



Wellness in the Midst of a Global Pandemic

I was a registered nurse before I became an attorney. As a nurse I had the good fortune to work in highly respected pediatric and neonatal intensive care units at large university-affiliated children's hospitals before and while attending law school. I began my legal career as a medical negligence attorney and over the years moved into family formation and assisted reproductive technology (ART) law after my own struggles to have a family. While practicing law full time I continued working in a Level IV NICU for a number of years on weekends. As part of my required yearly continuing nursing education I was taught that a viral pandemic would likely come about in my lifetime. For many years, the prediction never came about, and then, in 2020, it did—with a vengeance. March 2020 is when life as we all knew it changed due to the novel coronavirus COVID-19.

Though the COVID-19 pandemic was in the headlines since early February, it barely registered on my personal radar. I was maintaining a busy law practice and working with colleagues on the passage of legislation in Colorado of a fertility insurance bill and also a surrogacy bill I had co-drafted with a colleague. Then on March 12, my world seemed to stand still. My husband, a surgeon, had just finished a surgical case when he became severely ill and needed emergency surgery. He spent four nights in the hospital, and it was there, with COVID-19 escalating in Colorado, that we both realized the seriousness and the potentially wide-reaching fallout of the pandemic.

We saw that every nurse, physician, and hospital worker wore a mask at all times, not just in patient rooms but in the hallways and central workstations. We recognized that this was highly unusual. We were told there were COVID-19 patients filling up the hospital beds and ICU beds. My husband was frantic to be discharged to minimize his potential exposure to the virus. His immune system was compromised due to having had surgery. A week later he was re-hospitalized, and we learned that there was a very severe shortage of personal protective equipment including masks, gowns, gloves, and sanitizing cleansers. There wasn't enough equipment to protect the physicians and nurses from contracting the potent, easily transmissible COVID-19 viral infection that could end their lives or result in long-term



health sequelae. COVID infections and patient hospitalizations were on an upward trajectory that was alarming.

Colorado shut down under what became a “stay-at-home order” on March 14, the effects of which felt like a rolling, widespread, slow-moving earthquake. Our daughter's college classes were cancelled. She moved home a day later as the remainder of her semester transitioned to virtual learning. Our son's high school classes were also cancelled, and he transitioned to virtual learning. His sectional and state swim meets were cancelled, and his high school and club swim teams terminated the remainder of their swim seasons.

All nonessential health care was cancelled in our state due to insufficient personal protective equipment. Fertility clinics, labeled “nonessential,” closed. Restaurants, hair salons, gyms, day cares, and so many other businesses closed.

Banks closed. Physician and dental offices closed. Grocery stores remained open but were depleted of not just toilet paper, but pasta, rice, canned goods, meats, produce, and dairy products. Many people who weren't working from home found themselves furloughed or out of work. People couldn't pay their rent or mortgage or feed their families. Friends and colleagues who were working from home were suddenly responsible for simultaneously educating and assisting their children with online virtual learning. Everyone

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I knew was living in a state of high anxiety that didn't begin to lessen until June when the first wave of the pandemic finally saw decreased infection and hospitalization rates. Stay-at-home orders ended, businesses began reopening, and friends were getting together outside while socially distancing. We had several “good” months and then everything changed again in the fall as the second wave of the pandemic surged. We find ourselves once again staying at home, isolated, stressed, feeling vulnerable with no foreseeable end in sight until there is widespread vaccination and herd immunity. I feel like I've been living on adrenaline and high cortisol levels this year with my adrenal glands turbocharged and firing at full capacity in a fight versus flight mode, the basis of survival.

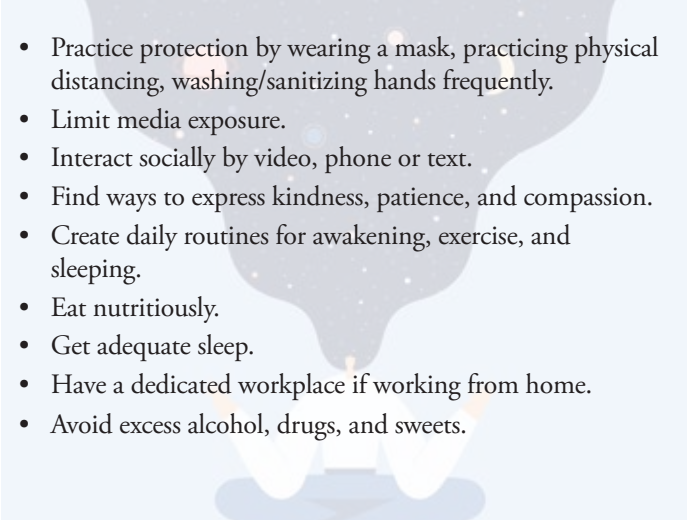
What is the fallout of the pandemic in my field of practice, family formation and ART law? The COVID-19 pandemic has affected ART medical practices dramatically, in turn directly affecting ART law practices. In March, the *American Society of Reproductive Medicine's* multidisciplinary task force of physicians, embryologists, and mental health professionals

recommended the immediate suspension of new, nonurgent treatment cycles, the cancellation of all pending embryo transfers (fresh or frozen), the suspension of all nonurgent diagnostic procedures, and a shift to minimize in-person consultations via the use of telemedicine. ART medical practices eventually began to reopen in late spring 2020.

The COVID-19 pandemic has affected our international ART clients with potential long-term effects. We've seen travel bans/restrictions issued by the White House and delays in the processing and availability of birth certificates and processing of U.S. passports. Restricted border crossings have interfered with international parents arriving for the births of their children as well as for their children leaving the United States to return home. U.S. Consulates have been closed in the intended parents' (IPs') home country or appointments may have been unavailable, affecting execution of the contract in regard to notary services. Courts have closed down or judicial officials have been working from home, causing delays in processing parentage determinations. Vital Records agencies have closed for in-person appointments or have had limited hours, delaying accessibility to birth certificates and apostille services. IPs have been overstaying visas due to the delays in obtaining birth certificates and passports or other travel documents. A lack of health insurance becomes an issue if a child must stay in the United States for months longer than intended. IPs may be restricted from being present at their children's births due to strict visitation policies during the pandemic. Interstate travel restrictions and required quarantine periods may interfere with IPs being present at birth or being able to care for their child. Attorneys need to draft COVID conduct and other terms into ART contracts that are protective of the parties they represent. Surrogacy and egg donation cycles are at times being cancelled or delayed until a “safer” time. Surrogates and donors may not be comfortable traveling at this time. A decrease in domestic and international IPs and a decrease in potential surrogates and egg donors result in fewer “matches,” less ART medical care, and fewer ART legal matters.

In view of the stresses this year has brought all of us, how can we dampen down our overcharged adrenal glands with the anxieties brought about by the COVID-19 pandemic? How do we find a state of wellness? Wellness is the act of practicing healthy habits on a daily basis to attain better physical, emotional, intellectual, social, spiritual, environmental, and occupational health so that instead of surviving, we're thriving. How we respond to stress depends on our background, our social support from family and friends, our financial situation, our health and emotional background, and our local community. People who are older or have underlying medical or mental health conditions, children, teens, racial and ethnic minority groups, people who don't have access to information in their primary language, people with disabilities, people with substance use disorders, people

who are homeless or socially isolated, people who have lost their jobs, or people caring for loved ones may be more vulnerable to the stress of the pandemic. To enhance wellness, experts recommend the following:

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- Practice protection by wearing a mask, practicing physical distancing, washing/sanitizing hands frequently.
 - Limit media exposure.
 - Interact socially by video, phone or text.
 - Find ways to express kindness, patience, and compassion.
 - Create daily routines for awakening, exercise, and sleeping.
 - Eat nutritiously.
 - Get adequate sleep.
 - Have a dedicated workplace if working from home.
 - Avoid excess alcohol, drugs, and sweets.

I've got the protective measures down, and it truly is not a burden to wear a mask. I definitely limit media exposure and have frequent social connections with friends and colleagues here and abroad that fills my heart and makes my life more satisfying. I find I miss my ART family terribly with in-person meetings on hold in 2020 and likely well into 2021. I

need to do better with structured exercise, sound nutrition, and avoiding sweets. They are my go-to comfort food. The positive part of the pandemic is that it has brought my family together in so many ways, including that we have dinner together as a family every night instead of one or more of us having commitments to activities and sporting events at dinnertime. I am grateful for the blessings I have when so many are struggling to put food on the table and keep a roof over their heads. Gratitude instills in me a greater sense of compassion and a desire to care for and help others who are struggling right now. Taking care of oneself creates a bandwidth to care for our partner/spouse, children, and parents during this stressful time. Achieving and maintaining a state of wellness resulting in better overall health is the best we can do so that when the pandemic dissipates we can return to the richness of our lives again. **FA**

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