

# Coming Up with Creative Ways to Provide Legal Service

The Greek philosopher's truism, "Necessity is the Mother of Invention" is often quoted when men and women throughout the ages have come up with creative ideas to overcome challenges. Although Plato did not envision the coronavirus, history has proven the wisdom of his words and has shown that the more difficult the problem, the more impressive the solution.

While COVID-19 challenges the most brilliant scientific minds, the world waits for the discovery of a vaccination. To move the economy forward and be successful, businesses must tap into their creative energy to find new ways to not only survive, but also to thrive, in this new normal. The lawyers and staff at Certilman Balin have been rising to the occasion to accommodate the needs of their clients, even if many of the legal issues, which continue to grow, are being taken care of from a social distance...and creatively.

Certilman Balin attorneys practice in 15 diverse areas of the law, and although these groups have been affected in some way, the pandemic has directly affected certain concentrations, causing the attorneys to invent ways to solve both new and old problems.

## Trusts and Estates

Once Governor Cuomo signed Executive Order 202.14, wills could be witnessed by video conference. Greg Pond, Partner in the Trusts and Estates Group, said, "Skype, Zoom, and FaceTime are now part of the firm's estate planning toolbox." The group had to accommodate clients' needs as the coronavirus continues to have people thinking about revisiting their advance directives including living wills, healthcare proxies, power of attorney documents and last will and testaments. Or, if they never had them in place before, they have added them to their to-do list.

## Employment Law

Employers are relying upon counsel to advise on how best to proceed in returning their employees to work amidst numerous legal and logistical challenges. Employment Law Partner Doug Rowe's speaking engagements have not slowed down. They even picked up some speed, but



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now on Zoom. Rowe said, "Business must contend with many issues. They want to know about organizing flexible and staggered work schedules, the solicitation of employee health information, and the dissemination of information in order to comply with New York State regulations." When he is not advising clients, mostly remotely, Rowe is often called upon by the media to keep the public abreast of employment issues caused by the pandemic.

## Bankruptcy

Richard McCord and Jaspreet Mayall, both of the Firm's Bankruptcy Group, field calls and texts and emails from businesses about the Coronavirus Aid, Relief and Economic Security (CARES) Act, which was signed into law by President Donald Trump on March 27th, 2020. That also made changes to the United States Bankruptcy Code, specifically subchapter V which is the Small Business Reorganization Act ("SBRA"). "This will help small business debtors to reorganize their debts and keep their businesses," said Richard McCord. "It was enacted to bypass obstacles that would have kept small businesses from reorganizing under chapter 11." He explained, "Those filing under subchapter V will experience shorter deadlines in the completion of the process and more flexibility in the negotiation of restructuring plans with creditors."

## Banking

When the Paycheck Protection Program ("PPP") was enacted, Michael O'Shea, Partner in the Banking Group, got his hands on the document and read it cover-to-cover in the comforts of his own home. He was on the phone fielding calls from reporters who needed his assistance in deciphering the document and with his clients who needed help. About PPP Shea emphasized, "It is very important that a borrower maintain detailed records and not commingle the loan proceeds with other funds."

## Litigation

During the crisis, the federal courts did remain open and relied upon audio and video-conferencing. Litigators whose stage

was the courtroom now found themselves representing clients in the virtual world, too. Thomas McNamara, Partner in the Litigation Group said, "We will soon see nearly every type of suit impacted by this crisis: employment, landlord-tenant, insurance, foreclosures, labor, contract, and naturally those involving healthcare work. Indeed, actions against state and local governments are not immune - suits have already been filed alleging inadequate response time on their behalf - and these will surely be on the rise."

With all of these litigious issues brewing, Jarrett Behar, a litigator in the Firm's Hauppauge office and a director of the Suffolk County Bar Association, took to writing blogs on the Firm's site. He addressed the issue of breach of contract lawsuits arising out of the pandemic. He also suggested a happy hour on Zoom with some of the firm's developer clients.

## Real Estate

Howard Stein, who attended that virtual happy hour, said that it was great to connect with clients that way. "They wanted to see us, and we wanted to see them, too. When we are in the office and meeting face-to-face, we are in masks, so Zoom is an invention that I have come to really appreciate." His group, who meets regularly on zoom to keep the communication flowing, pulled out all the stops during the height of the pandemic. When Carrie Adduci, his associate, was up against a deadline and needed to get documents signed and quickly sent off to close a 61-acre sale approved for apartments, she met the client, the seller, in the FedEx parking lot. After he signed, Adduci took some pictures with her phone and

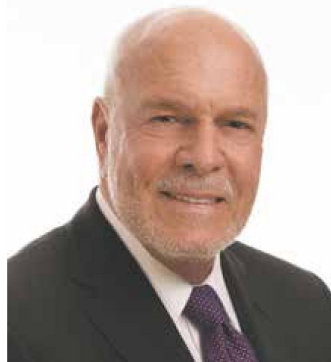
dropped it in the box for pick up. In regard to the future Stein said, "Leasing is one area that will keep us busy. Tenants that had been in small spaces may need more, and businesses in Manhattan may want satellite offices on Long Island to accommodate the needs of their workers."

## Real Estate Property Tax

Bernard Hyman, the Firm's managing partner, is managing lawyers and staff, both in the physical office and remotely. His Tax certiorari Group is fielding calls from clients who have experienced the effect of this pandemic on the value of their real estate properties. Since real estate taxes are based on the assessed values which have been placed on real estate by the assessor in each assessing district, Hyman recommends that the values be reviewed. "Real Estate Tax Certiorari Proceedings should be commenced in the event that recent events have created loss of income or loss of tenants creating a corresponding diminution of value," he said. "After clients file, we believe that the various assessing jurisdictions will be sensitive to the need of the owners for some real estate tax relief."

## What's Next?

The lawyers at Certilman Balin are adjusting to the times and staying on top of the ever-changing legal issues. The firm understands that we are all in this together and cautiously takes it day-by-day, and yet remains hopeful for the future. Hyman said, "We have been around since 1965 and we are going to do whatever it takes to overcome the obstacles. I have every confidence in my team. We will make it happen. That's what we have been doing."



**Bernard Hyman, Managing Partner**



**Litigation Group**