Free Range® LAWYERS

Remote working success for law firms

Remote working is on the rise and that includes within law firms. Free Range Lawyers is part of this movement: we match remote working lawyers with law firms looking to fulfill temporary assignments. In doing so, we've gained plenty of practical insights into what works and what doesn't. Here's our guide to remote working success for law firms.

Pioneering remote working in the law

Katherine Thomas

CEO, Free Range Lawyers

Here at Free Range Lawyers, we make no secret of the fact that we're fans of remote working. We see it as fundamental to the future of work, alongside more traditional offices and collaboration spaces. Why? Because remote working offers unique benefits. It provides competitive advantage through reducing overheads, accessing talent that office-only approaches can't reach, increasing agility and providing a humane way to deliver services '24/7'. It diminishes reliance on offices and commutes, lowering energy consumption and carbon emissions. It democratises access to quality work and energizes rural, remote and suburban regions. It provides individuals with greater control over their day, supporting communities and family life as well as increasing personal wellbeing.

Yet there is a dichotomy at the heart of remote working in 2020. On the one hand, it's not such a strange concept to most of us: anyone who has ever conducted a matter over email or phone has worked remotely. On the other hand, it's more complex than simply taking a laptop home and logging-on: working remotely regularly, or at scale, requires purposeful action to maximise effectiveness.

We created this guide to help law firms take that purposeful action: to put in place the things we know make remote working a success. And we have a lot to share: through placing remote freelancers with law firms and consulting to businesses adopting remote working, we have learned a lot about what's effective and what isn't. So here is our guide to remote working success for law firms.

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Create routine

The office and the rhythm of the daily commute provide a routine, whether you like it or not. Working away from the office removes these structures and one of the benefits of this is having greater control over your own time. However, it requires discipline to realize these benefits, so:

- actively implement new working structures yourself
- in liaison with the rest of the team, establish your working hours.....and then stick to them
- create breaks in your day. Don't be like one of our Free Range Founders who once developed swollen ankles simply from sitting at her desk without moving!
- avoid procrastination by setting yourself time slots within which you will work solidly to achieve goals
- actively manage your time. Review your schedule and allocate slots for deep, focused work and other periods for more shallow tasks
- create a separate space to work. Ideally, this will be a home office or spare room. If you don't have a separate space, consider working outside the home, at a co-working space or local library. The ideal is not to work where you rest.

Manage focus, not time

This concept originally appeared in a 2007 HBR article by Schwartz and McCarthy entitled "Manage your energy, not your time". The main thread of the argument is that management of energy levels, not time, is the key to productivity.

We go one step further to suggest you identify not only when you have the most energy but also when, as a result, you're most likely to be focused.

Bailey Bosch from Remotestar Consulting says *"Look at when you have concentration, energy and motivation. Try to schedule your work activity to fall within those periods and, if you can, don't work at times you know you are unproductive. Instead of managing your time, manage your work to fit your energy and focus levels."*

Over-communicate

As the credo of Automattic, the company behind Wordpress says, communication is oxygen for a distributed company. Without the non-verbal cues offered by physical presence, remote working requires more frequent, more explicit and more deliberate communication, so:

- check-in with colleagues regularly and, if necessary, schedule reminders to do it

- don't assume your colleagues know what you're working on – tell them

- don't assume your manager knows what you need – ask them

- be deliberate in your choice of communication channel, choosing videoconference, phone call, email or instant message depending on what's appropriate

- if in doubt, communicate.

"I'm pretty experienced at remote working now and I've learned that no question is a stupid question. I make sure I get a clear brief and I ask questions until I'm comfortable that I know what is expected of me"

Free Range Lawyer

Think tangibles

Compared to an in-office presence, the intangibility of remote work provides clients and colleagues with fewer clues to your persona and professionalism. In a remote working context, 'moments of truth' - when someone interacts with a person, product or service to form or change an impression about them – are different and fewer. So, when working remotely, it matters more that you:

- do what you say you'll do

- communicate appropriately

- attend meetings on time

- use technology efficiently

- are present and attentive on videoconference.

It matters *more*, because these are the *only* moments of truth available.

Ignorance before malice

Hanlon's razor suggests that where unusual human behaviours are unlikely to provide an explanation for a situation, they should be eliminated first.

Over time, this has been taken to mean that we should assume ignorance (most likely) before malice (least likely). It's worth bearing this in mind when working with others, remotely or not.

Adopt keystone behaviours

Through using psychometric assessments before we place remote working lawyers in law firms, we've developed a comprehensive picture of the behaviours that are relevant to being an effective remote worker. They are:

- doing: a propensity to action, a drive to get things done, able to complete tasks, self-motivation, meeting deadlines, avoiding procrastination

- influencing: communicating effectively, developing positive relationships and building rapport

- managing: able to manage one's own emotions to stay on track, able to self-critique and improve, able to manage tasks effectively.

If you have these qualities, capitalize on them while working remotely. If you're lacking in one area or another, as most of us are, acknowledge that and implement your own tactics to make incremental improvements or ask for support or advice from colleagues.

Trust

Remote working relies on trust.

If you're reading this and you don't trust your team to work where you can't see them, you've got bigger issues than we're discussing here. We suggest you figure those out first.

"When I worked at my previous firm, it amazed me that the partner trusted me to draft a business-critical and complex contract, but didn't trust me to work where they couldn't see me"

A Free Range Lawyer

Challenge tradition

It's likely that you philosophically and intellectually understand that the way things are is not the way they have always been and is not the way they always will be. It's also likely that, day-to-day, you feel quite the opposite: as though this is 'it' and that nothing else came before or after. These day-to-day, default beliefs and feelings are important because they drive your actions and your decisions and, more likely than not, continuously lead you along the path of least change.

Time for a history lesson. The word 'office' comes from the Latin 'officium', which meant, not a place, but an individual or group who were a kind of mobile bureaucracy that wrote government letters and recorded laws. As more and more was recorded on parchment, the concept of libraries started to develop and the office settled into the library, a convenient place to work because parchments, needed for reference, were stored there. Move on a few centuries and, with the development of more complex organizations like the East India Company, you start to see the beginnings of the concept of office we might recognize now. Move closer to the present day and you see the Time and Motion studies and clocking in-and-out so characteristic of workplace productivity studies. Then came private offices, then came open plan working, then came activity based working.

Then came paperless, cloud-based working.......

"Workplaces are buried in unquestioned and unproven traditions"

Scott Berkun, Author of 'A Year Without Pants': Wordpress.com and the Future of Work

Workplaces constantly change in response to new technologies, altered economics and social and demographic trends. Remote working is just one example of this.

So, challenge the assumptions you and your firm make about work, to create room for experimentation and diverse approaches.

Provide clarity and structure

It's true that to manage a remote team effectively, you need to double-down on what we already know is good business practice: define, express and share goals, communicate in a clear and structured way, create well-delineated teams, define tasks closely, articulate outcomes intelligibly. And isn't that wonderful, because all of these practices are essential components of effective project management, which we know is fundamental to the delivery of legal services in 2020.

Leaders of successful remote-working teams set-out the rhythm of the team and follow it. If they decide on weekly update meetings, they do them. Every week. Without fail. If they decide on daily updates in their project plan or Trello Board, they make sure they're one of the first to submit.

You see, all of us – every single one - is like a child who tests the boundaries to see how far we can push them. If the first boundary falls over, we move on to the next one and then the next, until there are no boundaries left and structure has gone by the wayside. Structure and rhythm is vital to remote work and it is your job as a leader to provide that through continual reinforcement of the message through your actions.

> "Only good processes keep politics at bay"
>
> Scott Berkun, Author of 'A Year Without Pants': Wordpress.com and the Future of Work

If you're interested in different ways of providing clarity and structure within a remote team, take a look at the interesting way Jeff Bezos approaches his team rhythm, or the operational flow of fully remote software company Zapier.

Communicate often

In the 1990's, Dr Larry Richards' undertook a piece of seminal work on lawyer personality traits. The results were stark, with lawyers exhibiting high levels of autonomy and skepticism with low levels of resilience and sociability when compared to the general population (90% of all lawyers tested, for example, ranked in the lowest 30% for resilience when compared to the general population). These traits create a challenging context for remote working: a group of people who are more inclined to prefer remote work due to its perceived autonomy, yet who are less equipped to handle it due to low average levels of sociability and resilience.

The key for leaders is to address this through frequent, responsive and clear communication that provides opportunities for professional feedback and personal connection. So:

● answer the phone whenever you can and when you can't, call back asap
● check-in with team members regularly without having a specific agenda and, if necessary, schedule reminders to do it
● don't assume colleagues interpret your message the way you intend – check their understanding
● be deliberate in your choice of communication channel, choosing videoconference, phone call, email or instant message depending on what's appropriate
● be mindful of when you communicate and avoid out-of-hours wherever possible
● make time for one-on-one catch-ups as well as team communication
● if in doubt, communicate.
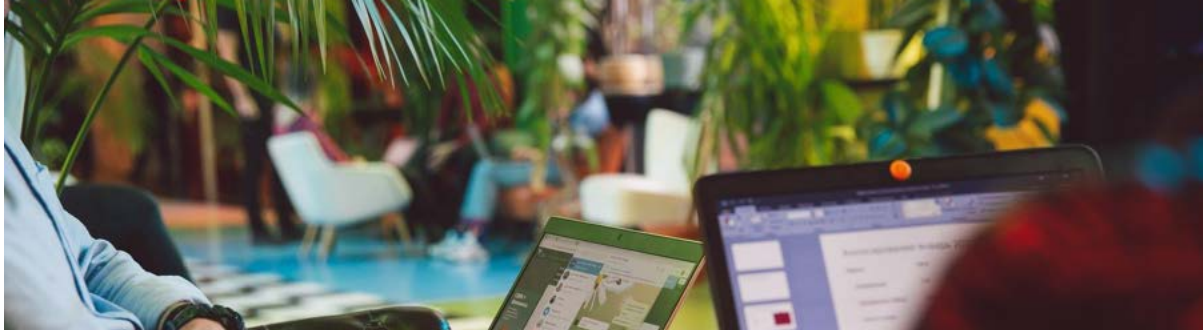
Don't leave culture to chance

If there's one criticism of remote working that we hear above all else, is that remote workers can feel lonely and detached. No-where is an actively managed culture needed more than in a remote working team, so don't leave it to chance. As a leader, you set the tone, so:

- give your team members not only permission, but also encouragement to stay in regular contact, both from a work and social perspective. For example, leaving phone or videoconference lines open for 10 minutes after a meeting is a simple, but effective way to encourage colleagues to connect

- lead a regular social event. This could be something as simple as a 'Friday coffee catch-up' by videoconference where everyone promises not to talk about work

> *"Laughter is the shortest distance between two people"*
>
> *Victor Borge*

- create a buddy system where different team members pair-up for social catch-ups for, say, four weeks and then move on to a new buddy

- bond the team in your own meaningful and unique way. Shared stories and phrases can be powerful. For example, early on in Free Range Lawyers' life, we coined a simple phrase: 'YIFAF' – 'yours in freedom and flexibility' – which we use to sign off our communications to one another. This small, simple act provides a shared experience and binds us together as a team every day.

> A study by Schioff, Ashforth and Corley discussed in the Harvard Business Review in November 2019 found that remote workers bond best with each other when they feel they have 'cadence'. They say that they *"feel like they have cadence with a coworker when they understand who that person is and can predict how they will interact with them"*.

As a leader, it's your role to create and support a culture that allows that cadence to develop.

Democratise leadership

Professor Steve Kozlowski of Michigan State University undertook a study of optimum remote working leadership structures in 2014 and found that shared leadership, rather than traditional hierarchies (so prevalent in law firms), resulted in better remote working outcomes. He said *"As teams become more virtual, it may not be possible for a single person to direct an entire project. In these cases, leadership functions need to be shifted to the team itself, so members with specific expertise can drive problem-solving in various areas"*.

This will take different forms depending on the teams you are leading but, consider for example, who might support your leadership by operating in these roles:

- Project Manager
- Technology Champion
- Social and Culture Officer

In this way, remote working provides a wonderful opportunity to provide team members with opportunities to extend their skills and knowledge: use it to your advantage.

Leverage time arbitrage

Whether you're working remotely with colleagues in another timezone or you're collaborating with a colleague down the road who has a different focus time to you, there are numerous business benefits to the time arbitrage offered by working remotely. A 2018 Thomson Reuters report 'Standing out from the Crowd' asked a large number of GCs about the factors they considered when deciding which law firm to instruct. 'Responsiveness' emerged as the most important factor. Remote working, with its inherent flexibility, offers the ability to achieve greater responsiveness by staggering colleagues' working days according to the hours that suit them and tag-teaming the production of key documents around the clock, so work is turned around more quickly than competitors' using the standard '9 to 5'.

> *"What's great about working remotely is the fact that you have more control over your day, so I work around my deadlines and scheduled meetings to operate when I know I work best and I think the law firm likes it because they can give me work before they go home and come back the next day to see the next draft from me waiting for them."*
>
> Free Range Lawyers

> *"I can't tell you how useful it has been to set [the Free Range lawyer] on a task and know it will be done and then to pass that on to the client who is so impressed with our responsiveness"*
>
> Australian boutique firm, client of Free Range Lawyers

So consider how you might organise your team's working structures to allow for time arbitrage while simultaneously accommodating different personal schedules and focus times.

Our guide to remote working success - a **business perspective**:
- update contracts
- create policies and procedures
- optimise the technology
- update skills
- prioritise practicalities
- manage the change.

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Update contracts

Many employment and consultancy contracts were written at a time when everyone worked in-office and have not been updated since. It's not unusual to find clauses that simply assume a physical presence and therefore are unable to be fulfilled by remote workers.

If you're embarking on remote work within your business, make sure your contracts are up to date. Ask employment lawyer colleagues to review your firm's contracts in light of remote working. Alternatively, speak to a specialist such as Emma Heuston of The Remote Expert who is a lawyer with specific expertise in remote working for professional services.

Policies and procedures

82% of Fortune Magazine's 100 Best Companies to Work For have remote working policies in place which suggests that a) remote working is common at successful companies and b) they codify their approach so that everyone is clear about what is expected.

Policies are rules or guidelines; procedures are specific steps to put those guidelines into action. If your firm already has remote working policies and procedures to address ad-hoc arrangements, it's worth checking that they are fit-for-purpose and address all eventualities such as large-scale remote working for business continuity.

If you haven't got policies and procedures in place, now's the time to create them. Precedents for remote working policies and procedures are easily accessible on the internet, but the best are tailored to each firm's particular business model and culture. Emma Heuston of The Remote Expert can help firms craft documentation that suits their particular needs.

Your policies and procedures need to address a myriad of issues such as compliance (firms have obligations under the Occupational Health and Safety Act 2004 and Occupational Health and Safety Regulations 2017), security, working processes and cultural expectations. They will also need to support the firm's duties and commitments to its clients and other stakeholders around issues such as security and confidentiality.

You might find it helps to implement two levels of policy and procedure: one firmwide and another at a more granular, team level. Firmwide policies will establish expectations around technology usage, for example, while team policies will cover more detailed issues such as meeting attendance and email communication. When preparing policies and procedures, clarity and explicit communication is best, so 'if in doubt, say it'. For example, firms that want an entire team to be available during certain core hours should say so and be clear about what those hours are. Similarly, firms that are happy for their people to set their own working day according to optimum levels of focus should make this clear, setting unambiguous expectations around communication and availability within that framework.

Optimise the technology

Most law firms now have the technology infrastructure in place to allow people to work from anywhere, but it still pays to regularly review things to ensure that software is up-to-date and as secure as possible.

Many firms will have remote working tools already built into their IT infrastructure. Others will deploy some of the myriad of cloud-based technologies out there. What's valuable will differ from business to business. Here are Free Range Lawyers' top five:

Zoom: We can't imagine a life without zoom now. Easy, reliable videoconferencing, with screen sharing, meeting recording (with attendees' permission) and breakout rooms without the need to upload any software. It has revolutionized the way we work!

Google Docs: A great tool for collaboration on documents. It allows multiple users to simultaneously share and edit documents, spreadsheets and presentations from anywhere, using any device. If you

Stormboard: A way to team brainstorm using virtual post-it notes. We've used this to do design-thinking workshops across three continents, very effectively.

Docusign: Regularly saves time on the back-and-forth of document execution.

Trello: A handy way to manage a project virtually, Trello enables teams to discuss tasks and projects in real time and keep individuals up to speed with activity logs and email notifications.

Doist, the fully-remote company behind collaboration technologies such as Todoist and Twist, have a neat security checklist for remote workers which you may find helpful.

Update skills

Whether or not you have been working 'Free Range' for a while, there will undoubtedly be considerable variation between colleagues' experience with remote working. To some it will be like a second language but to others, it will feel strange. This means it is always relevant to refresh and upskill on new ways of working, technologies, policies and procedures and security arrangements. One of the biggest frustrations with remote working as well as one of the biggest excuses used for inefficiency, is 'the tech didn't work'. However, the vast majority of the time, the issue is user, not technology error and the route to resolution is quick.

Consider ways to help colleagues be self-sufficient with their trouble-shooting by offering a remote-specific helpdesk hotline, self-help guides or short 'how to' videos. Larger firms might also find it useful to appoint a 'remote technology champion' within each team: someone others can phone for a quick view when they get stuck. One of the great things about remote working is that it reduces 'learned helplessness' around technology and encourages individuals to become more aware, responsible and self-sufficient.

There is a lot to learn about remote working outside the realm of technology. For example, behaviours need to adapt to suit this new operating model. As Dr Larry Richards' seminal study into lawyer traits suggests, lawyers, as a group, are well suited to remote working, as most prefer a high degree of autonomy. However, most lawyers also exhibit low levels of resilience and sociability, which can affect their psychological wellbeing and communication levels when operating outside the office. Managers and leaders shouldn't assume that lawyers will understand how to manage themselves when working remotely: instead, they should help them develop strategies to counterbalance their natural tendencies towards low resilience and low sociability. HR and learning and development professionals have a key role to play here, in working with law firm leaders to develop these development opportunities.

Prioritise practicalities

As with any new approach to work, there are some practical considerations which can scupper productivity but which are easy to overlook.

First, colleagues need to work in a suitable environment. A dedicated home office is usually the ideal. However, not everyone has this facility, so in these instances, consider paying an allowance for colleagues to use alternative working spaces. Basecamp, for example, pays its remote working employees a stipend to operate from a co-working space if required.

Second, it's worth establishing clear guidelines for colleagues working from co-working spaces or working while travelling. There is no reason why client and professional obligations can't be met in these cases, but it does require an additional level of consciousness around security and confidentiality of information as well as the conscious establishment of habits to avoid human error.

Next, the right hardware is also important. Most firms provide their people with a laptop and phone, but other equipment, like a printer, or a second screen may not be available. Consider how to ensure that everyone has access to the equipment they need.

Manage the change

At a conference we attended a few years ago, Caryn Sandler, Partner and Chief Knowledge and Innovation Officer at Gilbert + Tobin, talked about "the pain of adoption": the fact that any change, however significant, involves a degree of pain, which shouldn't be underestimated and should be embraced as a necessary part of the process of moving forward.

Implementing remote working, whether within some or all of your business and whether full-time or part-time, requires change management. The Kübler-Ross change curve is a well known framework for understanding the natural process of change and how professionals can guide colleagues through it.

Consider how your firm can engage the skills of Learning and development, HR, innovation and change management professionals to guide colleagues through the process of change as effectively as possible.

The Kübler-Ross change curve
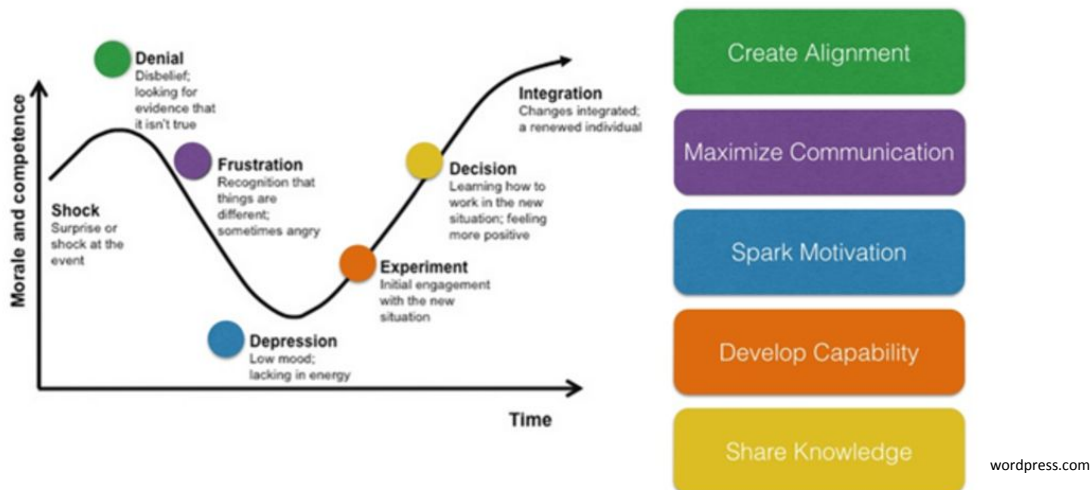
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Free Range Lawyers matches remote working **freelance** lawyers with law firms looking to flex their resource.

We also **consult** to firms on ways to establish or develop remote working within their organization.

For more information, take a look at www.freerangelawyers.com