

How COVID-19 affected my Practice

By John Fernon SC, ADR Committee

For over 30 years I have practiced at the New South Wales Bar. I am a member of PG Hely Chambers, a chambers of eleven barristers practicing primarily in commercial, administrative and employment law.

In November 2019 when I was walking the streets and travelling the trains of Wuhan, China, I had no anticipation of the disease that was about to overwhelm society across the globe.

Once the lockdown started chambers were effectively closed. My circumstances allowed me to practice from home with other members of my family who were also working from home. This required a strong and reliable internet.

The lockdown brought an immediate loss of regular day to day contact with fellow barristers in chambers. Working from home did nothing for collegiality. We in PG Hely Chambers maintained a regular video meeting each Thursday afternoon to keep ourselves in contact, share a glass of wine and generally swap stories. This was a good initiative.

My impression has been that during the lockdown many cases have been adjourned and that as a result barristers' work in



court was much diminished. It is also my impression that the courts and the bar have worked well to bring about the effective use of the court time that could reasonably be managed. Regular communication from the *Bar Association* of day to day developments and changes assisted in this.

Video programs such as Zoom, Microsoft Teams and others were either unknown or little used when lockdown commenced. Their use is now commonplace for solicitor and client meetings. This is a most significant change that I have noticed to the way we

work. The convenience has been embraced. This is a long way from the old rules that required the attendance of a solicitor with client in the barrister's chambers.

My experience has been that this video technology has worked well and I expect that videoconferencing will remain a feature of practice when normality returns. However, some judgment will need to be made as to whether a particular engagement with a solicitor and/or client is best conducted with technology. There will be many circumstances where conferences in chambers in person will be preferable for giving and understanding instructions.

There is also the opportunity for the use of more video technology in some court hearings such as when dealing with procedural matters. However at least for the moment, I do not see the use of this technology becoming more widespread in trials, especially for oral evidence. Even with improving quality of picture and sound I expect that the personal presence of counsel and witnesses will continue to enhance the 'advantage' a trial judge may bring to judgment. **BN**