

# Virtual Viability

## Telecommuting Works Only With Solid Client Service

BY ED POLL

When a technology company decides technology is the problem and not the answer, it's worth taking note. Hewlett-Packard recently did just that. The computer and electronics giant, a pioneer of telecommuting, announced that it was ending the practice for most, if not all, of its 1,000-person global information technology staff. Staff members now report to one of 25 offices nearest their homes. In some cases, this may mean a move of thousands of miles. The reason: Apparently enough questionable practices surfaced to compel the new division chief, formerly with two major high-tech companies, to re-examine and eliminate the practice.

What does this mean for legal administrators and the lawyer with whom they work? It's an indication that the ever-increasing interest in telecommuting among lawyers in large firms – and the ever-expanding use of technology by solo practitioners to extend their communication reach – may both have limits.

### TELECOMMUTING CONSIDERATIONS

In a firm of any size, telecommuting's attractiveness centers on greater time flexibility. Some lawyers, however, are typically more equal than others when a firm decides to accept a telecommuting arrangement. Senior lawyers and transactional lawyers generally get more flexibility than associates and litigators. Client reactions and client service always are voiced as primary concerns, as they should be. If an important client expects the personal touch in an office visit, no amount of time efficiency can or should outweigh it.

Personal touch matters within the firm, too. Lawyers who work together in an office environment share camaraderie that shapes the development of a firm's culture. Many factors come into play: the exchange of ideas, the guidance, the learning, the education of one lawyer by another. These are vital to a successful law firm and to business judgment. As a former law firm partner and chief operating officer, I can walk through an unfamiliar firm and get a sense of whether it's making money or not, and whether it's serving clients well or not, even if I don't know a thing about the practice. That comes from years of working in a physical setting, not a virtual one.

### TELECOMMUTING LIMITS

Administrators are well aware of one key telecommuting limit: Lawyers are not entitled to work from home when physical office space is available. If office space is no longer used at least 20 percent of the time, someone else must use the space while the telecommuting attorney is



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absent. Otherwise, the firm will eat the expense and incur a greater cost for off-site operations.

Telecommuting's limits are different for solos. Technology has conspired with traditional attitudes to make many solo practitioners believe they truly can go it alone. The flexibility offered by voicemail, e-mail and other electronic tools is real, but it can be dangerous when used as a replacement for direct client contact. If they are perceived as inaccessible, fees become an issue, and client complaints are a bigger problem. The nature of one's practice and the lawyer's intentions to be "super-connected" and to respond quickly are essential to answering the visibility question. Clients may be more understanding about where a solo practices if they have the assurance that they can always get in touch when they need to.

#### TELECOMMUTING TEAM

When telecommuting works, it does so only as a joint effort. As law firm administrators are well aware, every successful lawyer is, or should be, part of a team that can interact with the client if the lawyer is not available.

The starting point for building the support team is defining what support the lawyer needs, and then listing the characteristics of your ideal candidate. Solos and small firms need not worry about using the Internet to search for candidates with these characteristics. Networking and referrals are usually sufficient, and the hiring decision is ultimately a matter of "gut feel." If you are honest in the interview about your requirements for integrity, initiative, professionalism, and technical skills, the right candidate will emerge.

Once your support team is in place, teach all team members the skills to provide better service and enhanced performance to clients. When the telecommuting lawyer is absent, no one should worry about what staff members might be saying to

clients on the phone. When staff have the right training and support, telecommuting lawyers and their administrators can have the kind of confidence in their team that former U.S. President Theodore Roosevelt once expressed: "The best executive is the one who has the sense enough to pick good men (and women) to do what he wants done, and self-restraint enough to keep from meddling with them while they do it."

#### VIRTUAL ASSISTANT SUPPORT

As part of your team-building strategy, you may want to consider another element made possible by technology, one analogous to the telecommuting lawyer: virtual assistants (VAs). VAs are paralegals or other administrative specialists who work offsite and online, creating work product to your specifications and tailored to your practice. As an independent business owner, the VA is neither an employee nor a subordinate. Like accountants or other business consultants, VAs become familiar with your practice and stay attuned to your business needs as much as any service provider engaged for a substantial period of time.

Virtual assistants should be selected like any other professional service providers. Specify the professional qualifications you want, whether it is the paralegal's skill at preparing documents for court proceedings or the administrative assistant's ability to manage client files.

A virtual assistant should be able to handle all of these activities from a remote location. That assumes and requires compatible e-mail, word processing, document management, and database capabilities. If your word processing system is WordPerfect, engaging a VA who works only in Microsoft Word can complicate your life. The same is true for other software products: Excel versus Lotus, Quicken versus QuickBooks, etc. There are,

of course, other document exchange tools – faxes, shipments via overnight couriers, even surface mail – but effective electronic integration is a must.

In the United States, the Internal Revenue Service has clear guidelines to determine whether a service provider is an employee for federal tax purposes. To realize the financial advantages of a VA relationship, ensure that you are engaging an independent contractor, not simply a temporary or part-time assistant. Temps can be viable parts of your client service team, but if you need anything other than the most basic clerical assistance, it would be wise to work with an agency specializing in temporary legal personnel.

#### CLIENT SERVICE

For lawyers or staff, the bottom line on whether telecommuting makes sense is whether it accommodates client service and client communication. I recently read a study contending that doctors talk three minutes longer with their patients (clients) than other professionals (lawyers), and that doctors

are sued less often than lawyers are. The article called this extra communication “marketing” that lowered the risk of malpractice. While that may be far-fetched, it remains true that nothing should be allowed to disrupt the means by which your firm and its personnel – lawyers and staff – learn a client’s intentions, desires and wants.

When full communication supports client service, fees are not an issue, and client complaints are not a problem. When that doesn’t happen, lawyers are at best seen as a cost and a “necessary evil.” At worst, the lawyer becomes the problem.

Without clients, law firms would have no reason to exist. The attractions of telecommuting should never obscure that fact. No matter what the technology and team behind it, telecommuting is not the answer if it makes life more difficult for your clients. ✱

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