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BY AND LARGE, REMOTE WORKING WORKS

By Carol Schiro Greenwald | February 26, 2021

For this edition of her Business Development Best Practices column, Carol Schiro Greenwald interviewed a panel of solos and lawyers in small to midsize firms and synthesized their comments on the impact of remote working for firms and practices.



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One hallmark of this pandemic has been distancing—social distancing, physical distancing, personal isolation. Pandemic lockdown requirements led immediately to 100% remote work arrangements for lawyers and law firms. The physical 180° shift involved a mix of emotional and practical rearrangements in both life and work. These kinds of disruption have both human and work-related consequences. Respondents from this column's panel of solos and lawyers in small to midsize firms discussed the impact for their firms and practices.

Moving to Remote

When the Governor ordered people home, most firms transitioned almost immediately. About half of the firms were already set up for remote work. Douglas

Singer, member, Singer Law PLLC (<https://singerlawpllc.com/>) said: “For our firm, the shift was easy. We had been set up to work remotely since 2017.”

According to Andrew Peskoe, chairman, Golenbock Eiseman Assor Bello & Peskoe (<https://www.golenbock.com/>): “Our shift was literally over a single night, and our backup systems intended for emergency communications and remote client servicing worked as planned, which is effectively. We had recently upgraded the relevant IT capabilities so we were well set.”

Disruptions

Most attorneys were accustomed to working from home before the pandemic, but their staff typically were not. The experience for Jim Landau, partner, McCarthy Fingar (<https://www.mccarthyfingar.com/>), is typical: “We had to purchase a lot of hardware for people who had nothing at home and we had to teach people how to use Zoom, Drop Box, and how to remote into the office. It took about six weeks for everyone to be comfortable.”

Nancy Schess, partner, Klein Zelman Rothermel Jacobs & Schess (<https://kleinzelman.com/>), said: “There are certainly aspects of the practice that took a bit of time to adjust, such as keeping support staff productive out of the office.” For Joel Weiss, managing partner, Weiss & Arons (<http://www.weissarons.com/>), “When New York paused, it definitely was a shock. We leaned heavily on our IT support to keep our business functioning. This was very important to sustaining our bottom line.”

Most solos are already accustomed to working full- or part-time from home, so the disruptive aspects were less about working from a new location and more about a change in their practice routines. Eric Sarver, Law Offices of Eric M. Sarver (<https://sarver-law.com/>), said: “Working remotely impacted me in the sense of blurring boundaries between work and home. I had to mindfully reset those boundaries.” Adam Weissman, Adam N. Weissman Law (<https://www.adamweissmanlaw.com/>), speaks for many people when he says: “I am missing some of the variety that helps break up the monotony of a full day spent in front of the computer.”

Technology

The pandemic accelerated the trend toward technology-based law practice modernization, including a new category, personal presence technology. Many of the lawyers added personal presentation equipment to maximize their presence in online meetings. Zara Watkins, principal at On Point Expertise (<https://www.onpointexpertise.com/>), said: “I bought a professional Zoom account the first week of the pandemic. A couple of months into the pandemic I bought a Yeti microphone and a light to brighten my face. Toward the end of 2020, I bought a higher- grade video camera to improve my picture.”

Eric Sarver said: “I upgraded my computer, learned more about how video marketing

works and enhanced my virtual presence by investing in a higher-quality computer, a microphone and lighting enhancement—thus improving the quality of the communication between myself and my clients and colleagues.”

Some firms moved to adopt new practice management tools such as DocuSign and remote notarization, high speed printers and scanners, more robust computers and larger monitors. For firms built around in-person meetings like the personal injury firm of Mark Seitelman, managing partner, Mark E. Seitelman Law Offices, P.C. (<https://www.seitelman.com/>), the transition has been difficult. “We had to set up remote access with our computer vendor. We also added security. The computer vendor has become part of the office family in that there is always some adjustment or error to be fixed.”

Staying Connected and Managing Teams

Many firms moved from monthly in person partner meetings to weekly video partner meetings. In addition, the attorneys phone, text or zoom with colleagues and clients throughout the day using email, telephone, FaceTime, Zoom and Microsoft teams. To encourage more personal, casual online encounters, some firms plan activities such as virtual happy hours, virtual bingo, team games or get-togethers on conversation apps such as Slack and Clubhouse.

Alla Roytberg, Founder-Principal Attorney and Mediator, Good Law Firm (<https://www.goodlawfirm.com/>), says: “We have two formal zoom meetings each week, a Monday client/case review meeting and a Thursday practice management meeting. In addition, we continuously stay in touch by phone, email, text and social media.”

For litigator Tara Fappiano, partner, Haworth Barber & Gerstman (<http://hbandglaw.com/>): “Effective collaboration with teams has always required regular and effective communication and the fact that we were now in separate locations did not change that. The pandemic did not change that for me, it just meant doing it in different ways. I miss the ability to “pop in” to an office, or to have an attorney come by with a quick question that leads to good discussion. So, I just try to ensure that those who work with me know that my digital door is still always open.”

Sherri Sharma, partner, Aronson, Mayefsky & Sloan (<https://amsllp.com/>), also contrasts in-person and online collaboration: “Working collaboratively with other lawyers is more difficult than it used to be. We have phone calls but it just isn’t the same as being able to spontaneously swing by a colleague’s office and ask for advice on a case, or what they know about a certain judge or opposing counsel.”

Client Relationships

Online communication has strengthened many attorney-client relationships. For Jim Landau, the relationship has become more personal. “Virtually all of my clients now

have my cell phone number and they text in addition to emailing, calling and meeting via Zoom.” Mark Berman, partner, Ganfer Shore Leeds & Zauderer (<https://ganfershore.com/>), says, “I actually ‘see’ my clients more often as clients like Zooms rather than conference calls. There is now much more banter about family, which is good in further developing the client-attorney relationship.”

Many agree that they see more frequency and informality in their client relationships than pre-pandemic. Amy Goldsmith, partner, Tarter Krinsky & Drogin (<http://www.tarterkrinsky.com/>), says, “Clients have adapted well; we use email, phone, Zoom and Teams to keep in touch, and in a way, contact is more frequent than before the pandemic.” According to Joel Weiss, “It has strengthened our client-relationships because seeing someone, even virtually, is happening much more often. These video conferences are successfully advancing client relationships.”

Nancy Schess enjoys the broader engagement in her clients’ lives. “I believe our client relationships are even stronger than they were pre- pandemic. We have been living and working together through an unprecedented crisis that has impacted both business and life and which has brought much more visibility into all of our personal lives. Each Zoom meeting welcomes my client literally into my home and me to theirs. All of these types of interactions have strengthened our relationships.”

Sarah Gold, Gold Law Firm (<https://www.goldlawny.com/>), notices increased client demands. “Snow days are a wistful memory. Clients expect you’re available all the time. At the same time too, it’s important to manage client expectations on meetings, drop-in appointments, and phone calls. Some of this preceded COVID-19, but it’s even more important now since people are in a different place.”

Advantages of a Hybrid Workforce

The panel respondents see many reasons to continue with a hybrid workforce.

- Mark Berman: “Allows you to downsize your lease.”
- Tara Fappiano: “Eliminates the need to commute to NYC from a suburb and provides the added benefit of being at home with our families.”
- Amy Goldsmith: “A blended workforce (remote some days, at the office others) allows for greater flexibility and a happier and more productive workforce.”
- Andrew Peskoe: “The clearest advantage will be the ability to keep all of our most talented people and attract more.”
- Alan Schwartz: “Eliminating travel time offers tremendous opportunities to work more efficiently both in and out of court.”

Tracey Daniels, partner, Daniels O’Connell PC (<https://danielsoconnellpc.com/>), says, “I think these changes are here to stay and probably should have been done long ago. The end of face time simply for the sake of face time is long overdue in the legal profession.” Amy Goldsmith thinks that “Now that everyone knows remote working actually works, schedules can be built that accommodate the firm’s and

each individual's needs and goals." Alla Roytberg says, "Zoom is here to stay. Electronic Filing and Video Court appearances are here to stay. And this is a good thing for law firms and for their clients."

Carmine Goncalves, associate, Wingate, Russotti, Shapiro & Halperin (<https://www.wrshlaw.com/>), sees "the remote deposition, the virtual mediation, the Teams court conference as revolutionary and here to stay." At the same time, he doesn't want to totally lose the benefits of in-person relationships. He feels that "the convivial, collaborative and open relationships with both coworkers and clients cannot be kept without a return to the office." Mark Seitelman echoes those concerns: "The office remains the base of the workplace. It is hard to work together over the phone as compared to walking 20 feet to that person's desk."

Kyle-Beth Hilfer, Hilfer Law (<https://kbhilferlaw.com/>), predicts that "Virtual communications will not go away. We will move to a hybrid model that mixes in-person and virtual meetings. It will remain easier to attract clients outside of the local area because of the technology." Adam Weissman says, "The longer-lasting effects will probably be for larger firms, where associates and new hires will have an expectation of being allowed to work from home, rather than forced into their firm's office 5 days a week."

Closing Thoughts

Many thought remote work arrangements would be for one or two months. Now that it has been in place for a year it represents the new normal way to work. Attorneys and firms have to formalize remote work rules and behaviors, adapt firm cultures to new influences, and create productive team work protocols. Remote workers have to find ways to demarcate the line between work and family and find comfortable ways to maintain collegiality and friendship.

Andy Peskoe referenced the challenges embedded in change: "What was unexpected was the semi-permanent nature of this remote set up. That has challenged our attorneys and admin staff to rethink functions much more deeply. Certain functionality flawlessly shifts to remote work. Some office routines do not transition at all. Marketing is the most interesting changed function. Not harder, not easier, but completely different."

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