

McKool's Robin Cohen Talks COVID-19, Benefits Of Zoom

By Jeff Sistrunk

Law360 (May 15, 2020, 2:30 PM EDT) -- Robin Cohen, head of McKool Smith PC's insurance recovery practice, recently spoke with Law360 about how the COVID-19 crisis has reshaped her work routine and the most burning questions she has received from clients during the pandemic.

Cohen has represented corporate policyholders in high-stakes coverage disputes touching on everything from environmental pollution claims to directors and officers liability, and she said she has recently been inundated with requests for guidance from companies looking to their insurance policies to defray business losses due to COVID-19.



Robin Cohen

This interview has been edited for length and clarity.

How has the pandemic affected your work routine?

Our New York office has our highest number of attorneys, so we were obviously in the epicenter of the pandemic. We went remote very quickly, and our other offices followed suit.

It has been interesting, because my team works very collaboratively. We used to sit around the conference room and talk about significant issues within our cases. What I am discovering is that it is less important to be in the same room, but still important to keep the dialogue going. One of the members of our team got us actively involved in using Zoom around 5 p.m. at cocktail time, so we could discuss major issues in the coverage space. We are consciously trying to stay in communication while working remotely, and I have been happily surprised with how well the transition has worked.

What we are discovering is that you can do more and more remotely, not just in keeping connected with your partners but, a lot of times, clients do not care where you are when you are advising them on their issues.

Do you see some of these changes becoming permanent?

I think physical office space is going to become less important in New York and elsewhere, and we will

likely see a lot of empty buildings. Working remotely is more convenient, productive and efficient.

We have used Zoom effectively for mediations. I am, I confess, one of the less-sophisticated members of the firm from a technological standpoint, and I was hesitant about how well Zoom would work. It has been fairly seamless. Sometimes it may be better to meet in person, but the last three mediations I have participated in via Zoom have gone extremely well.

We have also used Zoom for hearings. The first one I participated in, we experienced technical difficulties, but those have since been ironed out. People are becoming more comfortable with doing oral arguments remotely. Even the [U.S.] Supreme Court has used that route and it seems to have gone smoothly.

With attorneys seeing the benefits of working remotely, many in New York and other large cities may question whether they want to relocate to the suburbs or the country, given the risks associated with being in the city. I live in Manhattan, and I am beginning to question whether I want to remain here, especially until there is a vaccine.

What are the most common questions you have received about COVID-19?

The No. 1 question I am getting is, 'Do I have coverage for my significant lost revenues and lost profits?' That is arising in all sorts of industries, including restaurants, entertainment, manufacturing and pharmaceutical companies. Some clients that I have not heard from in 20 years because they haven't had coverage issues have suddenly reached back out to ask about issues related to the virus. Like many coverage attorneys, I have been bombarded with calls from clients old and new. They are understanding the enormity of the losses they stand to suffer.

A related question is whether carriers are going to honor their obligations, especially in situations where the policyholder's business has been wiped out. That has happened to many small businesses, which have been devastated within a week or two because of the shelter-in-place orders. It will be very difficult for them to recover, and many will likely go bankrupt. Those small businesses are asking whether their carriers are going to step up to the plate and how long it will take them to pay.

Another question that has been almost as prevalent is how the various state and federal legislative initiatives regarding business interruption coverage may have an impact. Will they require the carriers to provide this coverage for losses due to the virus, and how will the federal proposal intertwine with the state proposals?

Have you taken on a lot of new work because of the pandemic?

We have been seeing an explosion of policyholder work, as have other policyholder attorneys. These cases are even more widespread than those I handled during 9/11, Hurricane Sandy and Hurricane Katrina, because those events were much more localized. Here, these losses are not only national but international.

I literally wake up at 7 in the morning and don't finish my calls until 9 or 10 at night. It seems like it is getting more intense, not less, because companies are increasingly looking at the scope of their losses. The larger those are, the more they are looking at their insurance coverage.

Have the limitations at some courts affected your work?

I do think, in other areas, you are seeing a downturn in litigation generally, because a lot of courts are closed. We had several cases set for trial that were canceled at the last minute. In some jurisdictions, you can't even file complaints. I think some courts will start opening up again soon, but it has certainly slowed things down.

That hurts both plaintiffs and defendants, because you can't get a trial or hearing date. I think it affects the plaintiffs' side more, because they are the ones typically trying to push litigation along. When courts are closed or are only accepting emergency motions, that becomes harder to do.

Have you started any new hobbies or revived old ones?

Yes, I have started to jog outside. I used to do spinning for the longest time, but now you can't do classes. We got a Peloton, but I wasn't into it. I enjoy being alone outside with just my headphones.

My kids are now home all the time, so we have been taking family walks on the beach around 4 o'clock in the afternoon. Before this, my schedule was very hectic, but now we devote time from 6 to 8 in the evening to have dinner together.

I have also started meditating more, which can be incredibly relaxing during this difficult time.

Finally, I have started reading more for fun. I used to come home from the office and just want to watch TV because I had been reading for work all day, but now with more time at home, I have picked up books again.

What advice do you have for young attorneys during this tough time?

Right now, I think it's important that, if you are young in your legal career, you reach out to partners you have been working with to make sure you stay busy. It is easy to get isolated and not be connected.

At the same time, this is also a time for reflection and balance. You should be sure you are keeping up with the other part of your life, including your hobbies. I am a huge proponent of exercise as a way to maintain your sanity.

Also, stay off of TV and your computer, and avoid Googling all the news outlets. It can get depressing if you become obsessive about all the news relating to the virus. I try to only watch TV, and the news in particular, at most an hour a day. Instead, I would recommend focusing on your work and activities outside of work that make you happy and fulfilled.

--Editing by Kelly Duncan.