

5 Steps For Law Firms Rethinking Flexible Work Post-COVID

By **Manar Morales** (May 14, 2021)

Prior to March 2020, a number of law firm leaders were skeptical about remote work and very few could have imagined they'd be able to continue their firm operations with nearly everyone working from home. COVID-19 obviously changed that and most firms proved that they could pivot and transition to 100% remote work literally overnight.

The conversations around flexibility have changed as well. In the last 15 years, I've had countless discussions with law firm chairs and CEOs centered on why flexible working options should be offered and why they can be beneficial to firms and corporations.



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Flexibility has always been a business imperative. Now, it's essential. The pressing question is how an organization can implement flexibility so that it becomes an integral part of the firm or corporate culture.

While your firm may have had a flexible working initiative prior to the pandemic, that policy must now be revisited. In fact, my organization's Future of Work Pulse Poll conducted late last year found that 70% of the 27 respondents — most of them BigLaw firms — plan to create or rewrite their flexible working policy post-pandemic.[1]

It's critical that you view flexibility with a completely new lens. Moving forward, flexibility should be a fundamental element of every firm's strategic plan to recruit, retain and advance top talent.

Recreating your flexible working initiative takes time, planning and innovation. It's important to create a future-of-work committee — made up of a diverse group of employees including firm leaders and professionals from information technology, human resources, finance, operations, and diversity and inclusion teams.

This committee should be tasked with spearheading the design and implementation of your flexible working initiative post-pandemic. The committee should lead your firm through the following five-step framework for redesigning your flexible working initiative post-pandemic.

1. Reflect

Begin by reflecting on the past year and reassessing your firm's sense of purpose.

With your firm's mission, vision and values in mind, how do you want the future to be different and how does flexibility help you get there? How has flexibility had a positive impact on recruitment, retention, diversity, productivity and profitability? How do you leverage the lessons learned in 2020 to create the law firm of the future?

Capture in real time how flexibility fits into your overall vision of your firm moving forward.

For example, how have practice groups been able to maintain connection while working from different locations? How have client relationships improved with increased videoconferencing?

Consider the potential increase in the talent pool if you were able to hire remote attorneys from all over the country. Calculate the cost savings from decrease in unwanted attrition, travel, real estate and other expenditures, as well as the increased revenue from boosts in business continuity and employee productivity, engagement and recruitment.

While most firms will create a hybrid approach to flexibility moving forward — where some employees will be in the office while others will be working remotely — the demand for flexibility overall will increase.

Survey attorneys and business professionals or hold focus groups to identify gaps in support systems and gather insights into challenges that should be addressed prior to creating your new flexible working initiative. Take the time now to gather data and prepare to build an infrastructure to support your new flex initiative.

As you reflect on lessons learned during the pandemic, make sure you are gathering insights from attorneys and business professionals from different practice groups, offices and levels of seniority. With a little ingenuity, most firms have been able to accommodate remote work for almost all positions during the pandemic.

While remote working is not always ideal for all positions, it's important for all attorneys and business professionals to be offered some type of flexibility. Think outside the box and consider all types of holistic flexibility, such as asynchronous schedules, job sharing, reduced hours and compressed workweeks.

Perform an audit on all positions within your firm and identify potential flexible working options. While flexibility will look different for different positions, it's important for everyone to benefit from flexibility in the workplace of the future. This will have a powerful impact on your ability to recruit, retain and advance top talent.

2. Reimagine

As with any other firm imperative, your new flexible working initiative must be grounded in a sense of purpose, profitability and leadership support. Reimagine your initiative so that it benefits the firm, your employees, your leadership and your clients.

When reimagining your flex initiative, you'll need to make sure you first gain support from firm leadership or your executive committee and solicit feedback. It will be important to hear and mitigate concerns raised, and then to demonstrate the overriding benefit of the initiative and your shared vision of flexibility.

A multilayered communication plan should be created to educate all departments and employees about the flex policy and the business case for it.

Some firm leaders may express fears of losing one of the five C's — control, contribution, connection, community and culture. While these fears could become reality if left unchecked, they can all be avoided by intentionally building strategies and infrastructure to meet your firm's unique goals.

In my experience, some firms have reported that they have been able to maintain culture during the pandemic through Zoom get-togethers. One firm leader suggested that her relationship with a client had actually improved due to increased communication via Zoom. Another firm created a system for scheduling informal virtual coffee chats between partners and associates to maintain opportunities for networking and mentoring during the

pandemic.

3. Recalibrate

An integral part of recalibrating your flexible working initiative is the development of a comprehensive, formal written policy that ensures consistency throughout your firm. A formal policy helps to solidify expectations and boundaries and avoids resentment in a leader-specific culture, where only certain practice groups with supportive leaders feel comfortable using the policy.

When writing your new policy, it's important to prepare for and document its implications on real estate, talent recruitment and management, client relations, business development, diversity and inclusion, profitability, and productivity. This is where your future-of-work committee provides an important role.

The committee will also need to ensure that the firm is offering all types of holistic flexible working options — reduced hours, telecommuting, flextime, job sharing, compressed workweeks and sabbatical programs.

When recalibrating your new flexible working initiative, make sure to include written guidelines on boundaries. Additionally, employees should be encouraged to take vacation time to sustain a long-term commitment to their jobs. It's important for attorneys and business professionals to understand that the firm supports taking time off to refuel and unplug.

4. Recommit

Once you have recalibrated and rewritten your new flexible working policy, it's critical that you create an infrastructure that supports it. It's helpful to identify someone who is responsible for ensuring that the initiative has financial, technological, communications, human resources and training support.

To successfully transition to a hybrid workforce, you'll need to recommit your infrastructure, from one that was originally created for a culture where everyone was working under one roof, to one that meets the needs of a hybrid workforce.

Make sure that you provide management and bias training for all employees — including those working remotely as well as those supervising remote teams. It's also important to provide resources, such as technology, home office equipment and coaching services, to help support your employees.

With hybrid work environments, it's even more important to be intentional about creating culture. Strategies and systems must be developed that maintain communication, collaboration, networking, mentorship and teamwork while working with a hybrid team.

For example, if half of your employees are in the office and half are remote, you might consider continuing to hold meetings via Zoom to avoid giving those in the office an unfair advantage.

A recent Harvard Business School Online survey found that 81% of professionals would prefer not to go back to the office at all or would prefer a hybrid schedule moving forward.[2] So when the time comes for attorneys and business professionals to return to the office — at least part of the time — they are going to need a return on experience.

By creating a plan for a positive, collaborative experience when employees return to the office you will ensure a continued culture of community and connection post-pandemic. Perhaps this means larger conference rooms or new technology that improves communication and collaboration. Your space should encourage connection and community while in the office, and allow for independent work when employees are working remotely.

5. Reinforce

Over time, you will need to regularly track and measure the success of your flexible working initiative. Rather than assuming your flex policy is leading to desired results, it's important to monitor what's working, what needs to be fixed, and the connection between flexibility and business benefits, such as recruitment, retention, diversity, productivity and profitability.

Keep track of who is working remotely and who is returning to the office. Make sure that your work allocation system is intentional and equally assigns projects to all associates, including those working remotely.

Also, be sure to pay attention to how performance evaluations may be affected due to flexible working schedules. Your attorneys and business professionals should be evaluated on the quality of their work and not the number of hours spent in the office.

It's also critical that you understand the challenges that all attorneys and business professionals from all backgrounds are facing post-pandemic. Is flexibility disproportionately affecting professionals from underrepresented groups and is bias creeping into the equation? It's also critical to understand the different challenges faced by men and women in regard to child care.

Ultimately it will be the firms that embrace flexibility and evolve to meet the needs of a hybrid workforce that will emerge from the pandemic as industry leaders. The future of work demands a change in law firm culture and provides for endless opportunities for innovation and profitability. Now is the time to seize these opportunities and renew your firm's flexible working initiative.

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[1] <https://dfalliance.com/research/>.

[2] https://online.hbs.edu/Documents/work_from_home_infographic.pdf.