

HAPPY ‘PANDY’VERSARY: WHAT WE’VE LEARNED ABOUT PRACTICE
MANAGEMENT DURING THE SARS-CoV-2 PANDEMIC



Working and managing remotely has presented its own set of challenges during the Pandly. Not only have there been social issues – your employees (and you) are lonely and starving for interaction – there have been productivity, security, client-relations, ethics, and issues. Here are some common challenges employers and attorneys have faced and the things we have learned from those challenges.

Attached are multiple articles containing tips for effective and rewarding Pandly Practice management from the PLF and other resources. The content has been summarized and distilled as follows:

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Attached Reading Materials

- PLF (*inPractice*): Staying the Course During the COVID-19 Pandemic
- PLF: Resources for Working Remotely in the Age of COVID-19
- PLF: Confidentiality in the Office
- PLF (*inPractice*) Remote Access for Lawyers: Remote Desktop Protocol (RDP) and Virtual Private Network (VPN)
- PLF (*inPractice*): Working and Meeting in the Age of Social Distancing
- PLF: Video Conference Services Comparison Chart
- PLF (*inPractice*): Client Portals: Take Control of Client Communication
- PLF (*inPractice*): Understanding Security When Using Cloud Storage
- PLF: Protecting Yourself & Your Law Firm from Data Breach Checklist
- PLF: Online Data Storage Providers
- PLF: Checklist for Scanning Client Files
- PLF: Reopening Resources
- CDC: Guidance for Businesses and Employers Responding to COVID-19
(omitted due to copyright; article may be found here: <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>)
- ABA: Coronavirus: Do’s and Don’ts for Your Firm (omitted due to copyright)
<https://www.americanbar.org/groups/litigation/committees/solo-small-firm/practice/2020/coronavirus-dos-and-donts-for-your-firm/>

What did the Pandy teach us about time management?

Productivity

- 🐾 Working at home means “working” – at home.
 - Maintain your pre-Pandy routines – get dressed, start work at the same time.
- 🐾 Time blocking helps to maintain productivity and focus.
 - Start the day with a glass of water/coffee;
 - Respond to emails;
 - Work intensely;
 - Take a break;
 - Work intensely;
 - Take a break;
 - Respond to emails;
 - Plan the next day.

What did the Pandy teach us about self-care?

Sanity

- 🐾 Be patient with yourself and others
- 🐾 Be understanding and compassionate for yourself and others
- 🐾 Practice self-care – keep up your hygiene, cut your own hair... ?
- 🐾 Stay healthy – exercise, eat well, and drink plenty of water

What did the Pandy teach us about confidentiality?

- 🐾 Video conferencing can be hacked – use a secure network connection
- 🐾 Formal confidentiality policies and employee acknowledgments are useful
- 🐾 Read the attached article from the PLF entitled, “Understanding Security when Using Cloud Storage,” by Hong Dao – it explains encryption;
- 🐾 Read the attached article entitled, “Protecting Yourself & Your Law Firm from Data Breach Checklist,” posted by the PLF.

What employee management skills have we learned during the Pandy?

- 🐾 Focus on substance over form:
 - Are your employees performing?
 - Have employees track time (and review it weekly).
- 🐾 Staying in contact with employees:
 - Regular daily check-ins by video
 - Monthly staff meeting, calendar review, client list review
- 🐾 If you are the one in-charge, be positive – your energy flows downstream.

How have we been maintaining morale during the Pandey?

- 🐾 Consider remote office “parties”:
 - Send gift boxes to everyone in advance to be opened during the meeting;
 - Have lunch delivered to staff for staff meetings;
 - Drop-off coffee or mail Starbucks gift card on occasion;
- 🐾 Ask employees how remote work is going for them:
 - Do they need anything? Equipment? Help? More social time?
 - Do they feel supported?
- 🐾 Make a conscious effort to tell your employees that you appreciate their work

What did the Pandey teach us about technology?

Secure Remote Access

- 🐾 A VPN is more secure than an RDP
 - RDP = Remote Desktop Protocol
 - Allows you to access your desktop like you are sitting in front of it
 - Security Concern: You are still accessing your desktop over the internet and if you use public internet, then your data is vulnerable to attack.
 - VPN = Virtual Private Network
 - This allows you to basically do the same thing as an RDP, but it provides anonymity and privacy
 - A VPN creates a virtual tunnel that people cannot see through – your IP address (those numbers that represent your identity and location) is hidden, and it encrypts any of your data that is transferred over an unsecure network to prevent interception
 - Example VPNs:
 - NordVPN, Tunnel Bear
 - Open VPN, ExpressVPN

Video Conference Platforms Save (Work) Lives



- 🐾 Multiple platforms offer a combination of the following services:
 - Conference call, video conferencing, screen sharing, recording, meeting duration, desktop and mobile access, participant capacity, online whiteboard, security policy
- 🐾 A comparison chart is attached comparing the following services:
 - Cisco Webex
 - ezTalks
 - Lifesize
 - UberConference
 - FreeConference.com
 - Zoom

Online storage providers are great – if they are secure.

- 🐾 The following are ideal:
 - Advanced Encryption Standard (AES)
 - Private encryption key, held only by your office
 - Encryption of all transmitted data at the source
 - Data encryption at rest and in transit
 - Continuous, automatic backups
 - Capability to back up time-sensitive data like open files, emails, databases
 - Full coverage for data protection and recovery, i.e. offline archiving and recovery
 - Does it work 24/7/365
 - Automatic notification of exceptions or problems
 - Detailed activity reports
 - Data server in a different geographic location than your office
 - Physical security of online data storage site
 - Secure way for firm to access stored information if encryption key is lost
 - Check whether the cloud service provider has access to your data
 - Whether the provider is storing the data or outsourcing it to another company (and whether you have a copy of the agreement with the third-party provider)
- 🐾 Online data storage:
 - Carbonite
 - CrashPlan
 - FilesAnywhere
 - Iron Mountain
 - LiveVault
 - Backblaze
 - SpiderOak

Online practice management tools are great for sharing client documents, setting appointments, making payments, and time-tracking.


















- 🐾 Client portal programs offer a multitude of options that allow you to do one or more of the following:
 - Gather information from clients
 - Message clients
 - Share documents
 - Set appointments
 - Make payments
 - Share client-specific calendars
 - Assign tasks to clients
 - Send reminders
 - Track attorney time
 - Automate document production

-  Considerations in shopping for a platform:
 - Identify your goals/preferences for a platform:
 - communication,
 - capturing A/R,
 - tracking documents,
 - automated services;
 - Vet vendor reputability, security, and user-interface;
 - Be prepared to train, or provide training materials to, clients on how to use the portal.
-  Example software:

○ Clio	○ PracticePanther
○ CosmoLex	○ Rocket Matter
○ MyCase	○ Zola Suite

Returning to the Office

When returning to the office, consider having policies and procedures for the following:

-  Encourage sick employees to stay home;
-  Consider daily in-person or virtual health checks (prior to coming on-site), i.e. symptoms, temperature;
-  Establish policies for social distancing;
-  Wear masks / PPE;
-  Partitions;
-  Sanitation stations;
-  Sanitize again if you learn someone who had been onsite was exposed or sick;
-  Educate employees about CDC guidance on how to protect themselves and their loved ones;
-  Identify a workplace coordinator responsible for COVID-19 issues;
-  Implement flexible sick leave and supportive policies;
-  Educate yourself on FMLA, OFLA, and ADA considerations for employees;
-  Improve central air filtration (HEPA necessary to remove certain viruses);
-  Perform routine cleaning and disinfection;
-  Ensure each employee has their own equipment when possible;
-  Discourage employees from sharing equipment when possible;
-  Use videoconferencing when feasible;
-  Train employees on the above.

New Questions

- 🐾 Is a brick-and-mortar office necessary?
- 🐾 How do we ensure witnesses are not being coached or coerced during video appearances?
- 🐾 Is business travel a thing anymore?
 - Are we ever going to be able to justify a CLE getaway again?
- 🐾 Do I look better as a kitten or an alien?
- 🐾 Are we going to be expected to work more and harder?
- 🐾 How will telecommuting impact venue in litigation?