



## SUMMER 2021 | COVID-19 Impacts on the Practice of Law



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### **INTRODUCTION**

#### **What a Difference a Year Makes**

*By Judge Willie J. Epps Jr.*

The priorities of courts shifted dramatically in 2020 when faced with a public health emergency. This issue acknowledges the herculean efforts of judges and court staff in adapting to the COVID-19 pandemic.

### **Waymaker**

#### **Judge Benes Aldana, Asian Pacific American Trailblazer**

*By Judge Margaret Kuroda Masunaga (Ret.)*

Judge Benes Aldana has learned invaluable lessons throughout his life—the most important being to respect all people. As president of the National Judicial College, he has exhibited resilient leadership, in part by diversifying available courses, including those related to judging during a pandemic.

## **FEATURES**

### **Constitutional Long Haulers: The Undiagnosed Long-Term Impact of Judicial Review on Emergency Public Health Orders**

*By Justice David K. Thomson*

Justice Thomson discusses the litigation surrounding public health orders and the judiciary's role in defining how a government can respond to emerging and existing public health crises. He also addresses the lingering impacts judicial decisions in this area have on other facets of constitutional law.

### **Zoomed in to Justice: Remote Proceedings During a Pandemic**

*By Judge Willie J. Epps Jr. and Cailynn D. Hayter*

When the COVID-19 pandemic forced courthouses to close, judges were obligated to conduct remote hearings to keep their cases moving. Although not without its challenges, video teleconferencing has proven to be successful, providing more efficiency and increased access to the courts.

### **The Great Digital Accelerator**

*By Judge Samuel A. Thumma*

Although the COVID-19 pandemic has put many aspects of our lives on hold, it has acted as a powerful force for rapid change in others. In the Arizona court system, it has proved a catalyst for the latest phase of digitization—a process that has been underway for more than a quarter of a century.

### **Necessity and Invention: Seven Steps for Using Special Masters to Help Courts with the Pandemic Caseload**

*By Merril Hirsh*

As we move to a post-pandemic world, courts will be faced with an enormous backlog of cases. Utilizing special masters should be part of the solution in helping courts deal with the demands left by the pandemic.

### **COVID-19 Impacts on Courts in Canada**

*By Judge Del Atwood*

COVID-19 has had a profound impact on court operations in Canada, and many of the aftereffects have been disruptive. However, some of the adaptations to process and structure have been beneficial—and will likely be enduring.

### [Does Jury Size Really Matter? Maybe. Maybe Not.](#)

*By Daniel E. Cummins*

An increased difficulty in getting jurors to come to court, heightened by the COVID-19 pandemic, has led to the question: Is there really a difference between the traditional 12-member jury and one with six jurors?

### [Outreach Programs Thrive in Virtual Settings During COVID-19](#)

*By Judge Richard Fruin*

The COVID-19 pandemic did not stop judicial outreach programs, but it inspired changes and innovations to programs, with most going virtual and allowing for greater reach.

### [Book Review](#)

#### [The Cherokee Supreme Court: 1823-1835 by Judge J. Matthew Martin](#)

*Reviewed by Judge Mary-Margaret Anderson (Ret.)*

All members of the legal community could use more education on the legal struggles of Native people. Judge J. Matthew Martin's book *The Cherokee Supreme Court: 1823-1835* offers a fascinating and rewarding glimpse into the origins of the Western-style court system created by Cherokee leaders.

#### [Sorting Out the Judge Martins in North Carolina](#)

The last name Martin is a common one in past and present Cherokee legal history. John Martin was an active member and leader of the Cherokee Nation and the first chief justice of the Cherokee Supreme Court. A brief profile of that Judge Martin is included in *A History of the Cherokee Supreme Court*.

### [TECHNOLOGY COLUMN](#)

#### [Tech and No-Tech Security Considerations for Judges](#)

*By Judge Herbert B. Dixon Jr. (Ret.)*

Judge Dixon discusses the need for judges to practice personal security awareness of their environment away from the courthouse, including considerations that involve little or no technology.

## **ETHICS COLUMN**

### **The Impact of COVID-19 on Judicial Ethics**

*By Marla N. Greenstein*

Not known generally for their flexibility, judges were challenged to adapt, accommodate, and facilitate over the last year and a half in response to the pandemic?moving to remote hearings and virtual jury trials?all while maintaining the necessary decorum.



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