

Remote Working as an Effective Recruitment and Retention Tool for Law Firms Post-COVID-19





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EXECUTIVE SUMMARY



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The COVID-19 pandemic has had a devastating effect on some in the legal industry. They have laid off or furloughed associates and staff and taken other steps to cut costs, such as reducing pay and benefits. Meanwhile, other law firms have done well during this time and found ways to pivot to retain business and keep things moving forward. They had a solid strategic business plan and other remote-working capabilities that they were able to enact to keep things moving.

In the midst of the pandemic and its far-reaching consequences, law firms can learn from the lessons of the past economic downturns. After the pandemic ends, some experts predict that there will be an unprecedented level of demand for legal services. One of the chief priorities for law firms during this challenging time should be to focus on their human capital, because people in a law firm are the law firm. When the times change for the better once again, law firms will need to implement their growth plans to achieve future business goals, which inevitably include recruitment and retention goals. The practices law firms have adapted to get through the COVID-19 crisis — such as working remotely and videoconferencing — are expected to continue to be utilized to help law firms adjust, adapt and advance in a post-COVID-19 world.

Before COVID-19, the legal job market was largely candidate-driven, characterized by talented applicants who knew their skills were in high demand. Recruiting highly skilled legal professionals was the greatest practice management challenge facing the majority of law firms before the pandemic hit. Beyond compensation and bonuses, many law firms said that flexible work arrangements were some of the best incentives for recruiting and retaining employees.

If history is our guide, law firms will once again face the challenge of recruiting and retaining talented employees. As law firms slowly emerge from the COVID-19 pandemic amid the changing societal and work landscapes, they will once again be confronted with talent shortages. This paper will demonstrate how telecommuting and remote work can become a powerful recruitment and retention tool for law firms surfacing in the post-pandemic world.¹

¹ [law.com/americanlawyer/2020/05/22/pay-cuts-layoffs-and-more-how-law-firms-are-managing-the-pandemic/](https://www.law.com/americanlawyer/2020/05/22/pay-cuts-layoffs-and-more-how-law-firms-are-managing-the-pandemic/)



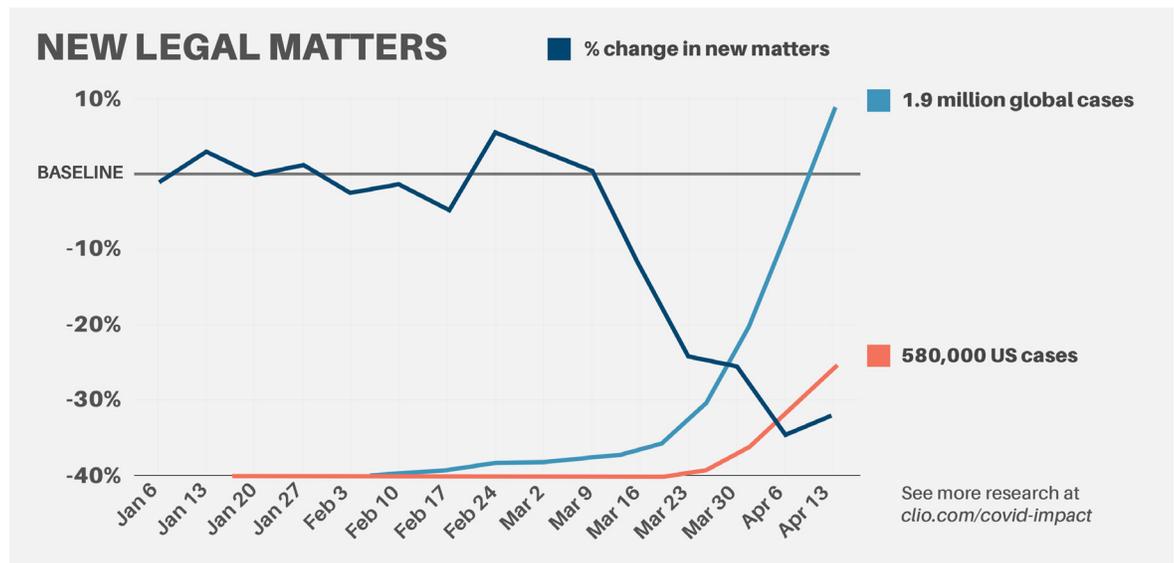


INTRODUCTION

According to a report released by the U.S. Department of Labor in early May 2020, the U.S. legal industry cut 64,000 jobs in April, dropping approximately 5.5% to 1,097,600 jobs, a nearly 20-year low.² The last time that the U.S. legal industry's total headcount was below 1.1 million was in October 2001, also according to the Department of Labor data, and the sector's headcount had risen relatively steadily from mid-2000 until around 2007. In the aftermath of the 2008 financial crisis, the legal sector hit its lowest employment numbers in December 2009 at 1,109,900 total jobs. To illustrate the magnitude of job losses in the U.S. legal industry as a consequence of the COVID-19 shutdowns, immediately before the pandemic took root in March 2020, the legal sector had lost only about 1,100 jobs. The legal sector had added jobs in February and January 2020.

Furthermore, in an April 2020 survey of 485 U.S. legal professionals conducted by the legal tech firm Clio, 56% of respondents reported a significant decrease in people reaching out to them for legal help since the pandemic hit the United States only a few weeks before; 59% said they were significantly less busy at work.³ Weekly openings of new U.S. legal matters were down 40% compared with their level in late February. These numbers were based on Clio's findings, which aggregated anonymized data from tens of thousands of legal professionals who use its software.

Figure 1 - Decline in number of legal matters opened as a consequence of COVID-19

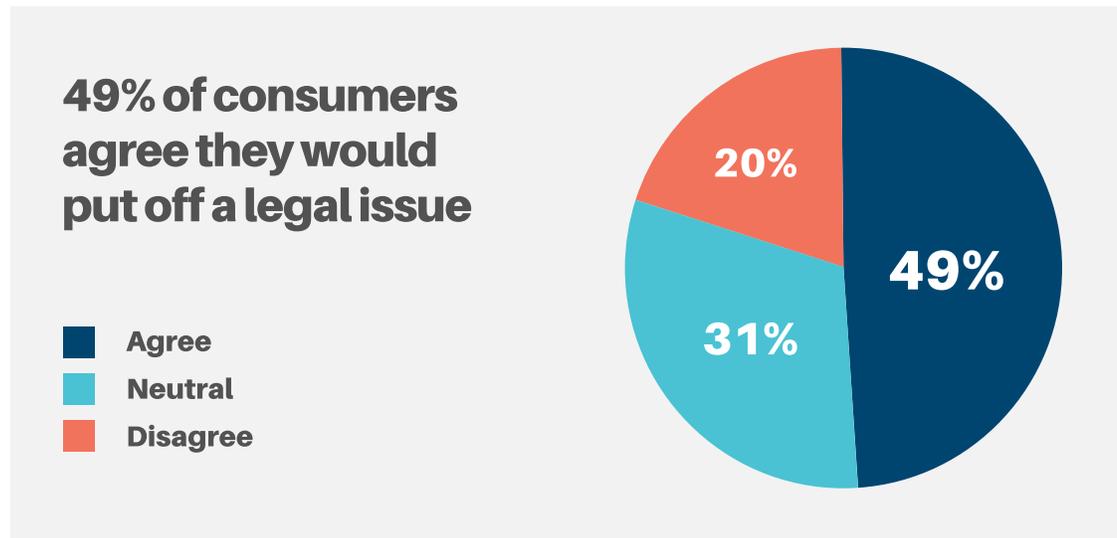


Clio's report outlines a 30% decline in the number of legal matters opened each week since the start of the year, with 56% of law firms surveyed also reporting a significant decrease in requests for legal assistance.

² blogs.thomsonreuters.com/answeron/legal-sector-headcount-dropped-5-5-in-april-to-nearly-20-year-low/

³ globenewswire.com/news-release/2020/05/04/2026798/0/en/Clio-Issues-State-of-the-Industry-Report-Assessing-Impacts-of-COVID-19-on-the-Legal-Industry-and-Consumers.html

Figure 2 - Decrease in consumer legal demand as a consequence of COVID-19



Clio's research into the impact of COVID-19 on the demand for legal services indicates the 49% of consumers agree they would postpone a legal issue until after the coronavirus pandemic has subsided.

Given these declines in the U.S. legal industry workforce and in the demand for legal services, why would I write a paper on telecommuting as an effective recruitment and retention tool for law firms post-COVID-19 at this time? My reasons are outlined below.

According to McKinsey & Company, a global management consulting firm, law firms can learn from the lessons of the past economic downturns, respond to the near-term challenges and set the right priorities for the long-term even in the midst of the COVID-19 pandemic and its far-reaching consequences.⁴ According to McKinsey's May 2020 paper, "COVID-19: Implications for Law Firms," looking at past downturns provides lessons for law firm leaders to consider. McKinsey argues that 1) law firms weather downturns better than the overall economy does, and that 2) there will be a wide spectrum of demand responses across the legal sectors and practice areas once the pandemic ends. McKinsey's study further recommends priorities for law firm leaders to consider based on the lessons learned from the previous economic downturns and the current demand outlook. One of the chief priorities for law firm leadership during this unprecedented and challenging time should be to focus on and embrace their human capital because people in a law firm *are* the law firm.

As previous economic downturns have demonstrated, the slowdown of business across the nation will not continue forever. Therefore, law firms need to continue to plan for the long term, which entails staying on the forefront of their business planning for the next few months, as well as for the next few years. Law firms need to set reasonable goals that account for the current landscape, while keeping in mind that when things change for the better once again, they will need to be ready to implement their growth plans to achieve future business goals, which inevitably include recruitment and retention.

⁴ [mckinsey.com/industries/financial-services/our-insights/covid-19-implications-for-law-firms](https://www.mckinsey.com/industries/financial-services/our-insights/covid-19-implications-for-law-firms)

According to an article titled “COVID-19 Could Catalyze the Legal Industry Renaissance,” history has shown us that catastrophe also creates opportunity for those organizations that are savvy enough to innovate.⁵ In the face of the COVID-19 crisis, there are things that the legal industry can do not only to survive but also to adapt, evolve and even thrive. Until the dust settles, it appears that the near-term demand for legal services will be in “essential” areas, such as health care, employment, bankruptcy and criminal law. After the pandemic ends, the article’s authors predict there will be unprecedented demand for legal services in various areas of the law. Legal industry professionals will pore over mounds of insurance policies, contracts and other documents to assess the legal rights of the afflicted, to be followed by years of lawsuits. The authors forecast that these lawsuits will be complex and multijurisdictional — even multinational — and without precedent.

Already in the midst of major peril and adversity triggered by the pandemic, many law firms are striking back.⁶ They are utilizing technological tools that enable them to continue to operate their businesses and serve their clients, such as allowing employees to work remotely

and using videoconferencing software to conduct client meetings and lawyer conferences. And despite the impact of COVID-19 on the legal industry, some law firms are already experiencing a surge in business. Insurance lawyers have been needed to define coverage exclusions with regard to risks. The advice of employment attorneys has been vital toward helping employers navigate the increasingly complex matters of employee safety and layoffs. With the dramatic expanse of businesses working remotely, attorneys skilled in cybersecurity matters have been in demand.

Interest in these three areas is expected to remain strong for the next 12 to 18 months. As a result of the ongoing financial crisis, bankruptcy attorneys are expected to be in great demand in the coming weeks and months as well.

According to Robert Half’s State of Legal Hiring survey, released in December 2019, businesses were planning to increase their hiring of legal professionals in the next six months.⁷ More than half of U.S.-based lawyers (54%) said in the survey that their company or law firm would expand its legal team in the first half of 2020. Litigation;

Figure 3 - Greatest challenges when hiring skilled legal professionals



⁵ abovethelaw.com/2020/04/covid-19-could-catalyze-the-legal-industry-renaissance/

⁶ abovethelaw.com/2020/03/the-impact-of-covid-19-on-law-firm-practices/

⁷ roberthalf.com/blog/management-tips/the-state-of-legal-hiring-infographic

privacy, data security and information law; and general business or commercial law were the top three practice areas expected to drive job growth, according to survey respondents. Furthermore, of the lawyers surveyed, 87% said it was difficult to find skilled legal professionals. A shortage of qualified candidates was the greatest recruiting challenge for 47% of respondents. Nearly 8 in 10 lawyers (76%) were concerned about losing legal talent to other job opportunities in the next six months. Beyond compensation and bonuses, lawyers said that flexible work arrangements, professional development opportunities, and challenging work or variety of assignments were the best incentives for retaining employees. “Top legal talent may have multiple job offers

on the table,” says Robert Half Executive Director Jamy Sullivan in the report. “Organizations that set themselves apart by offering extra perks and benefits may have an edge over the competition when it comes to recruitment and retention.”

Another recent survey, Special Counsel’s *2020 Salary Guide*, described the landscape for hiring legal talent as more competitive than ever due to the low unemployment rate in the United States.⁸ To help employers attract the top talent, Special Counsel illustrated the legal industry insights based on its survey of thousands of placed candidates and industry contacts for 2020 this way:

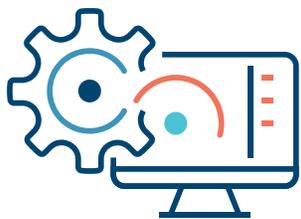
Figure 4 - What legal candidates want in a new position



If history and these representative samples are our guide, the legal industry will gradually recover and eventually thrive, and law firms will once again face the challenge of recruiting and retaining talented employees. As law firms will be slowly emerging from the pandemic — amid changing societal and work landscapes — they will once again be confronted with talent shortages. So how will telecommuting be a key recruitment and retention tool for law firms post-pandemic?



⁸ specialcounsel.com/resources/entries/salary-guide



TECHNOLOGY AND THE CHANGING WORKPLACE

In the last few years, the workplace has been dramatically changing because of rapid advances in technology. The digital revolution has fundamentally changed the way we communicate, work and live. Industry upon industry has been forced to transform its operations, workflows and policies to adapt to this technological era. As a result, the requirement to be physically present in the office has been diminishing with every new piece of technology. The availability of very fast and relatively inexpensive technology has motivated some law firms to offer flexible work arrangements to their employees. And once the pandemic hit, the majority of law firms had no choice but to offer flexible work arrangements to employees to maintain their practices.

Changes in work culture and technology over the last few years have made telecommuting an important issue to consider as a major hiring benefit of the firm. Some law firms have become increasingly aware that other law firms, some of them their direct competitors, allow their employees to telecommute on a regular basis. Although improvements in technology have made telecommuting a more realistic option, the decision to allow employees to do so can be difficult and challenging from a management standpoint — especially in the law industry, long defined by tradition and conservatism. Even though telecommuting has been around for a few decades in corporate America, law firms have continued to rely on individual lawyers to work out arrangements with supervisors, rather than craft affirmative policies that endorse the telecommuting practice for all their employees.⁹

The practice of law has traditionally encouraged face-to-face interaction and people sitting at their desks to prove their value to the firm. The COVID-19 pandemic has forced many employees to work remotely, which has allowed them to demonstrate that they can be equally as effective at home when provided with the necessary technology and access to the cloud-based records and operating software.

Today's top talent comes primarily from the Millennial generation that prizes flexible work arrangements both in terms of location and schedule.¹⁰ The Millennial preference for workplace flexibility arises not out of laziness or lack of dedication, but from the understanding that with the right technical support, most office work can be done anytime and anywhere. Millennials in particular expect to be constantly connected to the office, blurring the line between working and nonworking hours.



BABY BOOMERS



GENERATION X



MILLENNIALS



GEN Z

⁹chicagobusiness.com/article/20170812/ISSUE01/170819943/chicago-law-firms-weigh-shift-to-remote-work

¹⁰americanbar.org/news/abanews/publications/youraba/2017/november-2017/winning-the-talent-war/

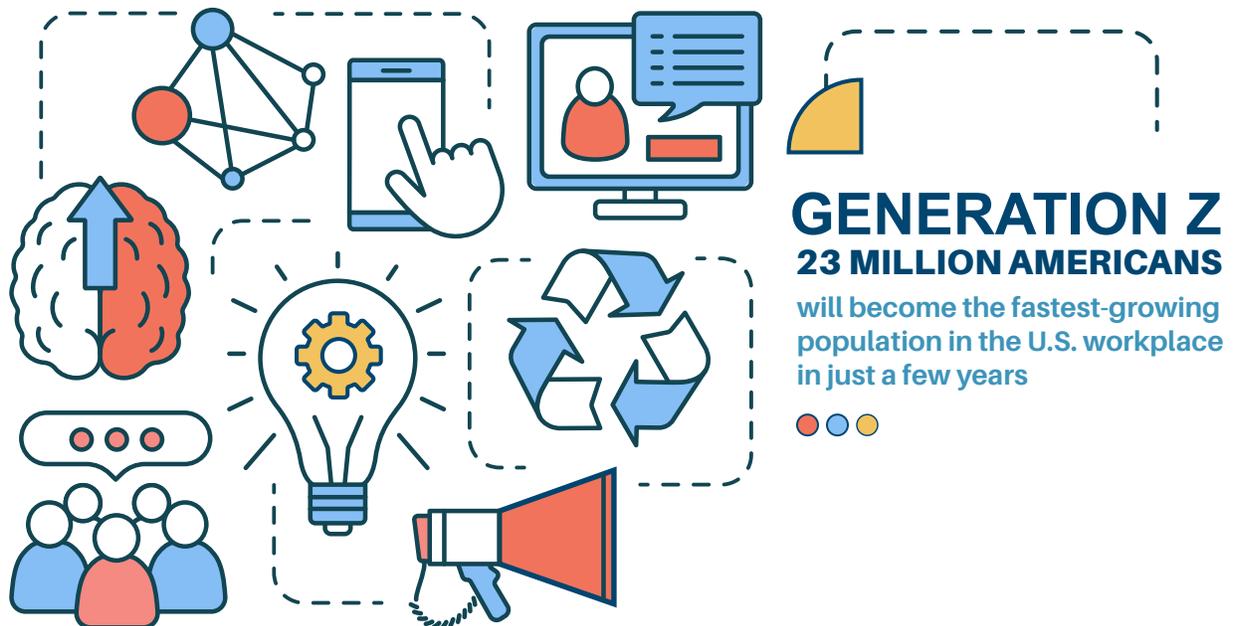
The next emerging talent pool, Generation Z (Gen Z), has expectations for workplace flexibility that will be even more pronounced.¹¹ Gen Z represent an entire cohort of Americans who have grown up with technology at their fingertips and are now entering the workforce, impacting how law firms will operate and how work will be performed. Gen Z employees, who were born in or after 1996, not only embrace the ubiquitous use of digital technologies — they don't know how to operate in a world without them. As a result, they expect it in every facet of their lives, including their workplace.

Composed of approximately 23 million Americans, Gen Z will become the fastest-growing population in the U.S. workplace in just a few years.¹² As such, it is important that law firms look to adapt to the needs of this emerging workforce and embrace new ways of working as they seek to attract and retain the next generation of employees. Gen Z members are less receptive to working long hours at the office and expect the option

of remote work arrangements and flexible hours. They also have a base assumption that law firms will embrace any and all technology tools that support them, ranging from mobile devices and apps to productivity tools and videoconferencing.

Even before the emergence of COVID-19 and the necessity for most law firms to move operations offsite and authorize employees to work from home, telecommuting has represented an important recruitment and retention tool for law firms. In a 2013 survey by Robert Half Legal, close to 7 in 10 lawyers said that being able to take advantage of flexible work hours or telecommuting was the most attractive incentive to join a new organization or remain with their current company.

In addition to the flexible work policies, the same survey also found that 12% of respondents considered a flexible schedule or the ability to telecommute a top three reason to take a position with another law firm.¹³



¹¹ abovethelaw.com/2019/11/gen-z-lawyers-reshaping-how-law-firms-think-about-technology-in-their-recruiting-strategy/

¹² lexisnexis.com/en-us/nextgenstudy.aspx

¹³ acc.com/sites/default/files/resources/vl/membersonly/InfoPAK/19663_4.pdf



BENEFITS OF TELECOMMUTING FOR EMPLOYERS

Expanded Pool of Available Employees

Telecommuting allows law firms to substantially increase their talent pool. Rather than being limited to professionals in their local geographic area and those willing to uproot their lives to move to a particular location, law firms can greatly expand their hiring potential through flexible work. Although job offerings might reach candidates outside a firm's area, the prospect of someone being willing to relocate is likely not in the organization's favor.

Additionally, law firms that offer telecommuting can also target individuals with health issues or disabilities, caregivers and working parents.¹⁴ Health issues or disabilities should not be a limiting factor in finding or retaining employment, but that is unfortunately the case for many individuals. By offering remote work options or flexible schedules, law firms can open their candidate pool to individuals who are talented and dedicated but who require more flexibility in the workplace to effectively manage their personal health needs. Similarly, caregivers often find themselves giving up their careers to perform their caregiver duties. If employers are able to meet their requirements for workday flexibility, that opens up another pool of highly experienced professionals.

Offering telecommuting can also significantly appeal to female employees. With women now making up just under half the labor force, the way we work has changed. It has also unfortunately made some women feel pressured into choosing between their careers and families. As a result, law firms need to adapt and change their structures to offer a healthy work-life balance if they want to keep retention rates high — especially for women. Remote work is a viable option.

In her book *Lean In*, Sheryl Sandberg writes about how the possibility of future motherhood can discourage women from pursuing more ambitious leadership opportunities, and how maternity leave can sometimes disrupt women's momentum in a company and impede their corporate ascension. If a law firm has a strong telecommuting program, it has a much better chance of keeping highly esteemed women and mothers with the organization and helping them achieve their full potential.¹⁵

According to a 2013 Pew Research Center study, having a flexible work schedule is much more important to working mothers than it is to working fathers.¹⁶ Fully 7 in 10 working mothers with children aged 18 and younger say that having a flexible schedule is extremely important to them.

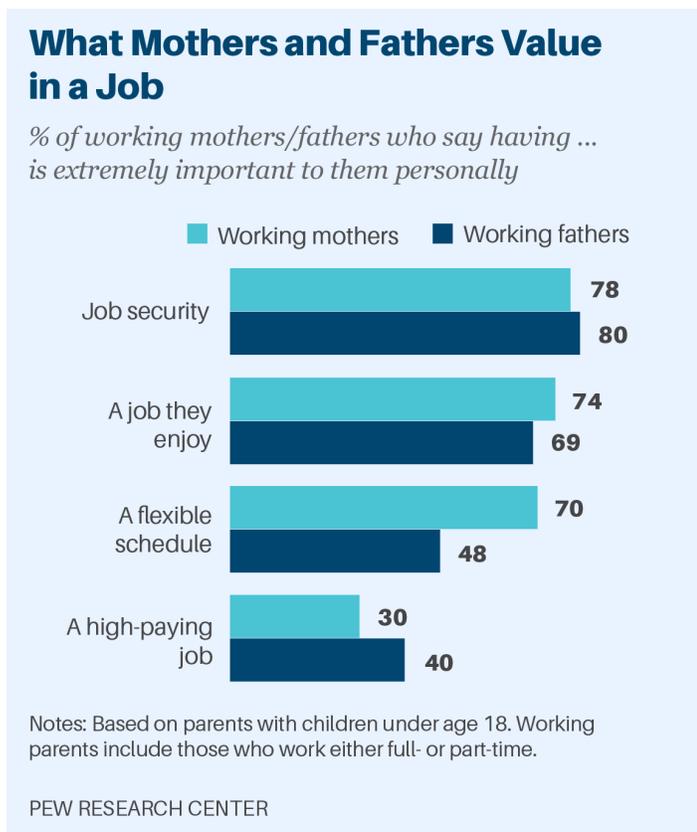
¹⁴ flexjobs.com/employer-blog/how-flexible-work-increases-your-talent-pipeline/

¹⁵ forbes.com/sites/ianaltman/2018/01/23/boost-your-productivity-through-telecommuting/#22f709ea4d3b

¹⁶ pewsocialtrends.org/2013/03/14/chapter-1-changing-views-about-work/

Only about half (48%) of working fathers place the same level of importance on this criterion. Furthermore, there is a large gap between parents and nonparents in the value each places on having a flexible work schedule. Among working women with no children under 18, only 43% say having a flexible work schedule is extremely important to them vs. 70% of working mothers. Among working men with no minor children, 36% say this is extremely important vs. 48% of working fathers.

Figure 5 - What mothers and fathers value in a job



Similarly, Working Mother Media’s *100 Best Companies* survey has been conducted for 12 years and asks participating organizations more than 400 questions. In the 2019 survey, only five law firms made the list of the 100 best companies for working women, with IT companies, telecommunications, banks, insurance companies, accounting firms and health care organizations significantly more represented in the list than law firms.^{17, 18}

¹⁷ abajournal.com/news/article/working-mothers-best-companies-list-includes-these-five-law-firms#:~:text=The%20top%20company%20on%20the,results%20were%20released%20in%20July.

¹⁸ workingmother.com/sites/workingmother.com/files/attachments/2019/09/100bestchart.pdf

¹⁹ gensler.com/research-insight/blog/for-law-firms-covid-19-has-accelerated-the-inevitable

²⁰ gensler.com/research-insight/workplace-surveys/us/2020

If law firms limit their talent pool to specific areas or individuals, they limit their ability to grow their operations and human capital. By offering flexible work, they can attract and retain top talent in underserved groups that are actively seeking employment. In the war for talent post-COVID-19, law firms will need to further embrace telecommuting because without this flexible work arrangement, they will only be able to hire the best person from the usual crowd of locals.

Cost Savings

Telecommuting programs lead to savings for employers. They stem from reduced square footage for office space, as well as less furniture required, less electricity used and fewer office supplies needed.

The temporary stay-at-home orders and the subsequent transition to remote work necessitated by the COVID-19 pandemic have upended the model of how much real estate law firms really need.¹⁹ While corporate America has spent the past couple of decades densifying and fitting more people into ever smaller amounts of space, much of the legal industry has held on to comparatively generous office space standards.

Law firms have been rethinking their real estate requirements and starting to downsize for some time. In recent years, a steady flow of firms has moved to smaller offices or transitioned to open floorplans for associates and staff. Firms in higher cost markets such as New York, Boston, Washington, D.C., Los Angeles and San Francisco were among the first to experiment with these new paradigms. But, generally speaking, a move toward more efficient use of space has not happened as fast as it has in other industries. Law firms still use two to three times more space than comparable industries. That may have to do with the fact that the legal industry values precedent and lawyers like to know an approach has been tested before they adopt it.²³

Now, some precedents are starting to emerge. Conducted before the pandemic hit, Gensler’s *2020 U.S. Workplace Survey* represents input from more than 5,000 office workers across a variety of industries and demographics.²⁰

It found that half of the U.S. workforce worked outside the office at least one day per week. That number was lower in the legal industry, but many law firms had been experimenting with mobile working — finding that previously held assumptions like the need for employees to be physically present in the office at all times are contradicted by the success of working from home. These firms could use the COVID-19 crisis as an opportunity to build a more flexible culture by making remote working a permanent part of their operations.

Employers save by allowing their employees to work remotely.²¹ Based on conservative assumptions, it's estimated that a typical employer can save an average of \$11,000 per half-time telecommuter per year.

Figure 6 - Estimated employer annual savings from telecommuting

Employer Annual Savings	
Productivity	\$7,031,250
Continuity of operations	\$432,028
Retention	\$388,125
Real estate	\$1,935,000
Transit subsidies	\$223,080
Absenteeism	\$1,305,804
Total organizational impact from above (per year)	\$11,315,286
	\$11,315

The savings are primarily the result of increased productivity, lower real estate costs, reduced absenteeism and turnover, and better disaster preparedness. Costs that can be reduced or avoided by not having employees on premises include mortgage or lease, utilities, janitorial services, office supplies, food and drink expenses, office equipment, furniture, and transit subsidies.

Among the most prominently featured employers offering flexible working arrangements to their employees are Sun Microsystems, American Express and Aetna. Sun

Microsystems implemented a telecommuting policy back in 2007. The policy eliminated 7,700 “seats” in physical offices, saved the company more than \$255 million in the first four years, and continues to save the company \$68 million annually. The company also has 115 flex offices around the world that employees can go to if they need to work in a physical office.²²

At American Express, the BlueWork program has saved the company between \$10 and \$15 million annually in real estate costs. Of insurance giant Aetna’s 35,000 employees, 14,500 do not have a dedicated desk at Aetna and another 2,000 Aetna employees work from home a few days a week, meaning that a total of 47% of the company’s workforce uses flexible workspaces. The company has been able to eliminate 2.7 million square feet of office space. At \$29 a square foot, that has produced savings of about \$78 million per year, adding in utilities, housekeeping, mail service and document shredding.²³ Law firms offering telecommuting arrangements to their employees could post similar cost savings.

Increase in Productivity and Decrease in Absenteeism

Telecommuting is synonymous with flexibility, which provides employees with greater control over how, when and where they work. In the pandemic context, remote work has allowed asymptomatic employees or those with mild COVID-19 symptoms to remain productive while self-isolating at home. This principle can also be applied long-term outside of the current crisis. If given the option to work remotely rather than commuting while sick, employees who experience seasonal colds, allergies and flus may be more likely to work a half-day or complete their work as usual because they are comfortable at home. Permanent remote work plans could also reduce the in-office spread of illnesses while not compromising productivity.

According to the 2015 Remote Collaborative Worker Survey, teleworkers are more productive and less likely to take time off work, even when they are sick.²⁴ In the

²¹ globalworkplaceanalytics.com/telecommuting-statistics

²² [linkedin.com/pulse/how-telecommuting-increases-business-profits-mary](https://www.linkedin.com/pulse/how-telecommuting-increases-business-profits-mary)

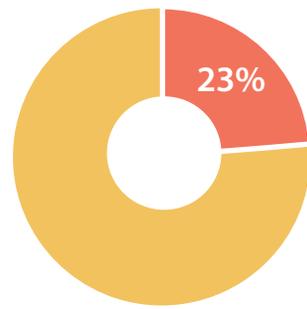
²³ [forbes.com/sites/jeannemeister/2013/04/01/flexible-workspaces-another-workplace-perk-or-a-must-have-to-attract-top-talent/#1ea7bf6c2ce7](https://www.forbes.com/sites/jeannemeister/2013/04/01/flexible-workspaces-another-workplace-perk-or-a-must-have-to-attract-top-talent/#1ea7bf6c2ce7)

²⁴ [shrm.org/resourcesandtools/hr-topics/technology/pages/teleworkers-more-productive-even-when-sick.aspx](https://www.shrm.org/resourcesandtools/hr-topics/technology/pages/teleworkers-more-productive-even-when-sick.aspx)

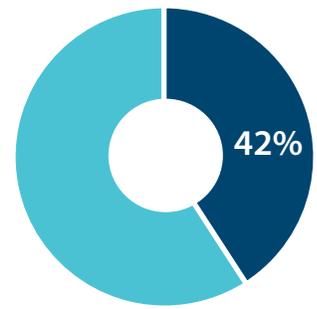
survey, of those who work remotely at least a few times per month, 77% reported greater productivity while working off-site, 30% said they accomplished more in less time and 24% said they accomplished more in the same amount of time. The survey suggested that there are significant benefits to be gained by both remote workers and their employers, with off-site employees motivated to work harder and more efficiently to protect both the personal and professional benefits of working remotely. Even the personal benefits workers experience can be viewed as employer benefits: remote workers tend to be happier, less stressed and healthier, thereby bringing down the costs of turnover, absenteeism, lower productivity and other issues adversely impacting the employer.

This survey also revealed that 23% of teleworkers are willing to work longer hours from home than they normally would on site to accomplish more; additionally, 42% of remote workers feel they are equally connected with colleagues as if they were working on premises. And lastly, the study stated that half of the remote workers surveyed say that being able to work remotely at least some of the time makes them much more likely to stay with the company.

The American Psychological Association article, “The Future of Remote Work,” acknowledges that some jobs are better suited to remote work than others.²⁵ It specifically references a study of 273 teleworkers from sales, marketing, accounting, engineering and other departments at one organization. The authors found that employees whose jobs were highly complex but did not require significant collaboration or social support performed better when telecommuting than when working at the office. Employees whose jobs require concentration or significant problem-solving often need focused time to think deeply about the task at hand, which can be hard to do in a shared office full of potential interruptions. Attorneys and paralegals are arguably knowledge workers whose jobs require concentration and problem-solving; as such, they can be excellent candidates for telecommuting.



23% of teleworkers are willing to work longer hours from home



42% of remote workers feel they are equally connected with colleagues

Further, even within a specific role, some duties may be well-suited to teleworking while others are better performed in person. An employee can write reports or articles from a home office, but interpersonally sensitive tasks that may involve nonverbal communication, such as conducting a quarterly performance review with a subordinate, tend to go more smoothly when handled face to face. The study concludes that the issue is not whether telecommuting is good or bad, but rather that sometimes it is advantageous and other times it is not. The researchers found that overall telecommuting increased employees’ job satisfaction, performance and feelings of commitment to an organization. People who teleworked also tended to experience less work stress or exhaustion. Drawbacks associated with remote work included social and professional isolation, fewer opportunities for information sharing, and a blurring of boundaries between work and personal life.

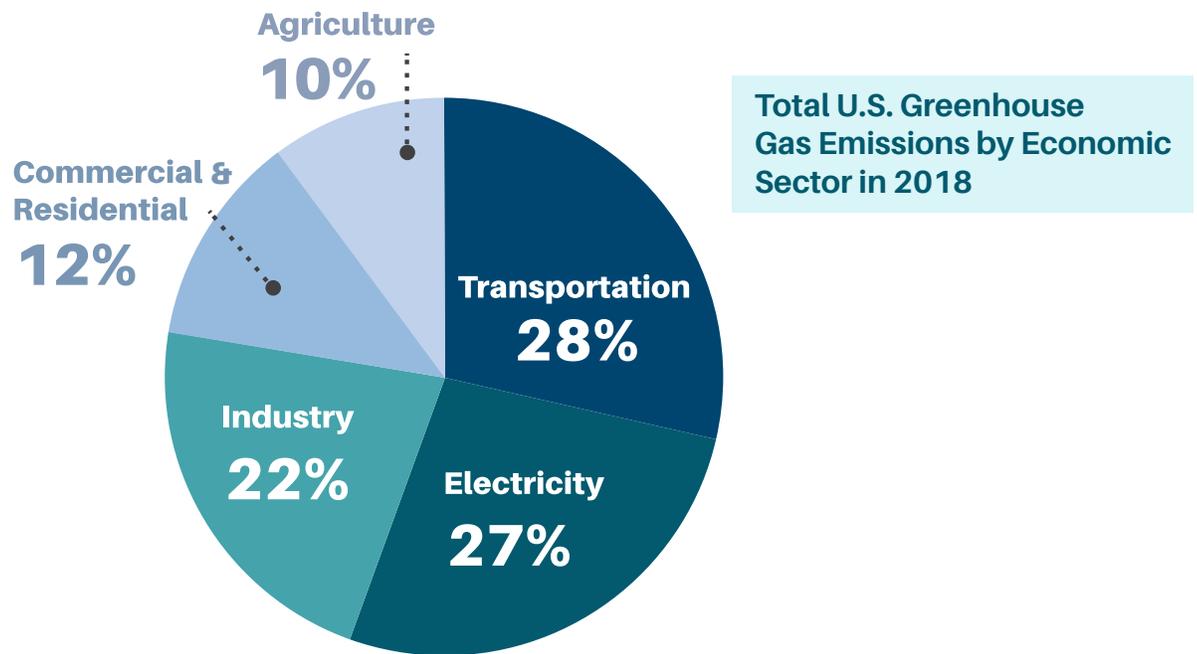
These studies demonstrate that telecommuters tend to be more focused because they are not subject to office-related distractions and interruptions. Productivity can also increase because employees often work more hours when they do not have a commute. Telecommuters can work from home when a minor illness, a sick child or a sick pet keeps them from the office. Furthermore, employees who telecommute can work during emergencies, such as inclement weather, that would keep others out of the office and will thus be able to keep a law firm running.

²⁵ [apa.org/monitor/2019/10/cover-remote-work](https://www.apa.org/monitor/2019/10/cover-remote-work)

Focus on Environment and Sustainability

Organizations that allow telecommuting on a regular basis can promote the fact that their employees use less fuel in commuting and leave a smaller carbon footprint. By putting fewer commuters on the road, organizations become more sustainable and make an overall smaller impact on the environment. This also benefits the wider community and may attract both potential employees and clients who wish to support environmentally friendly organizations.

Figure 7 - Total 2018 U.S. greenhouse gas emissions by economic sector



Eliminating or reducing commuter travel is the easiest and most effective way for a company or individual to reduce their carbon footprint. If those with a work-from-home-compatible job and a desire to work remotely did so just half the time, it's estimated that the greenhouse gas reduction would be the equivalent to taking the entire New York State workforce off the road. For a 500-employee organization that allows telecommuting just half the time, the average environment/community annual savings would be over \$270,000.

Figure 8 - Estimated annual environment/community savings from telecommuting

Environment/Community Annual Savings	
Gas savings (gallons)	\$98,958
Oil saved (barrels)	\$5,049
Greenhouse gas equivalent in cars	\$159
Vehicle miles not traveled (VMnT)	\$2,008,856
Cost of traffic accidents	\$277,148

Millennials in particular genuinely care about their organization’s carbon footprint. A 2019 Gallup poll found that 67% of people aged 18 to 29 and 49% of those aged 30 to 49 say that global warming is real, human-caused and a serious threat.²⁶ This report revealed that 21% of Millennials said that they had changed jobs within the past year and that they want jobs that align with their values, environmental responsibility being one of them. Law firm leaders who want to attract and retain Millennials should therefore seriously consider implementing a formal telecommuting policy and emphasize the reduced environmental impact as part of their employee value proposition.

Increase in Employee Engagement and Satisfaction

As working remotely becomes more common, organizations that cannot accommodate it will become rare and unusual. And those cultures, over time, may also struggle to keep their in-house workers engaged, according to a January 2020 Gallup study. Engaged employees are more enthusiastic, energetic and positive; feel better about their work and workplace; and have better physical health. Decades of Gallup research has shown that when employees are engaged, their

performance soars — highly engaged workplaces report 41% lower absenteeism, 40% fewer quality defects and 21% higher profitability.

Gallup also discovered that engagement climbs when employees spend some time working remotely and some time working in a location with their coworkers. The optimal engagement boost occurs when employees spend 60% to 80% of their time working off-site — or three to four days off-site in a five-day workweek. Gallup found that precisely this group — those who work remotely 60% to 80% of the time — is also the most likely of all employees to strongly agree that their engagement needs related to development and relationships are being met. These same employees are also the most likely to strongly agree that someone at work cares about them as a person and encourages their development. This group is also the most likely to strongly agree that they have a best friend at work and opportunities to learn and grow within the organization.

Furthermore, much of the Gallup research indicates that remote workers are more productive than on-site workers. It is probable that, between the higher engagement and increased productivity of remote work, off-site workers offer leaders the greatest gains in business outcomes.

Figure 8 - Workers’ levels of engagement and telecommuting frequency

ENGAGEMENT HIGHEST AMONG WORKERS WHO SPEND THREE TO FOUR DAYS WORKING REMOTELY			
% Time spent working remotely	Engaged	Not engaged	Actively disengaged
	%	%	%
None of the time	30	55	15
1% to < 20%	36	53	11
20% to < 40%	37	52	11
40% to < 60%	37	50	13
60% to < 80%	41	48	11
80% to < 100%	32	51	17
All of the time	30	54	16

State of the American Workplace
GALLUP

²⁶ [gallup.com/workplace/257786/millennials-worry-environment-company.aspx](https://www.gallup.com/workplace/257786/millennials-worry-environment-company.aspx)

Numerous studies have found that telecommuting also creates happier and less stressed employees. Telecommuting employees feel more valued, engaged, empowered and trusted. They are typically happier in their jobs due to a better work-life balance. The ability to telecommute appears to encourage employees to stay with an organization longer than they would otherwise.

One such survey, State of Remote Work 2019,²⁷ found that employees who regularly work remotely are happier and stay with their companies longer than on-site employees. Of the more than 1,200 U.S. workers surveyed, 62% work remotely at least part of the time. The same study also found that full-time remote workers report being happy in their job 22% more than people who never work remotely. The reasons respondents gave for making the decision to work remotely were better work-life balance (91%), increased productivity/better focus (79%), less stress (78%) and to avoid a commute (78%). The remote workers also said they were likely to stay in their current job for the next five years — 13% more than on-site workers did.

Figure 9 - Remote workers and happiness

REMOTE WORKERS ARE HAPPIER AT WORK.



In the COVID-19 pandemic context, remote workers have a Workforce Happiness Index score of 75 out of a possible 100 — more than the 71 reported by those who continued to work in person.^{28, 29} This poll was conducted in early May 2020 (i.e., at a time when most parts of the United States were still under stay-at-home orders). On nearly every question related to work satisfaction, those working from home report more positive measurements. Remote workers are more likely than those who have been going into the office during the outbreak to describe themselves as very satisfied with their job, to consider themselves to be well-paid, to say that their company provides them with good or excellent opportunities for career advancement, and to note that their contributions at work are valued a lot by their colleagues (54% vs. 48%).

During the pandemic, telecommuting has emerged as an attractive and reasonable workplace alternative resulting from the tremendous increase in the availability of cost-effective technology — even for such a conservative and traditional industry as law. Law firms should consider offering a telecommuting arrangement to both attorney and support staff post-pandemic because telecommuting offers clear and distinct advantages to employers, including:

- » Selection of candidates from a much wider pool
- » Lower overhead costs
- » Boost in employees’ productivity
- » Decreased environmental footprint
- » Increase in employees’ engagement and satisfaction



²⁷ owllabs.com/state-of-remote-work/2019?hs_preview=jWDXIXgj-13385250578

²⁸ cnbc.com/2020/05/26/who-is-happiest-working-from-home-heres-what-latest-jobs-data-says.html

²⁹ surveymonkey.com/curiosity/cnbc-workforce-survey-may-2020/



DISADVANTAGES OF TELECOMMUTING FOR EMPLOYERS

Law firms' general resistance toward telecommuting does not derive exclusively from their traditional rigidity and inflexibility compared to other industries. Telecommuting does in fact present some distinct disadvantages for employers.

Remote work as a consequence of COVID-19 has evolved organically, without intention, and could therefore result in problems for both remote employees and team dynamics.³⁰ Some managers believe that personal tasks and issues distract employees if they work from home and that they slack off if they are not directly supervised. An organization must ensure that such beliefs and attitudes are based on evidence and results rather than personal bias. Success metrics must be clear and agreed upon in advance, and managers may need training on effective leadership and supervision of remote workers. In addition to management issues, some employees might not be ready to handle the distractions of working from home or be well-suited to a remote work situation.

To improve the odds of success for any remote work situation, law firms must plan carefully with employees and their supervisors before telecommuting begins. (Although the pandemic instigated sudden, ad hoc remote work arrangements, enough time has passed to put formal policies, procedures and agreements in place.) They must consider the following issues and offer effective solutions:

- » Is the employee's position, or are at least certain job tasks associated with the position, suited to remote work? (As will be discussed below, a job design analysis can demonstrate that job flexibility does not have to be all or nothing.)
- » Is the employee already sufficiently self-directed and self-motivated?
- » How well does the employee manage distraction? (The employee who is always looking at Facebook or is easily drawn into coworkers' conversations at the office will likely have similar distractibility problems working from home.)
- » What kind of technology infrastructure will be required to keep the employee connected? (Does the company and the employee's home already have this necessary infrastructure or can it be easily installed?)
- » Can the employee use or learn to use the tech tools needed for telecommuting?
- » What will the employee's work-from-home setup be like? (Does the employee have a dedicated workspace that is conducive to productivity?)
- » Will other people — especially children or others requiring care — be present during work hours? (This could lead to higher employee distractibility and therefore lower productivity.)
- » How do the employee's supervisor and teammates feel about telecommuting? (Outdated beliefs about "face time" and personal biases can influence morale and effectiveness of the telecommuting policy.)
- » Do telecommuters need a different evaluation methodology and practice than in-office workers?

³⁰ hbr.org/2016/05/4-organizational-mistakes-that-plague-modern-knowledge-workers?autocomplete=true

These questions may provide an excellent starting point for a conversation between employers and employees to address any challenges remote workers might be facing. Irrespective of the result of such a conversation, employers may perceive that telecommuting has distinct disadvantages for them.

Perception of Unfairness or Discrimination

Deciding which employees may telecommute can be a challenge, and it can lead to perceptions of unfairness or discrimination if not handled correctly. This can be a particularly sensitive and complex issue for law firms because of the nature of their business. The ideal situation would be to offer telecommuting universally, but this is clearly not feasible for all employees and all positions. Most law firms cannot guarantee telecommuting for all; instead, they may have telework available on a case-by-case basis, considering their full spectrum of operational needs.

When it is not possible for a law firm to offer telecommuting arrangements to all its employees, it is imperative to have a clear set of criteria regarding how telecommuting decisions are made. Allowing employees a voice in determining these criteria is also beneficial.

To minimize any potential perception of unfairness or discrimination, the processes for deciding who may telework should be focused on positions rather than on the individual employees.³¹ Overall eligibility for telecommuting should be based on whether a particular job can be done off-site, and that process should be as transparent and consistent as possible.

It can be tempting to restrict telework to successful employees whom the employer already trusts. However, basing telecommuting eligibility on job tasks rather than employee characteristics and performance has two major advantages. It reduces the chances that managers will grant telecommuting access unevenly and, as a result, become vulnerable to claims of unequal treatment. It also allows the employer to use telework as a performance improvement tool for employees who need flexibility in order to be successful. If a job can be done remotely by one employee, then the option to telecommute should be

available to all employees with the same responsibilities. For some positions, this will mean only a few hours of telecommuting eligibility, while others may work remotely for one or more days a week. Law firms should ensure that the process and criteria used to make the decisions about who may telecommute are written down and applied consistently, and that there is also a fair and equitable method in place to determine whether an employee is succeeding in telecommuting.

Allowing employees to work remotely based on their job descriptions is not the same as allowing them all to telecommute or to telecommute at the same time or in the same way. If on-site coverage is necessary for specific jobs, then law firms need to set up telecommuting schedules that make sense for the business. Perhaps employees will alternate their telecommuting days, or some will telecommute in the morning and others in the afternoon. Law firms may need to work with employees directly to set up a system for determining how schedule conflicts will be resolved.

This does not have to mean more work for the employer. Once a system has been set up, a law firm can leave it to the employees to negotiate telecommuting schedules according to that system and only require that the final schedules be approved by the employer. In this context, employees will also appreciate the opportunity to manage their own schedules.



³¹ shrm.org/hr-today/public-policy/hr-public-policy-issues/documents/workflex-and-telework-guide.pdf

Decrease in Ability to Supervise

Law firms may fear that remote employees will waste time or overreport their work hours when there is no one there to actively supervise and monitor their workday. A lack of supervision could lead to a decrease in work quantity, quality or both. Some supervisors could lack training on how to properly manage and monitor remote workers and find it easier to manage them face-to-face. And not all employees thrive in a telecommuting environment. To be productive, a telecommuting employee should be self-motivated, disciplined and organized.

One approach for law firms to overcome such fears and assumptions is to initially allow only trusted employees to telecommute.³² (I am aware that this approach is in stark contrast to the recommendation discussed in the previous section; nevertheless, I thought it was worthwhile to present it as an alternative.) According to this approach, it is best to grant telecommuting privileges only to employees who have an established, positive history with the employer. This approach is based primarily on trust, which is a significant component of any telecommuting arrangement. The employer must trust the employee to maintain a safe, office-like environment at home, to complete tasks unsupervised and to accurately report their hours. From this perspective, a law firm is best protected from potential fraud or other problems if the telecommuting privilege is afforded only to long-term or high-performing employees who have already proven that they are reliable and trustworthy.

With this route, the first step for law firms that have never had remote staff — or have experienced only limited success with telecommuting programs — is to identify employees who are both interested in working remotely and capable of doing so successfully.³³ Law firms justifiably fear that with the wrong person, they will find themselves expending tons of time and energy managing an employee ultimately unfit for remote work. Therefore, it is often best to start with known commodities, proven performers that consistently demonstrate their accountability, knowledge and maturity. This method is also easier when employees have existing relationships with supervisors and colleagues and are familiar with the firm's policies and expectations. Bringing in new talent

remotely must be managed very carefully to ensure a successful fit with the existing employees and to provide proper adaptation of the law firm's standards, practices and policies. Law firms should consider starting their remote workforce programs gradually by offering it as a perk for good employee performance, off-shift work or holiday coverage. They should identify specific positions that can benefit from remote staffing and target those shifts and positions that are more difficult to fill.

Supervision is typically the biggest challenge with remote employees, even in today's hyperconnected world. When employees work from home, supervisors lack visual cues and may not realize that an employee is having a bad day, that they need support or that there is a problem until the situation has escalated. Therefore, the supervisor must make it a priority to connect with their remote team members every day.

Remote employees can also face challenges and therefore may require additional support resources. If not provided with adequate supervision, remote employees will not have someone closely tracking their progress and keeping them focused on the day-to-day execution of their responsibilities. They will not have access to the anecdotal information they would otherwise overhear from colleagues in the office in the course of the day that helps them identify common goals and issues.

Some employees truly thrive on social interaction and close collaboration, and limited interactivity may consequently make it harder for them to perform. Others may lack the right mix of discipline, maturity and skills to succeed at telecommuting. It is therefore paramount that a law firm's remote work policy clearly communicate expectations and requirements to be eligible for a flexible work arrangement.

Most importantly, law firms should not overlook training. Remote employees need extensive training on how to use the necessary hardware and software; policies, standards and practices must all be clearly and routinely communicated to be followed faithfully. The supervisory influence will be at least half a step removed, so all employees need to be critically aware of their roles and responsibilities.

³² westsoundworkforce.com/the-risks-and-liabilities-of-telecommuting/

³³ practice.findlaw.com/human-resources/how-to-effectively-manage-remote-staff.html

Because telecommuters are “out of sight,” it may be tempting for managers to apply stricter performance standards or monitor their behaviors more closely. But research suggests that the most effective supervisors manage telecommuters and non-telecommuters in an identical manner.³⁴ The focus should be on managing the work — not the workers themselves.

Decrease in Productivity

The employer’s perception of the decrease in employees’ productivity when working from home is closely associated with the employer’s decreased ability to supervise employees in a telecommuting arrangement. Low productivity is an obvious risk when employees work outside a traditional office.³⁵ In an environment without day-to-day oversight, some employees may not use their time wisely or most effectively. And certain employees working remotely risk burnout due to a lack of boundaries and separation of work space from personal space.

Even the most employee-oriented law firm managers have concerns about having employees work outside normal work hours or at places other than the office. However, by taking a job-design approach to workplace flexibility, law firms can obtain the benefits of offering more flexibility to employees while minimizing the downsides associated with remote work.³⁶

Not all jobs are conducive to time or place flexibility. However, most jobs do have certain duties that are amenable to being performed at alternate times and locations other than the office. If law firm managers examine the positions they supervise and break them into their component parts, they will likely find that some tasks — maybe even up to a third of an entire job — lend themselves to time and place flexibility. A paralegal, for example, needs to collaborate with colleagues and clients. However, they also have tasks that are best done alone and undistracted. Someone in this position may be a good candidate for part-time telecommuting (perhaps one or two days from home). That way, the paralegal has uninterrupted time for deep reading and analysis without the distractions of the office, while also being present enough of the workweek for in-office collaboration,

conversations and creativity. A job design analysis can thus demonstrate that job flexibility does not have to be an all-or-nothing approach.

Similarly, some employees are better candidates for flexibility than others. A high-performing employee who has proven that they can self-manage effectively can probably be entrusted with more flexibility. For other employees who have not yet proven themselves or who are not top performers, workplace flexibility arrangements may be started on a part-time basis for an initial trial period. That way, a law firm manager can better gauge how an employee either rises to the occasion or struggles with too much autonomy and adjust the employee’s remote working arrangement accordingly.

In general, the best way to ensure that all employees are doing their jobs (whether they have the organization’s permission to telecommute) is to set clear expectations for each role and have regular check-ins to gauge progress. It is unrealistic to expect everyone to work at the same pace and at the same productivity levels, but law firm managers should have a general idea of how long tasks take and what they entail, and how much each employee is accomplishing on a regular basis.

Furthermore, law firms should pay attention to the best performers as much as they do to the rest of the team. The best performing employees may be the people most at risk of overwork. Without the clear boundaries that office life provides, the go-getters may have workdays that never end, setting themselves up for exhaustion, burnout and resentment toward the organization. Therefore, law firms should conduct regular one-on-one meetings (virtual or face-to-face) with each employee not only to hold them accountable for performance, but also to check in on workload and support needed.



³⁴ [siop.org/Portals/84/docs/White%20Papers/ScientificAffairs/telecommuting.pdf](https://www.siop.org/Portals/84/docs/White%20Papers/ScientificAffairs/telecommuting.pdf)

³⁵ blog.dce.harvard.edu/professional-development/challenges-managing-virtual-teams-and-how-overcome-them

³⁶ hbr.org/2014/03/increase-workplace-flexibility-and-boost-performance

Compromised Data Security

Working from home can create particular challenges for the security of law firms' corporate information.³⁷ When working in an office setting, employees are normally protected by multiple layers of cybersecurity measures. However, once an employee begins to work remotely, the layers of security may diminish unless specific actions and policies are in place. It is critical to the cybersecurity of a law firm operation that the firm work with its information technology department to ensure that the same level of security exists for employees working remotely as for those working within the walls of the office.

Law firms face a higher data security burden when work is being performed at multiple locations on multiple devices. Furthermore, there is a greater risk of data being insecure on employees' personal devices. As a result, telecommuting requires law firms to develop monitoring programs to track employees with access to sensitive information and to train telecommuters on how to handle such information, including appropriate encryption technology for transmission of sensitive work data and preventing (or responding to) security breaches.

Protecting the privacy and integrity of the firm data and networks is a high priority.³⁸ A law firm should have a detailed acceptable use policy regarding the use of computers, firm data and online media (this applies whether the law firm has employees who telecommute or not). In a telecommuting arrangement, this policy becomes even more important. Some of the recommendations that directly address the data security risks associated with telecommuting include the following:³⁹

- » Employees must sign an acceptable use policy. This policy should be updated annually, or whenever a new technology or new ways of using the existing technology are implemented in the workplace.
- » A law firm should provide telecommuting employees with company-issued equipment, rather than having them use their own computers or personal technology for work. If a law firm is providing employees with laptops, the IT policy should prohibit the use of that equipment in unsecured environments, such as wireless networks available at public locations such as coffee shops.

- » Ideally, a law firm should install a virtual private network (VPN). A VPN provides a direct connection to the firm's normal computer applications such as email, intranet pages, servers, etc., as if the employee was directly connected to the firm network. If the firm has a VPN in place, it should ensure that the employees exclusively use the VPN when working and when accessing firm information systems remotely. If the firm does not already have this option, its corporate IT department should vet available VPNs and assist with the setup. The IT department should also verify that the firm's current VPN can handle the excess bandwidth that may be encountered due to a new influx of telecommuting employees (as we've seen during the COVID-19 pandemic) who may need to access the VPN at the same time.
- » The law firm's IT experts should ensure that remote employees' networks are properly secured and that their equipment is protected by firewalls, antivirus software, failed-login lockout settings, etc.
- » Telecommuting employees should not be given administrator privileges on their work computers to prevent them from installing nonwork-related programs or otherwise harm their equipment. Instead, the firm's IT staff should remotely handle technological updates or changes.
- » A law firm should train its employees on how to detect and handle phishing attacks and other forms of social engineering involving remote devices and remote access to the organization's information systems.
- » A law firm should not allow sharing of work computers and other devices. When employees bring work devices home, those devices should not be shared with or used by anyone else in the home. This reduces the risk of unauthorized or inadvertent access to protected corporate information.
- » Corporate information should never be downloaded or saved to employees' personal devices or cloud services, including computers, thumb drives or Google Drive or Dropbox accounts.
- » A law firm should implement and enforce two-factor or multifactor authentication (MFA) as an effective way to provide enhanced cybersecurity. Rather than asking for a username and password only, MFA requires additional credentials such as a code

³⁷ ogletree.com/insights/9-telecommuting-tips-for-employers-as-covid-19-spreads-across-the-united-states/

³⁸ westsoundworkforce.com/the-risks-and-liabilities-of-telecommuting/

³⁹ natlawreview.com/article/coronavirus-covid-19-managing-cyber-security-risks-remote-work

from the user's smartphone, the answer to a security question, a fingerprint or facial recognition.

- » A law firm should consider implementing additional remote security protections, such as employing strong passwords throughout its remote desktop networks and requiring additional, different password requirements for certain applications with particularly sensitive information.
- » In general, a law firm should consider if all employees need full remote desktop access or whether an employee's access can be confined to certain portions of the network. Any reduction in remote access will reduce the risk of unauthorized intrusion. Employees' access should be limited to protected information to the minimum scope and duration needed to perform their duties.

By implementing cybersecurity measures like those above, a law firm can greatly decrease the risks associated with telecommuting and eliminate compromised data security as a factor against allowing its employees to telecommute.

Loss of Synergy and Increase in Communication Difficulties

A law firm may fear that synergy may be lost due to the lack of in-person interactions that are common in the office. In a telecommuting arrangement, there is demonstrably a greater potential for a lack of communication or unclear communication. Contact among employees as well as between employees and management is limited, which can make it challenging to build effective working relationships, compromising collaboration and productivity. A law firm may therefore have to invest extra resources and effort into teambuilding to ensure that telecommuting employees are not left out or overlooked.

Professional isolation, loss of identification with the organization, and feeling excluded are real threats to teleworkers and can have implications for performance and turnover. To avoid these sentiments, a law firm should be sure to include teleworkers in organizational events, socialization activities, and training and development

opportunities that are available to other employees. On a more daily basis, it may be helpful to set up "virtual watercooler" meetings via the firm's chat/collaboration app like Team or Slack, intranet or shared email folder, and law firm managers should take extra efforts to contact telecommuters more frequently so that they feel "in the loop."

The above concerns stem from the fact that remote work is different from the typical work structure.⁴⁰ Employees who regularly work remotely may struggle with unplugging after work, loneliness, difficulties with collaborating and communication, distractions at home and staying motivated. The most effective remote employees retain two key elements found in the normal work environment: connection and collaboration. So it is especially important to maintain personal connections among the employees and between the managers and employees. Luckily, we live in an era where technology allows us to continue team collaboration and engagement through the use of software and by video and phone calls.

It is also important for law firm managers to set clear expectations for how and when projects should be completed. Goal-based tasks help keep employees motivated and less distracted. They can also help management determine how efficiently remote employees are working so they can address any issues as they arise. Managers should also remember to acknowledge good work by remote employees.

In general, there needs to be a well-thought-out communication structure for remote teams that fosters regular, consistent and quality communications among the employees and between the managers and employees. There also needs to be a focus on results, processes, culture building, work-life balance and productivity.

Miscommunication happens more frequently in the telecommuting context because a large chunk of communication for remote workers is through phone calls and emails rather than face-to-face contact. The most essential — and perhaps the most challenging —

⁴⁰ogletree.com/insights/9-telecommuting-tips-for-employers-as-covid-19-spreads-across-the-united-states/

aspect of managing a telecommuting employee is to stay in touch despite the distance. This includes calls when the employer needs something in the moment, regular check-ins even when there is nothing pressing, and general social contact to build trust and collaborative relationships.

Best Practices for Communicating

Productivity, transparency and collaboration in a telecommuting arrangement can be cultivated by engaging in the following activities:⁴¹

- » **Foster a culture of communication.** Law firms should be explicit about how their employees should communicate. They should remove the ambiguity that often surrounds workplace communication by providing written guidelines that outline what kind of messages should be sent through which media, and how employees are expected to interact with each other.

In a virtual environment, it can be difficult to explain complex ideas, especially if employees are not able to ask questions and have discussions in real time. The lack of face-to-face interaction limits social cues, which may lead to misunderstandings and conflict. The most effective way to avoid miscues and misinterpretation is to match the message with the medium.⁴²

To effectively share information that is complex or personal, one often needs to observe body language, hear tone and inflection and be able to see what is being talked about. For those purposes, videoconferencing is the next best thing to talking face-to-face. At the other end of the spectrum, small, nonurgent requests are best suited to email, instant messaging or all-in-one platforms such as Slack. Many employees instinctively default to their preferred method of communication irrespective of the occasion, which can lead to misunderstandings, conflict and lost productivity.

In addition to the appropriate communication medium, frequency of communication also matters. Providing regular updates, responding to messages promptly and being available at important times

(especially when employees are located in different time zones) reduces the likelihood of roadblocks and builds trust.

- » **Choose the best tools.** Technology is what makes virtual teams possible. Law firms should not shy away from the tools and software that can make their employees' jobs easier and more efficient. Some popular options for tools that can facilitate communication in virtual teams include: Slack, Twist, Google Hangouts (for chats); Trello, Jira, Asana (for project management); Google Meet, Zoom, Cisco Webex (for web and videoconferencing); Microsoft Teams, InVision, Marvel, Adobe XD (for collaboration); Calendly, Doodle (for scheduling); and Zapier, Microsoft Power Automate, Monday (for workflow automation).

Furthermore, the telecommuting environment is characterized by a lesser sense of community. Without a sense of community at work, employees may become disengaged and unenthusiastic about the law firm's mission and goals.⁴³ Unfortunately, community can be difficult to create among remote workers. Law firm managers can combat that feeling of isolation by encouraging coworkers to talk to each other, and not only about work. For example, employees who live near each other can get together for lunch or coffee to cultivate the sense of community at work. Law firm managers can try implementing channels solely dedicated to nonwork-related thoughts. Furthermore, law firm managers should encourage video calls rather than phone calls for meetings so that employees will be familiar with each other's faces.

Some of the best practices for encouraging feelings of trust, connection and shared purpose among the employees as well as between managers and employees include:

- » **Check in frequently and consistently.** The most successful law firm managers check in frequently and regularly with remote employees. The cadence of the check-ins may vary from daily to biweekly to weekly, but the check-ins should always be consistent because remote employees should not be left alone.

⁴¹ blog.dce.harvard.edu/professional-development/challenges-managing-virtual-teams-and-how-overcome-them

⁴² hbr.org/2015/03/why-remote-work-thrives-in-some-companies-and-fails-in-others

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- » **Use face-to-face or voice-to-voice contact.** Law firm managers who insist on some face time with remote employees are generally more successful. They should make a visit to remote employees or schedule a mandatory in-office day once a week, month or quarter, and they should use this time for teambuilding. If in-person meetings are not possible, at a minimum, video- or audioconferencing technology should be used to ensure that colleagues occasionally see one another's faces or hear one another's voices.
- » **Demonstrate exemplary communication skills.** The most successful law firm managers are good listeners, communicate trust and respect, inquire about workload and progress without micromanaging, and err on the side of overcommunicating — all while modeling the same behaviors for the other team members.
- » **Make expectations explicit.** When it comes to managing remote employees, being clear about expectations is mandatory because employees should never be left in the dark about projects, roles or deadlines. Law firm managers who are direct with their expectations of both remote and on-site employees have happier teams that can live up to those expectations.

- » **Be available.** Successful law firm managers are available during remote employees' working hours, no matter their time zone. They go above and beyond to maintain an open-door policy for both remote and on-site employees, making themselves available across multiple time zones and through different means of technology. Remote employees should always be able to count on their manager to respond to pressing concerns, no matter where they work.
- » **Demonstrate familiarity and comfort with technology.** Successful law firm managers do not resort to phone or email only; they are familiar with videoconferencing technologies and a variety of services. They often tailor their communication style and medium to each employee.

If the above-described disadvantages for law firm employers typically associated with remote work are successfully addressed, they should not prevent law firms from offering telecommuting arrangements to their employees and use as an effective recruitment and retention strategy in the post-pandemic environment.





CONCLUSION

The COVID-19 pandemic has only accelerated the phenomenon of telecommuting as an attractive and reasonable workplace alternative. Even before COVID-19, telecommuting emerged as an effective workplace option resulting from the tremendous increase in the availability of cost-effective and powerful technology, even for a conservative and traditional industry such as legal. Law firms should therefore seriously consider offering telecommuting arrangements to both attorneys and support staff because it offers clear advantages to employers.

Research has demonstrated that telecommuting has a very real potential to make employees' lives easier, free from the stress of daily commute, and keep them productive when they cannot come to the office. This ultimately benefits the employers.

Any drawbacks can be overcome by implementing effective and proven management, communication and collaboration tools and techniques. Any remote work arrangement will necessarily require careful planning and will take time, patience and a certain amount of experimentation to successfully execute. A telecommuting program that addresses these issues — one that is well-planned, implemented and managed — can increase productivity, improve client satisfaction and result in greater employee morale and retention.





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