

THE BIG IDEA



Homework for all

How have law firms handled the process of establishing remote business-as-usual in such unusual times? Richard Brent reports

Of all the findings in our publication's annual flagship piece of research, **Briefing Frontiers Legal IT landscapes 2020**, one of the very simplest data points to analyse could also be considered one of the oddest outcomes.

In the closing moments of 2019, law firm leaders reported they believed 42% of their people then regularly worked from home – but they'd like to see over three-quarters enabled with the technology to do that. The arguments about enabling more flexible working leading to improved engagement, retention, and even productivity, were exceptionally well-rehearsed. So, what on earth was stopping them? It turns out one possible answer was not needing to respond to a situation where the alternative was simply impossible.

Of course, firms had certain agile-working policies and processes in place for years before

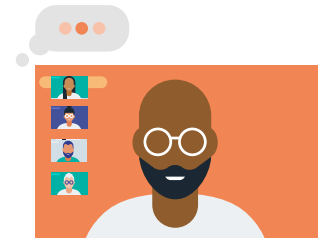
Covid-19. It was not unusual to hear remarks that the trains had become significantly less crowded on a Friday. Many had also gone quite a way down the 'culturally flexible' route – a day or even two working from home likely didn't raise an eyebrow. Perhaps some teams even encouraged it. Office layouts were increasingly designed to make them increasingly 'drop in and out' places. And legal tech on offer was said to be nothing if not 'mobile-friendly', helpful for all those taxis nipping across town to catch up with clients.

Business continuity as usual?

LOD (formerly Lawyers on Demand) has become something of a poster child for any flexible-working revolution in legal that may have been on the horizon until now. Service development director Nigel Rea says it's somewhat fortunate that around half its global workforce of lawyers have been working remotely since it first appeared on the scene as a division of then Berwin Leighton

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Paisner back in 2007. “Teams are also geared for it from the HQ perspective, and it has been a regular fixture of office life. That said, we’ve never had the whole office working from home at any one time. But after some tweaks to operating processes and shifting some of our day-to day meetings – like the office standup to a digital Kanban board – we were good to go.”

But what about firms that have evolved toward agile in the rather more ‘traditional’ way? Nathan Hayes, IT director at Osborne Clarke, says: “We already had the core technology to meet this challenge in place, and the strategy was designed for it to scale up as needed.”

But although pandemics have long been on the outside edge of organisations’ risk registers, it was thought the firm’s business-continuity plan (BCP) was far more likely to be triggered by an extreme weather-related situation, he says.

Damien Behan, IT director at Brodies, adds: “In terms of planning for any pandemic, we’d also focused most on the potential impact of the numbers falling ill. Firms won’t necessarily have workshopped scenarios such as all people being housebound and all the schools shutting.”

And Daniel Pollick, chief information officer at DWF, says: “We already had business continuity plans in place that we were able to action immediately: we use the classic gold-silver-bronze structure for crisis and business continuity management. However, because our BCP did not explicitly consider the closure of absolutely all offices, we needed to revise our plans to manage physical logistics like post handling, and to provide for all staff to work from home.”

Darren Mitchell, chief operating officer at Hogan Lovells, explains: “Most of what’s involved in organisations’ business continuity plans is about how to respond to keep things running in the relatively short term. The playbooks are for weeks of disruption. It’s less about the longer-term consequences in a situation such as this, where so much is outside our ability to control and it’s still

very hard to call the ultimate business impact.

“So, this human tragedy is at the same time turbocharging some things for firms that were happening over a much longer timeframe. Five-year plans for agile working and hotdesking, for example, may have suddenly been sucked into something like a six- or 12-month horizon.”

Remotely possible?

Pollick at DWF says: “We already had a strong culture of agile working, meaning a large percentage of our staff were already able to work from home using a DWF laptop. We extended this remote-working capability through the provision of approximately 300 further laptops, and by providing access to our web-based cloud desktop for several hundred more staff.”

But as firms worked out how they would respond in the face of unknowns, there was also an element of not letting the perfect be the enemy of the good.

Behan says Brodies conducted “trial runs,” and there were frequent reminders to take laptops home before that week of social shutdown arrived.

“Taking action early was a help. We sent PCs out to some colleagues, as that was easier in the immediate short term.” Over 200 people who didn’t already have laptops as part of his earlier agile roll-outs across two offices were offered a way to work remotely, he says.

People at Osborne Clarke without a laptop could also use their own PCs initially, says Hayes. “But that wouldn’t be productive long-term. Locations around the world also have different laptop penetrations, as agile working is more or less common.”

And then there was planning for what people might need over different time horizons. “We couldn’t know whether everyone would be able to access our offices again at the same time.”

Mitchell at Hogan Lovells agrees that acting fast was a crucial factor. “It wasn’t possible to do exactly the same thing for everyone at the drop of

a hat – we had to work through solutions for individuals. We bought some extra laptops ‘off the shelf’, just to get people up and running – and although we ran a series of test days to get people prepared, that’s a simpler exercise for some roles than for others.”

For all there were the additional licences, bandwidth, and extra pressure on backend infrastructure to consider to keep things moving. But then, it was onto the matter of addressing productivity challenges over a sustained period of uncertain duration. Behan says: “For example, people ideally need a comfortable place to sit. The firm isn’t a furniture provider, but we give advice on desk assessment, and of course health and safety. Also, would network firewalls cope with all that extra traffic at the same time?”

Hayes adds: “There was work in terms of thinking about what people really need during this time, such as dual screens or printers. We also needed to ensure we were doing all the correct things from an information-security perspective.”

Indeed, Behan says it’s clear that cybercriminals have already sought to take advantage of a time when people and organisations have so much on their plates, coupled with some likely anxiety. “You can see a surge in phishing attempts, and attacks with domains connected to Covid-19, as well as more misinformation appearing. People are naturally less on their guard at home, so firms need to match that with increased comms and sharing what’s happening. All too often comms can be the first thing to go in a crisis, but they’re the most important thing.”

And perhaps firms will also see good cause here to travel further on their paper-light journeys? Mitchell at Hogan Lovells says: “In the office, people will think nothing of sending something to the printer; you can do a bit of pushing back as to whether they really need one.” Behan adds: “Paper isn’t the enemy, but it should be appreciated that it’s a risk and that people should shred it afterwards if they need to print.”



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Pollick at DWF says document and case management systems were already being used to “ensure a paper-light mode of operation” – and the move to homeworking has certainly magnified the value of those investment decisions. “We increased capacity of our secure VPN to support the increased remote workload, and we also made two other significant investments. We’ve accelerated our rollout of Microsoft Teams to make it available across our business, achieving enormous collaboration and communication benefits, and implemented an incoming post-scanning solution, which automatically routes paper post to systems, and has allowed us to reduce the number of staff who have to attend sites during this period.”

Hayes says: “Priority number one was to ensure that people could operate at all within these constraints. Then there was a second focus – whether we could actually improve certain process and operating arrangements.”

For example, he highlights a surge in demand for the option of e-signing documents. The firm is now providing lawyers training in that. “We’ve been forced to do some things differently, which has helped us to re-evaluate what other improvements might be possible.”

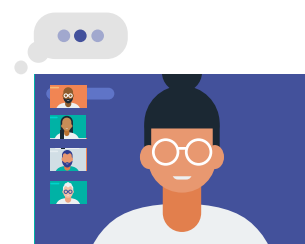
Behan agrees: “Change is now being forced on the legal profession, but it could pave the way for a bigger step change in process digitisation.”

Rea at LOD points out that firms doing certain types of work may find it harder to adapt than others, however. “This will not come naturally to some businesses and they will struggle, especially if handling huge documents, dealing in hard copies, or managing the trickier end of deal completion and signing. All these things feel like legal process problems and we may see this period kickstarting a lot of much needed innovation in our sector. We’re also seeing, and supporting, our in-house clients as they use this period to turbocharge some plans for digital transformation.”

Interestingly, when Rosenblatt (part of RBG

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Nigel Rea, service development director, LOD



Holdings) announced it had postponed the decision on its interim dividend payment in March 2020, it also said the process of moving everyone over to homeworking owed much to the significantly increased investment in IT made since its initial public offering in 2018.

The firm's CEO, Nicola Foulston, explains: “The initial phase saw 100% of staff able to relocate and work from home using either corporate or personal devices, and securely access business systems. A secondary phase improved the homeworking environments of employees by adding additional screens and providing access to better quality printing.”

As part of wider digital transformation plans, she says desktops had already been replaced by a small form factor with dual screens, supporting a “paper-light approach,” and systems, including email, had migrated to the cloud for “greater resilience, performance and security.” A new firewall and VPN concentrator was installed, and remote access secured with “strong dual-factor authentication via a push challenge method to staff mobile devices.”

She continues: “We were already a virtual office environment. Now it's just the same from home.” However, she worries for other firms in her part of the market in this crisis – and beyond – because of some rather more longstanding challenges. “Investment in IT in the legal sector can be atrocious, and there also some very, very poor software choices in the market. Six months ago we decided to bring our IT team in-house because the matter of our practice management system was so difficult to settle. They're cherry-picking from what's available and having to tie it all together for themselves.”

In touch points

Then, have you caught up with colleagues for ‘voffee’, ‘vrunch’ or some jolly after-work ‘vinks down the vub’ yet? All new words we've genuinely encountered (ok, I just made the last

up). The more serious point though: Covid-19 won't only be testing firms' technology choices. Lockdown also calls for all that recent commitment to supporting mental health to be real and visible.

Loneliness is clearly an increasing concern at the moment – and videoconferencing technology can go some way to helping there, as well as being the necessary conduit for aspects of ‘harder’ business to continue of course.

LOD's Rea says: “That cosy home office you've got, you're probably now sharing that with your other half and two hyperactive kids. The other end of the spectrum is a flatshare, where your home office is at the end of your bed or a communal kitchen table. I think the biggest challenge will revolve around ensuring the continued wellbeing of employees – whether that's to do with providing advice on how to set up an ergonomically-effective home workspace, or if you are like me, how to juggle your work responsibilities while home-schooling or caring for family members. Tips on a postcard please.

“Then there's the question of the social advantages working in an office environment provides. Sometimes it can be isolating when you work from home, particularly if you're a person who likes to bounce ideas off people. Law firms could help their staff to establish ‘virtual corridors’ of colleagues to call upon, both for work- and non-work-related advice and conversation. We've done this through a buddy system.”

Hayes at Osborne Clarke says: “The intranet has really come into its own to signpost what's available – guidance on areas such as mental health, as well as training on the technology that's helping to connect people.” Osborne Clarke employees who are perhaps less used to being so ‘agile’ can also have short coaching sessions via Skype. And Brodies has produced bite-size 60-second videos about how to do various things on the collaboration/unified comms front.

Foulston says Rosenblatt has also create video content, published on its intranet using Microsoft Stream. Hogan Lovells has even made video shorts on subjects such as sharing that workplace with your kids.

Cathy Mattis, head of legal operations – client solutions, at Herbert Smith Freehills, says: “We have had feedback from the team that they feel closer to their colleagues now, as we have all taken care to deliberately plan time to feel connected – online face-to-face coffees, virtual team drinks, and chatrooms where we can either connect live or respond at a time that suits us. In our team there’s always someone awake and online somewhere. By planning time online with those with whom you would otherwise share a space, you can recreate the advantages of being in open-plan.”

Her own team is well accustomed to remote-working patterns and processes, she says – several having worked two days a week from home for years – and they also flex their time along global reporting lines. “We arrange remote access to every meeting. Now we can use this experience to support those for whom all this is new – both clients and colleagues.

“We’ve developed certain tricks like using video and microphones only when speaking to maintain quality during online meetings. We get up early to have global team meetings with 60 people that still manage to feel intimate – for large meetings we use a rapid series of planned presentations, with online banter appearing in the chat as we go, and for meetings of fewer than 20, interactive meetings with an agenda. We have also developed online multi-jurisdictional workshop formats with virtual Post-it notes.

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immediate responses to a huge number of individual questions and taking a step back to reflect and decide how best to formulate a response that will work for many.”

Rea at LOD echoes this last point: “I don’t think this is a change management exercise any more. We’ve all changed how we work. Learn from how your teams are working now, ask them about it, and share what’s working and what isn’t. They’ll definitely have very strong views and use this for continuous improvement.”

Lightening the lockdown load

Unsurprisingly, like us at **Briefing**, many of the firms are using Microsoft Teams to address the collaboration challenge. However, Jens Nasstrom, an occupational psychologist and head researcher at the Lawyer Performance Project, says it’s also important to think about how different ‘types’ of people at your firm may react as this unprecedented situation unfolds.

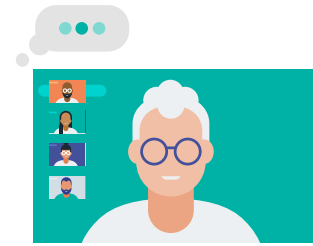
He was recently brought in by international law firm Mannheimer Swartling (main market Sweden). This firm’s managing partner was quick to shut the office even though Sweden was then in a so-called ‘soft lockdown’, and he wanted some research and insight into how his people were adapting.

“Consider the typical talent profile in a law firm – the Type A personality, a perfectionist, working in a high-performance culture. They may be either adaptive or maladaptive, and the latter will be at risk of things like second-guessing themselves with negative self-talk,” says Nasstrom.

He also draws that earlier distinction we heard between the immediate reorientation to homeworking in the first couple of weeks and something more sustainable. After several months there may well be a “demoralisation phase” to this journey that wasn’t necessarily anticipated, he says – when people don’t have close social support

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Karen Battersby, director of knowledge, Freeths



(perhaps neither familial), and there’s a risk they receive less work feedback or time as well. “Leadership may also suffer, but in fact you need to check in with people even more frequently than in the office. Without feedback, it’s harder to adapt,” says Nasstrom. Mannheimer’s managing partner made it a policy point for everyone to receive an email from him every day of the week, with some personal reflections about what was happening as well as important business updates.

There might even be a case for some senior people switching responsibilities for managing, leading, or other duties, based on how they can realistically respond to the people-management pressures, he suggests.

And sharing more usefully and/or frequently is also the domain of the knowledge management expert. With 13 offices around the UK, Freeths director of knowledge Karen Battersby says plenty of her firm’s training activity (among other interactions) have happened by videoconference for a while now. She has even seen the odd positive point flow from the fact that everyone is now logging on from somewhere different. “As we are all seen on the screen as individuals, not in groups, people seem to speak up and contribute more. Knowledge sharing has become more active.”

And although her department’s “flat out” responding to the new guidance coming out all the time – producing up-to-date information, rapidly changing across most practice areas, for fee earners and clients alike – she also made time for her team to feature in new publication ‘FreethsSpirit’: “It’s designed to be a window on how different people at the firm are managing in order to inspire or help others.”

That includes small things like sharing recipe ideas – an idea Hogan Lovells has in fact taken one step further, with a simple photo competition run through a private Instagram account. “That’s a move we probably wouldn’t have considered before coronavirus, and is also a channel for us to hear from colleagues in countries such as China

and Italy about what they’ve already experienced in lockdown. There’s a lot more emphasis on connecting as teams in more creative ways,” says Mitchell.

Pollick says different teams at DWF are setting up their own activities – a Sunday brunch option, particularly aimed at those seeing even fewer faces at the weekend; Friday night drinks of course (with family and pet presence encouraged); and then a #dailyanochallenge to get people smiling about something at least once a day. “The challenge involves taking a picture of something at home you’re proud of. It allows people to converse about something other than work, albeit via Yammer,” he says.

Finally then, what of the suggestion that homeworking on such a scale will be our ‘new normal’? Jens Nasstrom believes it’s unlikely to be quite so dramatic once these next however many months have passed, but he’s optimistic about the outcome. “There will probably be quite some variation in how productive different people can genuinely be. The ‘psychological contract’ involved will be important.”

But if firms get it right, the business of ‘trust’ that may have acted as a break on the transition in better times ought to be released, he says. “People have long wanted the freedom to work from home. Some now won’t want it long-term, but there should be a double-boost to support and satisfaction through the ability to make a more informed choice.”

Rea at LOD has the final word: “As one of my colleagues said to me the other day, ‘I’m really enjoying this. I don’t think you’re going to get me back in the office – except for end-of-week drinks!’” A non-virtual round there, one assumes.

“While we hopefully won’t be trapped in our houses for months on end, there’s a strong chance our working lives will never be the same again. Once we emerge from the cocoon, we might look at that Northern Line commute and decide we’d rather start the day at home with Joe Wicks.” ▴