time-sharing, child support, and alimony. A strong client-attorney bond built on human interaction and connection can provide you with much-needed support during such an emotional and challenging time.

Before the pandemic, it may have been difficult to imagine being able to build such a bond when you have never met face-to-face with your attorney. Almost a year later, it's safe to say that the resulting changes have not only proven effective, but we also hope they are here to stay. Thanks to today's virtual meeting technology, you can still feel connected and supported during every step of the process.

The Consultation

During your initial consultation, you'll begin to establish a relationship with your attorney that will grow as you work together navigating through the legal process. While you may now be logging in for a virtual consultation from your home as opposed to visiting your attorney's office, that does not mean that the same type of strong client-attorney bond cannot be formed. You may not be greeted with a traditional handshake, and your attorney may not be able to reach across the table to provide a tissue or a reassuring gesture during a difficult moment. However, human interaction is not lost. You will still be able to make eye contact, hear encouraging words of support and guidance, and discuss the legal process in a meaningful manner.

Client Communication

Virtual meeting platforms have made videoconferencing the new norm, largely replacing traditional telephone conferences and in-person meetings. Communications with your attorney will be much more convenient since your client conferences can now occur from any location, at any mutually agreeable time. Features such as screen sharing also make meetings more productive since you can review documents together and ensure that everyone is on the same page.

Mediation

One of the most important steps in any family law matter is mediation. This alternative dispute resolution process has usually taken place in-person, with a neutral third-party acting as a mediator to assist the parties in resolving the disputed issues. As a result of the pandemic, mediation is now occurring via virtual meeting platforms, and it has been an effective transition.

Today's virtual platforms provide all of the same features that are available in an in-person mediation. For example, you and your counsel will be in one virtual meeting room with the other party and his or her counsel in another. The mediator can easily travel between the two rooms just as they would in an office setting. The mediator can also use the "share screen" feature to send offers and counteroffers back and forth, as well as review documents and agreements drafted during mediation. An added perk is that you can attend mediation from the comfort of your own home or office, which means you can control your environment.

Hearings

Since the court system has transitioned to virtual hearings, you will now appear in court by logging in from a comfortable location of your choosing. Your attorney will also join the hearing remotely to represent you in the proceeding. On your screen, you'll be able to see the judge and your counsel, as well as the other party and his or her counsel. Many judges have developed their own rules and guidelines for receiving evidence, so your attorney will help you prepare appropriately. Your testimony will also be taken virtually. Many clients have even found it to be less intimidating and more comfortable to participate virtually from their home or other preferred location rather than appearing in-person.

Aside from occasional interruptions and delays due to connection issues, this process operates rather smoothly, with judges able to go through their docket in the same manner as in-person hearings. Additionally, these virtual hearings save on travel time, parking garage fees, and courtroom waiting times, where you can spend a significant amount of time outside of the courtroom just waiting for your case to be called.

Although the pandemic adds another layer, divorce and other family law matters can be handled efficiently in a virtual environment. For additional questions regarding virtual family law proceedings, please contact an attorney.