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# Untying the Knot: Texas Family Law Bar Saw Divorce Filings Surge as COVID-19 Lockdown Ended

Court statistics show the number of new divorce filings in Texas courts tanked during April, but grew steadily in May and June to land at higher numbers than in February, before the coronavirus pandemic hit the Lone Star State.

By **Angela Morris** (https://www.law.com/texaslawyer/author/profile/Angela-Morris/) | July 30, 2020 at 01:04 PM



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The phones are ringing off the hook for Dallas family attorney Kris Balekian Hayes.

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"I would say in the last 30 days, the calls have increased 200%," she said.

The managing partner of Balekian Hayes explained that many potential clients are calling for legal advice about divorce, and it's all related to the COVID-19 pandemic. Although many people aren't quite ready to file their divorces papers yet, they're already arming themselves with legal advice and taking the steps to prepare now.

"It's a lot of time together. So relationships that were already fragile are a little more chaotic than they used to be. People are working from home; there are financial constraints; you are dealing with children 24 hours a day; there's online learning," said Balekian Hayes. "Sometimes people just need one thing to push them over the edge, and I think this has been it."

June and July have been record months for her firm, she noted.

A growing number of new divorce cases filed in Texas courts in May and June, as the state eased out of lockdown, is restoring some of the legal business that family law attorneys lost in April when the phones quit ringing and income dried up.

Family law attorneys and judges say that when already-unhappy couples were forced into close quarters during the lockdown, or burdened with additional financial stress, it could have pushed them to the breaking point. But with Texas courts still prohibited from conducting jury trials and restricted to doing other business in Zoom hearings—except for urgent matters that may qualify for in-person proceedings—there's a real question about what type of relief that aspiring ex-spouses can get from the courts.

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"People having problems during COVID, they weren't able to do anything about it in March and April, so in May and June, they have been able to hire counsel and start the process of fixing the issues," Vick said. "I don't think family lawyers have anything to worry about in terms of their business, long term."

**Tom Vick Jr. Courtesy photo.**

He explained that he thinks the number of new divorce filings will continue rising this year. Most divorces are caused by financial stress, which is rising because of unemployment and the soon-to-be problem of schools not reopening for in-person classes, which may require one spouse to quit working to homeschool the children, Vick explained.

But Vick questions how efficiently the courts will handle more divorce cases, since many courts are still closed, except for extremely important or emergency matters.

"A temporary orders case for divorce is not going to fall in that group," Vick said.

Family law Judge Mike Herrera of the 383rd Family District Court in El Paso said he hasn't yet noticed an uptick in new divorce filings specifically, but he has definitely noticed overall that he's been getting more cases assigned to his court.

"We are completely swamped," Herrera said. "A lot of cases that should have been resolved in March and April, may have gotten put off, because the courthouse closed down. Then we had to start learning about Zoom."

He said he and his staff get so many calls and emails from attorneys and litigants that they are buried and can't keep up.

"It's an immense amount of work coming in, and we don't have the kind of staff to handle it," explained Herrera. "It's probably affecting a lot of courts in Texas."

Vick predicted that more and more families will take their divorces to mediation to get their temporary orders sooner, and perhaps resolve their whole divorce. For the same reason, the collaborative model to resolve family law disputes is also becoming more popular than the litigation model, he added.

"It's certainly less stressful for the lawyers and litigants, in that regard," Vick said about collaborative family law. "We can have these collaborative law meetings on Zoom, and get a lot accomplished. I think it's the right remedy for the problems we are having now."

### **Other states see same trend**

The trend of divorce filings increasing during the pandemic is not unique to Texas. Pennsylvania lawyers reported an uptick in client calls about divorce, according to an [article in The Legal Intelligencer](https://www.law.com/thelegalintelligencer/2020/07/13/there-has-been-significant-conflict-covid-19-drives-increase-in-family-law-matters/) (<https://www.law.com/thelegalintelligencer/2020/07/13/there-has-been-significant-conflict-covid-19-drives-increase-in-family-law-matters/>).

"I am hearing that the lockdown is a major factor in the disputes arising to divorces. It has been a source of stress on any marriage, especially if spouses are both trying to work from home with small children," said Cheryl Young, a partner at Hanglely Aronchick Segal Pudlin & Schiller in Norristown, Pennsylvania.

In that state, calls ticked up in June, and new clients signed up as people emerged from their homes in early July after Pennsylvania's lockdown.

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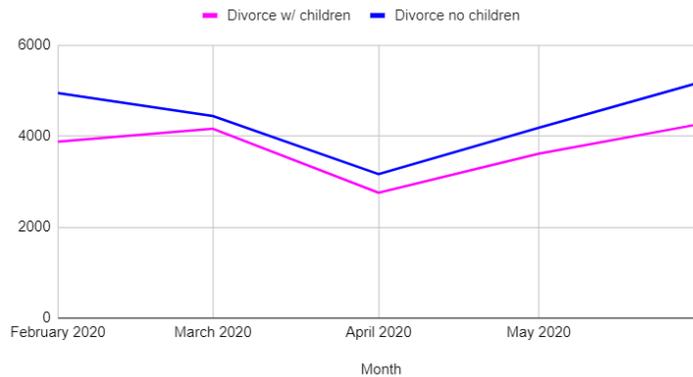
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Divorce filings in Texas tanked during April when the state was on lockdown, according to data from the Texas Office of Court Administration. The April figure represents a 33% decline compared with February, before the first positive COVID-19 case was announced in Texas. The data shows that new divorce cases rose again in May and June, ending up 8% higher than in February. Whether the divorces involved children or not, the numbers follow the same trend.

**Hover over this interactive graphic to view numbers**

New divorces filed in Texas during COVID-19



Source:

Texas Office of Court Administration. Graphic: Angela Morris/ALM

### 'Nobody did anything'

The low point in April makes sense to Weatherford family litigator Tom Vick Jr.

"We all had to stay home; nobody did anything. Courthouses were closed, and law offices were operating with diminished capacity," said Vick, a partner in VickCarney. "Law firms were getting [the Paycheck Protection Program] because they were worried about business. Clearly, there was a decline in new filings in the worst part of the slowdown."

There's evidence that family law attorneys took an enormous hit to the pocketbook during April when new filings hit their low point. In an ALM Media survey from April 1 to 23, in which 33 nationwide family law attorneys responded, 91% said their income had decreased during the pandemic, [reported Texas Lawyer \(https://www.law.com/texaslawyer/2020/05/26/family-lawyers-criminal-law-attorneys-are-hurting-worst-than-others-in-covid-19-economy/\)](https://www.law.com/texaslawyer/2020/05/26/family-lawyers-criminal-law-attorneys-are-hurting-worst-than-others-in-covid-19-economy/). Of the 18 respondents who lost income and quantified the amount, 25% reported they lost more than 80% of their earnings.

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JONATHAN ERWAY

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WIPL is known for having some of the most engaging and energizing keynote speakers attend to share their thoughts, experiences, war stories and tips on effective leadership. And this year is no exception. This year, we are grateful to welcome two remarkable women come and inspire us: Tina Tchen, the President and CEO of the "Times Up" Legal Defense Fund and Paula Boggs, Founder of Boggs Media LLC and Former Executive Vice President, General Counsel and Secretary, Law and Corporate Affairs at Starbucks from 2002-2012.



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KAREN SLOAN

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JULY 28, 2020

Bar exam takers in Michigan couldn't access the second module of the exam temporarily when the website that distributes passwords crashed. The Michigan Supreme Court said the issue was quickly resolved.

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