

SPRING
2020

BEYOND COVID-19:

WHAT LAW FIRM BUSINESS
LEADERS NEED TO KNOW ABOUT
DISTRIBUTED WORKING

Introduction

As the coronavirus pandemic continues to rage, many attorneys have been forced to work from home for an indefinite period of time. Just a decade ago, this would have been unthinkable, but technology now makes it easier than ever to work outside of the office. However, despite the increasing availability of remote and mobile-friendly technologies, many law firms are struggling to adopt the cultural changes and make the technological investments that are necessary to guide them into the new normal that they will face at the end of this crisis. Now more than ever, law firms need to truly embrace the concept of mobility to mitigate the impact of the global epidemic, meet the inevitable demand for more flexible work options by attorneys, and accommodate attorneys wherever they need to access work product—whether that’s in their home, on their commute, or in the courthouse.

The Impact of COVID-19 on the Legal Industry

In general, the legal industry has not been at the forefront of adopting technology, either because of security concerns, regulatory reasons, or out of deference to tradition. In the past, law firms also needed to wait for courts and government entities to approve the use of electronic or paperless filing systems, electronic signatures, and the admissibility of new technology as evidence.

With business slowing down as a result of coronavirus, clients’ primary concern is cutting costs wherever possible. [Many firms are even downsizing, suspending partner distributions, laying off attorneys, cutting salaries, furloughing staff, implementing hiring freezes and rescinding offers to new associates.](#)

During the Great Recession, the legal industry similarly took a large hit. Some firms were able to adapt and build new law firm practice models, using alternative fee arrangements and cost-cutting measures, like increased use of technology and employing remote legal teams.

Other firms sank under the weight of their antiquated practices and workflows and are no longer in business today.

In the wake of this pandemic, we will see the same dichotomy emerge between firms that are prepared to function in our new reality and those that are unable to let go of the past. As corporate clients begin to take greater control of

their matters, they will insist on increased transparency, efficiency, and predictability. In short, they will want to make sure they are getting the most value for their dollars. In order to survive and thrive in a post-COVID-19 world, law firms must cut costs, and to do that, they must be willing to invest in developing a cultural framework that will allow all lawyers and staff to be as productive as possible, no matter where they are. And now more than ever, it is critical to use technology to reduce administrative burdens, increase productivity, and capture billable time that is otherwise not being accounted for.

Now more than ever, it is critical use technology to reduce administrative burdens, increase productivity, capture billable time that is otherwise not being accounted for.

The Meaning of Mobility

Although devices like the Blackberry and iPhone have allowed lawyers to access information from anywhere in the world for almost two decades, [mobile functionality for work-related applications is still sorely lacking](#). This is problematic because, when shelter-in-place measures are not in place, lawyers across practice groups are often on the go, moving between events like client meetings, depositions, hearings, and court filings, and they cannot always be within range of a computer. Even at home, attorneys do not always have their computer on or within reach, especially when the entire family is home with them and each family member wants to use a limited number of computers for work or educational needs.

Despite the reality that we are living in right now, lawyers are still expected to respond to requests instantaneously. In order to do so, they need secure access to their work at their fingertips, on a mobile device like a phone or tablet. Well-built mobile technology provides this functionality with the same level of performance as a laptop or computer. Timekeeping is another important consideration. Solutions like [ZERØ](#) and [iTimekeep](#) provide contemporaneous time capture capabilities and robust mobile functionality, which enable attorneys to accurately track their hours and bill for late-night email requests.

In the wake of this pandemic, every law firm will be required to become a mobile law firm. This means that not only must attorneys be able to work from home, but they must be able to be productive from anywhere in the world. To make this shift, many law firms will need to question the essence of the ways in which they have been operating for decades and be willing to change their behavior. They will need to take care to understand the pain points facing their lawyers and staff as

they relates to mobility and flexibility, make the necessary investments in purchasing and deploying technology to address these pain points, and accommodate the subsequent change in culture that will be required.

Over the past ten years, some law firms have begun to embrace this reality and provide technology solutions that allow their lawyers to work outside of the office. But others have taken this concept to a new level. A number of virtual or cloud-based law firms have emerged in the wake of two recessions (in 2000 and 2008) that have almost completely eschewed costly overhead expenses like real estate, in favor of a completely remote or mobile legal practice. Several have even started to expand internationally, [such as FisherBroyles and Rimon P.C.](#) Because these firms were created with a remote working framework in mind, they take extra care to ensure that they have the right technology in place to set themselves up for success.

The Reasons That Mobility Eludes So Many Law Firms

It's clear that the technology exists to support distributed working. Most legal research is done online with Westlaw or LexisNexis,

To make this shift [to true mobility], many law firms will need to question the essence of the ways in which they have been operating for decades and be willing to change their behavior.

contracts are signed electronically, courts or governmental organizations allow for online filing, and client communications can be done via phone, email, or video conference. In today's era, many courtrooms are learning to conduct virtual sessions. The Supreme Court is even planning to hear [arguments via telephone](#) for the first time. So why are so many law firms struggling to adapt to a distributed working framework?

The problem with mobility for many law firms is not actually the technology itself. In fact, most large firms, have access to the technology they need to thrive in this environment. The issue is that they often don't use the software in the ways intended by its developers. For example, a firm may purchase and implement an expensive document management system but neglect to train users on the features

that truly allow them to collaborate, or even to just seamlessly access their files outside of the office. This firm will inevitably find it challenging to encourage adoption if users cannot see tangible benefits to using the tool. In addition, many firms add on technology to accommodate the existing culture and support the working methods that they have in place, rather than use the technology they have acquired to streamline the flawed workflows that caused them to seek out a solution in the first place.

Structure also plays an important role. At large law firms, complicated leadership structures

can make it difficult to effect change, since major decisions must be made by committee. As a result, they are often less flexible, take more time to purchase technology that has the potential to benefit the firm and its employees, and can't quickly adapt to the demands of the market—even when there is no other choice.

One of the most

Beyond technology, many law firms will be forced to overcome the challenges they face in adapting their culture to support [a distributed working] framework in the long term not only as this crisis drags on, but even once we have found our new normal.

significant barriers to becoming truly mobile is culture. Those firms that have resisted a mobile-friendly model do so largely because of a deeply ingrained hierarchy, which often results in the creation of a "[caste system](#)" that devalues the work of non-legal professionals, meaning that only the "elite" (i.e. partners) receive access to technology that allows them to work outside of the office. These very firms have been the ones struggling the most to adapt to the new constraints of social distancing and shelter-in-place orders,

[especially with respect to administrative and paralegal roles.](#)

There is no question that any law firm *can* adopt the technology necessary to enable distributed working. While we are all forced to work from home, most law firms are, in fact, supporting remote working by providing the necessary hardware and remote access capabilities to their employees. Beyond technology, however, many law firms will be forced to overcome the challenges they face in adapting their culture to support this framework in the long term not only as this crisis drags on, but even once we have found our new normal. This is partially

because of demand from lawyers themselves. While attorneys are currently working from home out of necessity, there will undoubtedly be those who prefer this arrangement and will want to continue with it even after the coronavirus threat has passed (at least on a part time basis). And those attorneys who were reticent to adopt new technology before the pandemic may now understand its value and be willing to engage. [As Josias Dewey, a partner at Holland & Knight, said](#): “These are the types of things that in ordinary times, people may just not see the value of them. Under these circumstances people appreciate the value and they see it as almost a Godsend. So those folks I think will be converted moving forward.”

The Benefits of Distributed Working

Beyond business continuity, there are many potential benefits to implementing a distributed working framework. The reduction in costly overhead expenses results in lower fees to the client, as well as increased compensation to attorneys. [According to James Fisher and Kevin Broyles](#), co-founders and Managing Partners of the virtual law firm FisherBroyles, attorneys at their firm can expect to be paid much more than what they would make in a traditional law firm while enjoying a better quality of life, enabling them to attract and retain top talent. In addition, FisherBroyles, as well as other virtual firms like Rimon and gunnercooke, has done away with billable hour requirements, allowing lawyers to work with clients to develop fee arrangements that benefit both sides.

In addition to the financial benefits for the firm and its attorneys, lawyers can expect to experience benefits to their personal lives. By eliminating the commute between work and home, they can expect to have better work/life balance and more free time to spend with family or friends. Currently, attorneys who desire a better work-life balance are driven away from

traditional legal practice and [“are instead taking more flexible jobs in corporate legal departments; at new, more entrepreneurial and technology-driven firms; and at the Big Four professional services groups, which are developing legal operations.”](#)

Both attorneys and clients of virtual law firms benefit from a properly executed distributed working framework that prioritizes productivity and output over the sheer amount of time worked.. Because there are no billable hours requirements standing in between lawyers and their clients, lawyers are incentivized to serve their clients to the best of their ability and discouraged from over-billing. Clients benefit from higher quality legal work for lower rates. Client satisfaction and retention increase as well as a result of this framework, because the attorneys’ and clients’ incentives are better aligned.

Creating a Successful Culture Around Distributed Working

While the COVID-19 pandemic will certainly hasten the transition of many law firms to a model that is friendlier to remote working, there are challenges to implementing a more permanent distributed working framework. To start, the lawyers employed by the firm need to be self-starters and exhibit a strong sense of ownership over their work product and operational processes. Those who require significant oversight and training may not be well-suited.

Communication from leadership is also critical. Law firm leaders working to implement this framework must establish frequent touchpoints with their employees (both lawyers and other professionals) to ensure that everyone is aligned on business goals and feels like a part of a broader entity. In addition, communication and collaboration between attorneys themselves is also paramount.

Practice areas are constantly intersecting, and multiple attorneys are often needed to handle larger matters.

To truly foster collaboration in a distributed law firm, there must be incentives in place from the top of the organization to ensure that attorneys share information and do not get too siloed. Some virtual firms, like FisherBroyles, financially incentivize collaboration with a non-discretionary compensation formula that rewards partners for generating business, sharing work, doing work, managing work they did not generate, and recruiting new partners to the firm. Frequent practice group and regional video conferences and phone calls ensure that attorneys communicate about work matters, but social retreats and in-person networking are also important to make sure that attorneys have a good working relationship and feel comfortable working collaboratively.

Successful collaboration also requires firms to turn their attention towards better document retention and governance practices. A firm can't have one matter team member with all their emails in their Outlook while others are in the document management system, or have multiple processes in place that contradict one another. In addition, firms should not keep too much old data to the point that cloud options become too costly to support. Law firms need to adapt to our new reality by implementing innovative and informed records management systems, retention policies, and business continuity plans so that documents and communications are accessible to those who need them from wherever they may be working.

Technology to Optimize for Distributed Working

The right technology is foundational to facilitate collaboration and increase efficiency. When implementing new technology, the biggest mistake law firm management can

make is undercutting the importance of the technology and focusing on short term gains rather than long term impact. This is because ultimately, the right technology tools will drive more revenue, but only if they are fully and properly implemented by the entire team. Law firms should not view these collaborative tools as short-term solutions for black swan events; rather, they should embrace the technology and ensure that all team members are properly trained on using those tools for the long haul.

There are several categories of essential technology that you should adopt when building out your own remote law firm:

1. **A Document Management System (DMS)** to centralize working copies of key documents, and increase collaboration, like [NetDocuments](#), [iManage](#), [OpenText](#), or [Worldox](#).
2. **Remote video conferencing**, like [Webex](#) or [BlueJeans](#). While some may recommend Zoom, there are some serious security concerns with the application.
3. **Automated email filing and inbox management** across mobile and desktop with [ZERØ](#), which reduces administrative friction and allows lawyers to focus on higher-value tasks.
4. **Time tracking software** that allows users a near friction-less experience for capturing, entering, and billing time, like [Intapp Time](#). Intapp Time even integrates with ZERØ to allow time spent interacting with client emails on a mobile device to be captured and billed for seamlessly.
5. **Conflict clearing software**, like [Intapp Conflicts](#).
6. **Oversight tools**. These can be built into the business model, with non-discretionary billing practices, or other technology that keeps attorneys honest about billing their time and meeting deadlines.
7. **Collaboration tools**, like [Slack](#) and [Microsoft Teams](#).
8. **Remote IT support** to troubleshoot IT

issues for your attorneys.

When evaluating technology solutions for your firm, the following qualities are of utmost importance to fostering a successful distributed working framework:

- **Device-agnostic.** As a general rule, the tools you choose should deliver the same or a very similar experience on a desktop computer, laptop, phone, or tablet.
- **Intuitive for users.** Technology should increase productivity and not result in frustration or lost time. When evaluating technology solutions, law firms should assess the user interface, speed of the application, and how much training it will require for a user to gain mastery.
- **Secure.** Security is one of the top concerns for every law firm. Lawyers deal with highly sensitive information, and firms risk heavy consequences for violating client confidentiality, even if it is the result of a data breach and not an intentional disclosure. Software solutions like ZERO, which uses an [edge computing](#) architecture, leverage on-device AI to provide users with the ability to automate their most mundane and tedious administrative tasks, without ever compromising their data. If deploying cloud-based solutions, law firms should ensure that their internal teams are able to properly assess the risk of each solution, create the most fitting structure for their tech stack, and manage access appropriately.

The Truly Mobile Law Firm

With the widespread availability of remote working and collaboration software for law firms, no lawyer should have his or her productivity adversely affected because of the need to work outside of the office. Hopefully, COVID-19 has been the impetus the legal industry needed to finally implement remote working at a wider scale and change law firm culture to support a distributed working model.

Many law firms are still triaging and trying to patch together remote working frameworks. To go beyond this and become a truly mobile law firm will require radical cultural change. There may be pushback from management or the old guard. Perhaps remote work will need to be scaled out over time, starting with a smaller percentage of attorneys and partners. Office space may be slowly reduced over time, while these adjustments are made gradually. It seems certain, however, that many attorneys will want to continue to be able to work remotely (at least part-time) after the pandemic passes, and that law firms should work now to implement long-term changes to technology and culture to support that shift in workforce.

Apart from remote working, the concept of the mobile law firm goes beyond space. What distinguishes a truly mobile firm from its stagnant peers is the extent to which the firm invests in collaboration, communication, and productivity at every level, including deploying technology and establishing a culture that is conducive to efficiency and employee satisfaction and is not beholden to antiquated workflows and processes.

ZERO is a technology company that offers the only mobile-first AI-powered solutions engineered to help law firms achieve operational excellence. ZERO's applications enable lawyers to be more productive and generate more revenue by automating and streamlining onerous administrative tasks such as email management and mobile time capture. Law firms around the world rely on ZERO to minimize revenue leakage, increase email compliance, and improve the lives of their lawyers. To learn more about how ZERO can help your law firm achieve true mobility, visit zeroapp.ai.