

LAW WEEK

COLORADO

Virtual Town Hall Addresses COVID-19 Legal Concerns

Attendees expressed worries about ethical dilemmas, the homeless and transactional issues

AVERY MARTINEZ
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With the spread of COVID-19 on the top of everyone’s minds and seemingly endless announcements of closings and reduction of service taking over news feeds, the effects of the virus on the Colorado legal system is at the forefront of most attorneys’ thoughts.

Attorneys met at LawBank on March 16 for a virtual “Town Hall” to discuss some of the issues they were facing and concerns about employees and clients as well as how filings, submitting paperwork and other items may be affected.

The event host, David Seserman, said each area of law and each practice will be affected differently by the virus as the days marched on. In the opening moments of the discussion, Seserman said in the previous week there was only one diagnosed COVID-19 case in Colorado and by Monday it was upward of 130 cases. As of publication, there are 277 cases. Seserman mentioned that one of the attorneys involved in the discussion was under self-quarantine after visiting a ski area last weekend, per request of the state government.

EMPLOYMENT ISSUES

The discussion brought up topics such as the Colorado Department of Labor and Employment on Mar 11 publishing rules related to paid sick leave. Jeanine Anderson of Anderson Barkley, LLC mentioned the rules only addressed the amount of time employees need to determine if they have COVID-19 but do not address if a person is quarantined and has the virus. Instead, it addresses a window of four days in which the person needs to receive testing in specific areas.

Gov. Jared Polis declared a state of emergency due to the virus in the days ahead of the town hall, and in an ex-

ecutive order, the CDLE was directed to engage emergency rulemaking to ensure workers received paid sick leave if exhibiting flu type symptoms. These applied to specific groups: leisure and hospitality, food services, childcare, education, home health care, nursing home operation and community living facility operations.

As of the town hall meeting, Anderson said many were waiting for further information on wage replacement options, such as unemployment insurance for those who do have the virus and are out of work for a significant amount of time.

COURT CLOSURES

Seserman said all lawyers are affected, especially trial lawyers with the courts closure last week. Remote working is the “new norm.”

Chief Judge Philip Bremmer of the U.S. District Court for the District of Colorado on March 13 issued an order that halted all types of juries in the court. Questions surrounded whether Denver county and city courts were closed. Anderson mentioned on the Colorado Judicial website, links for each district and specific guidelines on different scenarios, such as a juror warning the court they have the virus, were available.

Every judicial district has different rules, Anderson said. If you are to appear before a district, she recommended going to the website and looking at those rules.

HELPING THE HOMELESS

Joan Riordan, general counsel for the Colorado Coalition for the Homeless, was also involved in the discussion. Seserman said the coalition was far ahead of most others on dealing with pandemics. Riordan said the coalition performs many functions, including running a healthcare center for low-income and homeless individuals, operating 20

multi-family apartment buildings for those who were previously homeless, doctors and dentists on staff and clinics and behavioral health specialists.

Because the organization serves an at-risk population, Riordan said it was concerned about how to deal with the situation and how an epidemic in the homeless community would stress resources.

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Like many organizations, Riordan said the coalition has faced difficulties fielding questions from employees about being paid. Struggles stem from the range of pay from salary to temporary employees and what will happen if someone goes into self-isolation, he said. The coalition cannot just take funds out of different sources to pay employees since most of the funding is from grants and earmarked for specific functions. The organization is trying something Riordan described as a “sick time advance,” which would allow for employees to accrue a negative balance of 80-hours which must be paid back when working.

IMPACTS ON REAL ESTATE

Other topics raised in the discussion included the wait-and-see feeling surrounding the world of real estate transactions, the commercial markets and low lending rates. In New York, a moratorium was placed on foreclosures, and many states are asking lenders for le-

nience during the pandemic.

Attendees were curious whether the subject would likely be handled as a county-by-county issue or statewide. One attorney mentioned having clients looking at foreclosures for separate reasons and was curious if that would be affected by such an order. Discussion included comments from others explaining their understanding the moratorium was only on current foreclosures due to COVID-19 complications. Another attorney mentioned it would probably not only be a county-by-county decision, but possibly even a bank-by-bank decision.

One lawyer explained they were having ethical difficulties surrounding landlord tenant law and advising clients on foreclosures. The conundrum came from helping her clients get the funds to pay their mortgages to make money but at the same time dealing with people facing a dire situation.

Deadlines, such as if a statute of limitations was running out, posed another set of questions. Seserman said in his employment law situations, a 90-day right to sue letter is typically issued via the mail. If an office is closed and does not receive that letter, how is that going to affect that situation?

Or, what if a motion is before the court, and the 14-day clarification question timeframe on an order is approaching, how is that addressed? Or is that just held until further notice? Another question was on jurisdictional timeframe if it was faceted on a certain date?

Many questions lingered in the air without many answers, but several attorneys expressed thanks for being able to sit and talk about these issues. •

-Avery Martinez, AMartinez@circuitmedia.com