



WORKING TOGETHER REMOTELY

A real life conversation about managing teams through the “New Normal”

The COVID pandemic forced the legal sector to leap forward decades in a matter of days. More change happened than many people thought possible but there has also been huge amount of stress. How will we work in the “Next Normal?”

LAWPRO’s Juda Strawczynski (JS) was joined by Hong Dao (HD) of the Oregon Professional Liability Fund, Karen Dunn Skinner (KS), co-founder of Gimbal Canada, and Kirsti Mathers McHenry (KM) of Mathers McHenry & Co, to talk about how the pandemic has changed the way we manage our teams and what the “Next Normal” might look like for Ontario law firms.

The following are edited highlights from that conversation.

HOW are law firms working together and serving clients in the current environment?

KS: We've been working for years trying to get lawyers to change and think differently about the way they practice. But seeing the shift that people were able to make last year was phenomenal and bodes well for how we can change the way our profession functions and delivers client services going forward. Right now, there is movement in the larger firms to shift some people back to the office, but not everyone. We are seeing firms focus on how they can build hybrid models. They are structuring it so they have a certain proportion of the workforce that rotates through at any one time to maintain social distancing. But I feel like we're going to see a boomerang, where people are excited to get back to the office and see their colleagues again. However, the inconveniences we've all forgotten about may suddenly raise their heads once they do.

HD: With even the small firms, non-essentials are going back on a voluntary basis. No-one is forcing them to return to the office, but some employees do anyway. The separation of work and life may make it easier for them to do their work in the office and then go back home. For the solos though, a lot of them feel more comfortable working at home in the remote environment. I got a few phone calls from lawyers and associates where they foresee a two-tiered system where there are people who come in the office more often and may get more projects. They wonder if their workload will increase just because they are there. There is a concern that there will be an unfairness to that system. That's something that management will have to consider if they go to a more permanent hybrid plan.

KM: There's a substantial portion of the workforce that is really happy working from home and is going to be resistant to changing. On the other hand, some people literally never want to work at their home again. Some demographic differences play into that. You've got empty nesters, people who are single, people who perhaps paid a lot of money to live close to the office and have less space. As we start to think about the next normal, we need to reconcile these divergent experiences and bring them together in a principled way to get to a fully functioning model that works for each firm. It's not going to be one-size-fits all.

One of the "hidden wins" from this experience has been humanizing the firms. When I was starting out in a big law firm, I wouldn't have talked about my family life, I certainly wouldn't have wanted my kid wandering around in the background. I think we've all become much more forgiving and accepting of the fact that we are all human beings, we have these lives, and these lives are important to us.

Karen Dunn Skinner
Co-founder of Gimbal Canada

HOW can leaders manage their teams remotely in a work-from-home setting?

KM: We've implemented a workshop meeting every week where the lawyers can come if they've got a bit of a challenging file where they can collaborate with the group and they can use each other's expertise. And I think that part is great for the files, but it also knits together the team. It reminds people that they're not alone, that there are other people doing the same work and that they can count on. Training is also a great way to bring people together. It might seem like people are too busy or overwhelmed right now, but training gives everyone a shared experience and a point of conversation as something they've done together. Being deliberate about finding opportunities to bring people together to work as a team, and not just socialize, is important if you're going to build a cohesive team in this moment.

KS: We happen to use online whiteboard tools like Miro quite a bit. I think it's a really great solution and putting two or three people on a project that you might otherwise have put one person on pre-COVID, just to get people thinking together, is a hugely valuable experience for them.

JS: What you're both talking about, about empathy and about collaboration, it works on the staff level, but if you're a sole practitioner, these tips work for your client collaboration as well. If you can show a client the map of a journey, and show them a visual that takes them through each step, it improves the client relationship and reducing risks of misunderstandings along the way.

HD: I've heard from associates complaining about having to submit weekly reports to their superiors, but then no-one follows up afterward. That lack of communication is a breakdown, and it makes it hard to build necessary trust. It's important to have that one-on-one communication.

KM: As well, share with your team what information you are looking at to make decisions about the next normal or the normal after that. This hopefully avoids situations where you are planning a return to the office but you find out that six of your staff have houses in Windsor now, and how is that going to work? Tell your team what models you're entertaining and not entertaining.

KM: It is a good idea for firms to take some time right now and wrap their heads around an end-state and think about what's on the table and what's not, in terms of the model that might be in use for your firm going forward. I think surveys can be really helpful, certainly in a larger organization. There are interesting things that can come up when you see ten people's responses to a question all at once. Interviews also have their place and allow you to dive deep into what people are thinking. Cohorting may be an attractive model for your organization, but it's important to get clear about the purpose.

I think this is a great time for people to do something like after-action reviews. Think about what you did Pre-COVID: What worked well, what didn't work well, and why. What do you want to keep and what do you no longer need to keep? And then do the same thing for this period during COVID, and have, essentially, an after-action review of your pandemic work habits.

Karen Dunn Skinner
Co-founder of Gimbal Canada

HOW can firms maintain or shift their values and culture in a remote setting?

HD: A lot of people think that culture is confined to a physical space, like it's the company picnic, but it's not. You can think about culture as how an organization makes decisions, and how employees feel about their experience at work. Do they like their job? Do they feel safe, not physically but psychologically? Do they feel valued? Do they look forward to waking up and going to work? Culture affects engagement, motivation, and productivity, and when you don't intentionally create a positive culture, the culture tends to be toxic. Firms talk about their Mission, Vision, and Values, but I think a lot of values are directed towards clients, and not to employees. Now is a good time for firms to rethink their values and set values that build a foundation for their interaction with employees as well.

KM: Every time you have a change, every time you buy a new piece of technology or hire a new person, you're saying something about your values and culture. It's about how you practice, how you live, how you treat each other. It's not hard to discover your values if you pay attention and you look back at some of the decisions you made recently. What were the animating factors? Why did you do what you did? As soon as you can answer that question, you have some insight into what your values are.

WHAT tools and processes can empower firms to thrive in the "Next Normal"?

KS: You have processes in your firm, even if they're not written down, you have them. But what you need to do at this point is capture a lot of those processes that you know are happening but are stuck inside people's heads. When you have a process that is stuck inside your head, you can't empower anyone else to do it. We have an approach that we teach people, which is: Just start by tracking what you do. Pick one thing that you do regularly, and the next time you have to do it, think about the steps involved. Then the next step is record all of that information. Just write it down. Then third, test it by following your own instructions. Can you follow your process? Then tweak what needs to be improved. Finally, teach the process to someone else.

KM: The challenge is getting buy-in from people who are not process nerds. It's difficult, but you do it by showing them that you make their life better. Start with a process within the firm that is painful or irritating. Listen to people when they complain about a piece of their work, and then fix it for them. And if you can show them that this kind of initiative can make their life better, they will become your champions who are now telling other people about these process improvement techniques.

You can really grind people down by taking great people with great ideas and making them run through really stupid processes that are just not effective. So even though it feels like a massive investment of time, you can make everyone's life better.

KS: Often, many team members aren't even asked for their ideas on how to make processes better. Perhaps they've created work-arounds for some broken processes, but no one has ever asked them how they can make it better. So, when we do a process mapping exercise, where we look at improving a process, we say to each member of the team: "what are you doing now, and how would you do it if you could do it differently?" And when the ideas are coming from the people who are stuck grinding away in that process, the changes come from the ground up. All you have to do as a leader is support them and give them the tools, they will come up with the process improvements for you. Then it is their idea, they own it, and they're much more likely to buy into it.

JS: We could spend like days talking about process and how you can reimagine your firm. Each person knows their clients and colleagues best and that will determine how a practice will evolve in the new normal.

To watch the full CPD discussion which is eligible for 1.5 hours of LSO professionalism and LAWPRO's risk management credit visit the practicepro.ca CPD page. ■