

# *Practicing law under pandemic*



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As part of the society, lawyers cannot be indifferent in situations of big crisis be it catastrophe, calamity, disaster, earthquake, flooding, etc. But the COVID-19 crisis we are witnessing now, is said to be perhaps the most complex and difficult to manage, because the enemy is hard to be found, as is hidden and is a frenetic killer. As WHO stated, Pandemic poses real threat, but is likely to also cause unreasonable fear, or unjustified acceptance that the fight is over, leading to unnecessary suffering and death. This is the first pandemic caused by a coronavirus. So, the alarm bell is ringing loud for all of us.

The fact that WHO defined it PANDEMIC makes us seriously think that our professional services will be provided for an unknown period of time under very particular conditions. What can a lawyer do when circulation of auto vehicles is banned, business premises, cafes, bars and restaurants are closed and so are all sports? We, as other people, should stay home, trying to enjoy talking to children, spouses, parents and grandparents or do some things that you have not been able to do because of business pressure. Create a new life, just taking as model Tom Hanks role in the movie Terminal. But most of all, these situations are golden opportunities especially for reading more...

We, at KALO & ASSOCIATES, have assessed the situation from the very moment, even before the WHO rang the bell and immediately took necessary steps, first of all, to ensure that the life of everyone working in the firm was taken care of and risk of contamination avoided. So, we have decided to work from home, until further notice and depending on the status of the pandemic and recommendations of expert and specialized and law enforcement agencies being instructed in detail by the IT department for adequate use of the systems and devices we are equipped with. During the days of "isolation" or working from home, we have been able to handle several important cases, both transactional and advisory, as life of corporations worldwide goes on. We also see how international law firms continue offering their services to global clients on projects that have been incepted prior to pandemic, but also on new ones, because business plans are plans and will go on!

In newsletters that we have received by many international and regional law firms these days we see convergence on a hot topic: how to protect the interests of our clients from the consequences that widespread of Coronavirus causes. In other word, would the Pandemic be defined as a clear Force Majeure event? This needs an in-depth study, both from theoretical and practical point of view and its applicability in our own jurisdiction.

As well, in similar situation of crisis important subjects for legal advice and guidance remain employment relations and also termination of commercial contracts by our clients claiming Force Majeure event. But it may also happen that we are to support our clients opposing Force Majeure event pretended by the other contracting party.

So, we have a lot to do, working, but also investigating more in this sophisticated matter of Force Majeure. In a nutshell, to maintain our firm's good standing we established the below

#### **EMERGENCY TO DO LIST:**

##### **1. Working remotely.**

Taking care of each member of the firm we let them work from home and advise them to take care of themselves. Working remotely will bring some benefits especially in allowing some recreational activity and when back they will certainly new energy.

##### **2. Following and respecting all instructions by experts of health sector.**

Expert opinion is known as an important element in the law practice. So, lawyers will have to behave, belonging to the well-educated part the society.

##### **3. Keeping communication with client intact and liaise with relevant persons in the firm.**

In situations like this, communication with clients on ongoing open files, but also on new ones is crucial

##### **4. Preparing alerts and frequent communique on the aspects that affect the business of clients:** traveling bans, business climate, Pandemic status progress

##### **5. Communicating with experienced people who might know better how to work during crisis.**

Our partner law firms in the South East Europe, part of SEE LEGAL, are in communication and share knowledge on solutions for global clients we serve in the region and who have different questions to solve during this difficult period like import export, financing.

As a closing remark, after the situation goes back to normal, we will have to know what we did well and what we did not, based on the "lesson learned" approach. So, the clients are reliable source to assess our performance, and we can take any of their observations on board to make our own assessment.