



# Enough Stuart Smalley

## Nuts and bolts practice management during a pandemic



Cooper

BY MILES B. COOPER

The lawyer apologized to the others on the call about the background noise. One of the lawyer's children had a question that JUST COULD NOT WAIT (despite being asked to leave the lawyer alone during the call). Because the child was six...and stuck at home...and these were interesting times. Fortunately, the lawyer had warned folks ahead of time that there may be a child's voice, and the rest

of the folks were more than understanding. The lawyer placated the child and re-focused on the call...

### We're in it for the long haul

Last month we discussed how our mentality during the pandemic can guide our success. Helpful, hopefully, but not nuts and bolts. So now that we know, in the words of Al Frankin's Stuart Smalley, that we're good enough, we're smart enough, and doggone it, people like us, what are some day-to-day practice management tools for these times? Because absent something unforeseen, we are in this for the long haul. Some adaptations will be necessary to succeed. A global adaptation: Set expectations. Expectations for ourselves, for our clients, for our co-workers. In our example above, those warned about interruptions in advance are far less irritated than those who do not expect them. If we expect everything to operate as before, our personal expectations will not be met. And if our co-workers are not told about our outlook, they will be left in the dark about what the future holds. Darkness breeds uncertainty and fear.

### Messaging and communication

Internal communication can be challenging when everyone works from home. Establish a communication strategy. Keep people updated on what firm decision makers believe the short term and long term looks like, as this is likely to change. As the country re-opens, give them ideas about whether they will be asked to come back to the office immediately or instead continue to safely work from home. Will the firm consider cuts to staff, hours, and pay, or does it expect to weather the storm? If questions like these are left unanswered, people let fear fill in the blanks. The answers can be, "We don't know what things will look like a year from now, but right now our expectation is everyone will still have a job. We'll give you fair warning if that changes." Adjust the message as necessary. As counties start opening up, keep people posted about whether they will be required to return to the office.

After the initial messaging, maintain regular communication. This can be daily or weekly check-ins. We use a weekly calendar meeting, a weekly partner meeting, weekly one-on-one calls with co-workers for case updates, and time sheets. While we continue to conduct our meetings telephonically, many use video

conferencing. They use this to fill the absence of social interaction and to ensure people are focusing on the conversation instead of something else.

### Time sheets

To help us understand how people are using their home office hours, we implemented detailed time sheets. While some may think of these as defense time-billing annoyances, they have been incredibly useful to make up for the information organically derived through personal interactions. They tell us where people are focusing and what cases are being prioritized. They also disclose inefficiencies and areas where the firm can improve. For example, is an attorney spending time organizing medical records when a paralegal might be able to do the task? Review the time sheets and then discuss any question areas in weekly one-on-one meetings.

Time sheets have helped us realize that working from home is not the oversight worry many employers fear. As many companies are discovering, home environments can help people be more efficient. As a result, we lean toward working from home during the COVID-19 period, no matter what health officers or politicians say is safe. There is a strong likelihood this will continue beyond the pandemic, and it will affect our approach to office space.

### "Send and delete" co-workers

In a recent webinar, the national firm Morgan & Morgan talked about how it strove to hire "send and delete" employees. These are people to whom one can send an email and delete the issue from one's mind. Why? Because there's no doubt the person receiving it will handle it appropriately. Now is a good time to ask if one's co-workers are send and delete people or if they require follow-up. If the latter, now is the time to motivate that person, and absent improvements, consider making a change. The firms that will survive the pandemic and resulting depression are ones that zealously protect their hard-working and loyal folks while making difficult decisions about those not pulling their weight.

### Outro

Back to our lawyer. The lawyer finished the call, prepared lunch, and sat with the family for a short meal. Because that is one of the joys of this experience – more family time. Even if that time meant an apology or two during a call...

*Miles B. Cooper is a partner at Emison Cooper & Cooper LLP. He represents people with personal injury and wrongful death cases. In addition to litigating his own cases, he associates in as trial counsel and consults on trial matters. He has served as lead counsel, co-counsel, second seat, and schlepper over his career, and is a member of the American Board of Trial Advocates. Cooper's interests beyond litigation include trial presentation technologies and bicycling (although not at the same time).*