

In Post-Pandemic Era, What Will Return to Office Look Like?

When — or even if — we return to the office post-pandemic, what challenges, including the emergence of yet another coronavirus variant called omicron, await?

Many questions have surprising answers from experts in legal office management and recruitment during a recent PBA-sponsored virtual roundtable.

The PBA Large Law Firm Committee conducted a webinar, “Business and Practice of Law Post-COVID: How Will it Change?” in mid-November that focused on the business of practicing law post-pandemic.

According to Bloomberg Law, the COVID-19 pandemic has rapidly transformed the legal industry. With the start of 2022 approaching, in-

house legal departments can expect to see the continuation of many pandemic-era trends, including the growth of legal operations, the transition of in-house legal departments from legal advisers to strategic business partners, the accelerated use of legal technology and the importance of managing outside counsel and legal spending, according to Bloomberg.

“There’s an economic benefit to working from home,” said webinar panelist James D. Cotterman, principal, Altman Weil Inc., Orlando, Fla. “Most of the studies that I’ve looked at or heard of have said that work from home has been a productivity improvement, not a distraction.”

One benefit, Cotterman said, is that long commutes are eliminated.

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James D. Cotterman



Ellen Freedman



Robin B. Snyder

commute was 45 minutes each way,” he said. “My commute now is 45 seconds. I kind of like that.”

Firms must prepare and creatively manage a staggered “return-to-work” environment and continue to observe COVID-19 protocols. This “hoteling,” Cotterman said, doesn’t allow “everybody in the office at once.”

The decision to return will be up to the firm’s management and could be different office to office. The “hybrid” model — which allows some workers to split the workweek from working at home on specific days and being in the office on others — may stay indefinitely, according to the panelists.

The drive to remain at home for work, especially with the COVID-19 delta variant still taking its toll, could be trumped not by health concerns but by convenience and improved worker efficiency.

“It’s an ongoing debate,” Cotterman said. “And conversations

that firms are having internally. The first thing is, are we going back to a practice and an office configuration that we had prepandemic? Are we going back to 2019? Or are we going to come out of this with something that looks different from what we’ve been doing in the last year and half?”

Several clients of Cotterman’s firm have surveyed their workforce about returning to the office at different points during the pandemic “to gauge what the interest and concerns and criteria might be for people in terms of returning to the office,” he said.

The hybrid office concept, where some associates and partners are working remotely and returning to the office for a limited time during the workweek, is driven by convenience as much as by COVID-19 safety protocols. Many panelists point to the freedoms

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and productivity gains because of eliminating commutes and office distractions.

Return to Normal

However, some workers relegated to solely working from home yearn for the return to “normal,” which the pandemic has redefined. Yet some want what they were used to. What can be done about that?

“Not everyone prefers to work from home,” said Ellen Freedman, PBA law practice management coordinator. “But for many, the ability to work at least partially from home will become a deal-breaker for employment. The pandemic showed people that they can be productive and save significant personal time and costs previously spent on commuting.”

Those of the baby boomer generation are still mostly of a body-in-a-chair mindset, according to Freedman. “They have trouble trusting that work will get done, and done well, if someone is not in their desk chair. So, any boomers still in charge will push for a return to the office.”

The practice areas involved will also influence the outcome, she said. For many practice areas, “it won’t matter,” Freeman said. “But for those where clients still frequent the office regularly, there will be pressure to have all hands on deck.”

Freedman said that continued pressure will be exerted by a segment of the workforce to keep remote work incorporated into a hybrid model of employment.

“Add to that the desire of many firm owners to significantly downsize their footprint — space costs being one of the largest expenses in the law firm’s budget — many large firms will willingly employ ongoing hybrid

employment models to lower space requirements and increase profit margins,” she said.

It looks like the work-from-home, or at least the hybrid model, is here to stay.

“I don’t think that we’re going back to a situation where we’re in the office five days a week,” said webinar panelist Robin B. Snyder, assistant director, Health Care Department and shareholder at Marshall Dennehey, Philadelphia. “That is something that needs to continue to be flexible as we move forward.”

Office personnel are critical so “that we can maintain our culture of sharing ideas and bouncing ideas off one another, and I mean that across the board, from most senior attorneys to junior attorneys,” Snyder said. “I think that some of it will fall in the hands of individual lawyers and their individual teams, but I do think there will be some management oversight in making sure things are flowing correctly and that people aren’t falling through the cracks, so to speak, if they’re working remotely too often or not having enough contact within the office as a whole.”

Does it matter where the office is located? To some webinar participants, the answer is: not in a virtual work world.

“Firms realized ‘I don’t need to have you in New York City or Los Angeles or Chicago,’” Cotterman said. “Wherever they happened to be located, all I have to do is ship you the tools, plug you in and off you go.”

Cotterman asked: what does the new office look like? Has its purpose changed?

“There’s a strong sense that when we come back to the office, the office ought to be something different,” he said. “What is our purpose for coming back to

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ELIGIBILITY OF CLAIMANT — RAISED BY BOARD SUA SPONTE

— self-employment — 34 Pa. Code 101.107 and 101.187 — commingling of adjudicatory and prosecutorial functions — plenary scope of review — 43 P.S. 824 — order reversing decision reversing award of compensation benefits affirmed

Quigley v. U.C.B.R., No. 20 EAP 2020 (Nov. 17, 2021) — Order finding board erred affirmed when board did not grant hearing to claimant on question board had raised sua sponte and terminated her benefits on that basis, then compounded the prejudice by

denying her motion for reconsideration on remand.

WORKERS' COMPENSATION

Supreme Court

COURSE OF EMPLOYMENT — TRAVELING EMPLOYEE — Section 301(a) — 77 P.S. 431 — motor vehicle accident after leaving employer-sponsored event — voluntary social event — scope and standard of review — requirement that claimant was furthering employer business —

conflicting testimony re actions after leaving gathering — order affirming denial of petition vacated

Peters v. W.C.A.B., No. 1 MAP 2020 (Nov. 17, 2021) — Conflicting testimony whether claimant took action after leaving employer-sponsored event that would be considered abandonment of employment; order vacated in appeal of whether claimant in course of employment when he was involved in motor vehicle accident. ⚖️

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the office? And things that are relational in nature and come first to mind — mentoring, collaboration, training and development, building and maintaining your culture — those are things people are most highly focused on and they think are the most challenged.”

“If we are not primarily doing work there anymore, and we are coming back to these relational-type issues, what does that mean for how it’s set up, how it’s designed and how it’s organized?” Cotterman said. “I think that’s part of the question as well.”

Transformed Design

The pandemic has literally transformed the design of the firm’s office, according to webinar panelist Ryan

J. Hoopes, senior director, Cushman & Wakefield, Dallas.

His firm used Bright Insight to survey more than 700 firms, from the largest law offices in the world to local law firms. See the survey here: www.bit.ly/BrightInsights.

Hoopes noted his firm produces this report via a benchmark survey “that is sent out to our database via email once per year in the second quarter,” he said. “The database surveyed consists of global law firms, not just U.S.”

The overarching theme from survey responses, Hoopes said, is that “many of the changes that law firms are going through right now, related to their workplace strategy, are themes and trends that existed and were gaining

momentum before the pandemic.”

The survey points out changes in how an office looks since the pandemic, including reduction of the private office size, amount of square feet per attorney and increased technology spending.

“What the pandemic did was to serve to accelerate many of those trends in tremendous fashion,” Hoopes said. “Most of these trends were moving toward more efficient, more flexible and a higher quality workspace. The pandemic just served to accelerate all of them.”

Hoopes said the new traffic in these spaces is something that has become a hot topic.

“More collaboration areas are tied in with client-facing areas,” he said. “We’ve gotten as far as looking at designing the same program and the number of attorneys and support staff.”

Firm’s Needs

Office design depends heavily on the firm’s philosophy, needs and the workers in a geographic region.

“It does depend upon the geographic region,” Snyder said. “What works in Pennsylvania, even Pittsburgh compared to Philadelphia, may not work in Florida or in Ohio. You have to adapt to the environment and what is going on in those geographic regions while still maintaining a practice that works for your clients and your law firm. Geography will play a part in what happens

with the remote workforce.

“We found the remote work policy in our Pittsburgh office was favored, whereas in Philadelphia, companies still did

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Anticipating Future Data Needs at Startup

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aged law firms in-house. One thing that always astounded those firms I managed was that no matter how hard they tried to “stump” me in asking for an analysis of something unusual, it was rarely a problem to pull the numbers together to provide ample relevant data on which to draw conclusions and make decisions. Being a “numbers person,” I instinctively tracked everything possible.

Remember, you may have all the information you need for now. But that doesn’t mean it will be adequate in one, five or 10 years from now. It’s a whole lot easier to collect and organize detailed information, even if you don’t have a use for it now, than to try to determine what you’ve never collected or organized, later. ⚖️

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not come back to work: It was disfavored in Philadelphia,” she said. “And that’s just Pennsylvania. Why should we have to come back to the office?”

How does the office design work into a back-to-the-office scenario?

A longer-lasting plan is necessary for the design of the office, according to Hoopes.

“The last 18 months have really been more of looking at instituting Band-Aids on the real estate situation,” he said. “(But) what does our long-term workplace strategy look like?”

The bigger trend he’s seeing is the combination of the workplace amenities (break area, lounge, collaboration spaces for attorneys and employees) interwoven with the client-facing areas.

From a design standpoint, what they’re seeing, according to Hoopes, is the meshing of elements: collaboration and amenity spaces with client-facing areas.

“From a profitability standpoint, that is one of the premier parts of our strategy: looking at reducing real estate costs while maintaining a competitive balance,” he said. “It’s incredibly advantageous to be in high-quality, trophy-asset buildings from a recruitment and retention standpoint, and to a brand standpoint for a lot of these law firms. But those are expensive.”

Hoopes said clients are “spending a lot of dollars on space to elevate the feel of the space and the experience of attorneys while impressing clients coming into the space.”

Worker Retention

If the office “feel” and design is worked out, what about worker retention and recruitment?

“You have to be very purposeful when it comes to this area,” said webinar panelist Marie Milie Jones, founding partner, JonesPassodelis PLLC, Pittsburgh, “particularly in

these times that are uncertain.

“You have to be purposeful to engage with people,” Jones said. “You have to listen to what they are telling you, and what they might need.”

“We need to consider what’s best for the clients and what’s best for the firm in general,” Snyder said.

Office environments are used different ways by the personalities that inhabit the space.

“We are all different people by nature,” Snyder said. “So, if you’re in the office and you’re walking down the hall, and you see someone’s door closed every single day, it may be that they are just somebody who likes to hide behind that closed door. But that is something that you in management can see because it is physically in front of you. If the person is not physically in the office, the people who have those personalities that are not outgoing, necessarily, may tend to hide. That doesn’t mean they’re not going to be successful in your place of business, but it takes a little bit of extra effort on the part of management to make sure that you are addressing the needs of all the people in your organization in a different sort of way.”

Snyder said the approach “takes just a little extra effort and a different way of management.”

But what does working remotely or out of the office leave out?

Some believe mentorship, guidance and creative corroboration could be falling by the wayside, not to mention the relationships that build between partners and associates.

Law firms have found that most anything that is transactional or linear in nature can get done very effectively in a remote working setting, according to Hoopes.

“But what you miss out — and where our studies have shown the issues have been — are areas like mentorship; succession planning, as an example, vaulted to the No. 2 concern of the 700 law firms we surveyed; business development; creativity; a lot of the aspects that



Ryan J. Hoopes



Marie Milie Jones



Kevin E. Raphael

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— Ryan Hoopes

associates really need from our understanding and our studies, they are missing out on from remote working environments,” he said.

While the response to the surveys point to being able to work remotely, that same work environment “has affected them negatively” in a lot of ways, Hoopes said.

Appropriate compensation remains at the top of the associate concern ladder, Hoopes said. But collaboration and culture are incredibly important.

“The surveys are not giving you stereotypical answers that any of us probably would have expected,” Cotterman said. “We are getting a much more nuanced and complex set of answers. Which means our response is complicated by that, and we’re going to have to take the time to see how we address this uniformly and consistently across the organization, but provide the flexibility that what works for Jane works for John, and what works in Dallas works in Chicago.”

To see the survey, visit www.bit.ly/AltmanWSurvey.

Consistent Policies

What the new normal may bring

is still being determined. Some firms may have already adopted long-term, consistent policies and some are striving to do so.

Will there exist a “uniform policy across a firm with geographic locations in many states, or is post-pandemic going to show that all policy will be based on particular offices or the proclivities of attorneys in particular offices?” said panel moderator Kevin E. Raphael, partner, Pietragallo Gordon Alfano Bosick & Raspanti LLP, Philadelphia.

“I do not see us having individualized policies,” Snyder said. “I think they may be interpreted differently and implemented differently in the different geographic regions. The policy will be consistent throughout. It will have to be something that can work in all the jurisdictions.”

Some firm leaders believe virtual policies should be spelled out clearly.

“As an employment lawyer, I would suggest that you have uniform policies, understanding that there can be a particular office that has to do something one way that another office simply couldn’t do,” Jones said. “That still allows that office to have

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the practice, while the firm has an overarching policy.”

That policy is influenced by what used to be reality for many offices.

“I think there is a strong urge to always sort of go back to where your comfort zone is, with what worked in the past, although I think we have been very successful as a profession to work remotely,” Cotterman said. Firms were able, he said, to “keep clients’ work moving, with the constraints of the courts and other aspects of moving ahead.

“It’s been a successful pivot,” he said.

But what has been lost working virtually with associates?

“I’ve learned that the associates don’t want to miss out on opportunities, and those might be work opportunities, client-facing opportunities, they might be social opportunities with the firm,” Jones said. “But they balance that against really liking the flexibility to not always be in the office.”

That is a “balancing act we have to perform,” she said.

In the end, the management team must pay more attention to “not let somebody slip through the cracks, and make sure they’re engaged,” Jones said.

Business Success

But firms need to take a hard look and discern what is critical to the practice’s business success.

“What’s the purpose to go back to the office?” Cotterman said. “Does the office fit and meet that purpose? What is the purpose of getting together? Is that the most efficient use of your time and resources?”

Cotterman hears from managing partners who say, “our clients really are not all too keen on us coming back out to see them in their offices,” he said. “We are comfortable working with you in a remote situation.

“I think you have to be flexible in terms of how you (meet) with each client,” Cotterman said. “If a client

needs you to have more face-to-face interaction, then figure out how that’s going to happen, when it’s going to happen and so forth. And if other clients really don’t want to go in that direction, want to stay remote, plan your service for them. I think you’re just responsive to their particular needs and situations.”

“The keyword we are going to hear today from all of us is flexibility,” Jones said. “I believe post-pandemic, it’s going to be flexible, but I would venture a guess of more *in* than *out* of the office. I agree, however, that the management responsibilities are going to become more critical and that there will be a greater level of administrative oversight to address, manage and ensure the productivity of the lawyers as well as their happiness, frankly, in terms of their jobs with this flexible atmosphere.”

That burden on management can cost more, particularly for technology, Jones said.

“If our clients need something, want something a certain way, I think we work hard to accommodate that if we can,” she said. “Discuss it. Do you need to be there for that client, even if the client says I don’t want you to come?”

“If the client says we do want you here, and you have concerns for whatever reason — the safety of your lawyers, the nature of the industry in which that client works, and you wouldn’t want your lawyers to be there — then you have that conversation,” Jones said. “I think we will work with them and just try to assess how their needs and our firm’s preferences can work together so that we can all get to the right answer.”

But in the new normal, what tactics can help to increase clientele? It has taken a lot of learning and adaptability.

“The tools have come a long way and continue to go a long way,” Cotterman said. “Many of us have learned new social skills over the last year and a half. How do we interact socially in a digital format differ-

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ent than when you’re right there in person? Some people are camera-shy. The digital (world) can be a bit imposing to some people.”

That also means more robust technology platforms so that people can interact within the confines of their networking, he said.

Client development, business development, is about building relationships, Jones said.

“We have to figure out the best way to maintain or build new relationships with clients in the post-pandemic world,” she said. “I can still see using in-person events (getting together, finally). Take a client to a hockey game. Take them to a dinner and a show. I can see that continuing. We’re going to try and do that when we can and when the clients are comfortable, because you want to interact and continue to build those relationships.”

‘Here to Stay’

“Video conferencing is here to stay,” Freedman said. “Most people have come to enjoy the cost- and time-savings of meeting via video. The pandemic lockdown has left many people starved for interaction. So, when the risk of contracting COVID-19 or one of its variants shrinks from daily consideration, we will see a return to more in-person group meetings.”

Freedman said some things are not as good via video.

“People will want to gather again in person for celebrations, conferences, strategic planning, creative brainstorming, entertainment and so forth,” she said. “Nonetheless, we will see a per-

manent shift to increased use of video, and even text, for communications and small meetings.”

Software applications such as Zoom will become more evolved and unified with other technologies, Freedman said. Back when unified messaging first entered the scene, people were able to receive their voicemails as attachments to emails. It was a technologically transformative experience.

Training, then, will be mostly virtual.

“We’re going to have another generation of lawyers coming up now behind us that will be trained in a substantially different way than we were trained,” Snyder said. “But it needs to happen with purpose so that you are ensuring that those individuals are being trained. We want to mentor young associates and bring people along so that they know about the culture of the firm, and they want to stay and become shareholders and become the future leaders of the firm. And you’re not going to do that unless you can find ways to continue mentoring them, even if they’re not in a physical workplace 24/7, so to speak.”

The remote environment makes it easier to get experience, Snyder said.

But the 24/7 mentality may increase the stress from work-from-home.

“Do we now feel like we are on 24/7?” Jones said. “That’s not necessarily balanced at all. And it’s also not necessarily good from an employment-law standpoint. There is a lot of reasons the remote-working-from-home situation could be troublesome.”

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But the hybrid environment will persist, because it could be better business sense, according to Cotterman.

“Probably the last thing airlines and the hotels want to hear is that a significant proportion of the travel budgets of corporations are unnecessary,” he said. “They don’t serve a necessary business purpose, given the advancement of tools like (Zoom). And they will not happen.

“Our clients are corporate clients. There may not be the willingness, or the opportunity, or even the availability from the budget to travel and go to conferences like they used to. If you want to get together, it’s going to be outside of those settings.”

“I do think it’s going to be completely dependent upon the client and the event, going back to the word ‘purpose,’” Snyder said. “What is the purpose of the meeting? Does it have to be in-person? Can it take place remotely?”

“I think there is a much bigger focus on workplace balance: it’s front-and-center now,” Snyder said. “Management has to figure out how that is going to affect policies and affect how we conduct our business.”

View the webinar at <https://www.youtube.com/watch?v=-5xuNU4lpg>. 



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