



**A NATIONAL SURVEY ON THE
NEW NORMAL OF WORKING REMOTELY
Best Practices for Legal Employers
During the COVID-19 Pandemic**

A Special Report from The Red Bee Group LLC™



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As a result of the COVID-19 pandemic, most legal employers throughout the country have asked lawyers, paralegals and staff to work remotely on a full-time basis. Not only is this an unprecedented phenomenon, for the overwhelming majority of lawyers this represents their first experience with working from home full-time. While many law firms have policies that allowed their lawyers to work remotely on a full-time basis before the COVID-19 crisis, only a small percentage of lawyers took advantage of those policies. Senior lawyers rarely worked from home, and many younger lawyers, who may be more interested in opportunities to work from home, perceived that working from home would hinder their advancement opportunities. Moreover, support and administrative staff likely had virtually no experience with or opportunity to work from home before now.

In light of a rapidly evolving response to a global pandemic, legal employers have had to transition everyone, lawyers and staff alike, to full-time remote work almost overnight. Further, there is no way of knowing when this crisis will abate. This massive disruption, however, does not eliminate lawyers' obligations to clients, many of whom have pressing and novel legal issues that are urgent and may threaten their viability. Conversely, many lawyers fear that they will find themselves with less work and reduced compensation as a result of an already evident downturn in the economy, throwing budgets, billable hour requirements, fee generation and collection goals out the window. Indeed, some law firms have already started cutting pay and implementing layoffs.

These pressures and demands are also compounded by other factors. Full-time remote work impacts the personal and social interactions that are such a fundamental aspect of an organization's culture and make work so meaningful – office atmosphere, face-to-face meetings, strategy sessions, coffee break discussions, and lunches with friends and colleagues. Working from home can be not only socially-isolating, it can be particularly difficult for those who are now also trying to homeschool children and taking care of younger children and other family members,

¹ **The Red Bee Group LLC** helps businesses, organizations and law firms achieve their goals for growth and innovation, using data-based strategies with diverse and inclusive solutions. For more about who we are and our unique approach, see www.theredbeegroup.com. The Principals of **The Red Bee Group** for this survey and report include Destiny Peery, Roberta Liebenberg, Stephanie Scharf, Kelly McNamara Corley, Sondra Haley and Anthony Austin.



including aged parents. Further, many are doing all of this from cramped living quarters with a partner who must also work remotely.

As legal professionals navigate this new normal, **The Red Bee Group** wanted to provide the legal profession with information about three core questions:

- 1. How well is the legal profession coping with transitioning large segments of or an entire organization to full-time remote work?**
- 2. How have lawyers, paralegals and administrative personnel been experiencing their adjustment to full-time remote work?**
- 3. What can law firms, legal departments and organizations do to provide support for their employees at all levels?**

To address these questions, we conducted a national online survey to better understand legal employers' remote work policies, particularly those offered in response to COVID-19, and the varied personal experiences legal professionals have had adapting to the COVID-19 crisis, including the availability of information and resources, satisfaction with those resources, and which resources legal professionals find most helpful for adjusting to this new environment.

Survey respondents were recruited by email and social networking sites such as LinkedIn. Between March 23 and March 24, nearly 300 people responded to the survey. While respondents are not a fully representative sample of the entire legal profession, survey participants (and their organizations) represented 34 states and Washington, DC, men and women, lawyers at various levels of seniority, and non-lawyer staff. While the majority of respondents worked in law firms (74%), we also received responses from those working in corporate law departments, non-profit organizations and government agencies, and these organizations varied in size.

Given the variability, the data provides a helpful first impression of how legal professionals are adjusting to the new normal of full-time remote work. Below we provide a discussion of our results, as well as recommendations and best practices for legal employers and legal professionals on how best to adapt to this new environment.

RESULTS

1. By March 24, nearly all respondents reported they were engaging in remote work.

Virtually all respondents (96%) are in workplaces that have announced a COVID-19-related remote work policy as of March 24. It is clear at this point that any organization without such a policy is truly an outlier. Twenty-four percent (24%) of respondents reported that their organizations announced moving to remote work on March 16, the same day that the federal government issued



guidelines for social distancing which included remote work for as many people as possible. But many organizations were ahead of the curve, with 52% of respondents reporting that their organizations moved to remote work prior to March 16.

Along with the move to remote work, a large majority of respondents (76%) worked in organizations that released a remote work protocol. Of that group, 71% of respondents received protocols that addressed cybersecurity. The cybersecurity information is particularly relevant given the importance of considering cybersecurity when moving work off-site, particularly for lawyers and others working with sensitive and often confidential information. And these cybersecurity concerns can be complicated by people working from home, particularly considering the popularity of virtual assistant devices that people keep in their homes but not often in their offices, devices that can record nearly everything said aloud.

Consistent with the timeline for announcing remote work policies, by March 16, most respondents were working remotely most of the time. Between March 16 and March 22, our respondents spent an average of four (4) days working from home, two (2) days at the office, and one (1) day not working. Despite the change in where they're working from, members of the legal profession continue working hard. Almost half of our sample (46%) worked all 7 days between March 16 and March 22. There were no gender differences in average number of days work or the locations of that work.

2. Respondents are largely satisfied with the technical aspects of remote work.

Working remotely can carry technical challenges with respect to accessing all of the materials needed to complete required work. We asked respondents about satisfaction with the basic systems their organizations have provided for working remotely. The results show very high levels of satisfaction with their ability to engage in the core work activities of accessing work files, creating new documents or files, and remote conferencing. On a scale of 1 to 5, with 5 being very satisfied, the average satisfaction with these functions was:

| | |
|----------------------|-----|
| Accessing work files | 4.6 |
| Creating docs/files | 4.6 |
| Remote conferencing | 4.4 |

Overall, 90% of respondents were satisfied (somewhat or very) with the systems provided by their employers for remote work, and only 4% of respondents expressed dissatisfaction with those systems. While these results suggest that many employers are doing well in servicing core work functions for lawyers and staff, there is still room to improve, especially if this becomes a longer-term condition of work rather than a temporary substitute.

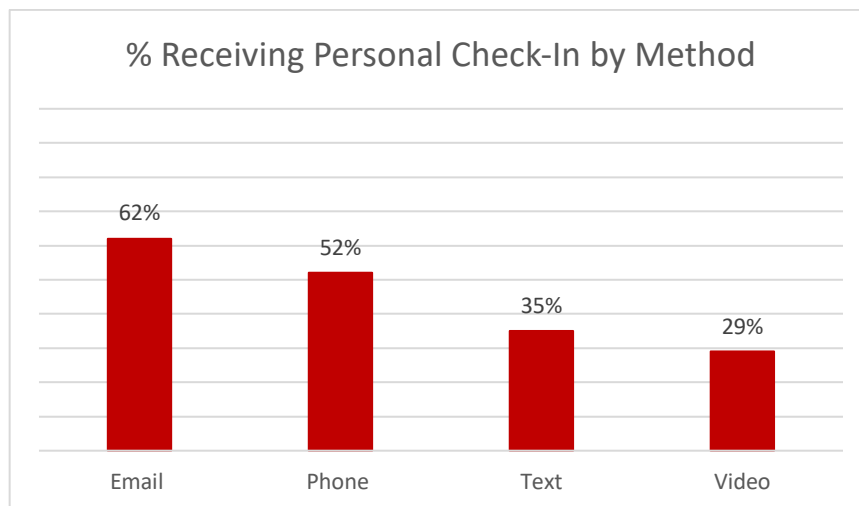


3. Colleagues are finding ways to stay in touch, but more could be done.

Law is a social profession, and teams work better when they have personal connections. For most employees, remote work raises the question, how will teams stay connected? In response to the diffusion of workplaces caused by COVID-19, organizational leaders are reaching out through multiple forms of communication.

Legal organizations seem to be attempting to keep colleagues in touch, with nearly three-quarters of our respondents (74%) participating in conference calls designed for staying in touch with colleagues in response to the in-person meeting constraints created by COVID-19. On average, our respondents' organizations had four (4) such calls between March 16 and March 22. On the other hand, about a quarter of respondents (26%) had not participated in calls with colleagues of this nature. While we do not know the reasons why this group has not had these opportunities to connect, over the long run, employers and their teams will need to find regular ways to connect as a way to stay engaged with work and each other and foster continued positive feelings about work and the organization.

One-on-one contact was less common than group conference calls, but many organization leaders did engage in personal outreach between March 16 and March 22, connecting one on one to see how their colleagues are doing. Over half of our respondents (52%) had received a personal check-in call from a leader or supervisor by telephone; 29% had a personal check-in by video conference; 62% had a personal check-in by email; and 35% had a personal check-in by text message.

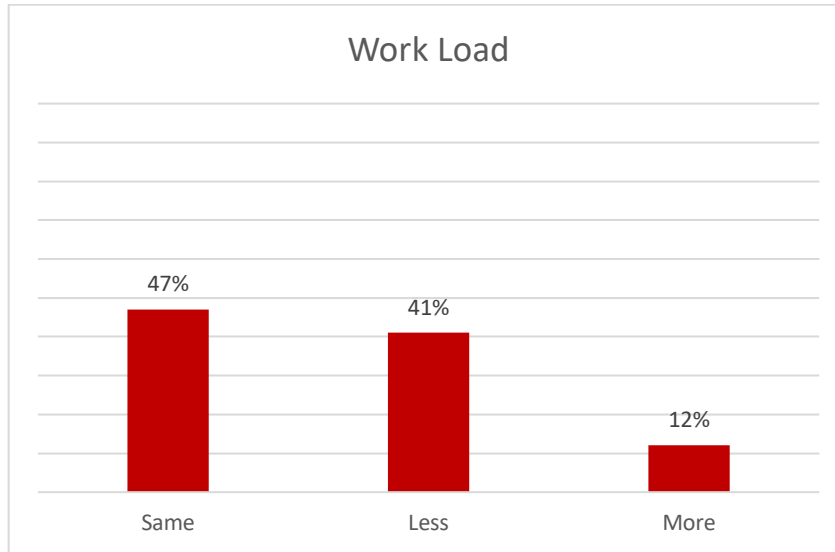


4. For many, the workload is consistent, but there are hints of a downturn.

We have read or heard of concerns about the impact of COVID-19 on work assignments, billable hours and other aspects of work requirements that affect the employer's bottom line. Our results show that many lawyers are continuing to keep busy for now. Nearly half of our respondents (47%) reported they had about the same volume of work assignments as they would otherwise have,



and some respondents (12%) even reported an increase in the volume of work. On the other hand, related to growing concerns for some in the legal profession, 42% of our respondents reported a lower volume of work assignments compared to normal.



While the volume of work is trending lower for many respondents – and as they grapple with the many new challenges created by moving to remote work and otherwise coping with the COVID-19 crisis – nearly all of our respondents continue to face unchanged expectations from their employers about required hours. In law firms, 90% of respondents have seen no reduction in billable hours requirements. In law departments, the picture is the same: 90% of respondents have seen no reduction in required working hours. It will be important to watch how legal employers respond if reductions in available work persists or expands to greater numbers of people in their organizations and the legal profession more broadly.

5. Legal employers are offering some information and resources, but more is needed.

In this unprecedented crisis, some employers are offering information and resources that reach beyond the substance of work product. These include help with childcare, advice about working long hours at home, and information about health, including mental and physical well-being, sick leave and other leave.

We asked respondents to tell us about the information and resources they were receiving regarding adapting to working from home and information about staying safe and healthy in light of COVID-19.



| <u>Category of Information or Resources</u> | <u>% Who Received</u> |
|---|------------------------------|
| Information about health and safety during the COVID-19 outbreak | 72% |
| The availability of sick or other leave to deal with COVID-19's effects on you or your family | 54% |
| Advice on maintaining mental well-being while working from home | 41% |
| Advice about working from home for long periods of time | 36% |
| Advice on maintaining physical well-being while working from home | 34% |
| Managing childcare while working from home | 21% |

Our respondents indicated that they were overall satisfied with the information and support their organizations were providing, with an average rating of 4.3 out of 5, with 5 being very satisfied. Only 7% of respondents reported any dissatisfaction with what has been provided.

Even with high levels of satisfaction with many types of information that organizations are providing, we can still ask how law firms, corporations, and other organizations can better support their lawyers and legal staff working remotely? Respondents saw many areas where organizations could offer better support.

| <u>Category of support</u> | <u>% Agree This Support Needed</u> |
|---|---|
| Improve technical support for remote work | 38% |
| Reduce required billable or working hours | 28% |
| Facilitate better communication with colleagues | 27% |
| Provide more information about how the organization is responding and adapting to the evolving COVID-19 situation | 23% |
| Provide more information about remote work, sick leave, and other relevant policies and procedures | 18% |
| Improve access to help from support staff | 15% |
| Other | 19% |



Note that respondents were most likely to agree that their organizations could better support them by improving technical support for remote working even though, on the whole, they also expressed they were quite satisfied with the available resources for remote work already available. This highlights that legal practitioners perceive that there is room for improvement for organizations providing the infrastructure for remote work, maybe particularly as they imagine this being a longer-term endeavor rather than a temporary, emergency adaptation.

Finally, we asked people about the one thing their legal organization could do that would make working during the COVID-19 pandemic more successful. Generally, the responses broke down into common themes:

- Better (i.e., more consistent, more empathetic, more detailed, more transparent) and more frequent communication, as centralized as possible.
- To feel that their organizations are not prioritizing work over health and safety and to have that expressed by the leaders of the organization.
- Empathy and explicit acknowledgment of the stress and extra burdens of the current situation, especially on families with children.
- Additional resources for working from home, including laptops/computers, printers and other necessary equipment and IT support.

Summary of Results. Taken together, these results highlight two important issues. First, people are feeling pressure to keep working as usual, notwithstanding the highly unusual circumstances and the additional burdens that these new circumstances have created for many. Second, and not surprisingly, there is a need to facilitate better communication with colleagues and across organizations as people adapt to a new normal of a diffuse work environment. Below we provide recommendations for how legal organizations and legal professionals might better support each other while maintaining the high-quality work product during a period of immense disruption.

RECOMMENDATIONS & BEST PRACTICES FOR LEGAL ORGANIZATIONS WORKING REMOTELY

We begin by recommending best practices for all employers in the legal profession, based on what our survey has highlighted about necessary support, resources and ongoing concerns of lawyers and other members of the legal profession.

1. Communicate purposefully, consistently and often. Provide facts that matter right now. Whether you lead a corporate law department, law firm or other legal function, keeping your organization engaged is a critical challenge of remote working. Organizations of all types and sizes need to be transparent about how they are responding to the COVID-19 crisis and their plans for dealing with extended remote working. Regular communications about new and existing policies (such as sick leave, furlough, client reactions, and so on) are crucial to providing



organizational support, and they signal to people that the organization is thinking ahead about questions and concerns at all levels.

Keep the information flowing. Respondents at all levels are wanting information on a broad range of topics related to adjusting their personal and professional lives to the challenges created by the pandemic. Our findings suggest that communication concerning adjustments to remote work is welcome and that more communication is wanted and needed. Our respondents want to hear how their organizations are responding to the COVID-19 situation. They want information about remote work, sick leave, and other relevant policies and procedures. They want information about maintaining their health and safety. They want advice about maintaining mental and physical well-being during prolonged remote work. They want advice on how to manage childcare and the myriad of other family factors that now co-exist, more closely than ever, with their workday responsibilities.

Develop feedback loops and other methods for insuring that leaders are receiving ideas, reactions, and valuable input from their team.

2. Provide good technical and administrative support for remote work.

Organizations need to provide the necessary support that will enable lawyers to get their work done and meet client demands. Especially important are:

Technical support. As a largely in-person workforce moves to working remotely, all sorts of technical help may be needed, and the demand is likely to be greater when people are working from a variety of settings. It should be clear how and from whom that support can be gotten quickly.

Administrative support. Lawyers accustomed to relying on paralegal and administrative personnel to help them complete their work will have the same needs while working remotely. To the extent possible, employers need to ensure that all personnel are working as smoothly as they did before. In addition, organizations should be working to build up the infrastructure to facilitate this work between various levels within the organization.

3. Consider adjustments to workloads. Firms need to become more flexible and accommodating about billable hour requirements, taking into consideration the reality that for many lawyers working from home, it may be difficult to devote a full workday to billable work. This is true not only because of the increased burdens created by the COVID-19 pandemic that has sent millions of people to their homes rather than school or work, but also due to the likelihood of decreasing workloads that may result from an economic contraction.

4. Make it personal. Supervising attorneys, department chairs, and practice group leaders need to reach out to all of their team members. While group calls are important for providing general information, more experienced lawyers and leaders on the team should reach out to junior members to see how they're doing. Many lawyers and staff are quite understandably finding that the always-difficult task of balancing work and family responsibilities is even more



challenging than before, and trying to navigate this balancing is adversely impacting their ability to perform work of the highest quality and on a timely basis. They may be reluctant to admit the need for additional help or accommodation on a large conference call, so personal check-ins offer more private settings for these personal discussions. Inquiring on a one-on-one basis whether there is anything specific the organization could do to help will promote frank and honest feedback that will benefit not only the individual but also the organization as a whole.

Offer help to enhance personal well-being of team members. Organizations should provide a mechanism that enables lawyers who are experiencing feelings of isolation, loneliness, depression or other mental health issues to obtain the counseling they need. Our profession is stressful and taxing even under the best of circumstances, and the current crisis is creating an even greater need to be mindful of the mental well-being of everyone who is confined to their homes for lengthy periods of time. We expect that in the current atmosphere, these feelings of isolation will be exacerbated for all lawyers, regardless of age or experience.

RECOMMENDATIONS & BEST PRACTICES FOR LEGAL PROFESSIONALS WORKING FROM HOME

At the same time that employers must provide necessary support and resources, we urge individual members of the legal profession to also rethink how to “work” and how work responsibilities can be managed with the least amount of personal and family disruption.

1. Set realistic expectations for yourself and others around you. Adjust your goals for what can reasonably be accomplished, especially if you need to supervise children or take care of elderly relatives. Give some leeway as all members of your household navigate their own “new normal” and encourage realistic expectations of yourself and others.

2. Specify responsibilities. If you and your partner are both working, try to divide childcare responsibilities and household tasks in creative ways. Ask children to pitch in so they feel connected to what you are doing. Just as engagement is key for remote working, keeping family engaged can make your workday go more smoothly.

3. Separate work areas and time. Having separate workspaces is particularly true if you have space limitations in your apartment or home. Think about when you are the most productive and plan to use that time to get work done. You will be more productive knowing that you have a window of time to get tasks done.

4. Workable routine. Try to create a daily schedule and routine, just as you did before the pandemic arrived. Tasks and schedules may not be done in the usual way, and the focus is on making things both doable and comfortable.



5. Ask for support. Reach out to your supervising attorney to ask for resources you need to complete your work. Check regularly as to how your workflow or assignments are being managed, and don't hesitate to let them know if your personal circumstances at home are affecting your job performance. If an assignment or task has a specific due date and you expect you may have trouble meeting that deadline, inform your supervisor as soon as possible so you can get help or an extension.

6. Connect with clients. Reach out to clients and be proactive in offering assistance. Make sure you are keeping clients apprised of the progress of any work you are doing for them. Ascertain whether there are specific areas of expertise you have that would be of interest to your client.

7. Self-care. It can't be said enough that you must ensure your physical and mental well-being during this enormously stressful and difficult time. Take steps to promote your resilience. Get exercise. Avoid catastrophizing, sending your thoughts spiraling into worst-case scenarios. Recognize that there are certain things over which you simply have no control. If you find yourself struggling with depression, loneliness, drinking or substance abuse or other mental health problems, don't hesitate to seek out assistance.

These are unprecedented times, with organizations and individuals facing a number of new challenges. At the same time, challenges present opportunities for new approaches to work and personal growth, resilience and creativity. We offer this report as the basis for a discussion at all levels about how both organizations and individuals can do well and support each other through this time of change.

The Red Bee Group stands ready to help leaders in business, law and other organizations implement strategies for organizational growth, talent development, communications and crisis management, and governance. We use data-based strategies for diverse and inclusive solutions. The Red Bee Group's team members welcome your inquiries. Please visit us at www.theredbeegroup.com to learn more about our services and how to contact us.