



LEGAL MARKETPLACE

Practice Innovations: Back to the office, but maybe not for some firms

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As some states give the go-ahead for people to return to work, many law firms are contemplating what this will look like & what changes need to be made.

Real estate giants like Cushman Wakefield have published white papers on what a law firm needs to consider in their “return to work plans.” Indeed, there plenty of helpful resources to offer guidance to firm leaders. As the government is enacting rules, laws, and policies to protect the employer from being sued by employees who get sick or fired for job abandonment, the primary consideration for law firms is how attorneys and staff will be impacted by going back to work in an office.

Law firm leaders I polled indicated that their number one fear is for the safety of their people. W. Scott Schulten of Schulten Ward Turner & Weiss in Atlanta shares the fear “that we could reopen too soon, and risk infection of our staff and attorneys.”

While Michael Delehanty, firm administrator of the Whisler Law Firm in Florida is concerned for “the safety of our employees” especially around “the complete lack of knowledge as to who may be carrying and potentially transmitting the virus.”

Further, there are firm partners like Eric Assouline from Assouline & Berlowe, who say delaying reopening “is preferable to me as opposed to exposing any of the staff or attorneys to the risk.” Clearly, many firms have a culture of care and concern for their people, and this virus has exemplified this attitude.

New plans for office work

During a recent roundtable of law firm administrators that I facilitated, the conversation was around taking temperatures, wearing masks, and what to do with the coffee maker. Administrators are agonizing about social distancing when cubicles are next to each other, long waits for individual elevator rides, and employees who will refuse or cannot come into the office. No matter when a law firm decides to resume in-office operations, it needs to have a plan.

As firms begin working on their plans, they should consider who needs to be at the planning table. In addition to firm leaders, which staff members are critical? The firm’s administrator, technology, office services, and facilities teams should be included as they see the practical workings of the office and can best guide leadership in making decisions about how to handle the return-to-work scenario.

One critical aspect of the plan, of course, is related to social distancing and what that will look like for attorneys, staff, vendors, and clients. Some office buildings are restricting entrance to occupants so deposition witnesses and court reporters may have to continue using video conferencing tools like Zoom; and social distancing rules will allow only a *percentage* of the normal office population to be in the office on any given day.

Roger Barton, managing partner of Barton, LLP in New York, commented that his firm “intends to have a phased return to work. This will involve having less than all of our team on site, and a form of rotation as well.” While this might look good on paper, personnel phased rotation can be confusing and onerous to enforce.

Here are some other plan-formation resources:

- [Cushman & Wakefield’s Plan](#)
- [Metric-Driven Monitoring of Remote Workers](#)
- [OSHA guidelines](#)
- [Testing workers for COVID-19](#)

Over the past 10-plus years, law firms have struggled with whether or not to allow attorneys to work from home. Younger lawyers, who are more adept at remote working, have been vocal advocates. In a recent Managing Partner Forum survey, 90% of managing partners said they believed that working remotely reduces productivity. It is time to measure that reality.

Depending on their practice area and sometimes their age, there are attorneys who are thriving in the new normal of remote work. It is possible that allowing attorneys to continue working remotely will reduce the need for people to be in the office. But is this a good thing?

Each individual law firm, along with their state and city, will decide when to open their doors again. Firm leaders are naturally worried about this very big decision. Holly Pulido, administrator of Gray Becker in Texas, summed it up succinctly, saying that “bringing everyone back into the mix is scary. We are taking serious measures to keep our office from turning into a potential petri dish.”

No one knows what the perfect time will be to return to the office, but we do know it will be far from normal. And no matter when a law firm decides to resume in office operations, it needs to have a plan — for the firms that have not started planning, the time is now.

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