



# THRIVING IN A POST-2020 WORKPLACE: HOW LAWYERS CAN LEVERAGE LESSONS LEARNED TO SUCCEED IN 2021

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## 2020 was a tumultuous but redefining year.

The way we live and work changed dramatically. How we respond to this vast array of experiences, changes, and challenges will be critical to future success.

If you feel jaded about making plans for the future, you're not alone. But as we reflect on the lessons we learned in 2020 and explore some of the unique challenges presently facing the legal industry, and small law firms in particular, you'll be better equipped to create effective strategies that will help you thrive in 2021—and beyond.

Can't wait to see the top predictions?  
Jump to the pages below to read more:

1. Develop a People-First Technology Plan
2. Embrace Flexibility and Adaptability
3. Provide Greater Value
4. Leverage Data and Analytics
5. Focus on Efficiency

## LOOKING BACK: 4 MAJOR THEMES IN 2020

Before we can move forward with purpose, it's helpful to reassess what we've experienced and the lessons we've learned. Through the vast and varied events of 2020, notable themes in professional and public discourse transformed the ways we live and work. Here are four of the major trends we saw throughout the year:

### 1. Resilience & Adaptability

Despite turbulent and unforeseen circumstances, many law firms and their clients discovered an unexpected capacity for change as they were forced to be flexible in order to maintain business continuity. Courts adjusted as well, implementing remote and online options for trials and other rulings.

It may not have been ideal, but many teams exhibited inspiring resilience and adaptability in the quick (and sometimes makeshift) transition to working from home. From April to June, the percentage of law firms who relied on cloud-based technology to work remotely jumped from 79% to 90%<sup>1</sup>—an enormous and rapid leap for an industry that's typically reluctant to change.

#### TIME MANAGEMENT

With vast changes unfolding across most industries, law firms frequently faced an increased workload and were forced to manage competing priorities. Finding new, innovative ways to manage time and workflows became even more important.<sup>2</sup>

## 2. The Vital Role of Technology

As remote work became the norm for organizations across the world, the vital role of technology became all the more apparent. Law firms that were already equipped with the tools to keep business moving forward with a dispersed team were able to make the transition much more easily.

### **COLLABORATION & COMMUNICATION TOOLS**

Platforms designed to help teams communicate, coordinate, and collaborate have become particularly important.<sup>3</sup> Whether while working with internal team members, external firms, or clients, virtual meetings—using tools like Zoom, Microsoft Teams, and GoToMeeting—have been critical to successful communication.

Law firms have increasingly relied on real-time messaging platforms to facilitate efficient 1:1 conversations and group discussions, as opposed to email and listservs. Though this trend was already underway before 2020, it certainly accelerated as teams became dispersed.



### **CLOUD-BASED SOLUTIONS**

As ILTA's 2020 Technology Survey found, cloud acceptance is accelerating, with over a third of responders from firms with fewer than 50 lawyers stating that their tech philosophy is "cloud with every upgrade."<sup>4</sup>

Companies that have adopted a cloud-first strategy were particularly poised to navigate the challenges of 2020. Compared with their on-premises counterparts, cloud-based technologies provide a far more seamless remote work experience, which helps teams avoid workflow disruptions, even when they're out of the office.

## 3. Mental Health & Work-Life Balance

Boundaries between work and personal life have blurred significantly in the past year. Gartner advocated for employers and HR professionals to "acknowledge the non-work stress on employees" because of the increased impact on productivity.<sup>5</sup>

In an industry where burnout is a well-documented problem,<sup>6</sup> the added stress and emotional strain caused by the personal and professional upheaval of 2020 has put a spotlight on employee mental health and work-life balance.

## 4. Justice & Equality



Events in recent years have increased awareness of issues of justice and equality throughout the world—but 2020 was particularly significant. These issues have impacted law firms in a variety of ways, ranging from personal to public.

### **THE UNEQUAL IMPACT ON WOMEN**

Globally, women have experienced disproportionately negative economic effects due to COVID-19,<sup>7</sup> including higher job vulnerability and an increased burden of unpaid care (including childcare, cooking, cleaning, etc.), compared with their male counterparts.<sup>8</sup>

For women lawyers, the challenges of virtual work have also reduced access to mentors and exacerbated existing gender inequalities within the legal profession.<sup>9,10</sup> With a litany of additional stressors on top of an already demanding career, it's no wonder that many working mothers are experiencing negative impacts on their mental health—and even on the brink of walking away from the workforce altogether.<sup>11</sup> If not handled properly, the legal industry may face a “generational wipeout” of mothers’ careers as a result of the pandemic.<sup>9</sup>

### **RACIAL INJUSTICE**

Throughout the year, we've seen rising levels of unrest and outrage surrounding racial injustice. The legal industry has been uniquely positioned to consider not only their own biases,<sup>12</sup> but their powerful role in access to justice and fairness.<sup>13</sup> A July 2020 survey by Clio found that:

- 72% of legal professionals believe the US judicial system suffers from systemic racism
- 65% believe that the race or ethnic background of a person significantly affects their ability to receive fair outcomes for their legal issues, and
- 60% believe the race or ethnic background of a person significantly affects their opportunity to pursue a career in the legal profession.<sup>14</sup>

Throughout 2020, many law firms and organizations responded to racial injustice,<sup>15</sup> while attorneys and legal professionals of color shared their experiences of racism within the legal profession.<sup>16</sup>

## LOOKING FORWARD: WHAT'S TO COME IN 2021 AND BEYOND

2020 challenged us in so many ways. But we're also coming out of that year with new tools that we can apply as we move forward—not just in technology, but in increased resilience, flexibility, self-awareness, and wisdom.

Through our hard-won experience, we've also learned to expect the unexpected and respond with poise. While we're not ruling out any potential curveballs in the future, there are a few things we can predict with confidence. Keeping sight of these guideposts can help keep you focused and aligned to your goals—no matter what 2021 (and beyond) throws at us.

### Remote Work is Here to Stay

Even before the pandemic, remote and flexible work options were gaining popularity in the legal industry—particularly as millennials began taking their place in the workforce.<sup>17</sup> Since work-from-home mandates were first put in force, however, it has become clear that remote work isn't going anywhere.

Among those currently working remotely, 80% would like to continue to work away from the office “at least occasionally,” and 58% indicate it's their preferred way of working.<sup>18</sup>

Even after mandates are lifted and return plans are being designed, it's unlikely that businesses—including law firms—will expect all employees to be present in the office five days a week. Video conferencing, reduced office sizes, hybrid scheduling, and online learning opportunities are likely to stick around as part of our new (and better) normal.





## CHANGING THE GAME FOR WORKING PARENTS

While many women still face unrealistic expectations and pressure in their attempts to balance careers and motherhood,<sup>19</sup> changing attitudes about remote work may have positive impacts for working parents.<sup>20</sup>

*“With many bosses and workers facing the same stay-at-home challenges, some employers have learned to be more flexible, empathetic, and supportive of working families. And parents have learned to be increasingly unapologetic and straightforward about their child care responsibilities and child care needs.”<sup>19</sup>*

In addition to integrating the necessary technology to support remote team members, company culture and expectations have also had to change in unexpected ways—and those changes are benefiting working parents.<sup>21</sup>

As we come to better understand the importance (and benefits) of supporting employee well-being in all areas of life,<sup>22</sup> this can be an enormous win for working parents and their employers alike.

## Stronger Connection Between Humans and Tech

According to Deloitte, organizations have traditionally considered “human concerns ... separate from, if not directly in conflict with, technological advances.”<sup>23</sup> But as our primary workplaces and workflows have become increasingly digital, it simply isn’t feasible (or wise) to try to disentangle people from tech.

As “working from anywhere” continues, the importance of integrating people and technology will become more important. In-person meetings to discuss ideas and build legal strategies have effectively disappeared, so it’s more important than ever to find platforms and create processes that seamlessly support communication and collaboration.

### DIGITAL TRANSFORMATION

While many law firms have modernized and undergone a digital transformation of their business, others have held firmly to the tried-and-true legacy solutions they’ve known for, well, decades.<sup>24</sup>

The pandemic, however, has been a wake-up call.<sup>25</sup> Legacy systems cannot keep up with the speed of modern business—particularly when that business is scattered across the homes of employees. Digital transformation, including the adoption of cloud-based systems and digitization of documents, is happening at a rapid pace to keep business continuity intact.

As more and more teams prioritize cloud-based technology and empower their teams with remote-working tools, those who don't make the move to modernize will be left behind.

## Unique Impact of COVID-19 on Legal

The impact of the pandemic on various industries has been widespread, but varied. And although much of legal was well-positioned to adapt and keep moving (even prospering),<sup>26</sup> some practice areas were more affected than others.



In their 2020 Legal Trends report, Clio found that firms handling criminal, personal injury, and traffic offense matters saw a significant drop in their caseloads, whereas practice areas related to business matters experienced less of an impact.<sup>14</sup> If the precedent of the global financial crisis carries, M&A activity and nationalizations will accelerate as the pandemic subsides, according to Gartner.<sup>27</sup> Meanwhile, experts are also “bracing for a wave” of pandemic-triggered bankruptcies.<sup>28</sup>

Much has also been speculated on the effects of the pandemic on divorce rates<sup>29</sup> and malpractice cases<sup>30</sup> (though many states have taken measures to protect healthcare providers from civil liability).<sup>31</sup>

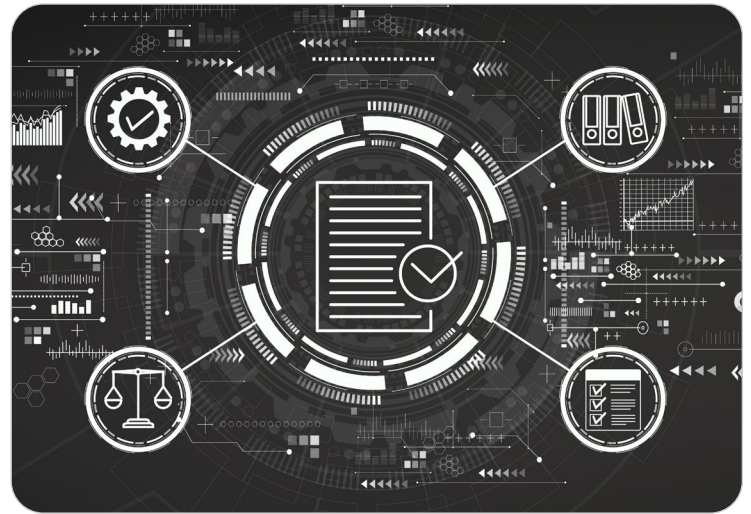


# CHALLENGES FACING SOLO, SMALL, AND MEDIUM-SIZED LAW FIRMS POST-2020

After reflecting on lessons learned in 2020 and exploring what we can predict about the future workplace landscape, we move our focus to some of the specific challenges now facing lawyers and law firms in 2021.

## Implementing Technology

When it comes to improving process efficiency, law firms have typically responded by throwing more lawyers at the problem. Now, however, they're torn between making an investment in technology solutions or hiring more lawyers—and organizations are increasingly pushing for more technical expertise and technology to fill the gap, including hiring non-lawyers to be dedicated to technology.



There has also created a significant shift in attitude: Anything that *can* be automated *should* be automated.

In the past, lawyers and legal teams relied on the firm's IT department to find technology solutions to business problems, including automation.<sup>32</sup> But with many organizations responding to work-from-home mandates on the fly, the typical process for implementing tech has changed. Lawyers now may be more apt to find their own solutions to problems without relying on the IT department to do it.

With all of these changes, law firms may face additional challenges, including poor integration (or complete incompatibility) between platforms, data fragmentation, and compliance issues, which we will discuss in further depth below.

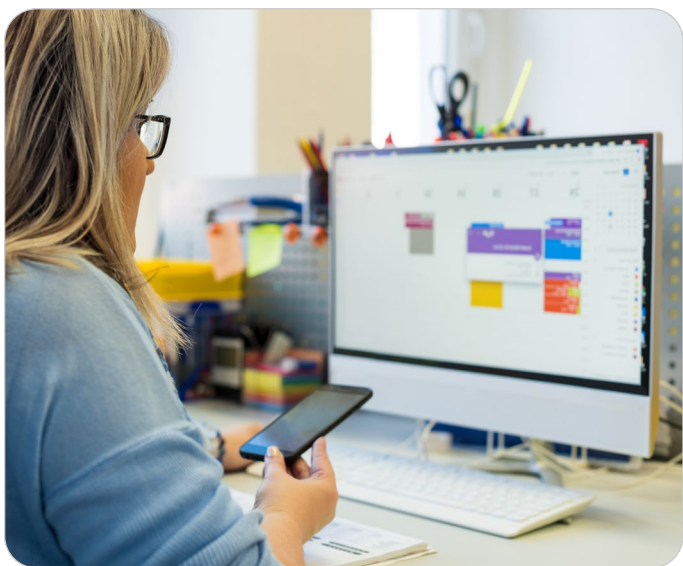
## Resolving Data Fragmentation

According to ILTA's 2020 Technology Survey, "legal data is becoming more fragmented and existing vendors are making it worse."<sup>4</sup> With more people working from home, law firms are finding it difficult

to wrangle and secure the materials that are now stored in disparate locations such as network drives, local hard drives, extranet sharing, and document management systems (DMS). There is no longer a single source of truth for all of their files (that is, if they ever had one to begin with).

The reality is that many teams were in such a rush to protect revenue and maintain continuity that they implemented remote work tools with no plan for how they would integrate with their existing technology stack—or how to keep everything secure.<sup>33</sup> (In fact, Baker McKenzie reports that “ill-considered and poorly implemented technology has already resulted in [compliance] enforcement investigations” in the wake of COVID-19.)<sup>34</sup>

IT teams are just beginning to understand the scope of the problem, but the longer people are working from home and using ad hoc solutions, the more difficult it will be for IT to recapture the information that was effectively released into the wild. This leaves firms playing catch-up on compliance and trying to get in a better position to assess and manage risk.



## Managing Remote Work

The inherent lack of visibility in dispersed teams has created significant challenges for managing employees and workflows.

According to Baker McKenzie, “there has been an uptick in the number of organizations implementing remote-monitoring tech to understand whether their employees are remaining productive, meeting contractual obligations, and refraining from high-risk behavior.”<sup>34</sup>

However, organizations that collect surveillance data of individual employees must be cautious in their approach.<sup>34</sup> Monitoring tools may not meet the standards of governance, compliance, and security required for legal work. In addition, extensive monitoring could potentially be counterproductive if it hurts the relationship of trust and confidence between employers and employees.

## THE PROPOSED “PRIVILEGE TAX”

Though most white-collar workers—including attorneys and legal professionals—are able to work remotely, this is not true of all workers and professions. That’s why some economic researchers have proposed a luxury-type tax to be paid by employees who choose to work from home, or by employers who do not provide staff with a permanent desk.<sup>35</sup>

Though this controversial idea is still only a proposal, law firms may need to consider the financial impact of remote work as well.

## Recruiting and Retaining Talent

In the past, organizations that resisted remote work did so because of concerns about loss of productivity, poor communication, and reduced work quality.<sup>36</sup> While being forced into remote work has not completely alleviated those concerns (as described above), the reality is that people have seen the benefits of remote work, and particularly the potential for improvement of their work-life balance through hybrid working environments.

As such, organizations must recognize this as being a future expectation of employees across the firm, and not just in the lawyer community, if they hope to recruit and retain top talent.



## DIVERSITY & INCLUSION

In the past year, it has become more clear than ever that diversity is an urgent issue, “both for equity’s sake but also for its importance to business survival.”<sup>37</sup> But *how* law firms embrace diversity in their organizations has a drastic impact, not only on the experiences of employees who belong to diverse groups, but on the benefits to the business as well.

Research published by the Harvard Business Review demonstrated that “Companies will not reap the benefits from diversity unless they build a culture that insists on equality.”<sup>38</sup> As such, it falls on leaders to actively support equality in the workplace.



## Supporting Well-Being



Emotional and mental health have been a major theme throughout 2020. Now, employers must consider how they can respond to these challenges and support employee well-being moving forward.

Fortunately, many law firms and other organizations are focusing on mental health—not only for humanitarian reasons, but to help them retain high performers. These benefits, in addition to anticipated ROI, can help leaders justify technology investments and process changes.

It should be noted that research from McKinsey & Company found that diverse groups (including women, LGBTQ+, people of color, and working parents) have been disproportionately impacted by the pandemic compared with other employees.<sup>39</sup> Despite that, “only one in six people from these diverse groups felt more supported by

their employers now than in pre-COVID times.”<sup>40</sup> In addition to building diversity in their organization, law firms should also take care to support these employees’ unique situations.

## Keeping Up

With varying effects on different practice areas, not all law firms are facing the same struggle. And yet, many of them can simply be described as “keeping up”—whether it’s finding new business, handling business overload, or committing to modern legal solutions.

In their 2020 State of Small Law Firms report, Thomson Reuters found that many firms struggle with client acquisition and business development, and have done so for years.<sup>41</sup> The reality is that, for some firms and practice areas, many traditional methods of generating referrals and new client relationships have been stymied as a result of social distancing. Finding creative solutions for business development is a challenge that many firms will continue to face in the new year.<sup>42</sup>

On the other hand, some attorneys find themselves with the exact opposite problem: they are completely swamped. And while many firms have been trying to in-source more work and reduce their reliance on outside counsel, they’re in a tight spot.

As attorneys and firms in each camp attempt to deal with these challenges, they may be reluctant to take on new projects like investing in legal technology solutions—even though it will help them in the long run.



## 5 STRATEGIES FOR LAWYERS AND LAW FIRMS TO THRIVE IN 2021

As we face our current and coming challenges, we can leverage lessons learned in the past year to develop new solutions. Here are five of our top strategies to help law firms thrive in 2021.

### 1. Develop a People-First Technology Plan

Through this year, we've learned the importance of combining people and technology in new and effective ways. But there are also major challenges in building a tech-enabled organization—especially if you didn't get a pre-pandemic head start. However, there are several ways that law firms can invest in technology that benefits both their people *and* their business.

#### **AUTOMATE, AUTOMATE, AUTOMATE**

Your human resources are your most important resources, and they bring skill and expertise to the table that no technology can replace. However, if your attorneys and staff are getting buried in low-value administrative tasks, you are wasting those resources.

To thrive in 2021, automate those mundane tasks to take burdens off your overworked team and help keep their focus on the high-value work that only they can do. It may even help solve mental health challenges in your organization.



#### **CREATE YOUR SINGLE SOURCE OF TRUTH**

The negative impacts of data fragmentation cannot be understated. Beyond organizational risk, poor content management and disparate data storage make it hard for attorneys to do their work effectively and efficiently. Being able to find what you need when you need it makes all the difference between “frustrating” and “fluid.”

However, that is difficult to accomplish when your documents and data are scattered across hundreds of different individual and organizational storage locations. Instead, your firm should put in the effort to create a single source of truth.

Cloud-based platforms, including document management systems (DMS),<sup>43</sup> provide crucial benefits for document and data storage that make it easier for teams to build a single source of truth that can be accessed at any time, and from anywhere, eliminating the need for other document storage options.<sup>44</sup> (As an added perk, true cloud-based solutions don't require a finicky VPN connection.)

### **STAY A STEP AHEAD OF HUMAN ERROR**

With compliance being a major concern and challenge for law firms going in 2021, it's even more important to invest in technology that has the appropriate level of security built in.

The truth is, many platforms—especially those that aren't designed for legal—do *not* have the robust security and protections that legal requires. As a result, teams either expose themselves to risk or must take on the added burden of finding a compatible security solution to layer on top of their tech.

Fortunately, there are technology solutions that *do* offer advanced security baked right in so that you can keep everything protected, set user access controls, and even prevent malicious (or accidental) actions that would compromise your data.<sup>45</sup>

## **2. Embrace Flexibility and Adaptability**



Legal may not be known for flexibility, but throughout 2020, we didn't really have a choice. That said, now is the time to dive in with both feet and embrace the opportunity to adapt, grow, and innovate.

### **NEW HIRING OPPORTUNITIES**

Remote work may be challenging for many employers, however, organizations can take advantage of unique opportunities that are available during this time.

One such opportunity is the chance to recruit from a greatly expanded resource pool. Without the geographical limits imposed by a physical office, you can hire the very best talent and create a workplace that is more inclusive and diverse.<sup>46</sup>

Remote and hybrid teams are generally more compatible with family life, which makes them more appealing to working parents. They also reduce financial barriers to entry such as housing and relocation costs, which may allow you to hire applicants from a broader range of socioeconomic backgrounds and ethnicities.

Overall, providing key benefits like flexible scheduling, mental health resources, etc., will allow you to make more competitive offers in your recruiting, *and* retain the top talent already on your payroll.



### **GET TECH THAT MAKES IT EASY**

It may not be realistic to expect the legal industry to turn over a new, flexible leaf overnight. And while most firms will never be described as “nimble” or “scrappy,” you *can* invest in technology that saves you the trouble of tackling change management long-term.

We’ve already told you that cloud-based platforms make it easier to work remotely and find the resources you need. But what cloud-based platforms also offer is automatic updates—that means no maintenance disruptions, no getting stuck in an outdated version of the software, and no expensive, complicated upgrades. Instead, you get a user experience that is constantly—and consistently—improving with new features and functionality.

Becoming tech-enabled isn’t all about adapting yourself to new technology. It’s also about finding tech that adapts *for* you.

### **REEVALUATE REGULARLY**

As much as everyone loves a one-and-done solution, the reality is that most of our processes, tools, and practices won’t be perfect forever. In our eagerness to resume less-socially-distant life, we are constantly reevaluating COVID policies and practices. But for other business improvements, it’s far too easy to slip into reactive mode, and put them off until you have a glaring problem to fix.



Instead, take time in 2021 (and really, every year) to reevaluate what's working and what isn't—pandemic-related or not. Whether it's your hiring practices, technology stack, or firm policies, you can consciously and proactively assess how they're serving your team and your business, and be better prepared to handle the future.

### 3. Provide Greater Value

Law firms are always looking for ways to build the business by providing greater value through their services. In a time when business growth across industries has been so severely impacted, the time to explore and innovate is now. Whether it's providing improved project management and customer service or changing billing arrangements to be more focused on deliverables rather than hours, there are a variety of ways that lawyers can build trust and goodwill with clients.



### 4. Leverage Data & Analytics

Throughout the pandemic, data and analytics have been front and center as data nerds and newbies alike have followed the spread and impact of the virus. The data scientist in all of us has emerged—so why not embrace it?

While other industries have been gung-ho on data for years, legal as a whole has not taken advantage of the full power of analytics to drive better business decisions, smoother operations, and higher revenues. Many legal tech platforms offer advanced reporting and analytics that can help business leaders unlock new insights and create better results with their teams.<sup>48</sup>

Since many legal teams are accelerating their digital transformations due to COVID-19, there's no better time to discover what data and analytics can do for you.

## 5. Focus on Efficiency

Ramping up efficiency is key for firms to thrive in 2021—whether they're struggling with too much work or not enough.

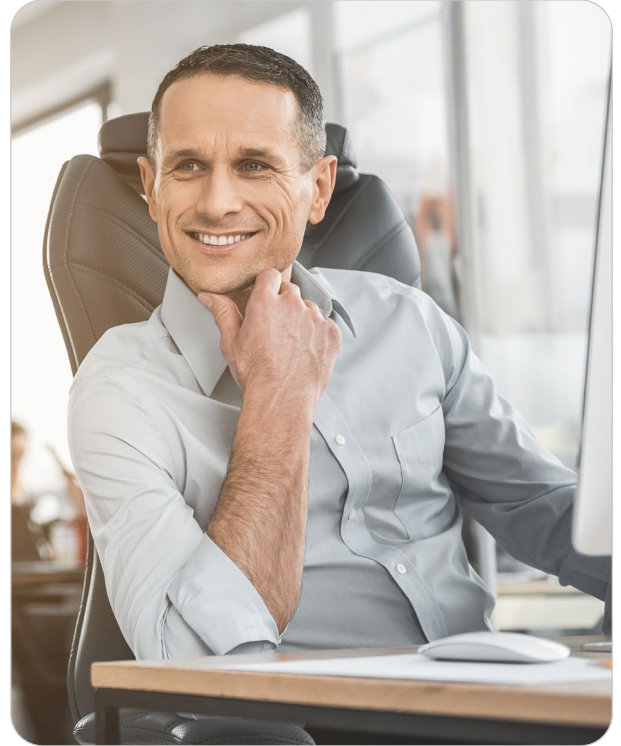
Change management can be stress-inducing, but it doesn't have to be. In fact, you may be surprised by how quick and easy it can be to implement technology that will start saving time right away, so you can tackle your workload more effectively and automate mundane tasks.<sup>48</sup>

For firms struggling to find new business, efficiency might seem counterintuitive. However, getting more efficient can open the door to new opportunities, including more time to spend on marketing and business development.

### START THE YEAR STRONG

As you reflect on your own lessons learned, analyze the challenges before you, and develop your post-2020 strategy, here are a few tips to keep in mind:

- **Challenge the norm—even the new one.** If nothing else, 2020 showed us that no normal is forever. Don't be afraid to be curious, ask questions, and find new solutions.
- **Be purposeful.** Be proactive, not reactive. Firms that proactively pursued digital transformation before COVID-19 fared far better than their reactive counterparts who were forced to implement new technology after their teams were already dispersed. They pursued their goals with purpose, and it paid major dividends.
- **Make future-proof technology investments.** Slapdash, short-term solutions tend to come with long-term problems. But as you explore new technologies for your team, you might be surprised how quick and easy it is to adopt tools that will adapt with you over time.



- **Take pride in meaningful work.** Deloitte has noted that “COVID-19 reminded us that people are motivated at the highest levels when they can connect their work contributions to a greater purpose and mission.”<sup>23</sup> Legal professionals who build on the personal connection they have with their work, their organization, and society as a whole will have a stronger foundation to tackle new challenges.

At NetDocuments, we believe that the best way to work is to *Work Inspired*, regardless of the circumstances. Our driving mission for 2021 is to help more lawyers thrive by creating the technology solutions that help them work inspired—no matter what comes next.

## ABOUT NETDOCUMENTS

NetDocuments is the leading cloud-based document and email management solution to securely store and organize documents on one platform. With NetDocuments, users can work securely on documents and file emails anywhere in the world on any device while collaborating with internal and external stakeholders alike—which makes it an ideal solution for remote work.

Backed by 20 years of experience in cloud innovation, over 2,950 companies worldwide trust us to secure their data while increasing productivity and team collaboration.

Make the Move to the NetDocuments cloud to get the speed, mobility, and industry-leading security companies worldwide are already taking advantage of today.

Find out how NetDocuments can help you reclaim your time and refocus on growth. Contact us at **(866) 638-3627** or visit **[www.NetDocuments.com](http://www.NetDocuments.com)** to request a demo.

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48. NetDocuments: [“\[Case Study\] Claro & Cia: Adopting Cloud DMS Amid a Global Pandemic”](#)