



Lawyers Working Remotely

BY JILL GUINGCANGCO, ESQ.

For most of us, we are at a point where working at the office is no longer an option and working remotely is a necessity. While the practice of law has not traditionally been thought of as the most progressive profession when it comes to work-life balance and job flexibility, the circumstances during this unprecedented time have forced many of us to be more flexible with our work schedules and work locations. While change is seldom welcomed, especially a change this significant, it has forced a lot of us working from home to come up with ways to work as – if not more – efficiently as we did while we were at the office.

Although it seems that our social lives have come to a halt as restaurants and entertainment venues closed and social gatherings are no longer permitted, the global pandemic does not appear to have a similar halting effect on the legal work that needs to be done. Court hearings are still on calendar, discovery must be conducted, client contact must continue, and cases must progress, all while we must socially distance from each other. As a result, almost everything is being done virtually. And while some aspects of litigation cannot be fully replicated or replaced by technology, most of our work can effectively be done through this medium. Office and client meetings, depositions, oral arguments, mediations, arbitrations and hearings are now being successfully conducted via conference call or videoconference.

In my opinion, office meetings have been as productive as when we were physically working in the office. While we do not have direct and readily available personal communication with our colleagues, it has been just as easy to pick up the phone or hop on a videoconference call to discuss what needs to be addressed. Scheduled weekly office videoconference meetings have been quite beneficial as they give us all a chance to catch up as a team on the status of several of the firm's cases and see the friendly faces we miss seeing at the office. A bonus has been a puppy or child's brief welcomed appearance.

Attending videoconference oral arguments has been quite an experience. I have appeared via videoconference before the Nevada Supreme Court; U.S. District Court, District of Nevada; district court; and family court in these past nine months. While it took some getting used to for everyone involved, the judges that I have argued in front of have been extremely courteous and understanding of the technical challenges we all face when appearing by videoconference or by conference call. Further, the other attorneys have been patient and considerate when another was having technical difficulties or accidentally forgot to mute their audio. Testing the video and audio prior to logging in has helped and eased some apprehension

about appearing via videoconference. Another helpful tip is logging in at least 10 minutes prior to the hearing to make sure the link is working and the internet connection is strong.

Depositions by videoconference have been more challenging, mostly due to the use of exhibits. I have had to prepare separate PDFs of each exhibit I plan on using and have them pre-marked for identification in the order that I anticipate presenting them. I then email the exhibits to the court reporter and opposing counsel – and/or the witness – the day prior. If possible, I will also send a hard copy of the exhibits to the witness. During the deposition, I will offer to share my screen so we can all view the exhibits together. This allows me to point out the sections I would like the witness to review prior to asking my questions. Of course, other forms of discovery, such as written discovery requests and the disclosure of documents, have not changed much, and continues to be done through serving by electronic means.

Face-to-face client meetings are an essential part of the lawyer-client relationship; however, given the current situation, this is just not possible. To ease client concerns during this time, I make sure to respond to client emails and calls in a prompt manner, and if needed, schedule a videoconference call so we can have a virtual face-to-face meeting to address their questions regarding their case. As everyone is adjusting to this lifestyle change, it is important to be flexible and available for clients even if that means taking a call during the evening or weekend. The more that clients feel I am there for them – especially during this trying time – the greater the likelihood that they will refer my firm to others. This goes for potential clients as well. I have had a number of videoconferences with potential clients, and I want them to feel that they can connect with me personally, resulting in a greater likelihood that they will take the next step and retain my firm for their legal needs. It is important to continue to build that human connection with current and prospective clients by asking how they are doing with this “new normal,” and if there is anything I can do to further support them.

The ability to access everything from my office has helped my productivity while working remotely. Accessibility requires a firm to invest in some sort of secure remote-desktop software and have an information technology team that

is readily available when needed. This investment has resulted in a seamless transition from working at the office to working at home. Further, I have 24/7 access to these resources, so working late or over the weekend has never been an issue. I have also dedicated my guest bedroom as my office space, where I have my standing desk, my double monitors and bottomless cup of tea. I realized this arrangement was a necessity for minimizing distractions.

At the beginning of quarantine, I just set up my tiny laptop at the kitchen table, which affected my concentration (and was terrible for my posture). As tempting as it is to stay in pajamas, I dress up for work as if I am heading to the office. Although I am at home, dressing as though I am at the office has also helped my productivity. I make sure to take a lunch break, and if weather permits, take a quick stroll around the block to avoid any feelings of cabin fever.

While this time has been stressful and trying for everyone, the ability to accept the things I cannot change, be flexible and adapt has tremendously helped my work

and mental well-being in general. I look forward to the day when this is all over; however, in the meantime, I quite enjoy my current commute to work.

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