



PANDEMICALLY CHALLENGED

Teleworking in COVID-19 and what you need to know.

BY JEFFERSON W. FISHER

At the start of February 2020, I began writing an article through the Texas Young Lawyers Association that would encourage law firms to consider the increasing trend of teleworking—that is, working remotely—as well as the potential expectations from this trend for firms competing in the modern age; a preview of the future of law practice, so to speak.

Turns out, that future is now. Like, right now. At the time of this writing, COVID-19 has (1) been named a “pandemic” by the World Health Organization, (2) prompted President Donald Trump to declare a national emergency, and (3) resulted in an announcement as a public health emergency by almost every U.S. state and city. Gov. Greg Abbott has declared a statewide public health disaster. State school districts, including Houston and Dallas, have canceled classes. Almost all Texas colleges and graduate schools have moved to some form of online class. National and local sporting events have grinded to a halt. South by Southwest was canceled. Houston Rodeo was called off. And as if that’s not difficult enough, people are hoarding toilet paper, and Tom Hanks has tested positive.

With the unified push for “social distancing,” the coronavirus hasn’t encouraged teleworking as much as it has demanded it. So what do you need to know?

1. If your attorneys or staff members are not currently teleworking or *telecommuting*, prepare for it.¹
 - Access: Each attorney should perform a walk-through of a given work file along with respective staff to ensure future access to every case-essential step. Importantly, ensure that your work calendar is up-to-date and syncing.
 - E-filing: If you don’t regularly e-file, or depend on others to e-file for you, do yourself a favor and learn. You may be placed in a situation in which you alone are the only person available to file on a given due date.²
 - Mail: Consider a plan for handling and scanning office mail.

Largely firm-specific, the receipt of monies or sensitive documents should be carefully handled.

2. Ensure that your clients can communicate with you, and you can communicate with them.
 - While email is the near-universal form of work communication, be mindful of those clients (such as the elderly) who do not use it. Also, it is often the case that new matters in their beginning stages contain inaccurate or incomplete information. To minimize future problems, double-check all email addresses, phone numbers, and mailing addresses.
3. If you have an information technology person or department, let them do their job.
 - Your IT folks are most likely already on top of the pending cybersecurity risks of teleworking and have secured VPNs, or virtual private networks, for remote access.³ That being said, now isn’t the time to ignore an IT email or be dismissive of their efforts. Follow their instructions to the T. If not for yourself, do it for Tom.
4. Take the opportunity to measure the results of teleworking.
 - Even if your firm already has a teleworking or telecommuting policy, I’d be willing to bet it wasn’t made as a contingency for a potential global health pandemic. Ask yourself questions: *Has teleworking itself affected our efficiency? Productivity? Profitability?* Use this opportunity to see what works, what doesn’t, and create new or refine existing policy to increase the success of your practice.
 - As is the more modern trend, teleworking appears here to stay as a fixture of the new working environment, especially for new hires.⁴ Telecommuting offers many mental health benefits, including stress relief and improved work-life balance. And as we’re currently finding out, it can also have significant physical health benefits.

Undoubtedly, the coronavirus has challenged our ability to do one major thing: adapt. Only history will tell us if the global and national response was the right one. Meanwhile, as the legal needs of our state continue to increase in count and complexity, we owe it to our clients—even more so during these times of uncertainty—to deliver as much consistency and reliability out of the office as we do in the office. **TBJ**

Notes

1. Jennifer Parris, *Remote Work or Telecommute: What’s the Difference*, 1 Million for Work Flexibility, <https://www.workflexibility.org/remote-work-vs-telecommute-whats-the-difference/>.
2. *How Does E-Filing Work?*, <https://www.efiletxas.gov/faqs.htm>.
3. Hong Dao, *Remote Access for Lawyers: Remote Desktop Protocol (RDP) and Virtual Private Network (VPN)*, inPractice Blog, <https://www.osbplf.org/inpractice/remote-access-for-lawyers-remote-desktop-protocol-rdp-and-virtual-private-network-vpn/>.
4. David Dorion, *Working Remotely: How It’s Impacting the Legal Industry and Your Firm*, Law Crossing, <https://www.lawcrossing.com/employers/article/900048761/Working-Remotely-How-It-s-Impacting-the-Legal-Industry-and-Your-Firm/>; see also Jillian L. McNeil, *Working from Home*, Above the Law, <https://abovethelaw.com/2019/02/working-from-home/>; Tomas Suros, *Remote Work is Trending: How to Make it Work at Your Law Firm*, Attorney At Work, <https://www.attorneyatwork.com/remote-work-is-trending-how-to-make-it-work-at-your-law-firm/>.



JEFFERSON W. FISHER

is a partner in Orgain Bell & Tucker in Beaumont. He handles personal injury and commercial litigation, and he regularly serves as local counsel. Fisher is the director of District 7 for the Texas Young Lawyers Association.