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Lawyers, let's work smarter after COVID-19

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THE COVID-19 PANDEMIC HAS PRESENTED AN OPPORTUNITY TO CHANGE ESTABLISHED NORMS FOR ATTORNEYS, LAW FIRMS AND NONPROFIT LEGAL SERVICES, WRITES ATTORNEY SATEESH NORI. PHOTO COURTESY OF NORI

By Sateesh Nori

COVID-19 has forever changed the way we live. It has also forever changed the concept of a “work-life balance.”

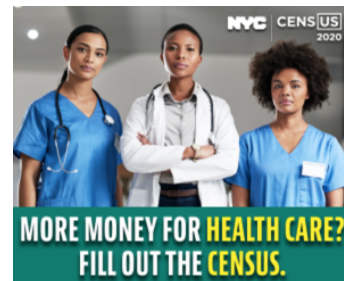
If we are lucky to not have been sick or to not lose a friend or family member to the disease, we are left pondering, at our kitchen tables, what going back to work will be like when this ends.

For those of us who work in the legal field, we are about to see a more significant shift in the nature of our work than when we first held that hard plastic Blackberry in our hands. In this new era of working remotely, we face a question: what is essential to legal work?

In all forms of legal work, the workplace is most often structured like a factory, with employees working at hourly rates and clocking in and out. Instead of widgets, lawyers produce work-product: memos, contracts, legal briefs, etc.

The norm is that lawyers need to show up to the workplace to make their legal widgets. The ideal for law practice is a team with a hierarchy and defined roles. A senior attorney leads several juniors and paralegals, organized on a chain of command like military units.

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Literal “face-time,” long hours spent waiting for orders, and rapid deployment of legal soldiers to attack discovery requests and motions, are standard.

[Tied to this brutal system- at least in big law- are the perks](#): high salaries, free meals, Ubers to get home, and prime offices with views in fancy neighborhoods in big cities. In smaller private firms, the same top-down models are in use, but with fewer perks. Frederick Taylor would be proud.

In non-profit law firms, the mission is the driving force for work. Lawyers sacrifice higher-paying legal jobs for the nobility of doing good. Unfortunately, many non-profits also work within the martial system of hierarchy, with a focus on being seen at work, demonstrating personal sacrifice and following orders. Non-profits also have high overhead costs, with office space in prime areas and large bureaucratic structures.

After Covid, these models face added scrutiny. We now rely on technology, like Zoom, cloud-based documents, email and Slack to get our work done.

We lost the human interactions of office life, but we gained a semi-permanent tether to our teams through cyberspace. This new model also liberated many lawyers from commuting to work or to physical meetings. It also freed us of having to wear suits (and getting them cleaned), and increased our flexibility about how and when we work. We could take calls before our kids woke up or after they went to bed. Lawyers could practice self-care, like doing yoga as a break during normal work hours. Our days are now planned by us, as we see best, around our work obligations.

The legal system was already ripe for change. The law firm model was already cracking before Covid as many firms merged or dissolved. Legal work is being outsourced or insourced, and much discovery is now e-discovery.

Even the courts are changing, with some scholars asking whether courts are a [physical place or a service](#). If courts are a service, that service may be provided in more convenient, more efficient ways. Given the possibility of another pandemic, crowded courthouses may be infeasible because of public health issues. Virtual courts mean virtual court appearances, opening the door to remote work models.

As law firms prepare to return to pre-Covid working models, they should consider the opportunities presented by the current reality. Some argue that Covid will [“turbocharge” change](#) in the corporate legal industry and in legal education. What happens to non-profits?

Non-profit law firms have much to gain in the post-Covid climate.

First, let's shed our expensive physical work spaces and instead adopt remote-working models.

Any client-centered practice model should focus on service delivery, where and when our clients need it. Physical buildings, with set hours, forced our clients to come to us and on our schedules. Many of our clients work the same hours that we do, so to meet with us, they must take time off.

Our offices, unlike hospitals and medical clinics, don't give us access to equipment that is vital to our work. Legal work today requires no more than a law license and internet access. Let's put the money spent on overhead back into salaries and benefits for our legal staff. In fact, remote-working [saves money for companies and increases productivity of workers](#).

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Second, let's change the work model for lawyers. While litigators need to be in court at certain times, all other legal work can take place almost anytime and from anywhere. Transactional lawyers have fewer demands on their in-person time.

Freeing up lawyers from a 9-5 routine can help non-profits offer lawyers, especially millennials, what they want most: [control over their time](#). Lawyers may prefer to spend time at soccer practice with their kids rather than wait for work to be assigned to them in the office.

They may want to start families, care for aging relatives, work on self-care, or just have the freedom that many other professionals enjoy. Nonprofits can't offer the highest salaries, but they can give their lawyers time and freedom. Recently, [Facebook announced](#) that it would offer remote work for thousands of its employees, allowing them to maximize their incomes by living in cheaper places.

Third, let's take advantage of technology.

Collaboration and office culture can be replicated without physical offices. Zoom, Slack and other platforms have given teams the flexibility to meet more often and more immediately than they could pre-Covid.

These meetings can be shorter, with more specific agendas to tackle problems. Also, nonprofits can subsidize data plans for mobile devices, offer wifi hotspots, and provide laptops or tablets to facilitate remote working. Even the most advanced and expensive tech is still cheaper than renting office space in places like downtown Manhattan.

In sum, as we move on from Covid, let's be mindful of the lessons learned: remote work can be more productive and rewarding, law practice need not be indentured servitude and flexibility is the bait that will lure and retain smart, dedicated lawyers.

Sateesh Nori is a senior attorney at a large non-profit law firm in New York City.

David Brand 0 Comments

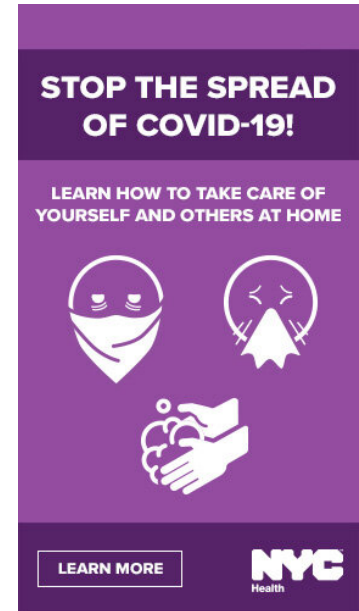
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