



PRESIDENT'S PAGE

SCOTT B. GARNER

When the Unimaginable Becomes Right Now

When you run for, and then become, OCBA President, you assume at some point during your tenure you will experience an unexpected surprise or crisis. At no time does it cross your mind that you will experience a global pandemic.

I am writing this column over the weekend of March 14 and 15—two weeks before the magazine is published. In COVID-19 years, that's like six months. Thus, I run the risk of saying something that is salient and thoughtful now that may appear silly and backward by the time you read this. Nevertheless, having spent the last couple of weeks planning for and then implementing contingency plans, it seems worth sharing with the OCBA members what we have been doing.

First, before Rudy Gobert tested positive for COVID-19, causing the NBA to suspend its season and starting a chain reaction of closures that has not yet reached its conclusion, the OCBA had started planning for this very possibility. Even though, at the time, it seemed like an unlikely worst-case scenario, we began discussions about what to do if in-person gatherings no longer were feasible. We decided that, while big gatherings—like the retirement event we had planned for Judge Andrew Guilford—would have to be rescheduled, other events could go forward remotely. For example, working with the OCBA CEO and Executive Director, Trudy Levindofske, and its Director of Information Technologies & Facilities, Dennis Slaughter, the OCBA Executive Committee established a contingency protocol for holding monthly section meetings virtually (and free) and moving in-person committee meetings to phone conferences. The OCBA leadership team also ensured that key staff would be able to continue working remotely if that too became a necessity.

The OCBA Executive Committee met on March 9 to discuss and approve these plans. At the same meeting, we decided to cancel the OCBA Cuba trip in April. At the time, it was a tough decision; there had not yet been any reported cases of the virus in Cuba. Indeed, for the most part it was business as usual, and we were cautiously optimistic it would stay that way.

By Wednesday night, though, we were beginning to question whether we could continue holding in-person events. By late morning Thursday, as events around the country and the world unfolded at near-blinding speed, the decision became an easy one. Of course we had to cancel or postpone all in-person gatherings.

Having made this decision, the OCBA Board continued to work on plans for our community. Board members began discussing what else we could do to help and inform our members. We quickly formed a COVID-19 task force, to be chaired by OCBA Treasurer (and 2022 President) Dan Robinson. Our first task was to gather

pertinent information to start loading onto the website (ocbar.org/covid-19) and e-blasting out to every member information about, for example, court procedures that were changing by the day and even by the hour. We also quickly planned a free webinar to help members continue their practices remotely, as necessary, and to navigate a host of tricky employment issues that arise when an office must be temporarily shut down.

By the time you read this column, who knows what other developments and restrictions we will be dealing with? As I write this, gyms, bars, and entertainment venues are closed, and restaurants and cafés are closed to dine-in customers. But I prefer to look at what positive developments may occur in the next two weeks before you read this. Who knows? Maybe by now you will be able to walk into a grocery store and buy toilet paper and a can of beans, and to do so without waiting in line for two hours. And perhaps by now we will finally have enough test kits.

To me, without question, the most positive takeaway is that, amid the panic and hoarding, people still generally want to help other people. And nowhere is that more evident than in the Orange County legal community. All of us have our own challenges dealing with these events. For me, one of the biggest challenge may be finding ways to entertain my three kids who have been shut out of school. Yet, time and again I see lawyers reaching out unselfishly with information and offers of help. People can tell all the lawyer jokes they want, but we are a good, decent, and generous bunch.

I don't know where we will be when the calendar turns to April, but I do know that eventually this crisis will pass. We may be slightly beaten and worn, and, for some, there may be difficult or even tragic consequences. But we as a community will survive, and we will move on.

I also know that none of us will ever forget this time when we had to put normal life on hold. When I look back, I want to be able to say that I was generous and helpful, and that I used my privileged position as a lawyer to improve the lot of others—even if just a little. Now is the time to make sure that, when you look back, you can be proud of who you were and what you did.



Scott B. Garner is the 2020 President of the Orange County Bar Association. He is a partner at Umberg/Zipser LLP in Irvine, California, where he practices complex business litigation, with a focus on lawyer liability and legal ethics. He can be reached at sgarner@umbergzipser.com.