



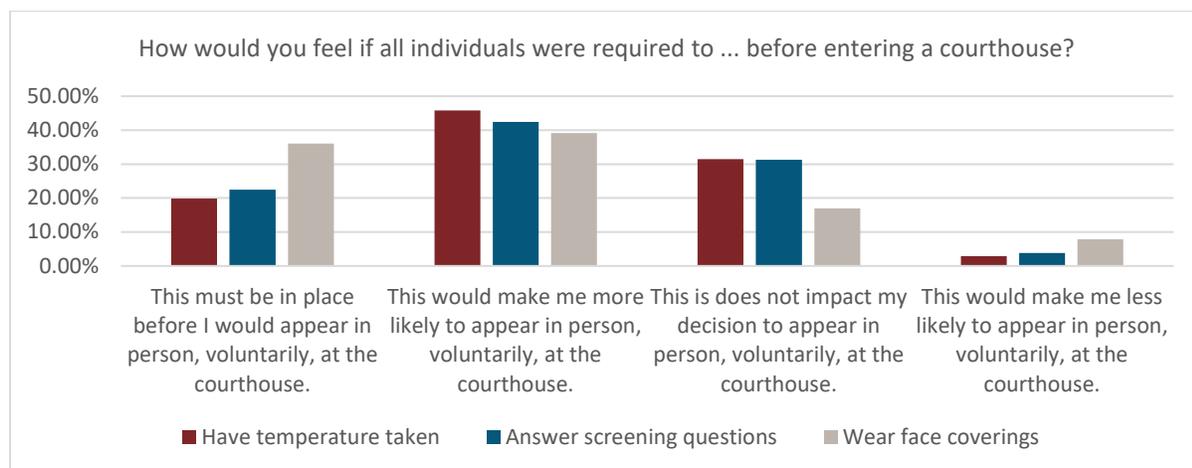
## Legal Practice in the COVID-19 Era Survey Findings

As new challenges continue to arise during these unsettling times, the FBA remains dedicated to providing resources and support to our members. In an effort to learn more about its members’ needs and how the legal profession is adapting to the COVID-19 era, the FBA conducted a national survey of its 17,000 members from June 1 to June 10, 2020. The 28-question survey focused on court operations, practice concerns, and bar programming.

The data was collected in a manner to protect the anonymity of survey respondents. No personally identifiable information was collected or stored or is included in this report. All results are published in aggregate form with no identifiable information. Based on the 519 respondents in the survey, there is a 5 percent margin of error associated with the survey.

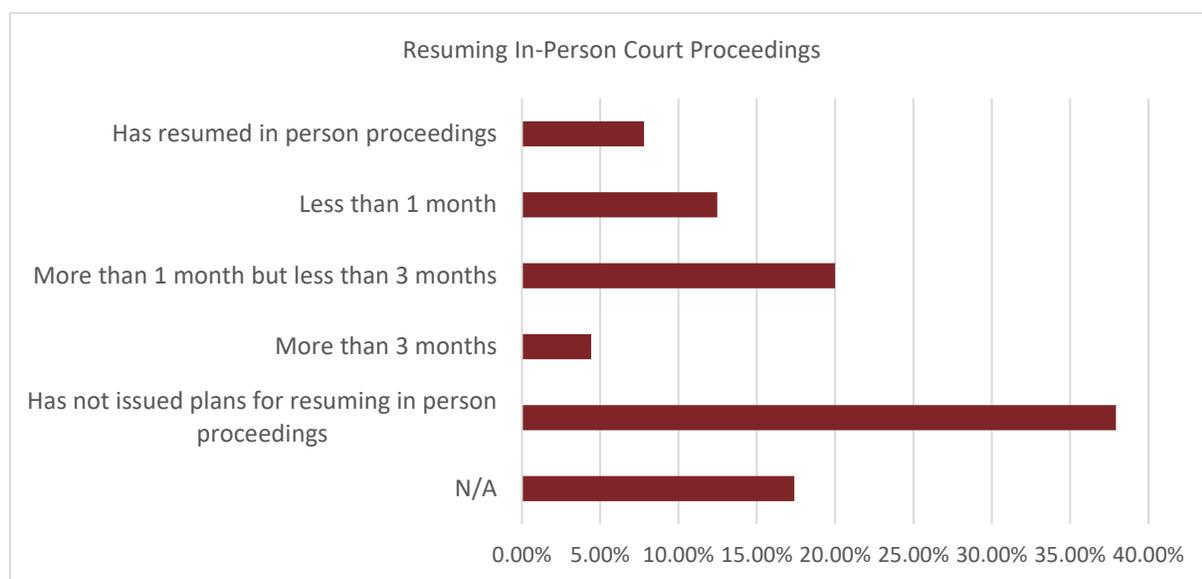
### Court Operations and Proceedings

There was significant support among respondents for requiring persons entering courthouses to wear face coverings. Seventy-five percent of respondents indicated that the measure “must be in place” or “would make me more likely to appear” in court. Substantial support (65%) also existed for courthouse use of COVID-19 screening questions when persons enter courthouses. Less support (45%) existed for temperature-checking upon entry.



Approximately 70% of respondents said they were able to participate in a mediation or court proceeding by video conferencing service without significant interruption. Since the health crisis began, 27% of respondents have participated in a remote court proceeding either by telephone, video conference, or both while 26% of respondents have had settlement conferences continued until in-person proceedings resume. Of the respondents who have participated in remote court proceedings, most were very satisfied or satisfied with the process.

Approximately 40% of respondents indicated their federal district court planned to resume in-person proceedings within the next three months or have already resumed in-person proceedings, while one-third of respondents (38%) reported that their federal court had not yet announced specific plans on the resumption of in-person proceedings.



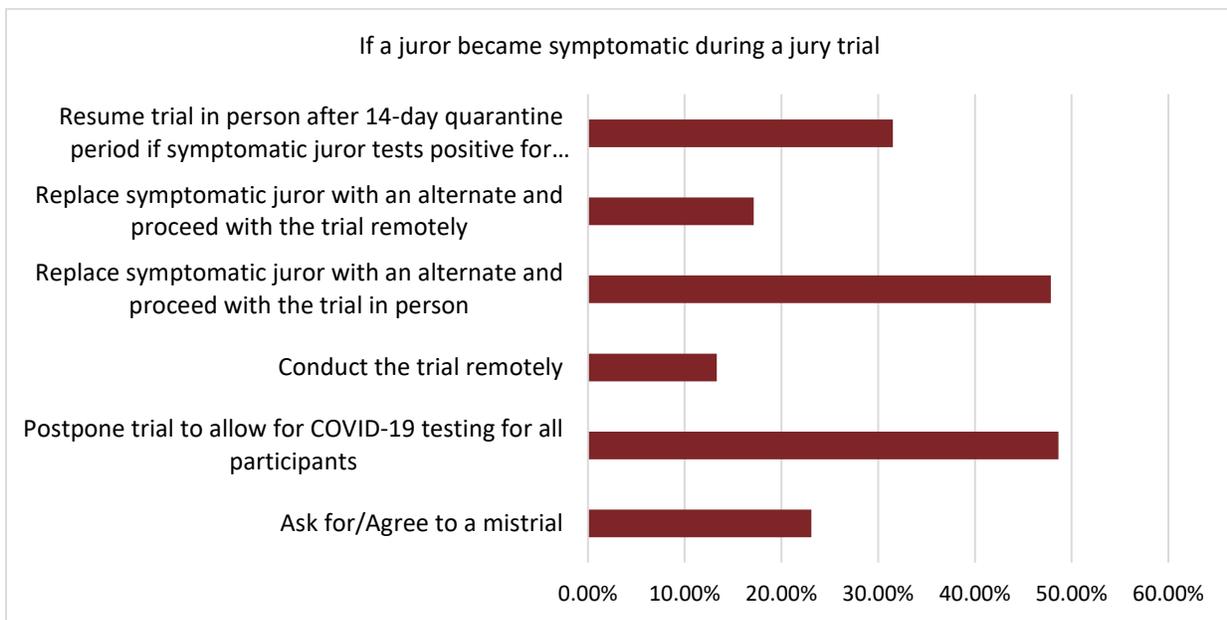
There was widespread concern (81%) among respondents about the health and safety of participants if in-person proceedings resume. Additional concerns involved the ability to judge the credibility of witnesses wearing face coverings (53%) and the impact of disruption to proceedings, particularly jury trials, if the court later suspends them due to COVID-19 concerns (47%). Approximately 40 percent (39.4%) of the respondents expressed concern about the court's ability to select a jury if the jurors are wearing face coverings.

When asked about what precautions would make respondents feel comfortable about conducting in-person proceedings at the courthouse, respondents most favored the availability of hand sanitizer at counsel table (88%) and limits on the number of attorneys at counsel table during trial (73%). Support for other measures included: spatial limits where arguments could be made in the courtroom (53%); the required wearing of face coverings in court by the parties (51%); prohibiting the physical exchange of documents during the proceedings (48%); required wearing of face coverings by witnesses during the

proceedings (36%); and having witnesses testify by video from another location in the courthouse (27%).

A majority of respondents (59%) said they would not be open to conducting a remote jury trial, if the option were available. Almost half of respondents (47%) said they would be less likely to participate in a jury trial if voir dire were conducted through video conferencing. Most respondents indicated that they have not waived the right to a jury trial in any of their cases during the health crisis.

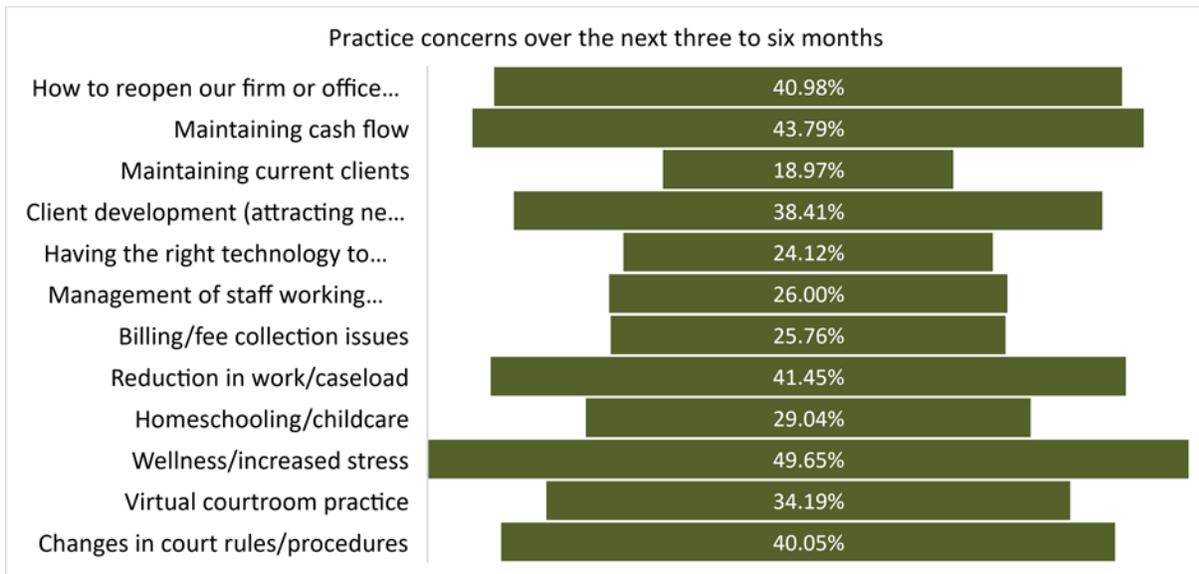
If a juror became symptomatic during a jury trial, respondents most frequently favored postponing the trial to permit COVID-19 testing of all participants (49%) and replacing the symptomatic juror with an alternate and proceeding with the trial in person (48%).



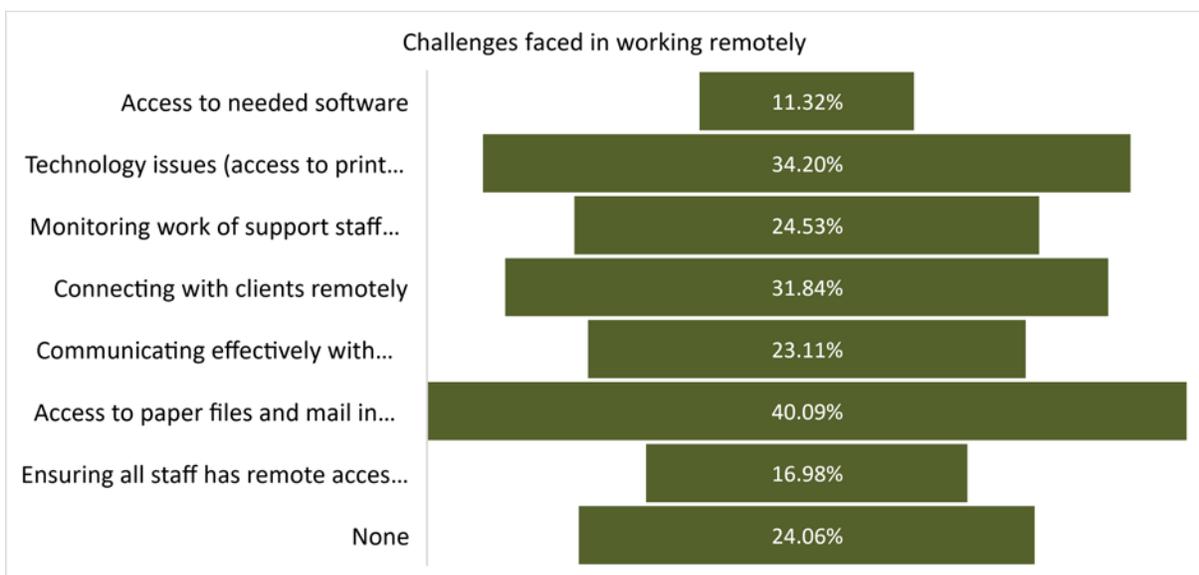
Among the challenges faced by respondents in working with the courts, the most common involved inconsistencies in procedures between courts/judges and staying current with changing court directives.

## Practice Concerns

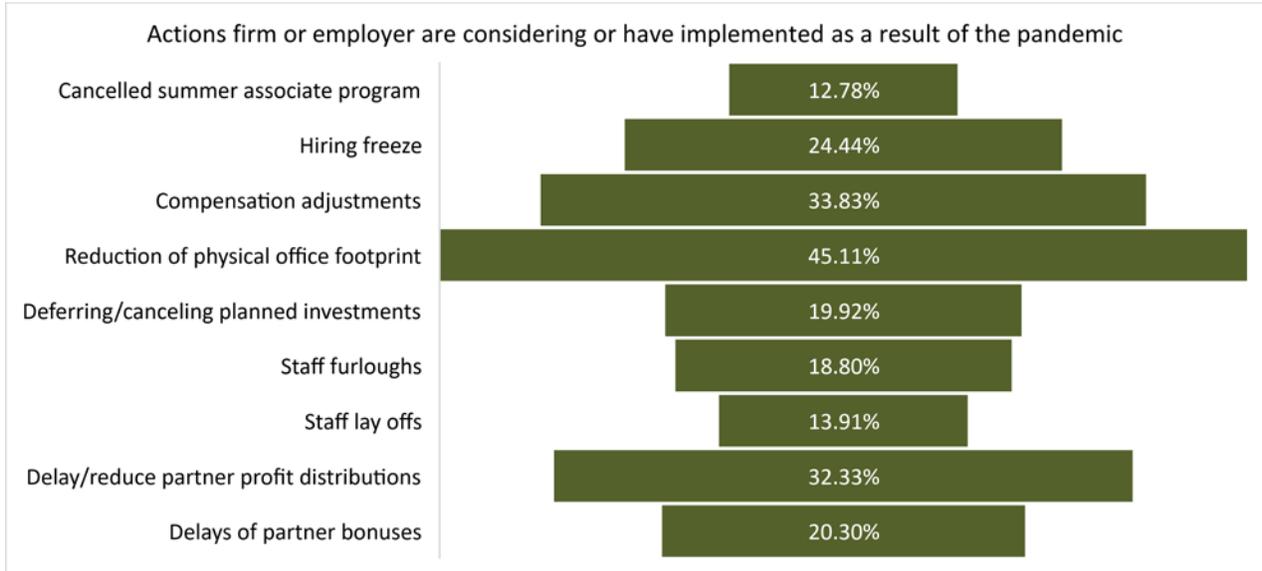
Respondents identified increased personal stress and cash flow concerns as the most significant concerns they faced over the next three to six months as a result of the pandemic. Reduction in work or caseload and how to reopen their office effectively and safely were also significant concerns over the next three to six months.



Access to paper files and mail in the office (40%) as well as technology issues (34%) were the most significant challenges respondents are facing in working remotely. Respondents also marked communicating effectively and working with staff remotely as challenges they are facing in a telework environment.



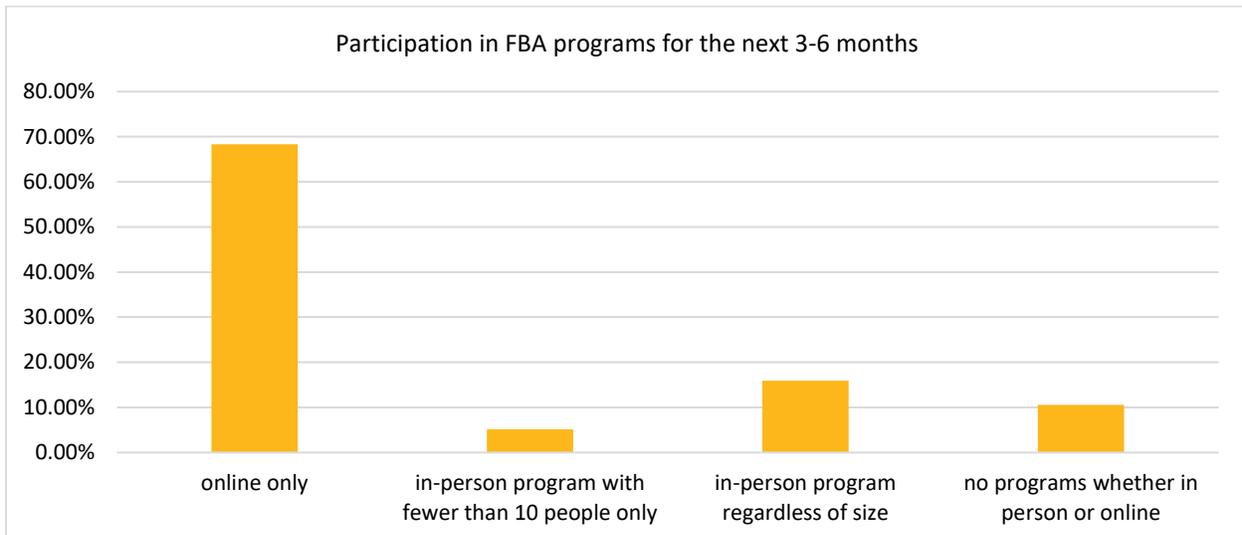
Physical reduction of the law office footprint represented the most frequently identified action their firm or employer had implemented or was considering in response to the pandemic. (45.1%) Compensation adjustments (e.g., pay cuts, shifts to part time) and delays or reductions in partner profit distributions were being considered by one-third of respondents.



## Bar Programming

Technology tools (61%) and how to effectively practice law remotely (54%) represented the most helpful educational/training topics to respondents. Respondents also indicated that insight into the legal issues or lawsuits that might arise from the crisis would also be helpful (47%). The survey also included an open-ended question: How else can the FBA support you and the federal legal community in the COVID-19 era? Feedback received generally addressed CLE topics and delivery, re-opening of the courts, and technology tools and uses.

An overwhelming majority (68%) of respondents plan to attend programs offered online only and do not expect to participate in any in-person programs for the next three to six months.



The FBA's Annual Meeting and Convention\* is scheduled to be held September 9–12 in Charleston, S.C. More than 60% of respondents preferred an online only format for the annual meeting, while 27% of respondents would prefer a combination of online and in-person programming. Less than 20% of respondents would be willing to travel to attend the annual meeting this September. *\*The FBA is evaluating alternative formats for the Annual Meeting and Convention.*

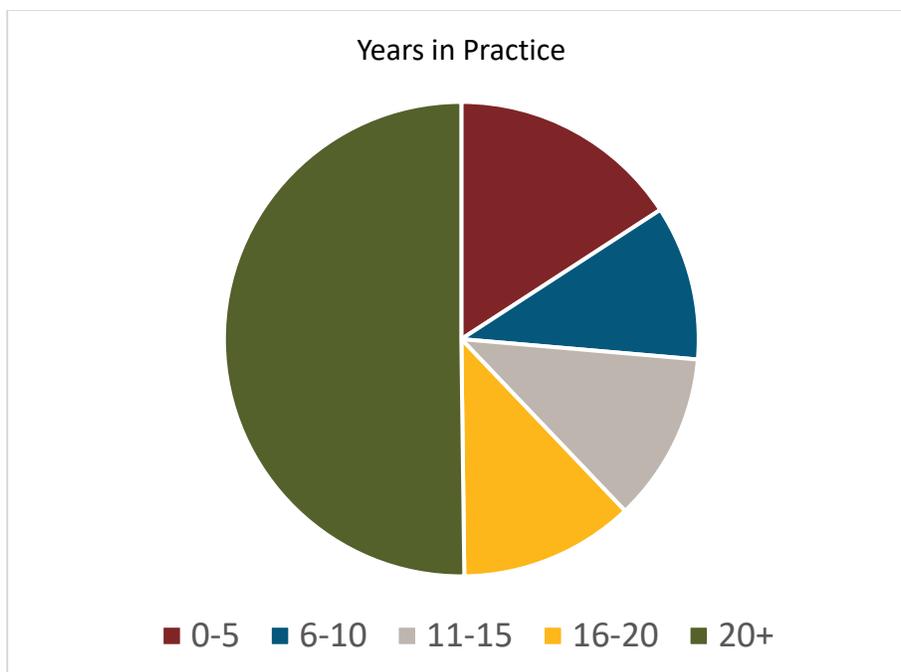
## Conclusion

The survey questions along with responses (excluding open-ended responses that may include identifiable data) are included as an appendix to this summary. The information received will help guide future FBA programming and benefits. Thank you to all who participated in this survey. If you wish to speak to a staff member regarding the survey or offer feedback for programming and benefits, please email [fbaf@fedbar.org](mailto:fbaf@fedbar.org).

## Respondent Data

Six questions were included in the survey to capture demographics of respondents. This data is included below in lists and graphs.

Current Practice/Employment Setting	% of Respondents
Private Practice	69.35%
Judiciary	5.97%
Government	12.14%
For-profit corporation or business (in-house counsel)	1.16%
For-profit corporation or business (nonlegal)	.58%
Law school	.58%
Nonprofit organization	2.50%
Retired	3.47%
Recent law school graduate, currently unemployed	.96%
Unemployed	.39%



Circuit	% of Respondents	% of FBA membership
First	7.51%	4.58%
Second	5.01%	5.43%
Third	4.05%	3.91%
Fourth	10.21%	8.43%
Fifth	12.52%	16.03%
Sixth	10.21%	10.02%
Seventh	4.82%	4.77%
Eighth	5.01%	5.97%
Ninth	17.92%	16.16%
Tenth	3.66%	7.68%
Eleventh	14.84%	12.52%
D.C.	4.24%	4.38%

Practice Primarily in	% of Respondents
District of Alaska	0.58%
Middle District of Alabama	0.19%
Northern District of Alabama	0.39%
Southern District of Alabama	0.00%
Eastern District of Arkansas	0.00%
Western District of Arkansas	0.00%
District of Arizona	2.12%
Central District of California	3.66%
Eastern District of California	1.73%
Northern District of California	1.73%
Southern District of California	3.47%
District of Colorado	0.39%
District of Connecticut	0.19%
District of Columbia	3.85%

District of Delaware	1.16%
Middle District of Florida	5.01%
Northern District of Florida	0.00%
Southern District of Florida	6.55%
Middle District of Georgia	0.00%
Northern District of Georgia	2.31%
Southern District of Georgia	0.77%
District of Guam	0.00%
District of Hawaii	1.35%
District of Idaho	1.35%
Central District of Illinois	0.19%
Northern District of Illinois	4.24%
Southern District of Illinois	0.00%
Northern District of Indiana	0.39%
Southern District of Indiana	0.00%
Northern District of Iowa	0.00%
Southern District of Iowa	0.00%
District of Kansas	0.19%
Eastern District of Kentucky	0.00%
Western District of Kentucky	0.19%
Western District of Louisiana	1.35%
Eastern District of Louisiana	4.82%
Middle District of Louisiana	0.77%
District of Massachusetts	2.12%
District of Maine	0.19%
District of Maryland	2.31%
Eastern District of Michigan	1.35%
Western District of Michigan	0.77%

District of Minnesota	3.85%
Eastern District of Missouri	0.19%
Western District of Missouri	0.39%
Northern Mariana Islands	0.00%
Northern District of Mississippi	0.00%
Southern District of Mississippi	0.19%
District of Montana	0.00%
Eastern District of North Carolina	0.96%
Middle District of North Carolina	0.39%
Western District of North Carolina	0.39%
District of North Dakota	0.39%
District of Nebraska	0.39%
District of New Hampshire	0.00%
District of New Jersey	0.58%
District of New Mexico	0.39%
District of Nevada	0.39%
Eastern District of New York	2.12%
Northern District of New York	0.19%
Southern District of New York	2.12%
Western District of New York	0.00%
Southern District of Ohio	2.70%
Northern District of Ohio	3.85%
Eastern District of Oklahoma	0.00%
Northern District of Oklahoma	0.39%
Western District of Oklahoma	1.73%
District of Oregon	1.16%
Eastern District of Pennsylvania	0.77%
Middle District of Pennsylvania	0.96%

Western District of Pennsylvania	0.39%
District of Puerto Rico	4.62%
District of Rhode Island	0.58%
District of South Carolina	2.12%
District of South Dakota	0.00%
Eastern District of Tennessee	0.77%
Middle District of Tennessee	0.19%
Western District of Tennessee	0.39%
Eastern District of Texas	0.00%
Northern District of Texas	1.16%
Southern District of Texas	1.16%
Western District of Texas	2.70%
District of Utah	1.16%
Eastern District of Virginia	3.08%
Western District of Virginia	0.77%
District of the Virgin Islands	0.00%
District of Vermont	0.39%
Eastern District of Washington	0.00%
Western District of Washington	0.19%
Eastern District of Wisconsin	0.00%
Western District of Wisconsin	0.00%
Northern District of West Virginia	0.19%
Southern District of West Virginia	0.00%
District of Wyoming	0.00%

