

KATHY HANCOCK is a consultant with Vertex Advisors Group and previously served as the COO/Executive Director for Fennemore Craig for nearly 19 years.

BY KATHY HANCOCK

Long-Term Effects

The Pandemic and Law Firm Culture

COVID-19

COVID-19

“It’s tough to make predictions, especially about the future.” —Yogi Berra

Here at the end of 2020, the COVID-19 pandemic continues to threaten the health and economic well-being of the 7.8 billion people on our planet. The hoped-for summer ebb in the virus turned into a summer resurgence. It was hardly the 2020 anyone expected. As baseball’s legendary Yogi Berra once noted in the quotation opening this article, making predictions can be a foolhardy endeavor.

Earlier expectations of 2020 evaporated when COVID-19 arrived with the virtual global impact of a meteor hitting the atmosphere. Ironically, the environment and climate were about the only things that benefited. It was a remarkable and historic moment when a worldwide pandemic changed the way we lived and worked in a matter of weeks.

The ripple effects of this transformed and historic operating environment are what led me to inquire of a cross-section of Arizona law firms. What they were doing to meet the challenge of the COVID-19 era, I wondered. What accelerated changes in the legal services sector they were seeing?

Though generally perceived as far less inclined toward change than many industries, law firms shifted to a near total remote-work

platform within days. When asked about the longer term implications of staffing matters and making things work in a remote-working context, Leonardo Loo, Phoenix office managing partner for Quarles & Brady, says, “I think we are already hearing of the potential long-term effects of this, as attorneys in particular are finding that they can effectively and efficiently work from home.”

That’s a sentiment that resonates across the legal community.

“When lawyers are forced to be self-sufficient, they can be,” says James Goodnow, managing partner and CEO of Fennemore Craig. “We’ve seen lawyers doing much more on their own. From scanning on their phones to going paperless, COVID has forced fast evolution.”

At the outset of the paradigm shift, the

question loomed as to how successful it would be for staff members. Numerous firm leaders say things have worked well.

“Overall, staff has adjusted extremely well to this new era,” says Matt Feeney, chair of Snell & Wilmer. “Many have even inquired about the possibility of continuing to work remotely at least a portion of their work week once the offices reopen at full capacity.”

Heather Boysel, managing partner at Gammage & Burnham, says, “We have tried to be very accommodating to our staff and their needs and safety, and those efforts seem to be greatly appreciated.”

Although Boysel agrees that staff adjustments went more smoothly than might have been expected, there were challenges. Some of the firm’s staff “are having to take care of children while working, so that’s been one of the larger hurdles. People are working slightly different hours than typical to accommodate some of the realities of the pandemic on their daily lives.”

Indeed, there is near-universal agreement that remote working for lawyers and staff is here to stay. The only question: To what degree?

“Going into the office will never be the same,” Goodnow says. “COVID has sadly hung around long enough that new patterns are emerging, and everyone is learning that the work can be done out of the office. The longer this continues, the more it cements that this is how it will be at least in large part from here on out.”

Goodnow adds, “You will never see as many in-person meetings again.”

Even under normal circumstances, remote work environments require a strong commitment to frequent two-way communication and collaboration supported by technology and effective mentoring and training. Notwithstanding their reputation for remote-friendly working arrangements, tech giants like Google and Microsoft are concluding that remote working has drawbacks, including reduced collaboration and mentoring, as well as diminished team cohesiveness.¹

Similarly, law firms face must determine over the long term how to effectively manage remote work options. In the short term, however, they had to navigate the stress of abrupt changes and uncertainty due to COVID-19 remaining a force to be reckoned with. Snell & Wilmer’s Feeney empha-

sizes the importance of fostering “a sense of continuity, stability and hope despite unnerving disruption.”

“I think this state of constant uncertainty about the future and the challenges around staying connected are the largest issues we’re facing due to COVID,” says Boysel. “People continually wonder ‘when life will go back to normal,’ and not knowing how to plan or how long to plan for a change are frustrating,” she adds.

“I certainly wonder whether there will be offices as we used to think about them post-COVID,” says Lee Stein, a partner at Mitchell, Stein, Carey, Chapman. “I like to work remotely, and I was doing a fair amount, but I think there is real value to sitting down in someone’s office and talking about an issue, walking to get coffee and seeing other lawyers, stuff like that.

Stein continues, “We will certainly be better at remote work after all this, but I



Leonardo Loo



Heather Boysel



James Goodnow



Matt Feeney



Elizabeth Rollings Friman



Lee Stein



Erwin Kratz



The Pandemic and Law Firm Culture

hope we find a way to continue to take advantage of the intangibles of a work atmosphere.”

“From an internal perspective,” Feeney says, “moving to a remote working environment was the easy part. Maintaining and strengthening internal relationships while in a remote environment is more difficult, but the failure to do so can cripple even the strongest service business.”

“The world is dishing up enough surprises.” Feeney continues. “Minimizing surprises within your business leaves your people with one less thing to worry about.”

Among the tools firms employ to stay connected with their team members are virtual town halls, email updates, virtual team meetings, videos, and individual touch-base conversations by phone or Zoom, as well as surveys to assess pain points.

Of primary importance, of course, is the client experience. With the near-total disappearance of in-person contact, client connectivity assumed new dimensions.

Depending upon the clients, the disruption ranged from minimal to massive, and the tools varied from high to low tech. For many lawyers, not much changed. As a real estate lawyer commented, about 95 percent of the work, even pre-COVID, was conducted electronically, with very few in-person meetings. Relative to litigation, lawyers, clients and courts recognized that notwithstanding some challenges, the cost and efficiency gains realized through remote depositions and remote court proceedings were compelling and likely to endure to some extent post-COVID.²

Erwin Kratz, managing partner of ERI-SA Benefits Law, says that his firm has used Zoom since 2016, “but there is a definite uptick in clients’ willingness to substitute Zoom meetings for meetings that previously would have been done in person. Other than that, we collaborate with clients much as we always did—mostly by telephone and email.”

Kratz says that because his firm was already focused on working virtually, the pandemic experience confirmed that “our approach of going virtual and not relying on in-office staff was not only the right way to reduce overhead, but is far more resilient in times of turmoil, like this pandemic.”

In other practices, like estate planning, some of the activities remained very much

hands-on.

Elizabeth Rollings Friman, a partner at Fleming & Curti, an estate planning and elder law firm, found many clients still wanted to meet.

“Not everyone has access to, or is comfortable using a computer, or a video platform to meet with us,” Friman says. After purchasing portable patio furniture, the firm began offering “back-porch appointments,” at the office or even at a client’s home when someone needed to sign an estate plan.

Unfortunately, what started out as several weeks of turmoil is now on track to last through year-end and likely well into 2021. What lies ahead is unknown. Yogi Berra had it right: “The future ain’t what it used to be.”

There is
near-universal
agreement that
remote working for
lawyers and staff is
here to stay.

“I’d say there is far more uncertainty now than ever before in my 20 years practicing,” Kratz says. His answer to the uncertainty: “relentless focus on keeping overhead low, embracing technology and good client service.”

“Anyone who thinks they have all the answers about how to run a law practice during the time of COVID may overlook an opportunity to continue learning as a business owner,” concludes Friman. “We are looking at the challenges posed by COVID as an opportunity to improve our internal systems.”

Facing so many unknowns, Quarles & Brady’s Loo says, “We address uncertainty by planning for various scenarios and making sure that we clearly and regularly communicate our plans, strategy and forecasts to our team.” He knows that this may not eliminate the uncertainty, “but it provides assurances that plans are in place and allows everyone to contribute

toward those goals and plans.”

Increasing efficiency was a priority that many of the firm leaders mentioned.

“At first it was a scramble to get everyone operational with their at-home set-ups,” says Goodnow. “Now it’s about maximizing efficiency. Tech projects that have been in the queue for years are now being accelerated.”

“Although everyone is devastated by the impact of COVID and its health consequences,” Goodnow continues, “from a law firm operations standpoint, it leap-frogged years of working toward change and migrating away from engrained patterns into a short period of time. When everyone has to make a change, there’s no time for debating if a change is needed, finding flaws in how we plan on doing it, or just not wanting to get out of old patterns. When it has to happen—and now—even in a law firm, people can change pretty quickly.”

With all the changes triggered by the pandemic, law firm leaders also see some silver linings.

“People have been more eager to help out with others and work like a team,” says Boysel. “I think at the end of this, we will return stronger than before.”

Feeney agrees.

“Due to the relatively uncertain nature of the pandemic, few absolute certainties exist regarding what the future holds for the legal industry, as even the most respected experts don’t have a clear understanding or agreement on how things will develop in the coming weeks, months, or even years. Most law firms have already begun to pivot and adapt in various ways to address the challenging economic conditions, and we can expect to see a multitude of changes that will continue to cascade throughout the sector, some temporary and some permanent.”

What could those transformations look like?

Feeney says, “These changes include a fresh look at office space requirements, innovative staffing models, new ways of building and maintaining internal and client relationships, and a greater willingness to consider novel approaches to business issues. Ultimately, the market will drive these changes, whether from a talent acquisition perspective or a client service and value perspective.”

On the positive side, the first half of the year was better than law firms expected. Short-term demand across the country did not drop off a cliff as had been feared. But the degree to which the demand for legal services chugs along at current levels—or falls through year-end and beyond—remains an unknown. What transpires in the months ahead is every bit as opaque as Yogi Berra thought it was. [AZ](#)

endnotes

1. Laura Forman, *Google’s remote-work plan isn’t for all*, WALL STREET J., July 29, 2020, at B14; Erin Mulvaney & Paige Smith, *Mass telework sparks debate over lasting work-from-home options*, DAILY LABOR REP., July 14, 2020.
2. Frank Ready, *Keep it virtual: Some hope remote depositions, court hearings continue post-COVID*, Legal Tech News, LAW.COM, June 2, 2020; Nicole Black, *Is the pandemic ushering in a new normal for the legal profession?* ABOVE THE LAW, July 30, 2020; and Lyle Moran, *Will the COVID-19 pandemic fundamentally remake the legal industry?* ABA J., August 1, 2020.