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Family Lawyers, Criminal Law Attorneys Are Hurting Worse Than Others in COVID-19 Economy

In a national survey of attorneys, 91% of family law attorneys and 80% of criminal law attorneys reported that their income has decreased during the COVID-19 pandemic. Some of respondents had lost upward of 80% of their earnings.

By Angela Morris | May 26, 2020



(Stock photo)

The phones at criminal defense attorney Jackie Patterson's law firm used to ring constantly, but the coronavirus pandemic has nearly silenced them.

"I normally get 60 to 70 calls a day," said Patterson, an Atlanta solo practitioner. "I now get about four calls a day."

Patterson has taken a major hit to his law firm revenue—and he is not alone.

Some attorneys have lost 80% or more of their income during the COVID-19 pandemic, and family lawyers and criminal law attorneys are hurting the most, according to a national survey of lawyers by ALM Media, which publishes Law.com.

The survey from April 1 to 23 asked how the coronavirus outbreak has impacted lawyers' income or revenue, how their new case filings have changed and what's been happening with new clients seeking representation. The 292 lawyers who took the survey are from Texas, Georgia, Florida, New York, Connecticut, Pennsylvania, New Jersey, Washington, D.C., and other areas.

'It was hard to bill'

According to the survey, the pandemic is drastically impacting family law attorneys.

View the figures:

Graphic: David Palmer/ALM

Among 33 family attorneys who responded, 91% said their income has decreased. Among 18 respondents who reported a drop and quantified it, one-quarter of them had lost 80% or more of their earnings.

Among 33 family attorney respondents, 88% said they have seen decreases in numbers of new cases, and 88% said they're getting fewer calls from potential clients seeking representation.

Thomas Just, an associate with Sergi & Associates in San Marcos, Texas, explained that all of his family law cases got frozen when the courts closed because of the coronavirus.

"It was hard to bill and move those cases along," said Just. "In family law, so much of the way that you bill is just through actually going to court. Most of your discovery stuff for family law is not that intensive. In civil litigation, when you go through discovery, you will have plenty of work. But for family law, your discovery is not nearly as intensive."

Also, family law attorneys represent individuals. People who've lost their job aren't likely to pay for a lawyer. But as unhappy families are stuck inside together, and stresses increase amid the pandemic, Just said some clients might "bite the bullet" and hire a lawyer anyway.

"I think people are going to get desperate, unfortunately. That is not a good thing," he said.

In Texas, Gov. Greg Abbott on May 1 reopened some businesses, like restaurants, retail stores and malls at 25% capacity. That seemed to make a difference for Just's practice. He said he's had a flood of calls and has signed up five new family law cases, which is fantastic, even compared to prepandemic numbers.

"I don't know if people are thinking, 'We're through the worst of it, and it's time to start doing this,'" he said. "I'm hoping that's a trend."

Crime and Payment



Jackie Patterson. (Courtesy photo)

It's almost as bad for criminal law attorneys.

Among 30 criminal lawyers who responded, 80% reported a drop in income. More than half the 13 criminal attorneys who had reported income decreases quantified the loss as 80% or more of their income.

When we asked about changes to numbers of new cases, 87% of the criminal law attorneys said they'd seen new-case declines. Also, 80% said new clients are contacting them less seeking new representation.

Patterson, the Atlanta attorney, explained that people are still getting charged with crimes during the pandemic. But there's a trend of law enforcement giving citations rather than taking people to jail, where COVID-19 exposure risks are high. When a defendant is not incarcerated, his need for a lawyer is less urgent.

Also, people aren't motivated to call an attorney when the courthouse is closed indefinitely, added Patterson. He said that, once courthouses open again, he expects his normal call volume to come back.

Such financial hardships may be less harsh for criminal counsel who handle white-collar charges and government investigations.

"I represent companies where the government has come knocking. Most of mine are in the middle of investigations. The investigations are continuing," said Bill Mateja, partner in Sheppard Mullin in Dallas. "They were put on pause a couple of weeks; now, prosecutors and regulators are back up and running."

View the figures:

Graphic: David Palmer/ALM

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