

Will My Law Firm Succeed in the Long Term?

WRITTEN BY

Matt Bailey | Todd Heffner

Reprinted with permission from the September 6, 2022 issue of [Daily Report](#). © 2022 ALM Media Properties, LLC. Further duplication without permission is prohibited. All rights reserved.

Pose the simple question: what would make you more likely to work from the office? Is it free food? (Maybe.) Raffle give-a-ways? (Definitely not.) A dunk tank to sink the managing partner? (Nailed it.) Everyone is different, and if you don't ask, you won't know what will make your remote workers want to show up.

The most influential training we ever received as young associates (we're now senior associates) came in two forms. First, we went to lunch with senior associates—where no topic about work or life was ever considered out of bounds. Second, one of us was staffed on a case with the firm's managing partner that regularly required sharing a two-hour car ride—where slightly more topics were considered out of bounds (but not many).

In those moments we learned about the economics of law firms, how many hours an associate was actually expected to work, and how to delicately tell a partner that, “yes, other people actually assign me work, and, yes, there are still only 24 hours in a day.” These informal, in-person interactions were essential to our development as lawyers.

In-Person and Remote Work

But this is not yet another article taking sides in the tired “return to office versus work from home” debate. Instead, we want to raise the question: If everyone acted the same way we did, would our law firm succeed in the long term? By examining the future of hybrid work through that lens, we can ensure that principles, rather than dogmatic prescriptions, guide us to better solutions.

We'll return to that question in a moment, but first let's set the stage and consider the possibilities. There are successful organizations that are fully “distributed”—as in, there's not even an office to work remotely from and everyone has always worked from home.

And there are successful organizations that are the opposite—everyone in person, five (or more) days a week. These are the two extremes, but most law firms seem to have landed somewhere in the middle. However, this rarely seems deliberate, or more importantly, accompanied by meaningful institutional change.

Also worth noting: remote work succeeded during the height of the pandemic because law firms were able to rely on existing cultures and relationships. These existing connections sustained firms in the short term, even to the extent of allowing for the incorporation of new attorneys during lockdown (in fact, one of us did just that).

A few people leaving or joining could be accommodated with some minimal level of effort and helped to find work and acclimate to their new job. On the other hand, embracing remote work in perpetuity—without taking intentional, proactive steps to compensate for the lack of in-person interaction and culture building, particularly the in-person mentoring and training that was the norm before the pandemic—will not end well.

Should Your Firm Go to Extremes?

Against that backdrop lurks our central question: If everyone acted the same way we did, would our law firm succeed in the long term? Two specific examples: First, if everyone at our firm worked remotely, and never implemented a substitute for in-office interactions, would we successfully train the next generation of lawyers?

Second, if everyone was required to work from the office five days a week, would we be able to attract the talent we need and compete in an environment in which some level of workplace flexibility is increasingly seen as an indispensable perk? The obvious answer to both questions is a resounding no.

In other words, to succeed in this new hybrid-work world, firms must navigate these contradictory concerns. Solutions are necessary.

To make up for the lack of consistent in-person attendance, law firms can implement a spectrum of possible solutions, including 1) requiring regularly scheduled in-person attendance, 2) incentivizing (but not requiring) in-person attendance, 3) implementing virtual alternatives to foster those crucial mentoring/training/etc. opportunities and 4) implementing semi-regular, in-person team-building activities.

Mandatory in-person attendance will inevitably create turnover. Attorneys who are unwilling to return to a pre-pandemic lifestyle will find other jobs at more accommodating law firms. In the best-case scenario, those departing attorneys would be replaced by others who approve of (or can at least tolerate) regular in-person attendance.

There are plenty of attorneys who fit this description, but they are a minority and tend to skew older. In recruiting the next generation of attorneys, expect to pull from a smaller pool of applicants if your firm plans to reinstitute strictly in-person attendance.

Incentivize In-Person Attendance Thoughtfully

If your firm plans, instead, to incentivize in-person attendance without requiring it, a thought-out approach is necessary. When going this route, start with a survey if possible.

Pose the simple question: what would make you more likely to work from the office? Is it free food? (Maybe.) Raffle give-a-ways? (Definitely not.) A dunk tank to sink the managing partner? (Nailed it). Everyone is different, and if you don't ask, you won't know what will make your remote workers want to show up.

On the other hand, virtual alternatives to water-cooler chats require up-front organizational work and creativity, but can quickly catch on. Are you the leader of a regularly scheduled virtual meeting? Make it known that you'll stay on for an additional five minutes after each meeting to answer questions or just chat.

We hesitate to even suggest this next idea, because it's so radical, but consider calling someone to simply ask how they're doing. Making sure everyone knows how to use the office chat program is another simple step.

Anything that can make the interactions more organic and widely distributed is a good idea (even if it requires the work of a matchmaker). Or, you could formalize the training: consider 30-second videos where random advice is shared.

Schedule In-Person Events

Finally, your firm could schedule regular in-person activities while otherwise allowing largely remote work. In-person activities are one of the most important ways to foster a strong, interconnected team in a virtual context. This does not necessarily mean the in-person activity should be at the office.

Semi-regular social gatherings allow connections to form that are then easier to maintain in a virtual environment. These can range from elaborate all-attorney retreats to simply getting lunch with your core team on a regular basis.

Again, consider a survey. What types of in-person activities are going to be most appealing, and when is the best time of day to have them for the most people? You'll only know if you ask.

After living through the sea change that COVID-19 brought about, we've concluded that the two extremes of all in-person and all remote are not going to work for the vast majority of law firms. This was probably obvious to you before you even read this article.

The crucial insight for law firms going forward is that randomly landing somewhere between these two poles isn't the solution either. Instead, be deliberate, ask what people want, and think beyond yourself.

Ultimately, we will all need to chart the path forward, responding to this unprecedented change in work patterns and making the adjustments necessary to allow our organizations to thrive.