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The death of the water cooler?

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Employment analysis: Proponents of flexible working cite efficiency gains, a reduction in overheads, transparent communications and liberation from office politics as just some of the advantages, but does it work for law firms? Nicholas Lakeland, partner and head of the employment and pensions team at Silverman Sherliker LLP, explores the benefits and challenges of flexible working for law firms.

How has dispersed working changed legal practice?

For some it has revolutionised the way they work by helping them work remotely, away from an office environment, in a more flexible, user-friendly way. It has obviously helped to reduce overheads, but has also given a degree of control back to the individuals working this way.

What are the challenges in developing an effective dispersed office structure?

Clearly, getting the right IT in place is a key factor and not all parts of the UK have a fast reliable broadband service, but beyond that, where teamwork or supervision of more junior fee earners is required, this is clearly a challenge. Proper supervision and development of people requires constant day-to-day contact and that is very hard to achieve when working remotely from the person you are aiming to supervise or develop.

Teamwork requires a degree of bonding between team members and this is hard to achieve if people are physically apart from each other unless they have worked closely previously and are already very familiar with each other's attributes.

Although focus is placed on the savings, what are the tangible downsides of this approach?

There may be a requirement to travel more, thus eliminating any advantages through time being lost in this way.

There is clearly a loss of contact with your work colleagues leading to a far more clinical and potentially impersonal way of working. You just can't have a chat by the water cooler or have a drink at the pub with someone who is physically a long way away.

As I said above, supervision and leadership become hard to achieve.

I can see that junior lawyers would particularly struggle with this way of working due to the absence of more experienced practitioners from whom they could learn, and the need to maintain a strict working discipline. It would not suit lawyers with more gregarious outward-going personalities.

Could this model realistically be applied to any type of legal practice?

No, I do not believe it would work where there is a requirement for a large team of people to work closely together at speed where, say, a large corporate deal is being negotiated.

The need to meet up regularly with the client and colleagues to consider difficult issues under considerable time pressure also makes this type of work impractical for this model of working.

Also, where you have large pieces of litigation being run, the need to physically wade through paper, copy it and put it into bundles requiring large photocopiers militates against this sort of working. It is true that more and more documentation is being dealt with electronically and this will assist in being able to work remotely. However, I am sceptical as to how practical this is with larger, more complex pieces of work.

What are the data concerns in using remote systems? What is the regulatory stance?

Client confidentiality is of course of paramount importance and the Solicitors Regulation Authority expects solicitors to comply with data protection legislation and have in place robust disaster recovery plans.

Data being transmitted between practitioners working remotely poses a number of challenges:

- o the data could be accidentally sent to the wrong person or persons
- o the data could be intercepted or hacked
- o the data could find itself not being properly backed up and saved for future use

All of the above are of concern and therefore there will be a requirement for each practitioner working remotely to have in place sophisticated encryption and data storage systems for their own computer and have been trained appropriately to know how to use the systems properly.

So if practitioners are working from home, these locations are rarely as secure as an office and thieves are usually keen on removing items with plugs, so efforts have to be made to secure the home with proper security systems being fitted to guard against this possibility.

How could a law firm explore the possibilities of dispersed structures?

I would start with a couple of fee earners piloting the concept--perhaps someone needing to work part-time or from home and learn from the experience. This way, you would find out how best to make it work and see if it really suits your practice, and then slowly develop it over time from there.

Interviewed by Jane Crinnion.

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