

Lockdown learnings: cats, keyboards and client care

Jennifer Caldwell

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A recent Lawtalk article by Emily Morrow (Beyond Future Proofing – Lockdown lessons that matter, July 2020) provides a neat summary of reflections about the lockdown experience from individual lawyers in a cross section of New Zealand law firms. The themes are not surprising; prior investment in technology was key to successful and productive remote working, many firms experienced immediate revenue decline and took the wage subsidy as well as adjusting partner remuneration, junior lawyers experienced greater challenges than seniors, and many lawyers struggled to maintain a work/life balance (particularly when managing the entertainment or education of small or school-aged children).

Most of these experiences might have been predicted (leaving to one side the vexed issue of the wage subsidy and whether large commercial firms should have taken it) but of greater interest is the observation that "lawyers finally had the time to listen to their clients, who greatly appreciated the attention". In circumstances where lawyers could not attend in-person meetings, they otherwise managed to forge meaningful and productive relationships with clients despite the numbing and exhausting tyranny of endless Zoom and Teams meetings. Whatever lockdown lessons law firms might take forward from their 2020 experiences, this one is worth further reflection.

As Morrow notes in her article, communication is culture dependent. She was referring principally to communication with staff working remotely, but we know that culture is an increasingly important gauge of law firm success. Events of the last few years, leading up to and beyond the Dame Margaret Bazley Report, have confirmed that a high level of open, authentic communication within a law firm, particularly by those in leadership roles, builds trust and collective ownership of the firm's vision and values amongst its people. Those are the building blocks of culture, and there is no reason to think that the influence of good culture stops at the reception desk.

Without the physical scaffolding of the law firm office and all its trappings, lawyers and clients conducted business from their homes as best they could - sometimes professionally and productively, sometimes beset by cats walking on keyboards and naked toddlers running wild in the background of Zoom meetings. Unable to discern subtle nuances that words and expressions can provide in a face to face meeting, we were forced to listen to each other - what was said, and perhaps more importantly what was unsaid. Ultimately, both lawyers and clients had to bring their humanity to bear on what was both a logistical and an existential challenge for all of us. At its most fundamental, we got to know each other better and found that in doing so we were able to work more effectively.

The challenges faced by clients were many and varied, including dramatic loss of revenue for some and historic expansion of demand for others, involuntary halts in core business, and the painful reality of having to restructure what were, until March, successful enterprises. Priorities shifted constantly and clients needed responsiveness and clarity as well as empathy and reassurance from their legal advisors. Some clients will not recover, but they will not soon forget the support they received. Those law firms that recognised the value of communication-driven culture had an added dimension of resilience as a result, and will have found themselves well placed to collaborate with clients in their hour of need, regardless of the outcome.

In successful and resilient law firms, the 2020 experience will build goodwill and brand loyalty from their people and their clients. The key lockdown lesson is not to squander that goodwill, but to explore the opportunities that it brings. The COVID-19 era has demonstrated that changes in legal practice that we thought difficult or gradual (such as flexible working) could happen overnight. "Presenteeism" (or what Morrow describes as "the historical anxiety of needing to be physically present in the office for long hours") is now a relic of the past. This is a time of unique opportunity to reshape the way lawyers work with their clients, and we need to ask ourselves what other previously 'sacred truths' are up for grabs. Flexibility and creativity in the delivery of client service are here to stay and will repay ongoing focus.

The events of this year will also exacerbate and accelerate pre-existing trends in law firm governance and people management. The traditional leverage and profit models for legal partnership remain under scrutiny (the wage subsidy debate is particularly relevant to that issue). The recent growth of in-house legal teams to record sizes, coupled with what is likely to be a dramatic cut in budgets for external legal spend, will be more challenging than ever. The increase in competition for highly mobile senior resources who eschew linear career trajectories in favour of work/life balance will likely continue the trend we've seen towards partners working longer hours.

With continuing economic uncertainty there is no time to lose in waiting for things to 'return to normal'. They won't. The lockdown

lessons have only just begun.

This article was written by [Jennifer Caldwell](#) for NBR (October 2020).

Auckland

**188 Quay Street
Auckland 1010**

**PO Box 1433
Auckland 1140
New Zealand**

**P: +64 9 358 2555
F: +64 9 358 2055**

Wellington

**Aon Centre
1 Willis Street
Wellington 6011**

**PO Box 2694
Wellington 6140
New Zealand**

**P: +64 4 499 4242
F: +64 4 499 4141**

Christchurch

**83 Victoria Street
Christchurch 8013**

**PO Box 322
Christchurch 8140
New Zealand**

**P: +64 3 379 1747
F: +64 3 379 5659**