

Building a Resilient Legal Team

Remote Work, Legal Culture, & COVID-19

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COVID-19 has prompted radical behavioral changes that the world has never seen. Efforts to stop the spread of the virus have made it impossible for many businesses to operate while even the fortunate ones that can stay open face supply-chain challenges, a decline in consumer spending and anxious, distracted employees.

It's not yet clear when this crisis will end or even when the worst will be behind us. While different jurisdictions are taking steps to restore some parts of normal society, there will unlikely be a full return to "normal" until there is a permanent, long-term solution to the virus, such as an effective treatment or a vaccine, which experts estimate will likely take at least 18 months to develop.

In this context, it's important for organizations to recognize that change is not an option, it's a necessity. When an institution as resistant to change as the U.S. Supreme Court hears arguments remotely, it's clear that there will be few, if any, exceptions to the post-pandemic reality.

It's up to every organization to think about how it can change its policies, processes and culture to ensure success during and after the pandemic. The key is for organizations to be deliberate in their approach, championing solutions that do not sacrifice any of the key components of organizational success, such as productivity, accountability and employee satisfaction.

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COVID-19 forces radical legal behavior change

The legal industry has a well-earned reputation for being resistant to new technology and new workplace cultural trends. Businesses in other sectors have increasingly championed flexible work hours and telecommuting as a way of reducing costs for employers, expanding the available talent pool and helping employees strike a better work-life balance, but law firms and corporate legal departments are still often wedded to in-person meetings and long, rigid workweeks.

The COVID-19 pandemic, however, has forced the legal world to embrace what it has long-resisted. The Supreme Court, for the first time ever, is hearing arguments remotely. Couriers have been replaced with electronic document exchange systems. Depositions are taking place via video conference. While the pandemic has undoubtedly disrupted the practice of law, it cannot halt it. After all, the law is one of the pillars of the society that the pandemic threatens.

Although these changes have been forced on the legal community as the result of a devastating disease, the good news is that many of the reforms will produce long-term benefits for the legal industry and those it serves. The adoption of remote working strategies will offer companies access to a larger pool of legal talent as well as reduced costs on staffing, travel and office space. Perhaps most importantly, allowing workers greater flexibility will lead to happier and more engaged employees who can deliver better results for their employers and clients.

Workplace Best Practices

The principles of managing a remote workforce are no different than the principles of managing an on-site team. In both cases a manager's goal is to make sure that work is getting done and that those doing the work feel supported enough to do it well. A manager who is able to do that in a traditional work environment should be able to do the same remotely, but there are undoubtedly pitfalls that can trip up the best of them.

Establish consistent communications channels that facilitate discussion

A lot can be accomplished via email, but email exchanges simply don't offer the same potential for back-and-forth dialogue, particularly if the discussion involves more than two people. Team communication platforms like Slack or Teams are much better-suited for group conversation that comes closer to resembling the informal dialogue at the office.



Just like the office, there can be a Slack or Teams channel that everyone is a part of that serves as the equivalent to an all-staff conference as well as small channels only accessible to certain groups of employees based on specialty, project etc. What's important is that managers set clear expectations about where certain information should be shared to minimize communication gaps.

The benefits and limits of video conferencing

Employees don't need to see each other's faces every day, but there is undoubtedly a certain value in speaking to each other face-to-face (even virtually) occasionally. It's best to decide on one video conferencing platform, whether it's Zoom, Blue Jeans, GoToMeeting, WebEx, or Google Hangouts.

There are good reasons to be selective about when to video conference. For one, it may be less convenient or comfortable for remote workers — particularly those who have children at home due to school closures — to sit in front of a camera

than to simply talk to them via phone or an enterprise chat platform. Second, research suggests that people have limits on how much video conferencing they can take. [Multiple studies](#) have shown that people are more likely to find prolonged video interaction to be disjuncting and exhausting.

Respecting flexibility

One of the major advantages of remote working is that it allows employees to strike a balance between their professional and personal obligations. For workers, the focus shifts from putting in hours to producing results, whether or not they take a jog mid-morning or take a break in the afternoon to pick their kid up from school.

The key is to enable this flexibility while setting clear expectations for when teams will be available. Setting clear “service level agreements” is key: A manager could say, for instance, that employees are expected to reply to emails or calls within a half hour. Another might ask them to block a certain amount of the day when they will be reachable by phone or text.

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Remote Legal Services

In recent years a number of key technologies and systems have emerged that allow companies to more easily obtain legal services that have traditionally required in-person interaction or on-site staff.

Remote, flexible legal talent

Contracting with a provider of on-demand legal talent helps companies reduce costs and maintain payroll flexibility without having to sacrifice important legal work. On-demand legal talent can drive legal efficiencies and provide valuable legal expertise, all without long-term contracts or the need for commercial real estate.

The flexible-talent model is built for efficiency. It's designed to accommodate any timeframe for both tactical and strategic legal assignments. Attorneys are able to ramp up and down quickly — and, critically in the time of coronavirus, work remotely without any changes in process. Remote working is business as usual for most of Legility's flexible attorneys, with approximately three-quarters of our talent pool experienced at working offsite.

During this time of coronavirus, there's going to be a need for legal subject-matter-expert bandwidth. With so many workforces suddenly impacted, many in-house departments are likely to be hit with an increased need for employment-law expertise. Healthcare specialization will be in demand as well, as that sector grapples with everything from supply shortages to property management. Universities, retailers, and all subsets of the hospitality

industry will face similar challenges. Flexible talent provides a pathway for general counsels to access specialized attorneys quickly.

Remote forensics & collections

Remote Assisted Collection Kits are an [increasingly common way](#) for forensic examiners to obtain data from devices that cannot be easily accessed in-person. When it's not safe for examiners to go into an office, let alone travel long distances that are often required for discovery, it may be a better bet to use RACKs, which can be mailed to the data custodian and enable the examiner to gain remote access to the computer remotely.

Secure Virtual Managed Review

While in times before coronavirus, many legal document review projects were dependent on large commercial real estate footprints — limiting where and when teams could get work done, innovative providers like Legility have long offered a remote option. Previously viewed as an alternative solution to on-site review, secure remote review is now a critical component to maintaining business continuity for the entire justice system.

Managed document review can be conducted remotely, including through professional services, such as Legility, which can provide experts to securely review legal documents. Legility's Virtual Managed Review includes rigorous security measures to ensure accountability and transparency.

The Long-Term Legal Benefits

Embracing remote work solutions may be a painful decision made out of necessity due to health and economic concerns, but many of the changes are long-overdue and will make legal services better in the long-term.

01 Major cost savings

Good lawyers will never be cheap, but adopting remote work practices can make them far more affordable. Companies that are willing to connect with legal talent remotely will face substantially reduced travel and expense budgets. Remote work also dramatically expands the labor pool, including in lower-cost markets. Not every New York-based organization needs to pay New York rates every time they need legal help. There are excellent attorneys in many lower-cost markets who would be happy to consult with them via video conference or review a document at a much lower rate.

02 Fast ramp times for legal projects

Organizations are increasingly realizing they don't need as large of a full-time legal team. When the team is faced with a major, short-term workload — a new regulation, a lawsuit, or a regulatory investigation — the legal team can quickly ramp up with remote legal assistance and then ramp down once the matter is resolved.

03 Better working environment

There are a variety of ways that allowing workers more flexible work arrangements results in employees who are happier and more productive. For one, it helps employees reduce the stress and cost of balancing their professional and personal obligations, particularly when it comes to caring for children or other family members. Second, when employees work remotely, managers tend to evaluate them based on the work they produce, which reduces the potential for bias. This could be an important step toward diversifying the legal workforce, which has lagged behind other white-collar industries in representation for women and people of color.

Questions to ask to mitigate potential risks:

Security

Legal data is a high-value target for cybercriminals. It's paramount that firms hold their legal providers to the highest security standards. While all providers will claim to take cybersecurity seriously, they need to present convincing evidence in the form of auditable security procedures and protocols around their remote workforce. Legal leaders should look to their IT department for help vetting legal providers with thorough security audits and ask to see their audit reports and certifications.

Processes

Organizations should seek out legal service providers that provide their employees with supportive but accountable work environments. Trustworthy providers are able to point to internal processes that ensure that employees are getting their work done on time and within the budget. For instance, do they have methods, including innovative technology, for assessing the productivity of document reviewers? Do they provide clients with periodic updates on the progress of a project?

People

Finally, a legal provider is only as good as the people on the frontlines. Organizations should make sure that their providers have high recruitment standards and that they thoroughly vet potential hires. What type of background checks do they run? Can they present data on the turnover rate and experience of their employees?

Conclusion

No industry will be entirely immune from the coronavirus and the associated economic downturn. For some organizations, the shock of the sudden change in work practices will be far greater and may prompt a longer adaptation process. Legal departments, many of whom are largely operating in the same manner as three decades ago, certainly have ground to make up when it comes to enabling remote working.

The changes may be painful, but they will not be impossible. Technology and innovative legal services providers have made it easier than ever for even the most tradition-bound organizations to

embrace remote legal work. Leaders who are unfamiliar with remote work arrangements should consult experts within their own organization on how to foster a productive and engaged remote workforce that pushes remote employees to produce while affording them the flexibility and emotional support to cope with a uniquely stressful time.

Most importantly, organizations should not view all of the changes prompted by the pandemic as a short-term fix. Instead, they should approach this moment as a rare opportunity to put in place reforms that will continue to yield benefits long after the crisis ends.

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our innovator clients. Ready to kickoff a project?**

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We transform legal teams by designing best-in-class, seamless legal experiences, driven by strong values and rooted in the world-class technology, strategy, and talent required for operational excellence. Everyone and everything at our company is driven by a core mission of building strong and proactive relationships between lawyers and their clients – whether those clients are internal or external. Our lean, interdisciplinary teams work in close collaboration with our clients, helping them to in turn solve their clients' biggest problems. Our lawyer-centric, data-driven approach focuses on creating a seamless experience across all operational areas – from litigation to risk and compliance, from contract review to case strategy. This unified legal experience results in a much more consistent, impactful, and valuable relationship between legal teams and their clients and business stakeholders.