Remote Legal Teams—Getting Started and Making It Work!

What legal organisations and leaders need to know

The legal world is facing huge complex challenges, and these challenges require action. Let's not pretend digitalisation or virtual working are easy. Successful virtual and remote team working means a paradigm shift for everyone involved. At the same time, working from different physical locations and decentralized working bring a certain kind of freedom and are a strong lever for legal to help their customers address the agile challenges they face. The sudden shift to remote work is compelling many law firms to a "forced" acceptance of cloud-based collaboration tools like video conferencing, e-signature, and matter management tools. Lawyers and firms that had previously considered legal tech as an afterthought, have now had their first real taste, with hopefully lasting effects that will drive greater adoption in the future. This paper is designed for those in the legal field who are open to building on this adoption of new digital tools and collaborative team solutions. It is not meant to be exhaustive but provides an overview and a glimpse of best collaborative practices. It is a starter for all those interested in Remote Legal Teams.

Why Remote Legal Work and virtual legal teams are needed now

Let's not kid ourselves in another regard: working digitally is the new normal for legal work. COVID-19 is only the trigger in a fast-changing complex world pushing the boundaries and driving change. Decentralized work has been developing with the advances in technology for the last decade. However, in order to unlock the potential of technology, we need to change the way we work together. Those who will emerge as winners in the future are the organisations and individuals that have understood that working or "teaming" col-

lectively and dealing with complexity differently are the keys to success. Virtual and remote team working push legal into a new age of how we define and carry out work together. It is a New Working world. And with this, virtual working standards are providing the re-definition of how lawyers and legal enterprises organize their workflows and their employees and how they interface with their partners. The current shift presents a golden opportunity to adopt agile working methods and values such as such as trust, accountability, and transparency. In a world where change is constant,

Overview of the paper

agile teams can capture value and scale faster and are per definition more responsive and adaptive to future challenges.

Large legal enterprises are expanding geographically, developing innovative business models outside of their boarders and forming lucrative partnerships with other industries. This expansion is only possible by streamlining processes and successfully implementing new approaches using Legal Tech software. This requires targeted use of technology for organizing workflow, team collaboration and clear communication. Successful remote legal teams benefit from a shared understanding of values, transparency and from shared knowledge. Lawyers gain freedom to focus on their unique core skills: interaction with clients, making good legal decisions and solving problems.

In this paper, we present five topics and corresponding hypotheses, all of which we believe can make an impact in your remote and virtual working success. We will talk about (1) what makes legal work different from other disciplines, (2) the mindset change that's necessary to adapt, (3) the organization of legal teamwork in a decentralized, virtual environment, (4) how to improve communication in such a setting and (5) the implications of professional rules. At the end of our paper, we lay out how to address risks and find opportunities in these contexts. There is also a link to a literature list and an overview of resources and materials in the annex. As a side note, this is our first project as a virtual team. We plan to dive more into these issues after conducting research with a variety of legal representatives. This paper should start the discussion. Our objective is to explore these questions and test our hypotheses of how to make virtual work and organization with remote legal teams more profitable and motivating. We believe that successful remote legal teams will accelerate the transformation of digital working for the legal profession and that now, we're at the starting blocks!

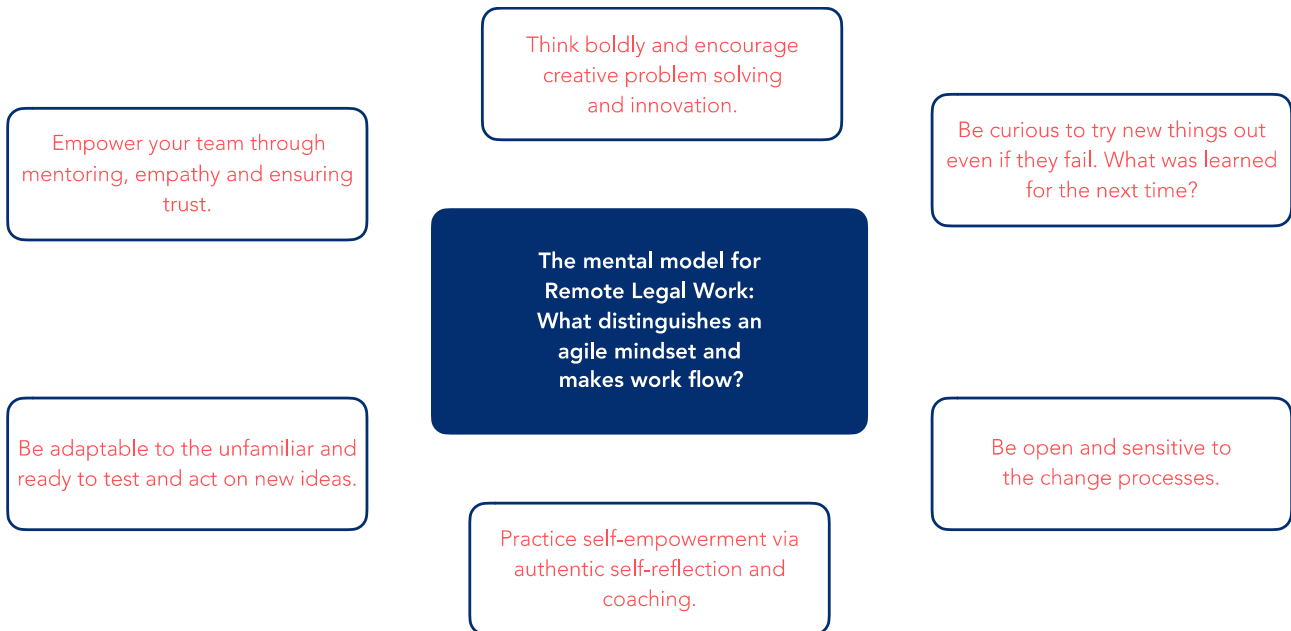## 1. How is Legal work different?

Remote and digitalised work is shifting work paradigms, including the practice of law.

"Legal work is bespoke"—often claimed, yet this statement probably does not hold true in this generality. In our view, it does the law wrong. There's more to lawyer work. And there's more to legal service delivery. There is a true core, though: law is complex, blending challenging mental work and strict formal requirements. Law needs people who are well organised, and it needs great minds to think beyond legal details. These are people who know how to navigate high regulation density while taking mandatory aspects into account.

To bring all requirements together, legal work calls for a solid outer structure on which all contributors can rely, while giving them room to activate their full potential. The setup needs to work for all types of work involved: both the client-facing (e.g. that which judges, attorneys and others do) as well as back-office work. While professionals in law are great at analysing the facts in question, they often do not find the time to do an in-depth analysis of their own work and identify corresponding requirements. Needs differ depending on the organization: a court needs to safeguard that judges have the required freedom while structurally covering requirements they face as public institutions. They need to cover everything from huge disputes to small claims, from lengthy trials to injunctive relief on very short notice. Public administrations are often subject to political constraints and have law-mandated duties to fulfil. Legal departments are heavily intertwined with the business organization they support and take over part of the business culture. Attorneys work at the interface to and between different types of people and institutions, each of which have a specific working mode. Irrespective of their workplace, lawyers need a clear understanding of the needs and working pro-

cesses of the respective other people and organizations involved. They also need to make sure requirements such as deadlines are met.

Traditionally, many legal professionals are used to primarily working on their own, with only few interfaces connecting them with their colleagues. Remote work will shift that to some extent and create new, digital interfaces. The collaborators involved will analyse requirements at interfaces and desired outcome of the process. This will set the frame for the solution. To meet the organization's goals, all contributors will focus on what best enables each other's work and on the synergies that can be harvested.

Think boldly and encourage creative problem solving and innovation.

Empower your team through mentoring, empathy and ensuring trust.

Be curious to try new things out even if they fail. What was learned for the next time?

The mental model for Remote Legal Work: What distinguishes an agile mindset and makes work flow?

Be adaptable to the unfamiliar and ready to test and act on new ideas.

Be open and sensitive to the change processes.

Practice self-empowerment via authentic self-reflection and coaching.

2. Mindset required for effective legal remote teamwork: make it purposeful and productive

The shift to remote teamwork comes with a shift in mindset towards empowerment.

Virtual work and remote collaboration require a mindset shift to employee empowerment. To motivate your remote or virtual team to top performance, it is pivotal that attitude and belief system align. Actions invariably speak louder than words, and these behaviours must ring true.

The team reaches high performance thriving on trust as a core value. This essential factor is fostered by socially-sound, empathetic interactions which are based on respect, discretion, honesty, and reliability. Creating the right human-centred conditions for the team to perform is vital. In the office environment, these conditions lay the groundwork for agility and cultural change. When working remotely, these factors are even more essential. A case in point: to unlock the full power of digital technology, even the best tech will not be enough. High performing teams are happy teams that share, learn to help each other and self-organize—they shoulder responsibility as a whole team. The team members like what they do and learn from regular feedback because they want to improve. They understand their valuable role within the team and the big picture of what they contribute to their organization.

Ultimately, the goal as the team leader is to ensure a balanced interaction based on shared values and psychological safety so everyone they can contribute. This kind of new virtual collaboration predicates establishing a sense of community based on mutual principles; principles in line with the organization's goals, intro-

duced with the leadership's facilitation and team member contribution. There is still much learning by trial and error, but successful best practices are those that prioritize the development of a value-driven culture.

Let's be clear, this does not happen overnight. Common performance standards have to be re-examined and changed to reflect results.

It is a shift from controlling to enabling. An enabling working culture attracts talented employees who are passionate about giving their best for their work both remote and in the office. People who want to drive change and create value are drawn to self-organizing teams, as these teams enable them to use their creativity for innovative solutions for the future.

The spatial features of a remote legal team

In this paper, we describe remote legal work in a form that is agnostic to the specific team setup. Some people might be situated at the same place or office where others are working remote or from home office. At the same time, one of our main assumptions that predicates successful remote work is the necessity of good communication and collaborative practices.

That being said, a remote legal team is a team which is set up in a way that it is not reliant on people being at the same office at the same time. The information and communication structure are set up in a way to enable everybody working from virtually any spot anywhere with reliable and strong internet connectivity.

- A virtual or distributed team is a setup in which all team members are generally work without a central base.

- A hybrid team is a team in which a part of the workforce is located on site, whereas another part is distributed.

- A co-located team is the traditional model of a team working together from one office space.

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3. Remote work structure and information management

A single source of valid information and a scaling communication structure
provide the backbone of each distributed team.

Remote legal work needs remote-adapted structure to work well. Unfortunately, that means there's work to be done. Fortunately, Legal New Work can strongly leverage the lawyer's mode of thinking and working. The first steps on the path to an all-digital world is to move paper case files to centralized digital files. A requirement analysis and control of that digital information and communication processes is key. This important step enables team members to distribute work equally and efficiently.

All team members need to be able to pull information from a reliable digital single source of truth, similar to the comprehensive paper file law firms created for each client matter thirty years ago. Whether it is hosted in the cloud or all stored on premise, the essence is that all information is in one system. It is an individual choice whether to move your files to the cloud or keep all servers on-site. The main requirement is that all information is stored in one integrated system. It is critical to determine clear responsibilities in the team who is responsible for keeping this source accurate, secure and up to date. Make sure to document the decisions and create clear guidelines on what to store where. If it is really necessary to access information from different places, create a link instead of a copy; in case a copy is strictly required, be sure to designate which copy is primary. But that's not all. Information should always flow and not rest. Information that is just stored in-

stead of being used provides no value. To be useful, information should be easily accessible. Information must be allowed to flow.
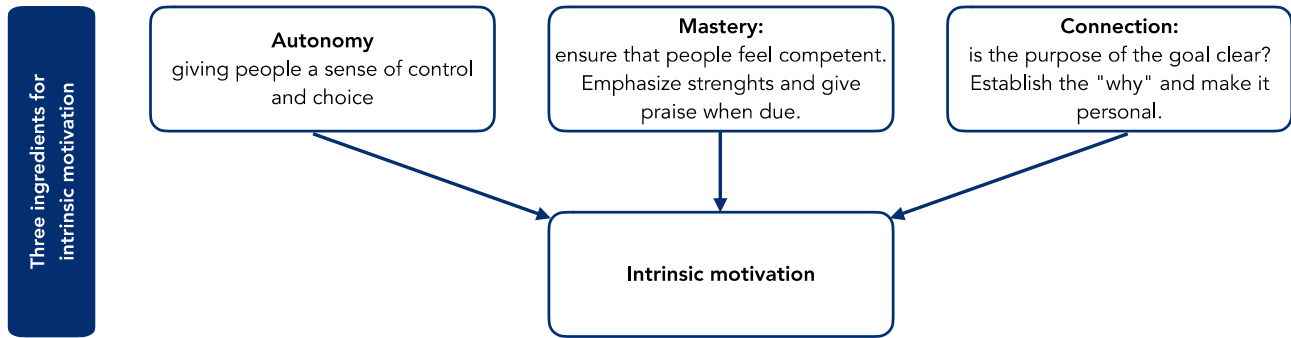
4. Getting virtual collaboration working for everybody

Remote legal teamwork requires human-centred virtual exchange.

Successful collaboration in a digital remote environment can best be described as *alone together*. It entails practice with new software, chat and video conferencing tools, and engenders new forms of interaction. Digital applications and software are only a part of a future success story. The real game-changer is how these collaborative tools are applied and if they are leveraged to create people-centred working. This is at the core of the agile mindset.

Social aspects of human interaction that come naturally when people are working in the same space, those so-called informal "water-cooler" moments when people see each other casually and exchange non-work banter, are no longer available. Without physical, holistic opportunities to communicate, it is all the more critical to learn to pay special attention to the tone, quality and content of online interactions. That is, legal leaders working remotely, must set the stage and make the time from the outset to develop new habits, social connectivity and exchange. Human centred factors move to the forefront in virtual work and a clear, trusting relationship plays a vital role in motivating people to collaborate. Communication is key. What does your team need to know to make this type of remote collaboration work? What are their expectations? Perhaps even more importantly, what are your expectations and evaluation criteria as a legal leader? These "game-rules" are critical and involve not only the technical aspects but the actual manner in which the work-flow is carried out and deemed done. The rules should be openly negotiated and should include specifics on, for example, the length and frequency of video/chat contact. The team should be able to discuss and agree on expected time responses—working remotely does not mean that everyone is synchronous and that answers are immediate.

Equally important is consensus for regular meeting times, one-off sessions or 1:1s, a forum for team discussions and acceptance for work offline or to manage family commitments. These results should be made transparent in a document, maybe a so-called team charter, that is accessible to all. Expect awkward moments the first time you try out a warmup activity, actively listen to an introvert colleague or pose an open question about your team members past weekend, however, you'll be taking the steps to build a sense of comfort, reduce stress and anxiety which play out in stronger intrinsic motivation, better collaboration and improved outcomes.

Three ingredients for intrinsic motivation

Autonomy
giving people a sense of control and choice

Mastery:
ensure that people feel competent. Emphasize strenghts and give praise when due.

Connection:
is the purpose of the goal clear? Establish the "why" and make it personal.

Intrinsic motivation

Get the communication setup right

Good remote communication setups depend on both reliable tools and on team agreements. There should be a consensus on a single main communication channel. Remote work implies that people can organize their time and schedule independently. To achieve a balance in virtual collaboration however, the playing field is equal. If some members of the meeting are virtual, then all participants should be virtual. This inclusion is important to give all distributed team members the same advantages and level the playing field. Be considerate of time zones when scheduling meetings and use asynchronism in such a way that people can do deep work or tackle bigger projects. After a certain number of team meetings, schedule time for reflection and inspect how the remote teamwork is developing. Adapt and try out new alignments and tweaks based on the team and individual feedback. Remote working can facilitate fewer, more effective (when time-boxed) meetings when the game-rules are respected, establish trust and transparency.

5. Professional rules and obstacles

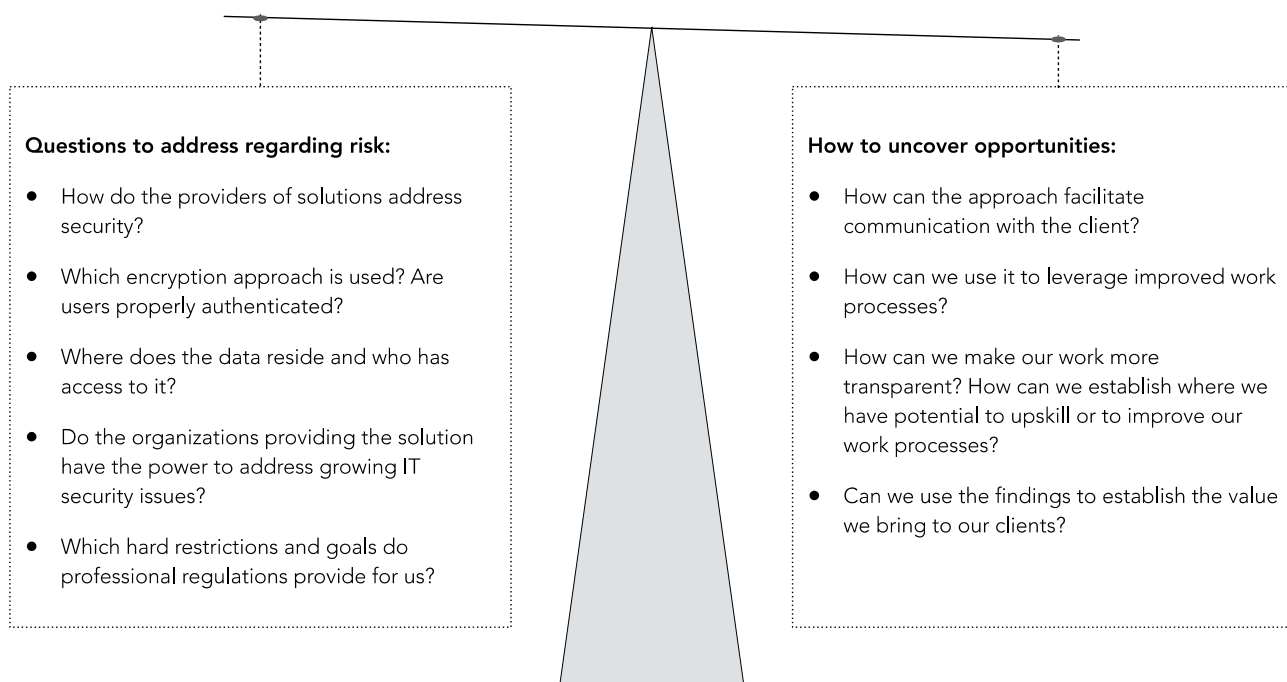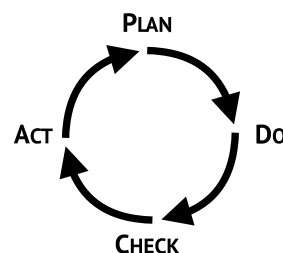Legal professional rules pose obstacles but do not hinder the transition to Remote Legal Work.

Professional rules have grown over the history of the legal professions. Customs intermingle with rules set to protect customers or the rule of law. This organically grown setting can feel like a major impediment to a transformation of legal work. Many jurisdictions regulate which types of entities can be used to deliver legal services, who may appertain to the shareholder group and how these may deliver services. In Germany, where the authors are living, lawyers are required to have a physical presence, for example. Globally speaking, we are not aware of any jurisdictions which would prevent the use remote collaboration approaches. Organizations might need some creativity to be able to leverage these approaches and should not buy into the first solution coming along on the market. Depending on the local requirements, suppliers (i) may need to be local, (ii) technical requirements may be requested and (iii) contractual obligations may need to be imposed.

Confidentiality and legal privilege (IT security, clear communication channels and privacy considerations) are certain to be relevant topics for any legal organization, irrespective of its location. This paper cannot give concrete recommendations for specific legislations. The risk analysis should be derived from three requirement sources: (i) formal laws, (ii) requirements by the respective bar (formal professional rules, if applicable), and (iii) soft rules (e.g. content-wise dangers for your clients' concern such as confidentiality, ethical topics). Where the rules allow, a risk-based approach can be implemented: it provides for flexibility while taking into account mandatory aspects. The organization should understand the risks, look them in the eye and decide which risk can be reasonably taken in both the organisation's interest and for the client. In any case, it is advantageous for the client when their lawyers make use of the best available tools to create significant impact. When legal requirements are rigid and formalistic, an organisation can still leverage what lawyers are really good at: their legal expertise. In the same manner they do when advising clients, they find the loopholes to enable change!

6. Look the risk in the eye, evaluate it and take a leap!

Let's be realistic—nothing comes without a risk. Not to change today is also a risk since change is inevitable. Even a traditional law office is subject to certain risks. Lawyers might be avoiding change, hesitating to make their process unreliable or to endangering their ability to deliver quality outcomes. This is legit, yet one should not stop there. Not in today's *VUCA* (Volatile, Uncertain, Complex and Ambiguous) world. Risk should be evaluated and, when deciding which risk to take, the answer might actually remind you of the standard lawyer answer of "it depends". The question of which approaches to use actually depends on circumstances, compliance rules, technical possibilities and other factors like budget.

However, you need to decide on what to do. To turn uncertainty into a reliable process, you will need to balance risk and opportunity. Unfortunately, there is no 100 % security. But there are validated approaches to address and start to deal with future complexity and uncertainties. An increasing number of professions methods such as *Plan-Do-Check-Act* for managing a continuous improvement within a stable process. Here you build a plan, implement it, verify and improve on it. To decide which approach to use, you should weigh opportunity against risk and constraints, e.g. asking yourself:

Questions to address regarding risk:

- How do the providers of solutions address security?

- Which encryption approach is used? Are users properly authenticated?

- Where does the data reside and who has access to it?

- Do the organizations providing the solution have the power to address growing IT security issues?

- Which hard restrictions and goals do professional regulations provide for us?

How to uncover opportunities:

- How can the approach facilitate communication with the client?

- How can we use it to leverage improved work processes?

- How can we make our work more transparent? How can we establish where we have potential to upskill or to improve our work processes?

- Can we use the findings to establish the value we bring to our clients?

Experience shows that often the ones taking a reasonable amount of risk win. So be as open as you can imagine and embrace the change! Risk can be well managed. More and more laws are evolving towards a risk-based approach. It is often the case that those who are practicing an open-minded, risk-managing approach will find and implement the right strategy for delivering new and impactful outcomes.

7. About us

The Liquid Legal Institute is an open and interdisciplinary platform promoting a new way of thinking and working in the legal sector. Being neutral and non-profit, it enables stakeholders to address digitalisation, new business models and technological innovations within the field of law. We are a group more than 150 multi-disciplinary enthusiasts from over 10 countries promoting Liquid Legal and shaping the new realities in law. For this purpose, we leverage insight from other disciplines and address specifics of the law. We focus on tangible action, gathering knowledge, creating methodology kits, setting standards and further activities that use an open mindset to make law practice better for everyone involved.
We believe in the power of collaboration, co-innovation and simplification. We base or work on actual needs and invite all stakeholders to bring in their perspectives and set the bar for tomorrow's legal!

Find out more and join us today!
Just visit https://www.liquid-legal-institute.org/

This paper is the work of:

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We thank Tamay Schimang for his collaboration in the early phase of the paper and his valuable thoughts and content contributions.

8. Help us learn more!

LLI is called Liquid Legal Institute for a reason. We are working on establishing facts, (in)validating hypotheses and creating a better future legal world. Based on our agile working approach, we intend to research and publish an extended and updated version on how remote legal teams work better together. Are you ready to join us? Do you have questions or comments? We're looking for individuals for short interviews who are willing to help us in our research project.

We'd love to hear from you!
Contact us at RemoteLegalTeams@liquid-legal-institute.org!

9. Further reading and external resources

A list of articles and books worth reading can be found at:

https://github.com/Liquid-Legal-Institute/RemoteLegalTeams/blob/master/Resources.md

Annex: The most important steps to your remote legal team

Leadership and mindset

- Create transparency and alignment on the goals of the organisation and purpose of remote teamwork. This sets the groundwork for collaboration.
- Observe team dynamics, resolve disputes, and continuously correct your course to develop the cohesion in the team that is an essential ingredient for self-organisation.
- Ensure the safety and wellbeing of your staff while balancing the core functions of the business.
- Demonstrate a personal commitment to the emotional welfare of the teams.
- Recognize good work with feedback which is critical to ensuring that Legal professionals stay motivated. Avoid a culture of blame and practice active listening skills.
- Schedule regular breaks, short interactive activities, and show flexibility.
- Allow people to leverage their talents and set sensible milestones and checkpoints for self-organisation.
- Consider establishing team charters with values and principles that people can own.

Communication

- Maintain structured connections with colleagues by recreating social contacts and facilitating information and informal exchange. Regular exchanges (e.g. daily stand-ups)
- Agree upon and use one main digital primary channel
- Establish an expected response time for both asynchronous and synchronous communication
- Clear writing is essential when working remotely. Learn to write like you talk, and don't be hesitant to over-communicate. Establish habits for confirming and use visual signs (like icons) to make sure people have heard and understood.
- Use "break-out" room functions to have 1:1 meetings. For longer discussions or for resolving conflicts, use personal video calls, or, if not available, the telephone. It is often easier to establish rapport and clarify.

Infrastructure base setup

Get your infrastructure well set up:

- For team members working off-site in an office: An ergonomic desk, chair and overall setup (mind the light!)
- For team members working off-site and out of an office: Whatever setup suitable to protect your customers' confidentiality during your work.

- Hardware
  - Notebook
  - An additional screen (highly recommended but not strictly necessary)
  - A decent headset with microphone (not necessarily expensive)
- Software setup
  - Stable operating system
  - An office application
  - Any specific applications you use in your setup (see also information access and communication)
- Connectivity
  - Internet connection with at least 10 MBit/s downstream and 2 MBit upstream (roughly)
  - Prefer cabled connection over WiFi
  - Use secure links (VPNs) to communicate and secure your network with state-of-the-art firewalls (both the remote computers as well as the central network)
- Communication tools
  - Microphone (usually a conferencing headset is best)
  - Phone (may be a softphone on the computer)
  - Business messenger

Information access

- Create a centralized storage for matter information and metadata.
- Provide access to legal research databases from any place.
- Your IT setup needs to feature:
  - A centralised storage for data everybody can access remotely;
  - A Single Source of Truth in which status and tasks regarding the matters being worked on; and
  - A communication tool you use as primary means of "talking".