The Ultimate Guide to Remote Legal Work
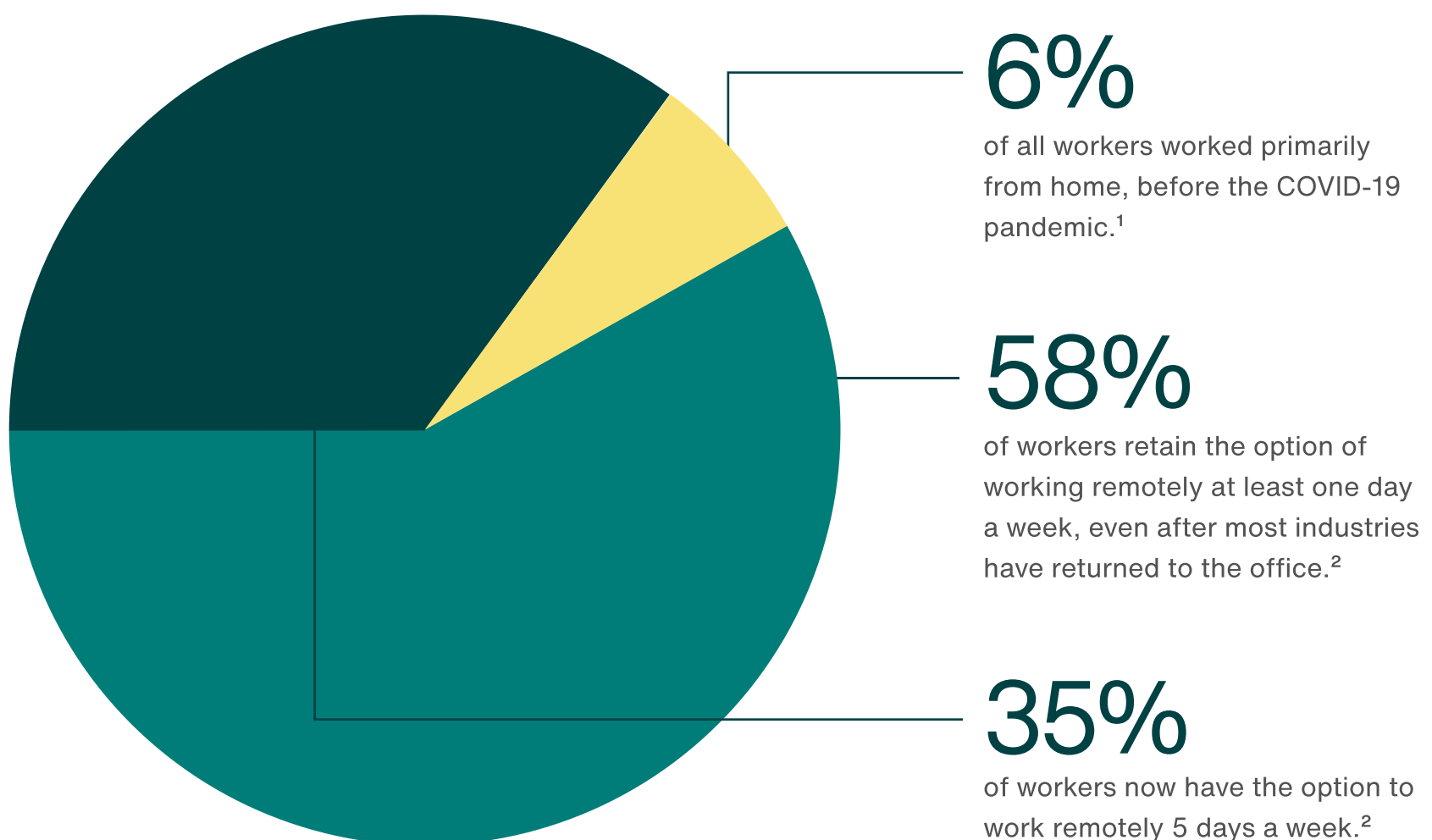
EBOOK

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The Case for Remote Legal Work

A global pandemic pushed us into radically different work practices. While many are grateful to return to a sense of normalcy, some of our old routines now feel out-dated and unnecessary.

The crisis put the legal industry on the fast-track toward workplace innovation, showing us new ways to serve our clients outside of our traditional practices. Remote work rose from a niche arrangement to an accepted option across all economic sectors.

6%
of all workers worked primarily from home, before the COVID-19 pandemic.[1]

58%
of workers retain the option of working remotely at least one day a week, even after most industries have returned to the office.[2]

35%
of workers now have the option to work remotely 5 days a week.[2]

The trend has proven popular as well in the legal industry. Legal professionals are adopting new, flexible ways of working, redesigning the workplace to better meet the needs of clients, lawyers, and staff.

79% of Am Law 200 firms expect "all or most" of their workforce to be eligible for a hybrid remote environment.[3]

79%
expect hybrid remote
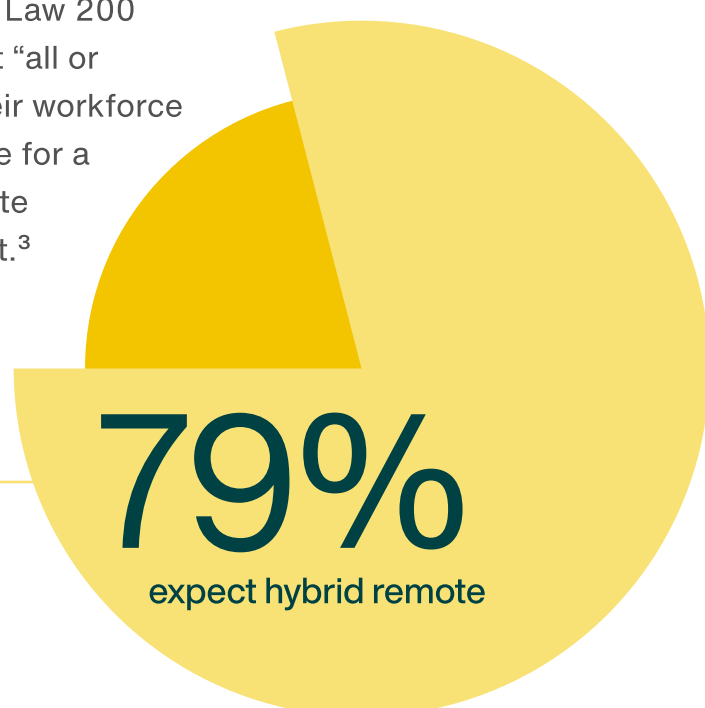
83% of workers want to work remotely at least some of the time.[4]

83%
want remote option
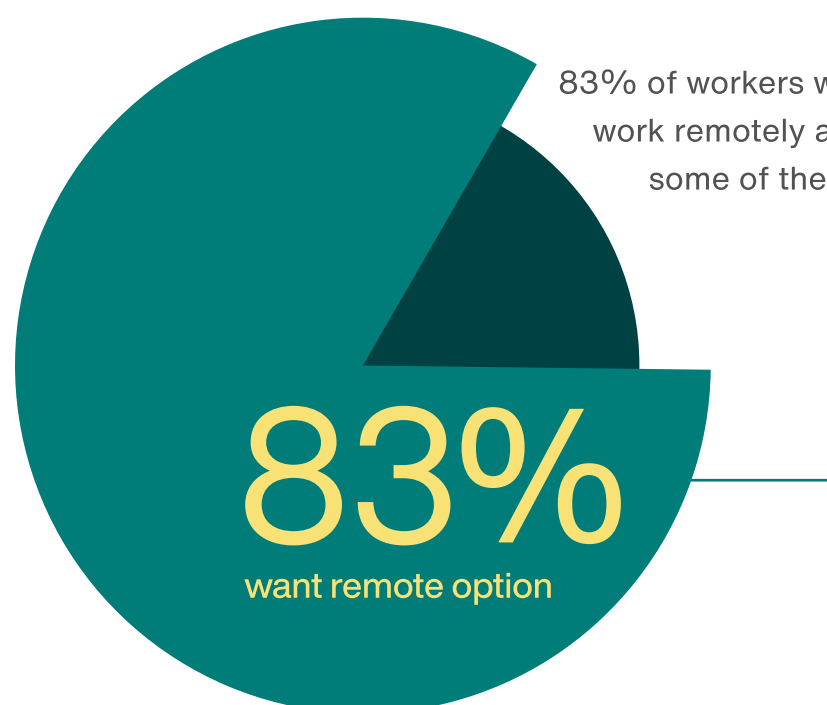
The benefits of remote work often outweigh the challenges it brings.

65% of lawyers say they are more **productive** when working remotely.[5]

Remote and hybrid workers are **22% happier** than their fully-onsite peers, and report less stress, more focus, and higher productivity.[6]

1 in 3 workers say they would **quit their job** if they could no longer work remotely.[7]

The Spectrum of Remote Legal Work

There is no one-size-fits-all model for legal remote work. Offices around the world are exploring a wide range of possibilities, tailored for different legal areas and clienteles. Some of the most popular models include:

Hybrid workplaces

There is a vast array of arrangements that allow some remote work, while still maintaining clear in-office expectations. Some offices have specific days of the week when the entire team is expected to be in the office. One popular model is to keep Tuesday-Thursday in-office, but allow remote work on Mondays and Fridays. Others offer a single day remote, or allow remote work to specific roles but not others.

Remote capacity for emergencies

While some workplaces will insist on permanent in-office work, it's still important to put in place remote work abilities in times of emergency. This could be for minor emergencies, as when someone has a cold and doesn't want to spread it in the office, to catastrophes that make it impossible to come into the physical office.

Virtual law firms

Of course, some lawyers ditch the office completely. New technology can help you build or strengthen a fully-virtual law firm, allowing teams to serve their clients without needing to pay for office overhead.

Work-from-home intervals

We've seen the growth of "remote August" in major law firms. It can also be an appealing option for the holiday season. Providing a specific interval for remote work can give lawyers and staff the flexibility they need during key times of the year.

Top Challenges and Benefits of Remote Legal Work

This ebook will help you address the challenges of remote work and harness the benefits, to build a flexible, functioning system that appeals to legal professionals and their clients.

Greatest challenges of remote legal work:

- Collaborating with colleagues and staff
- Accessing case files
- Fostering career development and mentorship
- Maintaining work-life balance
- Dealing with at-home distractions

Greatest benefits of remote legal work:

- Greater flexibility
- Higher productivity
- Lack of a commute
- Real estate cost savings for firms
- More appealing to a young, diverse workforce

Top 10 Technologies for the Remote Work Transition

To harness the benefits of remote legal work, you're going to need certain tools. Fortunately, these same technologies benefit in-office workers, helping to improve productivity, accessibility, and client satisfaction.

1. Cloud-based case and matter management

When COVID-19 hit, many businesses scrambled to stay afloat. But one sector soared: the cloud.[8] When you lose the central office space, you need a virtual tool to provide that core space. The cloud is the most important tool to provide coherence, direction, and accessibility to a remote workforce.

With cloud-based practice and document management, your case files, time-tracking tools, reports, and documents can be available at your remote office, from any device. It doesn't require complicated technical support or new training—just like in the office, you log on and get to work.

If your firm hasn't invested in a cloud-based legal operating core, analyze whether you have other cloud-based tools at your disposal. Does your business use Google Docs, iCloud, Evernote, or Office 365? It might be more difficult to organize an entire practice around generic business tools, but these can at least provide basic access to your files.

What about firms that haven't yet seriously invested in the cloud? According to the 2019 ABA TechReport, only 58% of firms acknowledge the use of web-based software in their firms.[9]

Even under the best of circumstances, transitioning to the cloud takes time and resources. That's why so many firms have put it off this long. But the earlier firms invest in secure, comprehensive cloud-based tools the earlier they can reap the benefits of remote work. This is why business analysts are predicting that those who invest now in digital transformation will outperform those who take a more conservative approach.[10]

Clients will increasingly come to expect legal services that can succeed remotely. And the right technology will position lawyers to better comply with their ethical obligations to protect confidential client information, as set out in ABA Model Rule 1.6, Formal Opinion 477r, and the ACC Model Information Protection and Security Controls.

2. Interoffice communication platform

Your team needs to communicate across distance, in written chats, and on video calls. To find the platform that will work best for you, start with the systems that are already in use. If your law firm is already an Office 365 customer, consider going with Microsoft Teams. If you're a firm that uses GSuite, Google Meet can bring you together. Other popular meeting technologies include Zoom, Slack, and RingCentral.

By sticking with communication platforms that are already familiar to your team, you can make your initial transition smoother. You also might want to consider which platforms the majority of your clients are already using, so you can find one solution that enables easy video conferencing with them as well.

Whatever your team chooses, make sure everyone can connect to it on the operating system they're using, and that the sound and video quality meet your needs.

Ensure any cloud hosting services you consider using for your shared communication platform are either SOC 2 Type I & II compliant or they are working towards their compliance certification.
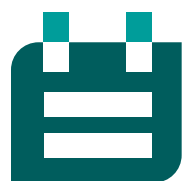
3. Shared calendaring

Make sure your team is all on one shared calendaring system. If you use a robust legal operating core like Filevine, your deadlines and meetings will already be accessible through the cloud. Rules-based calendaring tools can make it easier to ensure no deadlines are missed. If those aren't already in place, then law firms will need to rely on other tools like Outlook Calendar or Google Calendar, or worse, multiple calendars simultaneously.

Whatever tool is chosen, make sure it's something that the entire team can employ. Many lawyers may be accustomed to someone else setting up their calendars for them — if they're working remotely, they should understand how to run their calendar themselves.

4. Time tracking and billing software

In 2019, Filevine surveyed 200 randomly-selected lawyers about their experiences tracking time and billing for their work. Respondents said, on average, they believed they failed to capture around 20 hours of billable work every month. 75% said it was too difficult to account for their time, and 70% said they felt under pressure from their firm to meet billable hour targets.

The looser structure of remote work can exacerbate all of these problems, making cloud-based time tracking and billing tools even more essential. They help you keep a meticulous record of your work and send out accurate invoices.

While there are a number of stand-alone offerings that cover billing and time tracking, these can also be included in your legal operating core (as with Filevine). By staying within one system, you enjoy the added efficiency of tracking your work within the same system where you do your work.

5. E-Signature and online notary services

In the past, when important documents had to be signed, did you ask clients to come into the office? Did you mail out a hard copy and expect your client to mail it back to you? Remote workers can benefit greatly from e-signature tools like <u>Vinesign</u>, which allows clients to digitally sign securely (and quickly) from their mobile devices.

Inside a physical law office, paralegals and other staff members are often authorized to perform notary services. But when a lawyer moves to remote work, the issue can become more complicated. Remote notarization can help. In 2012, Virginia became the first state to allow notaries to authorize signatures through a video call. Currently, 41 states have adopted permanent online notarization laws.

6. Virtual reception and intake

Remote lawyers and firms can retain the same call answering standards clients expect when they call the physical office. Virtual reception services can keep the phones running even through the most difficult transitions.

In addition to managing incoming calls, some services offer full legal intake services. When a potential client is searching for a lawyer to represent them, you want to make sure someone immediately answers their call, engages with them compassionately, records their information, and sets follow-up tasks for lawyers and staff. Both in-office and remote lawyers frequently rely on virtual intake services to ensure top service to potential clients, from the first call.

7. Online texting

Lawyers and staff may want to stay close to clients without giving away their personal phone numbers. They also want to ensure that client communication is archived and accessible to other legal team members. Online texting abilities can form a core part of a unified communication strategy with clients. With <u>text-to-case file</u> technology, texts can also be turned into tasks with scheduled follow-up.

8. Secure document sharing

Remote legal professionals need tools to securely share documents with clients, third-parties, service providers, and others. It must be robust enough to handle the large documents and various file types that legal professionals deal with, and should also be easy for the receiving party to understand and access. It must provide end-to-end encryption and security, protecting sensitive client information and ensuring regulatory compliance. A robust, secure, cloud-based solution will ensure maximum accessibility for legal professionals working away from the office—and will allow much faster file sharing than traditional methods.

One option is using file sharing links connected to some legal operating cores like Filevine. These allow you to send access to a document while retaining control over your information. You can choose whether to require an additional password for access, as well as set an expiration date to determine when the file will no longer be accessible to those with the link.

9. Voice assistants

Are you accustomed to using dictation services to compose your thoughts? Now's the time to get comfortable with the voice assistants that exist within the tools you already have. Whether you use Siri or the other capabilities built into your PC or Mac, you can enable full dictation and begin to vocally compose your notes.

Also look into the way that AI assistants can help you with calendaring, research, and other tasks.

10. E-payments

The transition to remote work is an optimal time to switch to e-payment tools. Lawyers working in an office can accept payments in person or through the mail, but remote workers need a virtual alternative. In addition, an e-payment tool can also lead to faster payments and improve realization rates.

E-payments are also preferred by clients, who are already paying nearly half of their bills and a quarter of their discretionary funds online.[11] Some services can also send clients payment reminders and allow automatic recurring payments.

5 Ways to Improve Security for Remote Legal Work

Even if you have no remote workers, chances are confidential legal work is still taking place in different locations across various devices. The move to remote work is a great time to tighten your security considerations.

1. Use unique passwords for each remote application

One of the most important steps when setting up remote applications is to ensure you do not use the same password for each of these services. It is recommended to use a unique passphrase instead of a simple password to protect these accounts.

An example of a passphrase is a series of short words that you can easily remember because they have meaning to you but they are difficult to guess. Such as "GreenSoccerShoppingPie". In this example, it represents a color, sport, hobby and food you may enjoy. The National Institute of Standards and Technology (NIST) updated guidelines for passwords in 2018 and concluded, the most important aspect of the password or passphrase is how long it is, and its uniqueness from other passwords you use.

2. Use Multi-Factor Authentication (MFA) or Two-Step Authentication for all business and personal accounts.

After ensuring you have a unique passphrase, it is important to check each of your remote accounts to ensure that MFA is turned on. This will add protection to help you guard against account compromise, password exposure and unauthorized access to your email system, document management tools and the Filevine Operating Core

platform. Ensure you or your IT team has turned on these essential security features to protect your business and your clients.

3. Avoid public Wi-Fi

Ensure that any Wi-Fi connections that you use are trusted. This means that you should only connect to wireless networks that use strong encryption such as WPA2 PSK instead of the older WEP or WPA protocols. If a trusted Wi-Fi network is not available, consider using your smartphone's personal hotspot, following the strong passphrase guidance mentioned above.

4. Update team-wide security protocols and training

To enable remote work, firms must not only rely on secure technology but also inculcate a healthy security culture into their daily work. The transition to remote work is a key time to update security protocol and training materials. Remote workers need to be trained about keeping their devices encrypted, managing their passwords, using only authorized, firm approved software and physically securing their devices.

The Firm should ensure they are updating and reviewing their information security policies, procedures and privacy statements to incorporate new threats from the internet and adversaries that wish to cause reputational or financial harm. This includes extreme care for Accounting staff or Accounts Payable (AP) employees to ensure they remain very diligent when making any changes to existing methods performing wire or electronic funds transfers, or SWIFT system payments.

In addition, take time to train all firm employees on how to spot email phishing attempts, avoid unsafe websites, and avert attempts at social engineering. Insecure email and password reuse attacks remain the most common threat vector for firms that lead to a data breach. Ensure email is protected with DMARC, DKIM, SPF and MFA. If you do not know what these are, make sure your IT team or outsourced IT service providers do this for you.

5. Implement Mobile Device Management

When devices are running old software, they're vulnerable to more hacks and attacks. Mobile Device Management (MDM) helps reduce the security risks to these devices. MDM software is available to help you inventory, secure, manage and protect mobile devices and ensure they are patched, encrypted and only authorized software is installed and used.

Shifting the Culture

6 Adaptive Behaviors for the Remote Office

Good technology can move your legal office in the right direction. But successful teams are also undergoing a dramatic cultural shift. Not only do these changes support remote workers, but they can also enhance productivity, profitability, and work-life balance for all firms.

1. Embrace centralization

When everyone's in the same office together, people might be able to get away with following their own idiosyncratic systems for scheduling, research, and client communication. But a culture of centralization brings coherence to a dispersed workforce,

Centralized systems and workflows keep the team accountable to each other, making sure no tasks slip through the cracks. Performance dashboards clarify the workload of different firm members, while centralized scheduling platforms help you understand each others' availability throughout the week.

One easy way to adopt centralization is to invest in a coherent legal operating core. But even if your firm patches together various systems, they can achieve firm-wide buy-in to a shared central process.

Centralization allows for greater collaboration. Beyond giving a boost to remote legal workers, this move to collaboration will position firms to succeed amid the increasing complexity of legal work. As this shared centralized process is adopted, be sure to fully document how things work at the firm. This will help future new hires to quickly understand the shared central process and collaborate effectively with other employees.

2. Gain greater competence around video conferencing

Remote legal workers need to stay socially connected across distance. This goes beyond the specific technology they employ, and into their abilities as facilitators in a medium that may feel awkward.

When you can't share information as a casual byproduct of proximity, video conferences can keep everyone in-the-know. A few key practices can transform these meetings from awkward silence to engaged cohesion. Here are some recommendations:

- **Use the camera feature** on your calls and encourage others to do so as well. It allows you to read each others' body language and creates a deeper connection. It also discourages 'tuning out' in meetings, because others can see your own facial responses. As a by-product, it encourages everyone to maintain a professional appearance, which can have a positive effect on remote workers' morale.

- Don't take it for granted that people will practice the right **online meeting etiquette.** Take a little time to train everyone on basic usage, so everyone knows how and when to mute and unmute themselves, how to chime in and ask questions, and how to use other features that are included in your video conferencing platform.

- **Stick to an agenda.** If participants are drifting off into a tangent, gently but firmly direct the conversation back to the point at hand. Everyone will appreciate your ability to stay on target and conclude meetings on time.

- Sticking to an agenda doesn't mean being robotic or harsh. **Begin meetings with a brief ice breaker.** This will help people connect on a more human level and get the ball rolling.

- Consider scheduling in some weekly or monthly **'water cooler'** talk, where everyone can connect as people rather than strictly as workers.

- Know when to pick up the phone or have a one-on-one meeting for de-escalation. Working across distance, we might not understand the body language and intention behind each message. **Address tension or misunderstandings early on,** before they escalate into harsher negative feelings.

- **Reframe home-based distractions.** If meetings with those who work from home are interrupted by children or pets, take a moment to admire and celebrate this glimpse into someone's life, and then refocus on the issue at hand.

- **Secure the Meeting.** New video conferencing applications have new security features to lock the meeting, provide secure passcodes to enter the meeting, audible sounds to alert the meeting organizer of new attendees and other security features to ensure meeting attendees are the intended parties. Becoming familiar with these settings will help employees follow best practices for meeting security.

3. Create protocols around messaging and response times

For many legal professionals, the biggest change with remote work is the way they receive messages. Rather than quick check-ins and chats at the office, they now receive all that information through phone calls, texts, emails, instant messages, and new updates and notes on their case management system.

Law offices need to think hard about how this change will affect their team members. An overflow of messages, and the expectation for immediate response, can lead to higher stress and anxiety, and decreased job satisfaction.

However, many decisions are time-sensitive. How can you ensure prompt responses for urgent issues—without driving everyone to distraction? **By creating clear expectations around sending and responding to messages.** These will be different for every firm, but here are some ideas:

- To cause the fewest distractions, **communicate as much as possible through the case management system.** Try to move all updates into your digital case notes, so people can address new tasks and questions on their own time, as part of their workflow. Adding deadlines to those needs helps each member prioritize incoming information.

- **Schedule a daily teleconference check-in** for legal teams, and encourage members to bring up questions then, rather than cluttering inboxes throughout the day.

- **Avoid communicating through email where possible.** The risk of user error with email is incredibly high, such as when you send an email to the wrong person or a client sends a confidential message in a 'reply all.' Hackers and spear-phishers are increasingly sophisticated and increasingly targeting law firms. And an overflowing inbox increases the chances of missing a message completely. **When emails are necessary, follow all security protocols.**

- **Implement Data Loss Prevention (DLP)** is a tool provided in most cloud email systems which allows the firm to designate attachments containing Sensitive Personal Information (SPI) such as national ID numbers, Social Security Numbers, and other confidential data and flag it or prevent it from being sent outside of the firm. Using DLP can greatly reduce the risk of accidental data exposure via email.

- **Create sensible response time expectations for important emails.** This will allow anxious overachievers to relax, knowing they don't have to immediately respond to emails that come in late at night.

- **Clarify expectations for messaging apps.** Collaboration apps like Microsoft Teams and Slack allow group discussions to take place in different channels. These include both important work discussions and 'just for fun' channels to socialize and build comradery across distance. Make sure everyone understands which are which, and the attention expected from them. Avoid making important team decisions through messaging apps, since those who are focusing on other issues at the moment won't be able to contribute their thoughts.

- **Reserve phone calls, direct instant messages, and texts only for time-sensitive issues.**

- **Preserve all important information and data.** Avoid sanctions for spoliation of evidence. Add emails and text messages in the relevant case files.

4. Create new guidelines around the remote office

Remote work brings its own set of distractions and disconnection. It requires new habits to stay focused, professional, and connected to others—while maintaining their work-life balance.

Law offices should clarify expectations around availability and overtime with their remote workers. Though remote work allows for greater flexibility, law offices should clarify if there are specific core business hours they want all members available. They can also set out expectations for professional appearance and behavior in teleconferences with clients and colleagues.

In addition to official policy, a culture of routine and discipline can help individual workers stay productive. For those working from home, tested tips for a daily routine may include:

- Take care of personal hygiene before jumping on your computer. Resist the temptation to immediately jump on your computer, and instead shower and brush your teeth first.

- Make your bed.

- Change out of your pajamas and into clothes that remind you that you're a professional.

- Establish work goals for your day.

- Actively identify and avoid distractions (whether it's external distractions from others in your home or the internal urge to check social media).

- For those who are caring for children while they're trying to work from home, creating a more flexible schedule can allow for childcare during the day. Sometimes this can mean saving certain tasks for early morning, nap time, or after their bedtime. Temper expectations of rigid routines and perfectly clean houses.

- Engage with one difficult and important task before checking your email.

- Leave time in the day to exercise.

- Schedule regular breaks to go outside and see sunlight.

- At the end of the day, analyze what you've accomplished.

- Close your computer and tidy your workspace. Close the door to your office (if you have one) and focus on connecting with your loved ones and caring for your personal well-being.

Many of these practices first became imperative for firms with the COVID-19 pandemic. But shifting the culture to enable remote work has the potential to improve legal work for many in the long term. Allowing remote work at law firms can give lawyers greater flexibility, a deeper engagement with their family, and save on commuting time (which means more time for wellness activities like exercise).

For society at large, reduced travel means fewer emissions and less street congestion and noise. And the firm reaps the rewards of increased worker productivity among remote workers, as well as reductions in operational expenses such as real estate leases as office space needs decrease.

Evolving the Legal Workplace Over Time

Over the past several years, the legal workplace has changed dramatically. Similarly, the workplace of the future will also need to evolve and adjust to avoid new obstacles and reap new benefits.

The strongest legal offices will be those with the bravery to try new possibilities, as well as the wisdom to evaluate and adjust those efforts over time, to ensure constant improvement. Filevine is committed to also evolving over time to better serve those legal professionals, both in the office and beyond.

Schedule a demo now to see how Filevine can transform your firm >

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