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Some Pandemic-Created Changes Are Beneficial

Will the pandemic make a lasting imprint on small to midsize law firms and solo practices? I asked my panel of lawyers, and the answer seems to be yes, there have been some seemingly permanent adaptations.

By **Carol Schiro Greenwald** | November 29, 2021



Credit: fizkes/Adobe Stock

We know that COVID-19 has a long tail for some people, impacting their lives in various ways.

Will the pandemic make similar imprints on small to midsize law firms and solo practices? I asked my panel of lawyers, and the answer seems to be yes, there have been some seemingly permanent adaptations.

Will COVID-19 Accommodations Continue Into 2022?

Most respondents focused on two adaptations:

Virtual meetings.

- Andrew Peskoe, chairman of full service firm [Golenbock Eiseman Assor Bell & Peskoe](#), says, “Flexible schedules and flexible in-office requirements are clearly here to stay in some fashion. The hard part is figuring out the fashion that delivers for clients as well as team members.”
- [Elissa Hecker](#), a solo focused on entertainment and intellectual property law, “will continue to accommodate my clients’ requests for meetings to be done virtually whenever possible.”
- Alan Schwartz, managing partner in the [Law Office of Alan J. Schwartz, P.C.](#), will continue offering “zoom and other virtual platforms for conferences when in-person meetings are not possible or desirable.”

Hybrid schedules: remote work combined with some office presence

- According to Tracey Daniels, [Daniels and O’Connell, P.C.](#), a real estate practice, “Just before March 2020, we transitioned all employees to laptops. Attorneys and staff are in the office every day but we have the ability to work from home and we will utilize this if there are safety reasons to stay home.”
- Omid Zareh, a litigation partner at [Weinberg Zareh Malkin Price](#), says, “I think office workers, especially in office buildings with recirculated air, are much more likely to stay home if they are even a little bit under the weather. It used to be that people showed loyalty by coming in with the sniffles. Now, it’s work from home with sniffles.”
- James Landau, litigation partner at [McCarthy Fingar](#), says, “We have become much more tolerant about remote working and are comfortable with video conferencing and other technology that allow us to do work from anywhere. People will continue to have the option of working from home or working in the office.”

Impact on Attorneys’ Work

For some attorneys, the impact was scheduling. [Mike Steger](#), a solo intellectual property attorney, says, “With the curbing of in-person meetings, commuting and travel, I have been able to structure a more consistent workday. The additional time I have found for client work during the day has made it easier to unplug at the end of the day.”

[Eric Sarver](#), employment law solo attorney, says, “The pandemic impacted my work style in that I now alternate between two or three days each week in my NYC office and the remaining half of the week working from my home. Also, I have expanded the reach of my connections through videoconferencing.”

Andrew Peskoe says, “I think we are simply doing better by trying even harder. Our managing partner duo has been relentless and empathetic and effective.”

Contrary to magazine headlines about the “great resignation,” most of my panelists have not seen it at their firms. Several have added to their headcount. But they do complain about hiring difficulties. For Omid Zareh, “Hiring new talent has proven challenging.” Amy Goldsmith, intellectual property partner at [Tarter Krinsky & Drogin](#), put it into perspective. “Turnover is inevitable in any profession, and while we have seen some turnover, it has not been at a rate significantly higher than in a pre-pandemic year. In fact, we have attracted over 20 new growth hires in the last year.”

Impact on Health-Related Protocols

No one has not felt the impact. Everyone is following the official guidelines. The specifics vary:

- “We will continue to have a sign-in sheet for everyone in the office, every day, for contact tracing purposes.” (James Landau)
- “We ask about the vaccination status of anyone from outside the office who comes to the office.” (Doug Singer, [Singer Law PLLC](#))
- “We continue to be guided by the recommendations issued by the CDC, NYS and NYC. In particular, we are adhering to the NY Hero Act.” (Amy Goldsmith)

Positive Outcomes From the Pandemic

Respondents focused on three major areas:

- Responding positively to pandemic challenges
- Their competitive positioning
- Client service.

Responding Positively: Amy Goldsmith speaks for many: “The pandemic tested the boundaries of our technology, efficiencies and resiliency. Instead of scaling back our investments in technology, we doubled down. We invested in remote workspaces for every employee, leveraged more cloud-based services, refined our processes to allow us to pivot from in-office to remote or hybrid as needed, and managed to maintain and enhance our camaraderie. We didn’t use the pandemic as an excuse to take shortcuts. We used it as a reason to work harder, give more and advance our goals as a team.”

Tracey Daniels saw a positive impact on the culture and character of the firm. “By putting employee’s safety first, I think we’ve created a good team that enjoys working together and feels comfortable speaking up when they need something. I’d like to see this good group continue to grow. Jim Landau says, “We are in a position to grow if we can find the right people.”

Joel Weiss, managing partner, [Weiss & Arons](#), an intellectual property boutique, is “happy (from a managing partner’s perspective) to say that we are 100% back in the office. The newly-discovered importance of the collegial workplace influenced this decision as well as the directive that everyone should, as a general rule, come into work.”

Competitive Positioning: Omid Zerah’s firm saw new growth as markets revived. “While the beginning of COVID-19 was gut-wrenching anxiety, not to mention a catastrophic slow-down in legal work (e.g., shut down of the civil courts), this last year has been remarkably busy. Deals have been happening, hospitality sectors are once again active, and many clients seem to be flourishing. Also, I believe we are much more focused on maintaining relationships and talking to one another.”

Similarly, [Charles-Eric Gordon](#), a professional investigator and trial lawyer, saw his practice reborn as the consequences of 2020 COVID began to emerge. “After some dark days from March through June 2020, I began receiving Surrogate’s Court matters requiring me to identify and locate relatives of people who had died of COVID-19. Apartment house landlords and managing agents needed to find former owners in order to commence administration proceedings so they could empty and re-rent their former apartments.”

Joel Weiss is “hopeful that the 2020-2021 pandemic will enable small firms such as ours to operate on an even footing with the larger firms. One or two skilled attorneys attending a video or phone conference with a judge can have a great impact even if there are many more attorneys working the case from the other side.”

[Corey Shapiro](#), a family law lawyer, sees the courts’ use of videoconferencing as part of a carrot/stick approach to clients’ decision-making, which should encourage all parties to de-escalate the conflict. “The best thing that came out of COVID-19 related to the practice is having virtual conferences on lower conflict matters. However, if higher conflict needs to go to court, the judge will order the parties to come to court.”

Responding to clients’ COVID-19-related needs: Andrew Peskoe observed, “how well our team as a whole responded to the dual challenges of forced, sudden, fully-remote work with a near simultaneous transformation in the kinds of assistance our clients needed. From accessing emergency government aid, transformational labor challenges that we are still seeing evolve, a frozen court system, and lease re-negotiations, to dramatically “discovered” business opportunities, we faced new client needs and filled them.”

“We deepened so many client relationships by never hesitating for a moment to continue to assist them with no reason to believe they would be able to pay for our services. That was not at all an intended ‘investment.’ My colleagues simply chose to do the right thing with tremendous perseverance. It is a positive that our clients remember well that response and appreciate it.”

Barry Heyman, an entertainment law attorney, [Heyman Law](#), says, “I work with a lot of clients in the live entertainment space and I approach them with a more sympathetic style because of the nature of the way their livelihood was affected by the pandemic. Also, I have been more accommodating with respect to billing terms. The fact that customers are more comfortable with the use of video

conferencing has increased use of this meeting format leading to more productive and efficient meetings.”

For some, client service provided a personal antidote to the anxiety-ridden side of the pandemic. Elissa Hecker notes the benefit of “being able to help those who were struggling to refocus and/or get back on track as well as being able to connect with clients easily through various modes of technology.” Eric Sarver’s silver lining is that, “I was able to provide my clients with more consultative and proactive legal representation—something which I am a strong believer in. I was further able to engage with clients more easily through Zoom and video conference calls.”

Negative Outcomes Related to the Pandemic

For criminal defense and personal injury lawyers, there were fewer incidents. Mark Seitelman,

[Mark E. Seitelman Law Offices P.C.](#), says: “Our new client volume is down. We have a hole in our revenue created by the 2020 lockdown period when no one left their homes, therefore, there were no accidents.”

He continues with a litany of negative consequences. “In addition, the pandemic changed the office culture and the office environment. The work ethic has suffered. We lowered office hours as a temporary measure, and now the staff expects lower hours to be permanent. The work has suffered to the extent that employees tell me what they want to do, rather than ask. Clients have gotten spoiled and want us to send an investigator to their homes for the sign-up. The whole culture of working downtown and in an office has changed to the extent that there is less live interaction with clients and attorneys and judges. With the exception of myself, people do not dress. Downtown has lost its hustle and bustle.”

Several attorneys see the remote office as a negative for new hires and younger attorneys who need the in-person environment to acclimate.

- Mark Berman, a litigator at [Ganfer Shore Leeds & Zauderer](#), says, “Young associates working from home miss the mentorship and sponsorship opportunities from being in the office and working along with more senior, seasoned attorneys. This type of interaction is very important for the growth of younger attorneys. There needs to be a balance of working at home and coming into the office so that these experiential opportunities are not lost.”
- Andrew Peskoe makes a similar point, “Certainly I see the negative aspects of substantially-remote work, particularly for our more junior attorneys. I fully understand that the trade-off in flexibility could be worth it for any individual, but the compromise in their training and the limitation in their ability to develop their own networks is something that is a downside of the remote or hybrid arrangement.”

Amy Goldsmith says among the reasons her firm pushed hard for in-person work schedules is that “we wanted to ensure that our more junior associates and staff had opportunities for mentoring, collaboration and developing interpersonal skills with their new teams. Restoring in-person work has improved all of these things.”

Some note the psychological toll. Tracey Daniels says, “I think the stress of both the pandemic and the increase in work volume took a toll on all of us.” Alan Schwartz noted the wasted time and energy “from dealing with the vaccinated to the non-vaccinated to the anti-vaxxers.”

Many commented on the lack of personal interactions:

- “I miss seeing my friends and colleagues in person. I miss walking into a courthouse, and seeing colleagues and the black robes. I miss seeing everyone’s smiles.” (Omid Zerah)
- “I don’t think people are as connected as perhaps they once were. Communication within the partnership and within the firm has become more difficult.” (Jim Landau)
- “The only negative outcome for me was the lack of personal connection with friends and colleagues.” (Mike Steger)

Some lawyers dependent on court availability saw closures and online equivalents to in-person meetings as negatives.

- Donna Drumm, [Drumm Advocacy](#), sees no positive outcomes from the pandemic. For her clients, people with visible or invisible disabilities who are in litigation, “the court’s response to standardizing video conferencing is the biggest negative impact I believe will continue after the pandemic subsides.”
- Omid Zerah says, “Litigants used to be able to have meaningful, confidential discussions behind closed doors with opposing counsel and perhaps the judge, that were nuanced and without posturing. These essential, in-person discussions are far more difficult to have on a “Brady Bunch”-style screen.”

Sure, there are some pandemic-created negatives; but taken as a whole, these panelists saw the pandemic as a period of technological modernization and increased attention to clients’ needs that bodes well for the future of the profession.

[Carol Schiro Greenwald](#), *Ph.D.*, is a networking, marketing and management strategist, coach, trainer, author and speaker. She works with professionals and professional service firms to structure and implement growth programs that are targeted, strategic and practical. (<https://www.csgmarketingpartners.com/NAboutBio.html>)

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