

**COVID-19**

# Boom, bust and echo: Law firms are not immune | Jasmine Daya

By **Jasmine Daya**



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(March 23, 2020, 3:47 PM EDT) -- During this time of COVID-19, putting on a smile and saying it's "business as usual" is either an attempt to convince yourself that this is reality or a flawed marketing attempt. It is anything but business as usual, with some employees attempting to work remotely and some employees that are or will be temporarily laid off.

Chief Justice Geoffrey Morawetz announced that as of March 17, the Superior Court of Justice would cease regular operations and only emergency matters would be addressed. There is no definition of what constitutes an "emergency."

A client has expressed to me that her motion, which requires court approval of her settlement, should certainly be an "emergency" as she has absolutely no funds. I have had to tell her that I do not believe that the court will view her personal financial hardship as an emergency that will be heard during this time.

Until the court reopens, all matters scheduled as of March 17 are considered to be adjourned; however, no date is given as to when these matters are being adjourned. Each jurisdiction has different scheduling procedures and will implement their own manner in which to address the COVID-19 adjournments.

I received a call on March 16 from the Windsor court advising that the following day's motion was being adjourned, which I had anticipated. What came as a surprise is that I was told to attend at the Windsor courthouse on June 9, when all adjourned matters would be spoken to and hopefully a new date would be scheduled. Motions, pretrials and trials will hopefully be adjourned to the end of 2020 and even into 2021.

Some court reporters' offices in the Greater Toronto Area have also made the difficult decision to close their doors. This means that all examinations for discovery and mediations have been cancelled but would have been cancelled anyway, as people are trying to work from home and/or minimize contact through "social distancing."

Some mediators and lawyers have suggested that examinations for discovery and mediation occur through video conferencing. This requires workable equipment and a willingness by the parties. I have an elderly client who requires an interpreter and I know this is not feasible. His matter will be adjourned.

Law firms, including mine, have closed their doors to the public to minimize contact. For me, this means I am not currently meeting clients in person and have not been retained by any new clients. Although people are likely in need of legal services, the pandemic is properly and understandably of paramount concern.

There is literally a shortage of work at litigation law firms right now and many have laid off or will need to lay off employees in order to ensure financial survival. There is a slowdown in revenue and, despite government intervention to assist with business losses, expenses will still need to be paid, whether that happens as they are incurred or on a deferred basis.

We are headed for an economic recession and possibly a depression. Bills will go unpaid, businesses will be forced to close, unemployment will soar and the real estate market will be negatively impacted. If you are seeing things differently, it's time to remove the rose-coloured glasses. Instead of telling you not to worry, my advice is to plan ahead and prepare because the worst is yet to come. Boom, bust and echo.

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