

Coping With A Pandemic: Massey & Gail's Lenny Gail

(May 5, 2020, 6:49 PM EDT)

As society continues to adapt to COVID-19, Law360 is sharing reactions from around the business and legal community.

Today's perspective comes from Chicago-based Leonard A. Gail, a trial lawyer and founding partner of Massey & Gail LLP.



Lenny Gail

What challenges has the pandemic created in your specific area of work?

Save for our intellectual property and bankruptcy attorneys, my firm and I are generalists. We handle the full spectrum of complex commercial disputes across a variety of industries.

The pandemic has generated a variety of controversies for our clients. Many disputes are simmering but have not ripened into full blown litigation. These include contractual questions concerning whether performance should be excused, culpability for supply chain disruptions, and disorder in lender-borrower relationships. So far, we see a basic level of cooperation between our clients and their adversaries, and we anticipate helping negotiate resolutions based on these extenuating circumstances. Other disputes, though, will ferment until the courts fully reopen.

For ongoing litigation, the technology that enables our clients and us to communicate across the country in normal times has helped us meet the challenges of social distancing. While some courts have restricted availability, our work continues mostly unabated.

One of our partners just argued an appeal by video in the Ninth Circuit. Another is preparing for video depositions. And I'm planning a jury research exercise where we will record the presentations, enabling the mock jurors to review and comment at home and at their convenience. Of course, we continue filing briefs and conducting discovery.

How are you and your family adapting at home?

Our paralegal middle daughter (two years out of college and heading to law school) has arrogated the position of magistrate judge. She adjudicates applications from the rest of us to leave home. She scrutinizes our professed need and whether we've exhausted administrative and other remedies. She works ex parte; so far, all requests for a hearing or argument have been denied. And on the rare

occasion when she grants leave of the premises, conditions beyond those originally tendered by the applicant are frequently imposed. Not surprisingly, this autocratic regime permits no appeals.

More generally, we have five of us under one roof for the first time in years other than holidays. The youngest "graduates" from college in mid-May. We go our separate ways by day to work, though that's already changed with our oldest's furlough and will change still further with our youngest's graduation.

We convene as a family for dinner and evening activities. A Google Doc, updated weekly, outlines who has cooking responsibility for which night's meal. The prized right to dictate the evening's entertainment — which movie, TV show or game — goes to the victor of earlier family contests (poker, Jeopardy and a murder mystery, so far).

What is the most creative or productive response to the crisis you've witnessed so far?

I have been amazed and impressed to see how government, business and philanthropy have stepped up and collaborated to address a seemingly endless and interrelated set of issues. Relief efforts have been created to help direct dollars and supplies to those in need. Two funds — one in Chicago and one statewide in Illinois — have amassed over \$50 million collectively to help. The crisis has highlighted yet again how civic-minded our business, philanthropic and government leaders are.

I've seen and admired remarkable creativity and resourcefulness. For example, philanthropies have provided technical assistance to small nonprofits and businesses to help them apply for badly needed (and scarce!) federal relief funds such as the Payment Protection Program and emergency loans. This relatively modest dollar investment has triggered millions in support and stabilized critical services, including through small childcare providers and local health clinics.

Another admirable example is how businesses and school districts have partnered to use school buses to provide mobile hotspots in communities with poor broadband access.

The opinions expressed are those of the author(s) and do not necessarily reflect the views of the organization, its clients, or Portfolio Media Inc., or any of its or their respective affiliates. This article is for general information purposes and is not intended to be and should not be taken as legal advice.