

How Do Lawyers Help Solve the Pandemic Crisis of 2020?

Hint: Use your skills.

WRITTEN BY ELIZABETH BRENNER

These are rough times. As we shelter at home, the world outside our front door can seem overwhelming and out of control. The headlines and cable news stories recounting the daily toll of the coronavirus compound feelings of futility. No matter the area of practice, a law license can't do much to stop the spread of disease. It's easy to feel useless.

But no need, your law license comes very handy in this crisis. The toll of the virus goes well beyond physical health. As many industries have ground to a halt, unemployment has skyrocketed. The resulting economic impact has devastated many lives, especially already vulnerable populations, and exacerbated economic inequality. While legal skills can't stop the spread of the virus, lawyers can curb the economic side effects of the pandemic. Pro bono assistance can help keep vulnerable populations afloat during these challenging times.

In June 2020, the unemployment rate in the U.S. was 11.1%; approximately 17.8 million people were out of work.¹ Prior to the pandemic, in February of this year, the unemployment rate was around 3.5%.² This dramatic economic downturn has hit many low-wage earners the hardest. Those on the front lines—delivery drivers, nursing home workers, home health aides, grocery store clerks, and childcare providers—are among those at greatest risk of exposure to COVID-19 but among the lowest paid. Many service sector jobs have disappeared due to the closing of bars and restaurants. Food banks have reported historically long lines.³ Following the abrupt cancellation of school, many low-income children temporarily lost access to free and reduced-price school meals.

In mid and late March, the federal government enacted various laws meant to help those economically impacted by the virus. These measures include the Coronavirus Aid, Relief, and Economic Security Act, or CARES,⁴ and the Families First Coronavirus Response Act.⁵ Among other things, these laws increased the amount of unemployment benefits by \$600 a week, extended length of payments, and expanded eligibility. The additional unemployment benefits expired on July 31. The CARES Act included limited protection from foreclosure through mid-May and suspended eviction for non-payment of rent through July 25.

While Congress debates whether to extend these provisions, families continue to face mounting hardships, including unemployment, growing debt, and even homelessness. While legal counsel can help navigate these issues, it is cost prohibitive for those most impacted. Lawyers aren't cheap. Even in good times, access to legal representation isn't financially feasible for low-wage workers. These days, even fewer can afford legal representation.

And a little legal support can go a long way. Among other things, a pro bono attorney can prevent imminent homelessness of those facing eviction due to loss of income; help individuals access government benefits to cover basic needs; provide wills and other pre-need documents so families impacted by the virus can focus on caring for loved ones; and offer guidance on overdue mortgage payments to help individuals keep their home.

Providing pro bono assistance helps not only those in need, but it also strengthens the legal system. Lawyers are taught to prize the rule of law, a system governed by neutral rules grounded in fairness. Equal

access to the legal system, including access to legal counsel, is essential to maintaining the rule of law. The justice system is complex even for a seasoned and well-trained attorney. Lawyers spend years acquiring courtroom skills and developing expertise in any one area of the law. Pair someone with the means to hire experienced counsel to guide him or her through this complex system against someone working multiple jobs, yet still barely scraping enough together for food and rent for his or her family. In an adversarial system, unless both parties have counsel, the disparity is stark and often insurmountable. As this disparity becomes commonplace, a system governed by rules gives way to the rule by those with means. In the words of Texas Supreme Court Chief Justice Nathan L. Hecht: "Justice for only those who can afford it is neither justice *for* all nor justice *at* all."⁶ By providing volunteer legal services to vulnerable populations, lawyers bring balance to the legal system thereby reinforcing the rule of law and equal access to justice.

Pro bono services also strengthen society as a whole, particularly in a time of growing economic inequality. The coronavirus has revealed our interdependence. Precautions you take to avoid contracting the virus prevent further spread, thereby avoiding potential catastrophe for others you may never know. In short, individual precautions limit the impact of the disease on everyone. Likewise, our work to buoy those who are vulnerable will improve the lives of all of us by containing the economic damage of the virus. Simply put, lawyers have the unique skills to lessen the impact of the economic fallout of the pandemic for vulnerable populations, thereby propping up the rest of society.

Legal services organizations provide a variety of volunteer opportunities. In addition to taking cases, lawyers can provide one-time legal assistance over the phone, mentor attorneys who take cases outside their practice area, or simply make a donation. Volunteering can also help your legal practice. It's an opportunity to branch out into a new area of the law, strengthen your knowledge of an existing practice area, or, for new attorneys, gain experience working with clients and in the courtroom—or, these days, the virtual courtroom. The State Bar of Texas has made connecting with pro bono opportunities easy. You can find volunteer opportunities, mentorship, and other resources at probonotexas.org/get-involved, or contact your local volunteer legal services organization. **TBJ**

NOTES

1. Bureau of Labor Statistics, U.S. Department of Labor, News Release, July 2, 2020, <https://www.bls.gov/news.release/pdf/empisit.pdf>.
2. Bureau of Labor Statistics, U.S. Department of Labor, News Release, July 2, 2020, https://www.bls.gov/news.release/archives/empisit_03062020.htm.
3. Yoojin Cho, Long Lines Highlight Incredible Need at Food Bank Distribution, KXAN News (April 14, 2020), <https://www.kxan.com/foodbank/central-texas-food-bank-to-distribute-food-wednesday-to-families-hit-hard-by-covid-crisis>.
4. CARES Act, Pub. L. No. 116-136, 134 Stat. 281 (2020).
5. Families First Coronavirus Response Act, Pub. L. No. 116-127, 134 Stat. 177-218 (2020).
6. Nathan L. Hecht, *The Twilight Zone*, 148 *Daedulus* 190 (2019).



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