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Scott Morris: [smorris@tmppllc.com](mailto:smorris@tmppllc.com)  
Anthony Poulin: [apoulin@tmppllc.com](mailto:apoulin@tmppllc.com)

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# Letter from the Editor

**2020—what a year!** As the ball dropped in Times Square at the end of 2019 and people thought about what the next year would bring, I'm pretty sure no one anticipated we would be living in the reality that 2020 turned out to be. It's been a challenging year and although many might like to try to forget it, with so much that has changed, it is likely impossible to do so. In this past year, we experienced a global pandemic that changed our way of life. We witnessed loss, racial injustice, riots and protests, movements to encourage change, and a historic national election. And yet, here we are, in January of 2021- another new year. The world has changed. Our way of life has changed. We are in a new reality and learning how to navigate through it.

2020 flipped the script on our lives and our industry. Many of us once worked in an office building with our colleagues, and we would travel around the country to attend conferences and meet our business partners. Suddenly we were working from our homes, with some of us pulling double duty as a homeschool teacher to our kids. The only travel to speak of was the occasional trip to the grocery store or out to pick up necessary essentials. Many of us, including myself, just wanted things to "get back to normal." But somewhere along the way, we began to realize that we were starting to live our new normal. And we had to think about what we wanted things to be like as we reemerged.

As we settled into our new lives, we began to see some of the good things that came out of the chaos. The articles shared in this publication look at that pivot into this new world. Judy Newberry gives us a bit of perspective as she recounts some of the crises that have come before and how the world has gotten through and carried on. Erica Fujimoto talks about the advances in technology that have been made since the pandemic started. Sydney Rasch talks about movement since the pandemic and where people are going (literally). Kristen Schuler-Hintz writes about working women in the home doing more than ever before and the impact it has had. Caren Castle and I write about the importance of staying connected, despite having to keep apart. Marissa Yaker offers some helpful tips on how keeping your financial goals on task in the new year. Meredith Murchison brings back our "Top Ten Things to Know About" column featuring Sadie Alexander- an economist and attorney who was the first African American woman in the United States to earn a doctoral degree. It is a true story of overcoming adversity and pivoting a journey to achieve success.



Some of my favorite contributions to this issue of WILLED come from stories shared by our WILL members. One of our columns called "What I Hope Doesn't Change" shares thoughts from members about what good things have come out of COVID and what changes people hope are here to stay. Some members also submitted funny experiences that happened while working from home during a conference call or video call. And our "Tell Me Something Good" column shares the good things our membership is doing in the world, and also pays tribute to one of the kindest people this industry has ever known.

There is still a lot of uncertainty as to what this next year will bring. But I think one amazing thing we can hold onto is that we have overcome so much already. We learn from the bad, and we hold on tightly to the good. We take what we have been given, we pivot, and we keep moving. **W**

A handwritten signature in black ink that reads "Maggie Garden". The signature is fluid and cursive.

## MAGGIE GARDEN

Director of Marketing and Client Relations  
Bendett & McHugh, P.C.  
[mgarden@bmpc-law.com](mailto:mgarden@bmpc-law.com)



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# Tell Me *Something Good*

BY: MAGGIE GARDEN, DIRECTOR OF MARKETING  
BENDETT & MCHUGH, P.C.  
MGARDEN@BMPC-LAW.COM



**IN A WORLD** that often seems so uncertain and where the only constant is change, the ALFN WILled Editorial Committee wanted to celebrate the people in our industry who are keeping things positive and spreading good vibes in the world by highlighting their efforts in this WILled Column called: **"Tell Me Something Good."** If you or anyone you know in the industry is up to **Something Good**, we want to know about it and acknowledge it in an upcoming edition of WILled. Please send a brief write up with the name of the person you are nominating and what they've been up to. It could be fundraising efforts, or a recent promotion or accomplishment. Please submit your information to: [srosen@alfn.org](mailto:srosen@alfn.org) and [mgarden@bmpc-law.com](mailto:mgarden@bmpc-law.com).



## THE DEFINITION OF GOOD...

The word "good" can be defined as: "better, best. Processing or displaying moral virtue: showing kindness. Reliable. A praiseworthy character." These are all characteristics of our dear friend and industry colleague, Edward W. Kirn, III who passed away on January 4, 2021. Ed defined "good" in both his professional and personal life. Ed was a prominent figure in the default servicing industry. Ed served on various Boards, committees, and spoke at conferences and events nationally. He was a mentor to many and freely gave professional assistance to anyone that asked. He also served on the Board of Directors for the Githens Center, a non-profit organization that assists families with Cerebral Palsy for over 20 years. Anyone that knew Ed, knew that he loved his family with a passion. Ed was a wonderful husband to his wife Sarah and father to his sons Drew and Teddy. Sarah generously shared Ed with his industry family and she served as the perfect foil for him and was the true love his life. Ed coached his boys' lacrosse and baseball teams and even taught life survival skills to the boys and their friends. He will always be remembered as a special person to everyone in his family and extended family. His laughter was infectious and would fill up a room. Anyone that was in Ed's company felt good. When we do good things and make people feel good the way that Ed did, we all continue to spread "something good" in loving memory our dear friend Ed.



## MAKING HOLIDAY WISHES COME TRUE...

Padgett Law Group has established an annual firm-wide tradition entitled "PLG Gives Back" where employees can help support their local community's needs during



the holiday season. In 2020, Jennifer McCall, PLG's Supervising Attorney for the state of Georgia, volunteered to be the firm's holiday elf and oversee this campaign. The firm chose to participate in the Salvation Army's Angel Tree Atlanta Program. This organization provides holiday gifts to disadvantaged children as well as seniors in the Atlanta area. Despite the unprecedented pandemic, the generosity of the PLG family did not disappoint. Through employee donations and a dollar-for-dollar match from the firm, Padgett Law Group ultimately made holiday wishes come true for thirteen children and two seniors, ranging from the ages of one month to seventy-eight years old. Not only were the angels' needs, such as diapers and winter coats, met, but so were their wants. Danna, a nine year old angel, received the tablet she desired. Dianne, a seventy-eight year old angel, received her humble wish for a cozy bathrobe. Making the holiday season just a little bit brighter for the PLG Angels was a wonderful way to end the year. Jennifer is looking forward to expanding this generosity throughout the year.




### **BRIGHTENING THE SPIRITS OF HUNDREDS...**

Amanda Buffington-Gunderson with McMichael Taylor Gray, LLC helped organize hundreds of handmade Christmas cards for the people in nursing homes to make their holiday a little more special through a project called Operation Senior Smiles. Operation Senior Smiles creates homemade cards for the elderly and/or disabled. Each card was sent to different nursing homes, long-term care facilities, and rehabilitation centers. Amanda said of the project: "It was really important to reach out to this community as they are so often left alone and need something as simple as a card to make them smile. To take it one step further, several friends, family members, investors, and law firms participated. It was a perfect charity for the holidays and even better during a pandemic."



### **BATTLING BREAST CANCER AND GIVING BACK...**

After being diagnosed with Stage 1a Invasive Ductal Carcinoma; a very common and treatable form of breast cancer, Cerena Rodriguez of Statebridge wanted to look for ways to give back to those in need. During the month of October (Breast Cancer Awareness month), she partnered with her CrossFit gym and held an event called Barbells for Boobs. She also rallied her co-workers to do a fitness challenge for donations: 31 miles in 31 days. For each mile walked, \$1 was donated. Participants were asked to donate one of 2 ways that would help Breast Cancer patients. Donations were made to METAvivor organization or were made in the form of an item for Care Kits Cerena assembled herself. The care kits were comprised of items deemed 'post-surgery essentials' that a lot of men and women do not have the means to purchase themselves. There were a little over 700 miles walked or ran over the course of the 31 days in October from participants in Denver, where Statebridge is located. This meant that a little over \$700 was donated to METAvivor directly from Denver. During the Barbells for Boobs event at her CrossFit gym, there was \$2,560 donated directly to METAvivor as well as another \$400 sent from T-shirt sales. Almost \$3,700 in total. By November 2020, Cerena had 83 kits and continues to take donations for them. She hopes to double her efforts by 2021. 



## 10 THINGS TO KNOW ABOUT

# *Sadie Alexander*

BY MEREDITH MURCHISON, ASSOCIATE ATTORNEY  
HUTCHENS LAW FIRM  
MEREDITH.MURCHISON@HUTCHENSLAWFIRM.COM

Sadie Tanner Mossell Alexander, born in 1898, has been called a “pioneer” and a woman of “firsts” because of her extremely exceptional academic and professional career. Dr. Alexander earned several historical distinctions, some of which are outlined below, and relentlessly used her extensive education, work ethic, and hard-earned reputation to help in the struggle to lift African American people to equal citizenship. She worked hard her entire life on matters of substance and importance under the weight of racial prejudice and sexism in an effort to achieve the promise of the United States Constitution. Read on for ten facts that explain why she is remembered as one of America’s greatest leaders of the twentieth century.





When Dr. Alexander (then known as Sadie Tanner Mossell) enrolled in college at the University of Pennsylvania in 1916, she was the only African American student in her class.<sup>1</sup> In her first year, none of her classmates befriended her, none asked her to lunch, and none spoke up when the restaurants refused to serve her or announced that they would not “serve colored people.”<sup>2</sup> The isolation and indignities did not have the intended effect. She brought her lunch to school, turned her attention to the work at hand, and graduated from college with honors in three years.<sup>3</sup>

## — 2 —

In 1921, Dr. Alexander became the first African American woman to receive a Ph.D. in economics.<sup>4</sup> Dr. Alexander’s dissertation for her doctoral degree at the University of Pennsylvania was an examination and analysis of the economic conditions of African Americans migrating to Pennsylvania for unskilled job opportunities in the 1916-1918 timeframe. The dissertation sets forth Dr. Alexander’s disciplined and thorough study of 100 families who had moved to Philadelphia from southern states as part of a larger migration to northern states of approximately 400,000.<sup>5</sup>

## — 3 —

Despite receiving her Ph.D. in economics, Dr. Alexander would not find employment in any of the white-owned businesses.<sup>6</sup> Ultimately, Dr. Alexander was hired as an assistant actuary by the black-owned North Carolina Mutual Life Insurance Company and relocated from Pennsylvania to North Carolina to begin work. While in North Carolina, Dr. Alexander again encountered racial prejudice. Dr. Alexander would later remark that “[T]here was a kind of prejudice down there that I knew nothing about.”<sup>7</sup>

In 1924, Dr. Alexander was the first African American woman to enroll at the University of Pennsylvania Law School. Dr. Alexander found a cold reception awaiting her arrival at law school: “It was quite a come-down for me to come to the Law School and be treated not only with indifference but with disdain.”<sup>8</sup> Dr. Alexander persevered and was elected by the student board of editors to join the University of Pennsylvania Law Review, only to have the dean of the law school attempt to block her membership on the basis of race or gender.<sup>9</sup> One of Dr. Alexander’s classmates spoke up to support her and objected to the attempted race discrimination. The opposition was dropped and Dr. Alexander became associate editor of the Law Review.

## — 5 —

Dr. Alexander graduated in 1927 from the University of Pennsylvania Law School and became the first African American woman to be admitted to the Pennsylvania bar.

## — 6 —

Dr. Alexander was the only African American woman admitted to the Philadelphia bar during the thirty-six year period from 1909 to 1945.<sup>10</sup>

## — 7 —

Notwithstanding the historical significance of breaking through the barriers of racial prejudice and sexism that Dr. Alexander encountered every step of the way, the next phase of her professional career would not get any easier. The success that she sought as a young attorney would be slow to come, despite her impressive credentials, solely because of her race and sex. Undaunted as usual, Dr. Alexander persevered in her chosen profession and became a strong and wise advocate for justice. All the while, she was known for her courage, dignity,

1 Charles Lewis Nier, III, *Sweet are the Uses of Adversity: The Civil Rights Activism of Sadie Tanner Mossell Alexander*, 8 Temp. Pol. & Civ. Rts. L. Rev. 59, 62 (1998).

2 *Id.*

3 *Id.*

4 *Id.* at 63. While Sadie Tanner Mossell is referred to as “Dr. Alexander” in this article, she was not known as “Dr. Alexander” when she was in college or when she issued her dissertation. At that point in her life, she was known as Sadie Tanner Mossell because she had neither married Raymond Pace Alexander nor received her Ph.D. as of that time.

5 Sadie Tanner Mossell, *The Standard of Living among One Hundred Negro Migrant Families in Philadelphia*, The Annals of the American Academy of Political and Social Science 98 (1921): 173–218.

6 Nier, III, *supra* note 1 at 63.

7 *Id.*, quoting Sadie T. M. Alexander.

8 *Id.* at 64, quoting Sadie T. M. Alexander.

9 *Id.*

10 Nier, III, *supra* note 1 at 64–66.

strength, competence, and tenacity, among many other things, while setting a standard of excellence that would inspire those seeking equality of citizenship in her generation and the generations that would follow.

## — 8 —

By 1940, there were 39 African American women lawyers in the United States, of which Dr. Alexander was one.<sup>11</sup> By contrast, that same year, there were 4,146 white women lawyers.<sup>12</sup> While white women lawyers may have lamented sexual discrimination in a profession dominated by white men, African American women lawyers had sexual discrimination and racial prejudice standing in their way. In essence, African American women lawyers encountered “dual prejudices of racism and sexism” while struggling to earn very low fees.<sup>13</sup> White women lawyers felt the limitations on their careers were due to their “secondary status” as women and sexual discrimination.<sup>14</sup> Dr. Alexander commented that “[W]hen I hear white women lawyers complaining about their lot it amuses me. It is the same problem I have been facing all my life.”<sup>15</sup>

## — 9 —

Much of Dr. Alexander’s day-to-day legal practice consisted of probate work and domestic relations disputes.<sup>16</sup> Much of the probate work came from middle-class African Americans.<sup>17</sup> By the early 1940s, Dr. Alexander’s reputation as a successful attorney had grown, and she began to receive more difficult domestic relations work that could take years to complete.<sup>18</sup> Finally, Dr. Alexander brought in a new client, the A.M.E. Church, which was “the largest and best-organized black church in America.”<sup>19</sup>

## — 10 —

Dr. Alexander’s stature as a civil rights leader gained

the attention of a national audience. In 1946, there were a series of highly publicized racially-motivated murders that underscored the severe and horrible problem the nation faced with race relations. Civil rights groups met with President Truman, insisting that he improve federal enforcement efforts to end the racial violence. With the urgency of the growing wave of violence and injustice, President Truman took executive action to establish the President’s Committee on Civil Rights. The Committee consisted of fifteen members who were chosen based on diverse backgrounds in business, labor, religion, academics, charities, or civil rights. Dr. Alexander was selected as one of the fifteen members of the Committee, and was one of only two African Americans named to the Committee. Dr. Alexander steadied the Committee by observing that the Committee’s assignment from the President was “not . . . to go out and find out what good has been done” but rather “to find out what had to be done to correct any evils.”<sup>20</sup> After conducting public hearings, the Committee prepared its report. Thurgood Marshall, who at that time was chief counsel of the NAACP Legal Defense Fund, remarked that the “Report...will go down in history as one of the most important documents yet produced.... The problem ... is now before the public in a manner never equaled before.”<sup>21</sup> Dr. Alexander’s legacy for future generations can be seen as the hope, and the will, that President Truman alluded to in his civil rights message to Congress following delivery of the Committee’s report: “If we wish to inspire the peoples of the world whose freedom is in jeopardy, if we wish to restore hope to those who have already lost their civil liberties, if we wish to fulfill the promise that is ours, we must correct the remaining imperfections in our practice of democracy. We know the way. We need only the will.”<sup>22</sup> **W**

11 Virginia G. Drachman, *The New Woman Lawyer and the Challenge of Sexual Equality in the Early Twentieth-Century America*, 28 Ind. L.R. 227, 234 (1995). See Kenneth Walter Mack, *A Social History of Everyday Practice: Sadie T.M. Alexander and the Incorporation of Black Women into the American Legal Profession, 1925-1960*, 87 Cornell Law Review 1405, 1407 (2002).

12 *Id.* Of the thirty-nine African American lawyers, there were ten in New York, eight in Illinois, three in California and Virginia, two in Indiana, Michigan, Ohio and Pennsylvania, and only one in Alabama, the District of Columbia, Florida, Iowa, Massachusetts, Minnesota, and Texas. Thirty-four states lacked any African-American women lawyers.

13 *Id.* at 234-235.

14 *Id.* at 235.

15 *Id.* at 234.

16 Cecily Barker McDaniel, M.A., *Fearing I Shall Not Do My Duty to My Race If I Remain Silent: Law and Its Call to African American Women, 1872-1932*, The Ohio State University at 136 (2007).

17 Kenneth Walter Mack, *A Social History of Everyday Practice: Sadie T.M. Alexander and the Incorporation of Black Women into the American Legal Profession, 1925-1960*, 87 Cornell Law Review 1405, 1427 (2002).

18 *Id.* at 1437.

19 *Id.* at 1440.

20 Lynda G. Dodd, *Presidential Leadership and Civil Rights Lawyering in the Era Before Brown*, 85 Ind. L.J. 1599, 1634 (2010).

21 *Id.* at 1639.

22 *Id.* at 1644.

# WHERE IS EVERYONE GOING? (LITERALLY)

BY SYDNEY RASCH, ATTORNEY  
PADGETT LAW GROUP | SYDNEY.RASCH@PADGETTLAWGROUP.COM



Here we are; it's finally 2021. The long slog of 2020 is over. We made it!

## WHAT NOW?

Though great strides have been made in the fight against COVID-19, there appears to be no end in sight to the pandemic and a return to, well, whatever normal is. That really seems to be the big question of 2021 – what will the world look like at the end of this year, how have we all moved, literally and figuratively, and how has that movement affected all of us long-term?

Making a big move seems to be a theme to the pandemic. I began working from home on March 17, 2020 and celebrated St. Patrick's Day in style by drafting documents from my dining room table. My fiancé began working from home two days later. Within a month, cabin fever set in, and I was ready to make a move. We started looking for a new house, along with everyone else in America, and closed on our new home in June. The biggest requirement? Enough space for my fiancé and me to have our own separate offices. Literally, moving into a new space was a game-changer for us. Now, being home all the time doesn't seem quite so bad.

New homes, new dogs, new children, new relation-

ships, rekindling of old relationships – these are just some of the ways Americans have moved and changed during the pandemic. Big decisions, small decisions. Cross-country moves. New babies. “Let's get a puppy!” People are moving around their lives more, but also moving less on a day-to-day basis.

Many Americans are still working from home, and what we do with our former commute time can also be a game-changer. Moving less has its benefits. It is amazing really, how much time we spend traveling to and from work on a daily basis. From a 10-minute walk, to a 45-minute drive, we all planned accordingly for our commutes – but when you gain that time back, what do you do with it? Fold laundry? Read a book? Clock in a little early and prep for the day? I have spoken with so many remote employees who have all said some version of the same thing – *I feel like I'm finally achieving work-life balance*. Maybe a little less movement can be a good thing.

Now, looking out over the next twelve months, there's no way to know what is to come. Eventually, many of us will start working in the office again, and many of us have already gone back to the office. Is that normal? Who knows! Either way, I hope everyone remembers one thing long after things return to normal – it's okay not to be moving every second. **W**





# A 37 YEAR RECOUNT

BY JUDY NEWBERRY, CHIEF COMPLIANCE OFFICER & SUPERVISING PARTNER REGULATORY COMPLIANCE  
ALDRIDGE PITE, LLP | [NEWBERRY@ALDRIDGEPITE.COM](mailto:NEWBERRY@ALDRIDGEPITE.COM)

**HERE WE ARE AFTER EXPERIENCING** months of a global pandemic. In the immediacy of today it seems like we are living through something unlike anything else in history, with dire predictions of high long-term unemployment, mass business bankruptcies, and closures, stock market volatility, and pending doom are everywhere. I've been practicing law for 37 years now, so I've seen my share of significant economic and financial national crises.

However, history provides the perspective that while living in the middle of a Crisis, it feels like it's the "biggest and baddest" of them all ... until the next one rolls around. I'll recount for you below my experiences as a federal and state regulator during the Savings and Loan Crisis of the 1980s and 1990s and the 2007/2008 Financial Crisis, both of which were the "biggest and baddest" of their time.



## **THE SAVINGS AND LOAN CRISIS OF THE 1980S AND 1990S: HOW IT HAPPENED AND WHAT I LEARNED DURING MY ADVENTURES AS A FEDERAL REGULATOR**

First, I'll share that I graduated from law school in 1983, and was happily working at a paper-trading company in Houston, Texas, when I received a phone call from a Washington D.C. Division Counsel with the Federal Deposit Insurance Corporation (the "FDIC") in response to a long forgotten federal government job application I had completed the prior year. [The FDIC is an independent agency created by the U.S. government to maintain stability and public confidence in the nation's financial system, which it does in part by examining and supervising financial institutions (including state banks) to make sure they are run with proper procedures to protect consumers.] It was 1987, and what was to become known as the Savings and Loan ("S&L") Crisis was fast exploding. The FDIC was staffing up to deal with the Crisis.

I never actually had an in-person "interview" with the FDIC, but was hired via a 30-minute phone call

where I agreed to move to San Antonio, Texas, and was assigned to the largest Texas bank failure to date, where my role was to participate with a team of other attorneys to find who owed what to the failed bank. Of course, at that time no one knew that Texas would have lots (and lots!) of large and small bank failures during the Crisis. Within 10 days, I was on a plane from Houston to San Antonio, staying at a hotel provided by the FDIC while a government contractor packed my belongings back in Houston, showing up to a new "job" without once having had a face-to-face meeting with my future employer or a co-worker. (I'm confident that my current "self" would not be willing to jump on the adventure train quite as quickly!) For some added "Crisis" flavor here for the younger crowd ... the Cold War was still alive in the 1980s so the "worst" economic and financial Crisis of the day had an added element of the fear of Soviet aggression and even nuclear war.

Since the S&L Crisis was more than 30 years ago (wow!) and has been replaced in most people's minds with the more recent Financial Crisis of 2008, let me

**DURING THE EARLY 1980S, THE FED RATE RANGED FROM 9% TO 12%, AND WAS BEING CONTINUALLY RAISED AS AN ATTEMPT TO FIGHT INFLATION. MANY S&L'S HAD MADE LONG-TERM MORTGAGES AT OR LOWER THAN THE INTEREST RATES AT WHICH THEY COULD BORROW FROM THE FEDERAL RESERVE, WHICH PLACED THEM IN A NEGATIVE POSITION ON MANY MORTGAGE AND OTHER LONG-TERM LOANS THEY HAD MADE.**

share a brief history lesson on the cause and national trauma of the S&L Crisis. The S&L Crisis began in 1986 and ended around 1995. During this nine-year period, approximately 1,043 of the 3,234 or about one-third of all US S&Ls failed and were closed by regulators. A smaller number of banks also failed.

Leading up to the S&L Crisis, a recession in the early 1980s was fueled by inflation, which basically means there was an increase in prices but a decrease in the value of money. In recent years, the Federal Reserve's (the "Fed") discount rate has been much in our news. The Federal Reserve's discount rate is the rate at which member banks can borrow money from the Fed discount window to maintain the reserve, which is the amount of cash/liquidity each member bank is required to have on-hand (the bank cannot lend out or invest all of its money). The Fed rate was lowered to 0.25% on March 16<sup>th</sup>, 2020, and hasn't moved much since. In comparison, during the early 1980s, the Fed rate ranged from 9% to 12%, and was being continually raised as an attempt to fight inflation. Many S&Ls had made long-term mortgages at or lower than the interest rates at which they could borrow from the Federal Reserve, which placed them in a negative position on many mortgage and other long-term loans they had made. Regulators played their part in the Crisis too by allowing near insolvent S&Ls to attempt to bring in additional capital by risky speculative strategies. The results often allowed troubled S&Ls to dig deeper and

deeper debt holes. Massive numbers of foreclosures, business failures, and bankruptcies dominoed as a result of the Crisis. Inflation, speculation, and greed in general all played a role in the S&L Crisis.

I stayed at the failed San Antonio bank working for the FDIC for almost 9 months. At the time of the S&L Crisis there was no established protocol for how to resolve a billion dollar lending institution that seemingly failed overnight. My love of a good "policy or procedure" likely originated about this time, because the FDIC attorneys and staff were making up a lot of "stuff" about how things should have been managed based on necessity as we went along inside the failed bank. Chaos sometimes reigned because of sheer volume. As an example, the failed San Antonio bank headquarters was a 10-story building in downtown San Antonio. We had an entire floor that housed the "non-essential" documents of the bank. If you were looking for a particular document or file, as a last resort you would visit the non-essential documents floor. Documents were likely originally stored in banker's boxes in offices and along hallways, but after only a couple of months, car titles and all sorts of notes and documents were littered throughout the hallways and offices with more documents on the floor or furniture than inside a box. This is just one example of the chaos that reigned until lessons could be learned to scale up with both people and resources to attack the resulting S&L fallout.

Before moving on to the next financial Crisis, I





want to touch on the “Greed” factor associated with the S&L Crisis. After spending 9 months in San Antonio, I was transferred with another 10-day window to the Atlanta FDIC office in the Professional Liability Section. At that time, the S&L Crisis had begun to shift focus from ensuring that the banking sector was propped up to trying to figure out what the heck was causing so many S&Ls to fail. There were 4 other attorneys in my Atlanta section and every time an S&L or a bank failed in the southeast region, one of us was assigned to that institution to try to understand why. When an institution was slated to be closed by the FDIC, a group of FDIC examiners, attorneys, investigators, and staff were put on alert as to the day and time of the failure. Estimated bank failure dates could be moved up if the media seized on a possibility that a particular bank might fail or if a “run” started on a bank. (If you’ve seen the old black and white Christmas Movie, *It’s a Wonderful Life*...that’s what a bank run looks like!) During the S&L Crisis banks were

not warned in advance that the FDIC would be closing their bank. During the S&L Crisis....closings were a Friday afternoon “surprise.” In my early FDIC days, I traveled under a false name and the team was required to stay at different hotels in and around the area.

As the Professional Liability Attorney assigned to a bank, it was my responsibility to lead the FDIC team on that bank to determine the cause of the failure. Now, the discussion of greed .... it was rampant! Oftentimes, it did not take a detective to do a forensics exam of the books and records of the loan portfolio to determine the cause of a failure. A stroll thru the bank executives’ offices and a look at their transportation was usually a great start. Solid ebony or teak desks, museum-quality art works, bank-provided luxury cars for bank officers, European “business trips,” and bank-owned airplanes were not out of the norm. It took a number of years, but today few people understand or even recall the S&L Crisis as a pivotal moment in this country’s history.



## **THE 2007/2008 FINANCIAL CRISIS: AN EXPLANATION AND MY EXPERIENCES AS A STATE REGULATOR**

Fast-forward to 2006 when I accepted the role as Deputy Commissioner/Chief Legal Officer at the Georgia Department of Banking and Finance. The economy is cruising right along and the banking industry is healthy and prosperous. At the Department, I was anticipating “banker’s hours” and some community hand-shaking in a fairly relaxed work environment. In short order, the U.S. faced the 2007 & 2008 Financial Crisis, also known as the Global Financial Crisis. This Financial Crisis is considered by many economists as the most serious financial Crisis since the Great Depression.

This Crisis began in 2007 with a depression in the subprime mortgage market in the U.S. and developed into an international banking Crisis with the collapse of the investment bank Lehman Brothers on September 15, 2008. Government and federal regulators attacked the Financial Crisis in many ways that were different than how they had handled the S&L Crisis. Massive bail-outs of financial institutions and other fiscal policies were employed to prevent a possible collapse of the world financial system and “The Great Recession” was born.

The 2000s are now called the decade of “subprime” lending. In the early 2000s, subprime loans generally required that a borrower have a FICO score of



660, but by 2005 subprime loans were being made to borrowers with 620 FICO scores. Subprime lending, meaning lending to less credit-worthy borrowers, didn't become less risky ... Wall Street just accepted the higher risk. Subprime mortgages represented less than 10% of all mortgages until 2004 and then steadily rose to over 20% of all mortgages. There were a lot of subprime lending products, the most popular of which might have been the "no doc" loan, or perhaps more accurately referred to as the "liar loan." A "no doc" loan usually did not require that the borrower provide verification of income, employment, or assets. In the 1980s and 1990s, the average home increased in value approximately 3%, but from 1998 to 2006 the typical American home increased in value by 124% .... and the "housing bubble" was born. In hindsight, as early as 2002 it was apparent that "easy" credit was fueling housing investment instead of traditional business investment. Between 2006 and 2014, over 10 million homes were foreclosed in the U.S. In September 2010, the highest monthly total of foreclosures rang in at 120,000 foreclosed in that month alone!

From 2008 to 2011, Georgia suffered 67 bank failures, far more than any other state. Personally, I had

gone from a fairly routine work week at the Georgia Banking Department to being on the front-lines of lots of bank failures all over again!


Lessons learned during the S&L Crisis were employed during the Financial Crisis as far as failed banks were concerned. Few banks were actually shuttered in the Financial Crisis; rather, healthy banks anonymously bid on failing bank assets and "Purchase Agreements" between the FDIC and the buying bank were already in place when a bank technically was placed into receivership by the FDIC. "Prompt Corrective Action" letters became the norm in the Financial Crisis. This means that if a bank failed to maintain the minimum capital required, the FDIC would issue a prompt corrective action letter ... and bankers on the receiving end of those letters knew that failure to correct the capital ratio would result in bank failure. As a result, there was a lot less crying and gnashing of teeth during an on-site bank closing during the Financial Crisis than the cloak-and-dagger bank closings during the S&L Crisis! In 2010, the Dodd-Frank Wall Street Reform and Consumer Protection Act was enacted which gave rise to the Consumer Financial Protection Bureau and a new day of government financial regulation was born.





# 2020

## **THE 2020 COVID-19 PANDEMIC: MY PERSPECTIVE**

Now let's flip to the current economic 2020 Crisis the US and much of the world faces as a result of the COVID-19 pandemic. The story of the 2020 COVID-19 Crisis is still in its beginning stages. Lots of economists are making dire predictions about what comes next. Based on being closely involved in two prior periods of the "worst" economic and banking upheaval in history, my perspective and the good news is basically this: Lessons will be learned, and the country will move past the Crisis and then you will have some interesting stories to tell your colleagues 20 or 30 years from now. As you deal with the day to day uncertainty, be sure to look for the odd, the ironic, and the positive so that when you look back at this time in your personal history you'll be able to remember more than the fear and the stress. Many people are being impacted by the 2020 COVID-19 Crisis, and I know that the news can be scary, but stay positive and know that this too shall pass. I'll look forward to your future interesting stories! 



# Mental Health Check



## THE IMPORTANCE OF STAYING CONNECTED WHILE KEEPING APART

BY CAREN CASTLE, SENIOR ATTORNEY, THE WOLF FIRM, [CAREN.CASTLE@WOLFFIRM.COM](mailto:CAREN.CASTLE@WOLFFIRM.COM)  
AND MAGGIE GARDEN, DIRECTOR OF MARKETING AND CLIENT RELATIONS, BENDETT & MCHUGH, P.C., [MGARDEN@BMPC-LAW.COM](mailto:MGARDEN@BMPC-LAW.COM)

AS WE APPROACH our eleventh month of some level of lockdown due to COVID-19, we have all been forced to learn how to stay connected in different ways. Our travel schedules have all but come to a complete halt, and our face to face contact beyond those we live with may only be with the checkout clerk at the grocery store.

Much has been written about ensuring we maintain our health during the incredible change in our day to day lives. Staying connected with friends and family, while challenging, is a critical piece of the stay healthy puzzle. This article will discuss why this is important and provide some ideas on how to stay connected.

**W**E ARE, BY NATURE, social animals. How often have each of us said the best part of our jobs are the people we get to work with, the wonderful friendships this industry has brought to us, and the greatest part of travel was to be with our “road family.” As a result of COVID-19, we are all spending significantly more time hunkered down at home, and our circle of physical contact has been dramatically reduced. This, very simply put, affects our mental health, which ultimately affects our physical health.

Surveys during the pandemic have consistently shown that there has been an increase in symptoms of stress, anxiety, and depression. We are all living with greater uncertainty, both personally and professionally. Additional stress in balancing work and parenting has never been more pronounced. When your body becomes stressed, it can increase your heart rate, breathing, reaction time, and muscle contractions. In other words, stress, and especially prolonged stress, takes a toll on the body. It can impact not only how we think and feel, but also affect every aspect of our body and overall health. Science has proven that stress can increase one’s chances of heart disease, cancer, stroke, as well as ulcers, and other diseases.

There are many ways in which we have historically destressed. Many of us exercise, but with COVID-19 orders, many gyms have been closed. Many of us go out for a meal or a drink, but again with COVID-19 orders, many restaurants and bars have been closed to the public. Whether or not closed, we may just not feel comfortable working out in a gym or socializing at a restaurant or bar.

As women, we often destress through contact with our friends. A simple visit, cup of coffee, or glass of wine with a close friend who will allow you to “bitch” about your day can be quite cathartic. The pandemic has altered our ability to have those face to face destressing sessions. But that doesn’t mean there are not other ways in which we can create contact with our friends to help us destress. We can, and need to, create opportunities to have social interaction with friends, colleagues, and family. Each of those social interactions has the ability to lower the level of stress in our lives.





## WAYS TO STAY CONNECTED:

### 1. TALK TO ONE FRIEND EACH DAY.

While texting is a great way to touch base quickly, the ability to connect “face to face” virtually is a powerful tool. Seeing a smile or making eye contact even via an electronic device can be good for the soul. This can even be accomplished by sending video messages over text messages. But taking the time for a 10-minute conversation using FaceTime or Skype can be a huge mood lifter. It helps us feel connected and provides a sense of normalcy.

### 2. CREATE FUN ACTIVITIES TO DO AT HOME.

We are all certainly spending a lot of time with our immediate live-in family and roommates, and we all miss going to events like shows, concerts, and movies with friends. But because the pandemic forced us to slow down, there is some beauty and opportunities in that too. Try creating a fun atmosphere at home-like baking a new recipe or having a movie or game night. We now have the time to actually reconnect at home and do things we normally wouldn't have the time to do.

### 3. HAVE A VIRTUAL “HAPPY HOUR.”

One of the biggest components of staying connected is being able to connect with friends, co-workers, and close comrades in an atmosphere that is welcoming and easy. What better platform than a happy hour? Creating this place of comfort is as simple as Zoom or FaceTime — just name the time and place! Seeing your favorite people in a BYOB atmosphere still lends itself to the smiles, laughter, and comfort you would find in your favorite pub or restaurant. Take the time to MAKE the time to schedule it with the people you miss the most. And exhale at how good it feels to be in their “presence”, even if it's in this virtual world until we figure this whole pandemic thing out.

### 4. WRITE A HANDWRITTEN NOTE.

In a world with constant focus on social media and email correspondence, the art of “written communication” might seem like a thing of the past. But ask yourself this — how excited do you get when you receive a piece of mail from a friend or loved one? Maybe it's a handwritten card, a letter, or even a postcard



that brings a little sunshine to someone's day. It means so much to the recipient to know that you took the time to write down your feelings, place it in a letter, and put it in the mail with a stamp on it to right to their hearts.

## 5. PLAY YOUR FAVORITE MUSIC.

Music has a way of connecting us. To our friends and family, yes but also to ourselves. Is there a certain song that always brings you back to a favorite memory from college? Or is there an era of music that just makes you smile? Create a playlist, download an album. And please, don't ever underestimate the power of a good dance party.

## 6. HELP OUT THOSE IN NEED.

The reality is, this pandemic has impacted all of us. And it is ok to not be ok sometimes. Reaching out to friends in need that might need an extra pick me up, might make the biggest difference in their lives. It could be as simple as a phone call to check-in, or a text message asking how they are doing. But there is also the opportunity to donate goods or services to people that have been severely affected by COVID-19. Donating to a local shelter or food bank can make a tremendous impact on being connected to the overall big picture. If you can, consider donating blood in the time of need.

## 7. STAY CONNECTED WITH THE OUTDOORS.

It is not new information that regular exercise has a tremendous positive impact on our physical health. However, being outside and reconnecting with nature cannot necessarily be quantified scientifically. It just "feels good" to be outside. To breathe in the fresh air and to feel the sunshine absorb into your skin. Smelling the fresh scents of the outdoors, seeing the mountains and trees, hearing the sound of rolling water through a stream or ocean, the sound birds singing their daily songs, watching the clouds roll in, or watching the sunrise or set—these are all things that can make you feel more connected to the world in ways you didn't think were possible.

We do have to work harder on creating contact, and what that contact looks like is different. But in the end, ensuring we continue to be social animals, even if not physically, does reduce our stress levels and is critical to our mental and overall. What are you going to do this week to be sure you stay connected? **W**





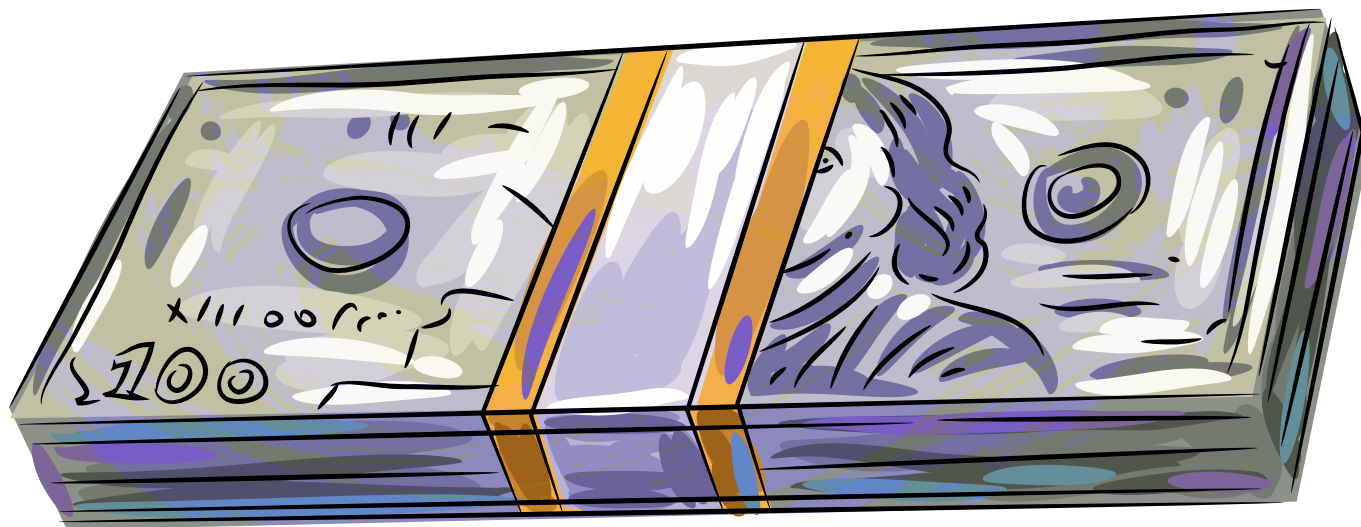
# *TAKING A* **STEP BACK**

*MONEY-SAVING IDEAS*

BY MARISSA M. YAKER, MANAGING ATTORNEY OF FORECLOSURE  
PADGETT LAW GROUP | [MARISSA.YAKER@PADGETTLAWGROUP.COM](mailto:MARISSA.YAKER@PADGETTLAWGROUP.COM)



*"A penny saved is a penny earned" is a proverb frequently attributed to Benjamin Franklin. This article will cover money-saving ideas. It is broken down by where to start, what to look for, and money-saving tips/tricks. So, let's begin! \**



### **CURRENT MONTHLY EXPENSES:**

To begin with, it all starts with reviewing your current monthly expenses. This can be done by creating an excel spreadsheet and reviewing how much you are currently spending on the most common monthly expenses, i.e., housing, utilities, food, transportation, technology, and clothing.<sup>1</sup> This can be overwhelming at first; however, it is helpful to see everything together, and you may be surprised at how much and how little you are spending in one area. Also, do not forget about any monthly subscriptions you may have.

### **CREATE A MONTHLY BUDGET:**

Once you can see everything all in one place, and see how much you are spending, the next step is to determine a budget for each category. When creating a monthly budget, it is important to consider<sup>2</sup>:

1. Not overextending yourself;

2. When you would like to retire;

3. Whether you would like to save for any trips or occasions;

4. Whether you have any outstanding debt that must be repaid; and

5. Rainy day fund for emergencies.

Per some of the resources that I read when writing this article, it is recommended to also utilize a spreadsheet or apps that are created for this very use. Some of the resources recommended Mint or You Need a Budget<sup>3</sup>. Of course, ensure you do your research and ensure that you pick the right one. Do not forget paper and pen always works as well!

Ok, so now that we have gone over what some would consider the painful part of this process, let's go into what some resources recommend on how to actually save money to help with your new monthly budget.

<sup>1</sup> [How to Save Money Every Month](https://www.experian.com/blogs/ask-experian/how-to-save-money-every-month/) — Experian, <https://www.experian.com/blogs/ask-experian/how-to-save-money-every-month/>

<sup>2</sup> [How to Save Money Every Month](https://www.experian.com/blogs/ask-experian/how-to-save-money-every-month/) — Experian, <https://www.experian.com/blogs/ask-experian/how-to-save-money-every-month/>

<sup>3</sup> [How to Save Money Every Month](https://www.experian.com/blogs/ask-experian/how-to-save-money-every-month/) — Experian, <https://www.experian.com/blogs/ask-experian/how-to-save-money-every-month/>

# MONEY-SAVING IDEAS



✓ **DO NOT GO TO THE FOOD STORE WITHOUT A LIST.** It is important to first check what you already have and what you need. A statistic that I found interesting is that “the U.S. Bureau of Labor Statistics (BLS) reported in 2019 that the average American household spent \$372 a month on food fixed at home and \$288 a month of food prepared by restaurants.”<sup>4</sup>

<sup>4</sup> How to Save Money Every Month — Experian, <https://www.experian.com/blogs/ask-experian/how-to-save-money-every-month/>

✓ **ENTERTAINMENT.** Consider whether you still need cable or if some of your favorite shows may be available elsewhere.



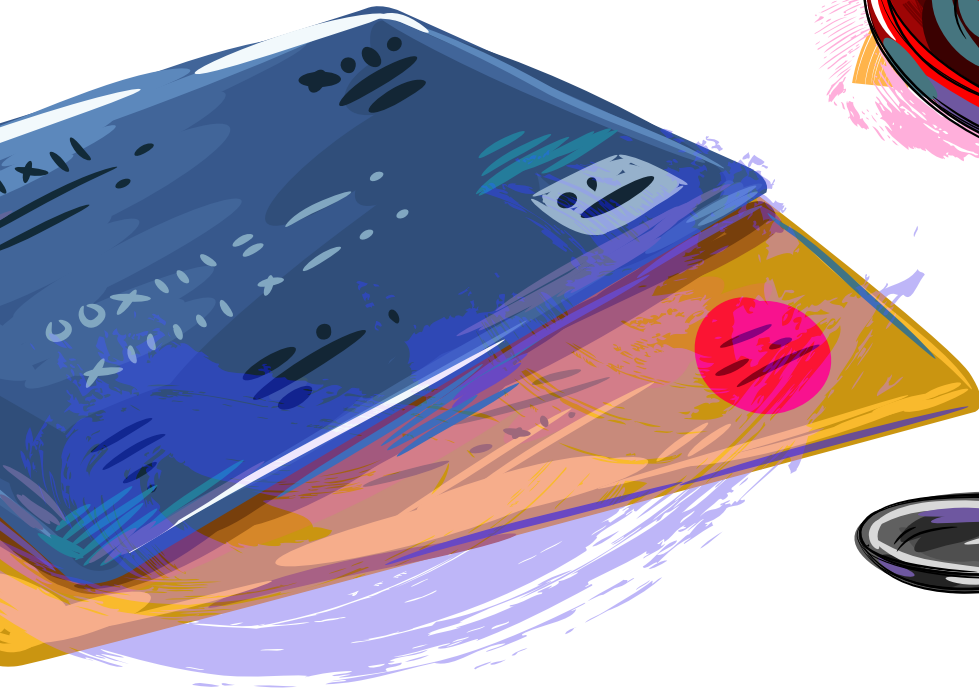
✓ **EATING OUT.** Bring lunch from home instead of eating out for lunch. “According to the Bureau of Labor Statistics, the average household spends approximately \$3,459 on food outside of the home each year.”<sup>5</sup>

<sup>5</sup> U.S. Department of Labor, Bureau of Labor Statistics, News Release, CONSUMER EXPENDITURES - 2019 (bls.gov)

✓ **TECHNOLOGY COSTS.** Ensure that you have shopped around for the best pricing for your wireless/internet provider. Also, make sure to see if you are eligible for any discounts.

✓ **RECURRING MONTHLY MEMBERSHIPS AND SUBSCRIPTIONS.**

Make sure to remember to cancel any automatic subscriptions and to check your credit card statements for those charges. There is no point in paying for a service that you are not using.




✓ **UTILITY BILLS.** Remember to turn off lights and unplug devices when not using them. Additionally, look into energy efficient-lighting. Small items such as this may assist with your electric bill.

✓ **SKIP THE COFFEE SHOP.** Yes, that means using the coffee machine on your counter that you may or may not use often. This also provides you a great opportunity to try different brands at home, and avoid standing in line.

✓ **CLOTHING.** Sometimes it helps to wait for the item you have been eyeing to go on sale before moving it into the cart and buying. According to the Bureau of Labor Statistics, the average consumer in 2019 spent \$1,883.00 on apparel.<sup>6</sup> Also, unsubscribe from emails and remove your saved credit card information on your phone, as it may stop you from impulse buying.

<sup>6</sup> U.S. Department of Labor, Consumer expenditures report 2019 , <https://www.bls.gov/opub/reports/consumer-expenditures/2019/home.html>

There are so many resources out there on how to save money and how to go about it. It can be overwhelming, but once you find the right advice that works for you, you will be on your way! Good luck!

*\*These are simply suggestions; I am not a financial advisor, and this is not intended as financial or investment advice. Please conduct your own research when reviewing your finances and determining how best for you to personally save money.\** 





OLD HABITS  
**DIE HARD**



## WOMEN ATTORNEY'S AT WORK IN THE TIME OF A PANDEMIC

BY KRISTIN SCHULER-HINTZ, PARTNER,  
MCCARTHY & HOLTHUS, LLP, [KHINTZ@MCCARTHYHOLTHUS.COM](mailto:KHINTZ@MCCARTHYHOLTHUS.COM)

Headlines trumpet it — *How Covid-19 Sent Women's Workforce Progress Backward*<sup>1</sup>; *Multiple Demands During Pandemic Causing Women to Abandon Workforce*<sup>2</sup>; *Covid-19 and Gender Equality: countering the Regressive Effect*<sup>3</sup>; *Covid Shrinks the Labor Market, Pushing out Women and Baby Boomers*<sup>4</sup>. As a partner and managing attorney with female attorney friends and colleagues of all ages and stages, I was curious as to how the pandemic was affecting their careers. I had not heard of anyone quitting (many lateral transfers, but no one announced they were staying home).

Therefore, I pushed out a question to my friends and colleagues — “How is Covid Affecting Your Career?” Surprisingly, no one responded by announcing that they had quit their job or lost their job and were not job-hunting. Now granted, my study was not very scientific, as the response pool was limited to the women attorneys I know, and the women who responded to my question on Fishbowl<sup>5</sup>.

What I did find out was that women lawyers are attempting to do it all. Maybe the personality traits that make you a good lawyer also make you think that you need to: (1) parent your children

1 Center for American Progress, 10/30/2020; <https://www.americanprogress.org/issues/women/reports/2020/10/30/492582/covid-19-sent-womens-workforce-progress-backward/>

2 KNPR, 10/2/2020; <https://www.npr.org/sections/coronavirus-live-updates/2020/10/02/919517914/enough-already-multiple-demands-causing-women-to-abandon-workforce>

3 McKinsey & Company, 7/15/200; <https://www.mckinsey.com/featured-insights/future-of-work/covid-19-and-gender-equality-countering-the-regressive-effects>

4 The Wall Street Journal, 12/3/2020; <https://www.wsj.com/articles/covid-shrinks-the-labor-market-pushing-out-women-and-baby-boomers-11607022074>

5 I highly recommend — you can post questions anonymously, read other people's post and questions and feel a lot less alone <https://www.fishbowlapp.com/bowl/law>.

(2) homeschool your children (3) run your practice (4) win cases (5) make partner (6) be a good partner to your significant other (7) clean your home (8) shop (9) cook; (10) all while keeping everyone's spirits up and avoiding depression during a lock-down and don't forget taking care of your friends and extended families. I think there is also an expectation that you should be working out daily (even if you do not get out of your pajamas). The other common issue raised by women is that working from home means there is always work. I'm either working at my job and looking at what I need to do at home or doing what I need to do at home and looking at what I need to do at work.<sup>6</sup>

extended family) women in lower paying positions are staying home in droves. There may be long term repercussions from that as their daughters may not have successful, prominent women to model themselves on. Therefore, if we want to keep the gains we have made in the workplace and society, be a mentor, we need more Ruth Bader Ginsberg's and less Instagram models.

Next, WE DO NOT HAVE TO DO IT ALL, I cannot stress this one enough. I am a reformed neat freak. I made my bed the second I got out of it every day (hospital corners and all). I married a man who does not care if the bed is ever made. Over 20+ years of marriage we have come to a compromise, I make the bed

**TAKE THIS OPPORTUNITY TO MAKE A BREAK FROM THOSE OLD HABITS AND STEREOTYPICAL BEHAVIOR; WE DO NOT HAVE TO DO IT ALL IN ORDER TO HAVE IT ALL.**

I also found out that women who responded fell primarily into two groups: (1) I'm doing it all and it's killing me, I'm exhausted and burned out; and (2) I was doing out all, but I finally had a talk with my significant other and they stepped up and started helping out, doing more, sharing the load, and/or we agreed to hire help. The women who got their partner on board helping out sounded significantly happier than the others.

One of the interesting points was that the women started the pandemic, doing it all. No one said, oh yeah, my spouse was right there at the beginning setting up the homeschooling schedule, doing housework, shopping for groceries. The women stepped up and did it all.

Therefore, what can we learn from my unscientific study? First, the women leaving the workplace tend to be in less prominent professional jobs and the pay difference between them and their spouses leans toward the spouse with the higher paying job staying at work and the lower paid partner staying home. Since women still earn less than men, and are still primarily responsible for the "caretaker" role (to children and

duvet) and he empties the dishwasher and reloads it. Yes, you can share the chores, and maybe even give some of them up; the world will not stop spinning. Yes, it will be hard, yes you will walk by that dusty shelf and think "I need to dust that" followed by "I need to finish that brief" and "I need to spend time with my \_\_\_\_" pick the one that is most important and let the rest go.

Further, close the door on your "office." I am the worst at putting down my phone, I answer work emails from the beaches of Bali, the wine rooms in Napa, the lobby of the opera house. Working from home, means I can pop into the office at any given minute. I do not. I very consciously shut down my computer when I leave for the day. That makes it much harder to pop in and work when you have a second.

Finally, ask for help, ask from friends, colleagues, significant others, family and even strangers in an anonymous forum. You will be surprised at how many people are in the same boat. Take this opportunity to make a break from those old habits and stereotypical behavior; we do not have to do it all in order to have it all. **W**

<sup>6</sup> My non-scientific study also included my bartender at the local pub, her husband was furloughed (from an Irish Pub – the day before St. Patrick's Day) and had not worked since. She works 2-3 days a week, and handles home schooling, and everything else





# 2020

## A YEAR OF TECHNOLOGY CHALLENGES AND OPPORTUNITIES

BY ERICA FUJIMOTO, DIRECTOR OF DEFAULT SERVICES, [EFUJIMOTO@AFFINITYCONSULTING.COM](mailto:EFUJIMOTO@AFFINITYCONSULTING.COM)  
AND JEFF KRAUSE, PARTNER, [JKRAUSE@AFFINITYCONSULTING.COM](mailto:JKRAUSE@AFFINITYCONSULTING.COM), AFFINITY CONSULTING GROUP

**2020** brought about a lot of change, and although technology helped in a big way, it also presented so many challenges. I interviewed a few attorneys in our industry, as well as my fellow technology consultants, to find out how the law firms they worked for or with inside and outside of default were impacted.



Many firms thought they had the right technology in place to survive a disaster. Unfortunately, too many were prepared for the wrong disaster. Prior to the COVID-19 pandemic, most disaster planning focused on how to quickly get a firm back up and running after a business interruption such as the loss of a building or an in-house server. The pandemic was a different type of disaster. One day, everyone was working in the office with their familiar technology. The next, everyone was expected to function equally as well and produce the same amount of work – from home. And not just for one workday, but for the foreseeable future. Many firms were not prepared for this new normal.

When Covid-19 hit in March, one of our team members, Elizabeth, was still working at a law firm. She reported that one of the biggest challenges was that all of their mediations, depositions, court hearings, etc. were suddenly done by Zoom... and no one seemed to know how to use Zoom! Unfamiliar technology posed

huge challenges for the clients as well, especially for elderly clients who did not know how to download a program or didn't have email. Some did not even own a computer or know how to operate a smartphone. I helped a couple of friends attend a remote bankruptcy hearing where they were the debtors, and they were required to call in to a court conferencing system for the hearing. Although it wasn't by Zoom, there were no clear instructions, and my friends kept calling me on their other phone while they were sitting on hold, stressed out that maybe they had missed the whole thing.

Providers of video conferencing had to ramp up development quickly to provide for the increased usage and higher-level requirements of a more remote workforce. GoToMeeting allowed for more videos to be shared at once and Zoom enhanced their security and privacy measures. A recent commercial advertised an entirely new WebEx platform with a host of new fea-

**MANY FIRMS THOUGHT THEY HAD THE RIGHT TECHNOLOGY IN PLACE TO SURVIVE A DISASTER. UNFORTUNATELY, TOO MANY WERE PREPARED FOR THE WRONG DISASTER.**

tures, including animated meeting reactions through emojis, a calling feature with a call timer, which is great for attorneys tracking time, the ability to answer calls on someone else's behalf, and much more.

Elizabeth also said that in addition to the challenge of Zoom, the attorneys in her office shared a single laptop for all Zoom meetings because they only had desktop computers with no webcams. This quickly became an issue because one laptop was not enough for six attorneys attending hearings, depositions, and mediations all at the same time. Another unforeseen problem was virtual desktop environments being unable to support webcams. For this reason, some firms are still using cell phones for videoconferencing.

Once law firms were able to resolve these internal issues, including additional training for everyone and purchasing additional laptops so that they could attend remote hearings and other mediations effectively, video chats and meetings became a convenience for the law firms and were a game-changer. Firms were able to save money not traveling to hearings, no longer needed to employ local counsel for remote hearings, and

could more effectively manage their time because they were not spending as much time commuting. Even my friends said that their hearing, once they were able to get on, was quick and easy, and the experience was ultimately positive for them (how many have said that about court!). It remains to be seen, however, whether many of those courts which did not allow remote attendance prior to the pandemic will continue to allow it once it is over.

Another issue for many law firms, mortgage lenders, and title companies was that clients could no longer come into offices to sign Master Servicing Agreements, Financial Affidavits, Loan Documents, Petitions, etc. Many started using electronic signature systems such as DocuSign. Notarization services similarly became an issue, so many law firm employees became online notaries. Natalie Grigg, Managing Partner at Woods Oviatt Gilman, shared that while New York allowed virtual notarization, they still had to come up with a process and faced issues. When notarizing virtually, the notary is required to print the document to notarize and scan it back in. Their notaries did not have





printers or scanners, so they needed to provide printers and then implement scanning solutions (which are available through phone apps like ScanPro).

Even technology that has seemingly been around forever became an issue at some firms. For example, sophisticated office phone systems were not quite as sophisticated when employees started working from home. Many had their office phones forwarded to their cell phones, but if anyone had an area code that was different from the office area code, some firms' systems would not allow calls to be forwarded to that number. Additionally, there was no way to answer and then forward a call back to the office. The workaround was to email the intended recipient to return the call. This frustrated clients who were not able to speak with attorneys immediately and had to wait for a return call.

Phone communication was not the only time-tested method of communication that was impacted. Re-

you had court-related questions. While many tried to convert these communications and order submission to email, it was not always possible, especially in rural courts where technology was not as built out. Firms also turned to electronic mailing solutions like iMail-Tracking because their people were not able to be in the office printing and stuffing envelopes.

Employees working from home faced both high- and low-tech challenges. In the office, everyone had access to the everyday things that make an office function. We took things like stocks of paper, staplers, post-it notes, chairs, and desks for granted. Everyone also had access to high-tech resources such as high-speed Internet, wired network connection, fast laser printers, sophisticated phone systems, and newer computing equipment. At home, people scrambled for simple things like pens, legal pads, printers, and other essential office supplies, and many did not have an

**MANY EMPLOYEES FOUND THEMSELVES WORKING WITH INADEQUATE INTERNET SPEEDS, LESS RESPONSIVE WI-FI, CELL PHONES, AND OLDER OR NON-STANDARD COMPUTER EQUIPMENT.**

ducing paper, including inbound and outbound mail, was a trend prior to Covid-19, but it has really escalated since. More law firms are emailing invoices and correspondence that they might have mailed previously, and more individuals are opting for electronic invoicing. Some law firms have implemented client portals to allow for more effective communication with clients. Likewise, the use of electronic payments via credit cards, e-checks and wire transfers has increased. Firms using systems like LawPay to receive payments have noticed the e-check option in use a lot more as not all clients want to pay by credit card.

Hand delivery to clerks or judicial assistants was halted, so orders that used to be entered the same day, were delayed. The clerk's offices were closed as well, so it was almost impossible to speak with anyone if

area to conveniently work from home. Many employees found themselves working with inadequate Internet speeds, less responsive wi-fi, cell phones, and older or non-standard computer equipment.

In some cases, employees did not even have a way to access their work email and servers from home, so firms had to quickly spin up remote access (not a quick and easy process). At the very least, you needed to create a method for your team to connect to the office and use a connected workstation to access the data. For example, a tool like LogMeIn would allow a user to access their work computer from their home computer and run their work computer remotely. While this works, you may still run into issues with things like printing. Remotely controlling a workstation is similar to being there but not exactly the same.



Security was a huge technology challenge in 2020, and it is probably the one area where firms may still be at the biggest risk. Home computer anti-virus software and personal wi-fi networks left a potential security hole. Protecting client data became a major concern. It started to raise questions about how secure client data was if the staff is using a home computer without anti-virus software, drafting, downloading, and storing documents locally, or using an unsecured or improperly configured wi-fi. Recognizing that cloud solutions offer protections from many of these challenges (by providing secure logins, encryption, and additional security), firms started to quickly investigate and implement a conversion during the pandemic.

Over the last several years, the transition from on-premises, locally installed applications to cloud and software-as-a-service applications has accelerated. Since the outbreak of COVID-19, it has accelerated even further due to the necessity of sharing data between staff at multiple locations. Software-as-a-Service applications such as Microsoft 365 allowed users to use applications like Outlook and Word on almost any device. Cloud storage (e.g., Dropbox, OneDrive) allowed documents to be accessed from anywhere. Cloud-based document management (e.g.,

NetDocuments), practice management (e.g., CaseAware), and billing systems allowed access from any browser anywhere. Unfortunately, if documents, practice management systems, or billing systems were located on a local server and users were required to connect to it, COVID-19 was a much larger disruption to the firm.

It is clear that technology allowed people to continue working while placing other pressures on them in 2020. Firms that did not have fluid solutions already in place were at a disadvantage when the pandemic struck, and the pandemic created a big incentive for firms to improve their technology solutions and move to the cloud. It was encouraging to see firms, for lack of a better word, pivot, and start implementing technology changes that they were hesitant to consider previously. Ultimately, we learned that overcoming the technology challenges we experienced in 2020 was about letting go of expectations and being more real with ourselves and others. Giving our people the tools to work from home as seamlessly as if they were in the office was only one part of it. Understanding that we are all going through this together, our colleagues, adversaries, courts, and clients has made us all stronger in the end. **W**

# FUNNY THINGS THAT HAVE HAPPENED DURING A VIDEO/CONFERENCE CALL

SUBMITTED BY ALFN WILL MEMBERS





Zoom calls are pretty stressful for me because, in addition to me, I have two kids doing zoom school and one daughter doing medical school zoom interviews. We are all fighting for the best Wi-Fi, and we all need it quiet! We also have two very friendly canines (Spencer and Penni) that transform into ferocious guard dogs every time ANYONE walks by the house, a squirrel runs up a tree, a rabbit bounds across the yard, or a butterfly breezes by the window. No one knew this when we were all working away from the house! One day, after an unusually loud and stressful morning, I walked upstairs and noticed the screen was off the window overlooking our driveway and a few big trees. I also noticed a BB gun propped against the wall. Apparently, Elmer J. Fudd, aka my husband, had decided to lean out the window shoot BBs at the squirrels to chase them away. I am pretty sure that is against the law in our neighborhood. A few days after I put the kibosh on urban (BB) gun-slinging, three slingshots we placed into the Amazon cart and arrived within 48 hours. My husband is now known on my street as David, he who felled the mighty squirrels.

— Marcy Ford, Managing Partner, Trott Law Group

On a very well attended conference call, my 5-year-old daughter decided to announce while I was NOT muted: “Daddy, I need my tablet for poopin.”

— Rob Wichowski, Principal, Bendett & McHugh, P.C.

A Judge in Broward County, FL was tired of seeing Attorneys in a dressed-down manner. He sent a warning to attorneys dressing inappropriately on Zoom hearings. Maybe the Attorneys did not know the video camera was on? In a post on a local Bar Association website, Circuit Judge Dennis Bailey, described what he was seeing. “It is remarkable how many Attorneys appear inappropriately on camera. We have seen many lawyers in casual shirts and blouses, with no concern for ill-grooming, in bedrooms with the master bed in the background. One male lawyer appeared shirtless, and one female lawyer appeared still in bed, still under the covers.” He continued, “and putting on a beach cover-up won’t cover up you’re poolside in a bathing suit. So, please, if you don’t mind, let’s treat court hearings as court hearing whether Zooming or not.”

— Jane Bond, Managing Partner,  
McCalla Raymer Leibert Pierce, LLC



**DADDY, I  
NEED MY  
TABLET FOR  
POOPIN**



## PICK UP THE CARDBOARD BOXES

At the last minute, I had to be our representative for a court-ordered video zoom mediation. At some point during the call, my mom started yelling about the garbage men not picking up her cardboard boxes. Luckily I was in my breakout room at the time and not “in front of” the mediator, but I did have to quickly go on mute, remind my mom that I was on a court-ordered video call, and then explain to the attorney how I was attending from my parents’ house, and that my mom has been fighting with the garbage men for the past week over these boxes, and that we should hopefully not have to hear about it for the remainder of the mediation.

— Cassandra Swartz, Assistant Vice President, Counsel, RoundPoint

Our industry has done a remarkable job adapting to challenges that have kept us apart for almost a year. Despite setbacks and occasional heartache, we have persevered. We have found those moments of human interaction and remembered that it’s still ok to find humor in spite of our setbacks and to laugh. For those of us who are self-quarantining or isolated during the pandemic, we can appreciate the situation that Dan West, a shareholder at South Law, P.C., found himself in during a webinar while quarantining in his children’s play-room. Anyone else see the elephant in the room? [W](#)



# Things We Hope Don't Change

SUBMITTED BY ALFN WILL MEMBERS



*A lot has changed since COVID-19 first entered our lives and altered our worlds as we once knew them. However, some of those changes haven't been all that bad. In fact, there is a case to be made that there are some beautiful things that have come out of this and that we hope stick around. Below are some of those things submitted by WILL members.*



# W

**HEN THE PANDEMIC HIT**, OUR CLIENTS BECAME IMMEDIATELY FLEXIBLE, WHICH IN TURN, ALLOWED OUR FIRM TO ADAPT TO THE CHANGING CIRCUMSTANCES. WE HAD ALWAYS HAD STAFF ON SITE, AND CLIENTS IN FACT, REQUIRED THAT. IN SPRING, OUR FIRM CREATED A MODIFIED WORK OFFERING, LETTING A MAJORITY OF OUR STAFF WORK REMOTELY, WITH A SMALL NUMBER ON SITE, AND AN EVEN SMALLER NUMBER TRANSITIONING BETWEEN HOME AND OFFICE AS NEEDED.

I personally returned to the office in October after having had the privilege of working mostly from home since April. While there is a feeling of comfort with returning, sort of a sense of stability and sanity, having at least a small piece of “normal” back, there are some obvious benefits to working remotely, even just occasionally. Our firm, like many other organizations, is still working around the new normal, and rebuilding an office environment that is not only safe, but in some ways more flexible than pre-pandemic. Although while home, I found myself working more hours at times, when the day ended with no long, exhausting commute to follow, the quality of my family time greatly improved, as did my overall work-life balance. I can’t imagine this benefit was solely unique to me.

While I do look forward to the time when my whole team is back, I also hope that when our new normal finally crystallizes, more organizations like ours can realize the benefit of, and adopt, alternative working arrangements. Adapting to technological advances that can allow team members the flexibility to work from home on a more frequent basis than pre-pandemic not only benefits the employee, but also benefits the employer, especially in a competitive market or for business continuity purposes.

—Heather Schneider, Director of Bankruptcy,  
Weltman, Weinberg & Reis Co., L.P.A.

Curbside!!! Curbside for anything...groceries, Target supplies, dinner, my clothes – I could not love it more. During the holiday season, Nordstrom even gave me baked goods for sitting in my car while one of its employees brought me wrapped gifts. I am pretty sure it doesn’t get better than that! While I am looking forward to returning to inside dining and going anywhere without a mask, I have my fingers crossed that curbside is here to stay.

— Cynthia M. Kern Woolverton,  
Vice President, Millsap & Singer, LLC.



Two-hour long commutes, drafty offices, white noise of the freeway variety, and preferred coffee disputes, are all things of the past as many of us embraced working from home in 2020. Home office set-up's complete with Pinterest-worthy coffee bars, attended in p.j.'s, ponytails and glasses are the norm for many of us. Yet, we still manage to meet production numbers and finish our must-do items each day, in less time. The production distracting and timeline busting in-office chit chat is long gone. In 2021, I would love to keep some of the beautiful balance gained by working from home in 2020.

—Rosalie Escobedo, Litigation Manager,  
Mackie, Wolf, Zientz & Mann, P.C.

A couple of things I hope stay with our family after COVID:  
1.) Daily walks with my husband. 2.) Family Dinners where everyone is present and 3.) Spoiling my dog rotten.

—Jenny West, Shareholder/Managing Attorney-Litigation,  
South Law



I think the biggest thing is my new morning routine. With no commute and the hustle of driving to school and business professional dress and and and... I've been able to have breakfast with my small person. And commit meaningful time to my health (mind body spirit) before beginning the day.

—Courtney Thompson, Senior Vice President of Default  
Mortgage Servicing, Flagstar Bank



It was during the pandemic that we socially-centric professionals had to hyperextend our thoughts outside the box to create new ways to “relate.” Gone were days-long conferences, extravagant dinners, humble happy hours, and swanky private events. We now get dressed up to sit behind our computers, meet in virtual lobbies, and “cheers” our adult beverage glasses to our webcams with our Zoom virtual happy hour guests—grasping for senses of normalcy. We find ourselves (surprisingly) looking forward to attending webinars, of all things. Pre-COVID we'd cringe at the thought of being stuck behind our screens when there were so many other in-person options at our fingertips, but once that luxury got taken away, all of a sudden this became our chance *to see our people*.

You see, the silver lining amidst the negative pandemic press, a moratorium, and industry uncertainty? It's the people. Our niche industry and the people in it, from clients to competitors alike, have supported each other to get through when our typical operations were forced to slow to a snail's pace.

— Kelli Snowgren, Codilis Family of Law Firms. **W**



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