



**ADAPTING TO A REMOTE PRACTICE:  
ESSAYS FROM *BUSINESS LAWYERING*  
April 2020**

The accompanying essays reflect on how the coronavirus pandemic is reshaping the delivery of professional services, particularly the practice of law. They are written by law students in the New York business law program of George Washington University (GWNY), from the epicenter of the outbreak toward the end of an immersive training program.

These essays are the final installments of the weekly journal writing GWNY students undertake in their *Business Lawyering* class, which I teach. Each week in this rigorous course focused on professional skills and competencies, students write a short essay on a topic related to assigned readings and their field placement internships. (The list of topics appears in the appendix.)

At week 10 of the semester, the pandemic arrived. This shattered the rest of the semester in many ways. First, all subsequent classes were conducted online, internships moved to work from home, networking events were cancelled and the GW Law Dean followed many other law schools to declare that all courses would be recorded as pass-fail, not given letter grades. These changes aside, GWNY stuck with its program and students met all their obligations.

In the last few weeks of the course, student essays began to address implications of the pandemic for professional practice. Indeed, for the final assignment, I asked the students to reflect specifically on how traditional legal skills we considered in *Business Lawyering* need adapting to support rendering legal services by remote means.

As law firms today prioritize servicing clients remotely and designing virtual summer programs, GWNY students anticipate this will be a professional game-changer, whatever the course of current events. They have taken the initiative, beyond mastering the distance classroom as all students now must, to adapt their competencies accordingly, from professional skills such as communications, counseling, and negotiating, to behavioral practices such as professionalism, self-awareness, self-development, networking, good judgment, and confidence. GWNY students are adapting to remain practice-ready.

The students and I are pleased to share with the GWNY community some of their insights on potential changes in legal practice.

**Prof. Lawrence A. Cunningham**  
**Founding Faculty Director, GWNY**



Top: John McBride, Will Adams, Perry Denton, David Burick

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## Selected Motifs of the Business Lawyer

### Skills

Problem solving  
 Analysis  
 Critical thought  
 Research  
 Investigations  
 Communications  
 Counseling  
 Negotiation  
 Dispute Resolution  
 Organization  
 Management  
 Competent Representation  
 Self-Development

### Behaviors

Client Focus  
 Adding Value  
 Deal Maker  
 Self-Directed  
 Detail-Focused  
 Manage Expectations  
 Self-Awareness  
 Good Judgment  
 Common Sense  
 Positive Attitude  
 Self-Care  
 Stress Management  
 People Skills

### Strategies

Competence Model  
 Control Cognitive Biases

- Questioning
- Reflection
- Observation
- Coachability

### Crisis Time

Positive Attitude  
 Passion  
 Grit  
 Resourcefulness  
 Dedication  
 Self-Discipline  
 Reliability  
 Wisdom  
 Judgment  
 Gratitude  
 Confidence  
 Authenticity

## **Will Adams**

Two of the biggest changes in providing legal services today are knowledge of the law and communication. Words such as bailouts, furloughs, loans, stimulus, video-conference, and the list goes on, are all over the news today. These have financial as well as legal implications that lawyers will be essential in implementing.

Over the past several weeks, major legislation has passed that is business-centric. There is much uncertainty surrounding the future, and a multi-trillion-dollar bill put together in a few days will certainly have kinks that need to be worked out. Lawyers will play an important role in shaping the future for businesses. From claiming loans for small businesses to complying with the rules to receive bailout money, companies large and small will rely on their lawyers to stay in business the next few months.



Regulatory agencies have also begun issuing new guidance in light of the current situation. This will change things for businesses. Procedures for filing documents and filing deadlines have been modified. It will be essential for lawyers to educate themselves on these changes and ensure their clients are adapting to the new normal.

Substantive changes to the law extend far beyond our borders. Many countries around the world are passing similar, monumental pieces of legislation to help people and businesses cope with the pandemic. With most large companies operating in multiple countries, lawyers must pay attention to any financing, restructuring, or tax changes world-wide.

Being able to effectively communicate with colleagues, clients, and judges will remain a hallmark of providing effective legal services. Based on my legal experience, face-to-face communication in law firms is king. Partners find it much easier to walk down the hall, or call you into their office, for a ten-minute meeting to discuss assignments than try and explain it over the phone or through an email. While working remotely, lawyers will have to become accustomed to using their phones and video-conference technology to accomplish what used to be done in-person.

Clients may prove more difficult to communicate with remotely, but it is especially important to maintain open lines of communication. Simply checking-in with clients to figure out what support they need could help save the business. Explaining the changes in the law to clients will also be a key role for lawyers. Lawyers in the role of advisors should work to keep businesses calm, limit hasty decisions, and serve as a voice of reason in uncertain times.

In today's world, change is all around us. It is crucial for lawyers to step in to the spotlight. By staying on top of changes and effectively communicating with colleagues and clients, lawyers will help lead businesses, small and large, forward.

## Natalee Ball

Every week *Business Lawyering* has reminded me of an important lesson the University of Texas instilled in me, to “take the world by the horns.” The coronavirus pandemic ripped away from all GWNY students many of the opportunities for which we chose the program and were excited about. There are fewer networking opportunities, less face time with amazing professors, reduced time spent in law offices I’ve dreamed of working in, and fewer of the intangible benefits of spending time together. But even now, in times of such uncertainty and adversity, there are opportunities to be seized.



Over the last week, I have had a difficult time in near isolation due to a self-imposed quarantine. I struggled with the state of both my physical and mental health. This spiraled me into an unproductive and unhappy person. Yesterday morning I woke-up much later than I knew I should have to an automatic feeling of defeat about the day. I then turned on New York State’s press conference regarding the pandemic.

In his press briefing, Governor Cuomo encouragingly said, although this is a difficult and confusing time, there are hidden benefits that must be acknowledged. On its face this refers to appreciating that this time spent at home allows everyone to spend more time with or talk to people (both in-person and virtually) we otherwise would not have had the time for. He also emphasized that although everything is challenging and confusing, this time can and should be used productively.

Thinking about Governor Cuomo’s words and past discussions in *Business Lawyering* allowed me to change my attitude about this state of quarantine and isolation. Over the last couple of days, I began to brainstorm the hidden opportunities I am being presented. The time at home is giving me time to self-reflect on myself, this semester, and my experiences and focus on the person I would like to become and the direction I would like my career to go. I then thought about what I could do from home to help advance me towards those goals. For example, I reminded myself of the stacks of books and articles I have been piling-up about finance and affordable housing, I signed up for webinars hosted by various law firms and interest groups such as Women in Housing and Finance. I reached out to professionals I made recently to deepen the connections even further.

This change in perspective now fuels me to accomplish one goal each day and make progress to reaching a larger “quarantine goal.” Even though I have no control over the majority of things happening in life, this mind-set allows me to feel in control of each action I make and drives me to continue to put effort into being the person and lawyer I aim to be. There is no more time to waste. Each morning I now remind myself to get out of bed, make the short commute to the desk at the other side of my room, and take the world by the horns.

## Leah Berman-Gestring

*“A true leader has to have a genuine open-door policy  
so that his people are not afraid to approach him for any reason”  
--Harold S. Geneen*



Lawyers Alliance is a small office, filled with committed long-term employees who are unified by the desire to help. The culture of this office is one of an open-door policy, full of warmth, understanding and a strong sense of community. In the legal department, most divisions are run by one staff attorney, with assistance from support staff that consists of law student interns and extern attorneys from partnering law firms Skadden and Cleary. I believe that the size of Lawyers Alliance lends itself to such an open and welcoming environment, but size isn't the only factor. The people of Lawyers Alliance are what make it such an enjoyable place to work.

The single most important thing that I have learned in my externship is the value of a positive work environment. For me, I have learned that a positive work environment is one that fosters communication, honesty and an openness to suggestions, trying new things and above all respect. Before working at Lawyers Alliance, I held positions in several legal externships, from a criminal defense office to working in the federal government. The only times that I have felt at 'home' and have been happiest was when I worked with Lee Warshavsky at Settlement Housing Fund, Inc. and with Hedwig O'Hara at Lawyers Alliance. Working with them changed my outlook on my success and prospects for the future but they also showed me the kind of environment that I want to work in, not just one I could survive in.

Making the transition to 100% telework has not been without its challenges. Lawyers Alliance, like many organizations never had its entire staff operating on the remote drive and we have tested the limits of its server. One thing that has not changed, no matter the uncertainty or difficulty is the culture of Lawyers Alliance. My supervisor and I have a check in almost every day over video conference; we have a standing all staff meeting every Wednesday and a standing meeting every Thursday for the legal department.

Not only has the staff of Lawyers Alliance come together to support one another in a professional relationship, we have all taken a personal interest in each other's lives. Staff share funny stories, pictures and their tales of teleworking woes to lift each other's spirits. They have also taken the effort to check in with each other's mental health, which is something that I didn't expect but am extremely grateful for. During these challenging times, the staff haven't allowed the physical separation that we all are forced to endure to impact the feeling of belonging and support that Lawyers Alliance brings.

Lawyers Alliance truly feels like a close group of friends, working in harmony to achieve their goal. I hope to find a group as funny, supportive and smart in the next stage of my professional development.

## David Burick

For business lawyers, working remotely changes nothing. Hearings can be conducted via Zoom or Google Meet. Client meetings become emails and phone calls. The bulk of any attorney’s work—reading, writing, and critical and analytical thinking—can be performed anywhere with a computer and a reliable internet connection. In this new pandemic world of everyone working from home, we business lawyers are continuing the same work we always have, just this time in sweatpants and in the home office or at the dining room table. This being said, there are two important facets of the career to consider: firm culture and client logistics.



As discussed in our class and in the readings, firm culture can be deliberately implemented or allowed to develop naturally. When most everyone at the firm is at the office(s), developing and maintaining culture is easy. HR can perpetuate attitudes and traditions that give rise to these shared experiences and assumptions. Artifacts can be selected and strategically placed throughout the building(s). Even clever catchphrases can be shouted, whispered, and spread like wildfire.<sup>1</sup> However, much like various ethnic populations experienced during their respective diasporas, the shift to remote legal services makes perpetuating culture much more difficult.

Attorneys at firms are not walking into offices to see logos and hear catchphrases. They cannot attend firm happy hours or walk across the hall to ask the supervising partner a question. Firm culture must be implemented much more deliberately now, as it will not grow as naturally with everyone working from home. While harder than when everyone is in the office, implementing culture is still not difficult. Firm employees all over the hierarchy can still deliberately treat each other with respect. Artifacts have become digital via firmwide newsletters and announcements. Rather than walking into the partner’s office, the associate can call or email them, knowing that they will answer promptly.<sup>2</sup>

While firm culture can be easily preserved in this age of working from home, some lawyers must still rely on non-verbal cues and communication. For example, litigators rely heavily on eye contacts and watching a witness sweat during depositions. This cannot be done via email or over the phone. Maintaining eye contact through a webcam is awkward and artificial. Relying on tone of voice over the phone can be misleading as something on their end could be distracting. Some business lawyers need to conduct site visits when working with certain industries, which cannot happen during self-isolation. The answer to these new challenges might not be obvious, but business lawyers will find a way to adapt.

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<sup>1</sup> For the COVID-19 pandemic, Kelley Drye & Warren has coined the, albeit cringy, slogan “KDWell.”

<sup>2</sup> I am deliberately using the singular, gender neutral “they.”

## Stella Chang

The legal profession is a tale as old as time. The origins are in ancient Greece and Rome. For millennials, our profession evolved and adapted to many changes since then, surviving the Trojan War, the invention of gunpowder, coin currency, bubonic plague, and the collapse of the Empire, and more.



Our traditional legal practice is not so traditional as it seems when thinking far back. It has always been in the legal profession to adapt and evolve for our clients. The advent of technology has fueled meeting our client's demands through digital platforms. Even with the significant push to remote means during the coronavirus pandemic, the demands of an attorney remain the same. Attorneys must be creative to meet the same high level of competency in communication and organization in this stressful environment.

Poor connection, technological problems, dead battery, overlapping audio, lagged video, and more can decrease the quality of communication during these times. Just this past week, the GWNY participants survived a loud kid, full conversations, tapping noise, and more in our digital classes. I have always been an avid supporter of calling over texting and meeting up over calling. However, the main points of focus can be succinctly stated in an email.

Otherwise, speaking slowly, and ridding one's environment of these distractions prove tremendously helpful to the listening party. Everyone, especially attorneys, must train in basic technology. Though many lawyers work at law firms with extensive tech support, we have to stop relying on tech support and must learn to do it ourselves. We are living in the modern era where being on a device all day is inevitable. Not knowing the basics of technology comes at a cost to you, your client, and your work product.

Staying organized, especially in a team setting, has been difficult as 14 students are in 13 different locations around the world and in different time zones. I believe that despite this difficulty, it proves a great practical skill. When working in-house last summer in a technology company headquartered in Singapore, I had to stretch to fill the demands of the General Counsel on her time. This means being able to adapt to 8 PM meetings and 8 AM deadlines. Yes, this is far from ideal, but when championing for our client, we have to meet them where our clients and our team members are.

The future is here. Communication and organization have taken a hit as people are scattered in their homes with family. Meeting had to fall to Zoom conferences. There is a clear disruption to the organization both within a project and within a firm. With the sweeping changes the pandemic has brought in terms of remote work, attorneys must adapt to our new environment to continue to provide excellent service. In doing so, we are continuing the legacy of our profession.

## Perry Denton

In recent weeks, the professional world has experienced a mass shift in forum as business and other activities previously conducted in physical settings have moved online. This rapid change is the result of employers responding to the need for social distancing to limit the spread of a novel (new) coronavirus which causes COVID-19 (coronavirus disease 2019). Anticipating that it may need to follow suit, the Commodity Futures Trading Commission (CFTC) required all employees in the New York office to work from home this past Friday, testing system robustness and resolving any difficulties before telework becomes necessary. As such, I have chosen to focus this week's memo on the professional values and practices of working remotely.



In office settings, sometimes the mere presence of an employee has value. Interns and new associates attempting to make a good impression often arrive before their supervisors and stay after they leave. But, signaling dedication and a willingness to work long hours is difficult when a person is out of sight. Microsoft recommends staying online as much as possible, especially when an employee's online status is visible to others. Even though you might be working diligently on a project, "away" or "offline" status can lead coworkers to think otherwise. Responding quickly to e-mail will also let colleagues know that you are present and Microsoft recommends checking in with teammates and supervisors regularly throughout the day. Likewise, remote employees should communicate when they are not available, like out to lunch or running errands.

When working online, communicating clearly and concisely in writing is a critical skill. When talking in person, people rely heavily on non-verbal aids. Lifehacker.com points out that subtleties do not come through well in electronic communication and that we tend to read "between the lines" when writing is less-than-clear. Details like lack of punctuation, short and abrupt sentences, or other "verbal non-verbals" may lead a recipient of an email or message to negatively interpret the sender's attitude or mental state. Constant asynchronous collaboration makes it dangerously easy to misinterpret any message from a long-distance team member.

One of the benefits of personal presence in an office is the connectedness colleagues experience which fosters cooperation and effectiveness on collaborative tasks, but many in-person practices do not intuitively transfer to an online format and require extra effort. For example, medium.com points out that while we would not rudely talk over someone while they speak, we may not think to wait for another participant to finish typing in an online chat before we add our opinion to the group. Politely let colleagues finish their comments. Similarly, we should acknowledge, in some form, when we have read a message, especially if it asks us to do a task. And since many teleworking platforms allow companies to log and monitor conversations, Forbes cautions against "water cooler talk," since an offhanded comment could become public.

While partners, clients, and colleagues traditionally measure professionalism with in-person observations, the recent COVID-19 pandemic has propelled a shift to teleworking, requiring a corresponding shift in professional skills and practices. Here, I briefly discussed online presence, clear and concise writing, and translating in-person dynamics into an online setting, but there is more to explore on how to excel professionally when connected only by the internet.



## Ismail Houidi

As pointed out by French drug-manufacturer Sanofi's CEO Paul Hudson in a recent interview with the Wall Street Journal, "the one-meeting trip will disappear forever." I could not agree more: not only will it disappear, it must. I believe there will be a world before and after the coronavirus pandemic. This will hold truer within the globalized business community, the business elites that-up until a few weeks ago-met in the lounges of the world's largest airports.



This is not to say that people won't meet or network anymore. They probably will, but only when in large groups or when there are two or three-days' worth of content. In my view, that is unbelievably important for our commitment to the environment and to afford people time with their families. We will most likely become more demanding of the digital space after this episode of our shared history as a civilization has ended. People will be more assertive saying, "let's do a two-hour Zoom meeting." In my view, the biggest mistake would be for us to collectively go back to the way business was conducted without amending our habits, whether in our professional or personal lives.

The good news is that most skills used within our subset of the legal industry (business lawyers in a law firm setting) can be amended to support provision of legal services by remote means. I see the core of my future profession as resolving clients' issues. As long as I get all the required input from my client, I should strive to reach a level of autonomy that permits me to correctly and holistically answer the client's question on my own. No face time is required in this process.

"What about getting new clients?" one might ask. My answer would be "let your work speak for itself". As pointed out by Professor Basta in one of our recent class meetings, he is getting more matters than ever. Why? Because he is the top bankruptcy lawyer in the country. His work has already spoken for his and his team's capabilities. He has been delivering the most valuable advice to clients seeking to reorganize and/or file for bankruptcy and people are aware of that.

Does that mean that time spent face-to-face with clients is obsolete in the 21<sup>st</sup> century? That is not the point I am trying to make but I would be fooling myself if I did not admit that spending time in an office is mainly so that humane relationships can be built with co-workers. Having been in lockdown for almost a month now, I realize more than ever the positive impact that interacting with like-minded individuals has on me and my overall mood.

## Darra Loganzo

The changing circumstances of the coronavirus pandemic is teaching people around the world that we can adapt. People are adapting with cancelled events that have no precedent of ever being cancelled, people are adapting to staying in their homes and six feet apart, and people in every sector and industry are adapting to working from their living room couch. Lawyers and law students are learning to work and take classes from home and we are slowly getting in the rhythm and routine of teleworking. In addition to teaching us that we can successfully do this, these circumstances have also taught us more about what our role in the legal field really entails and what it means to be a lawyer.



During this time of “social distancing,” we have learned new ways to provide support from afar. As law students on the bottom of the hierarchy chain, we have learned that even from our home couches physically distant, we can connect by emailing our mentors, classmates, and colleagues to check up on them to make sure they are doing okay and offer what we can.

Lawyers have been quoted as one of the categories of workers that will be least affected by the coronavirus because its low need for physical proximity to others translates into less exposure to the disease. Many aspects of being a lawyer lend themselves to being performed remotely from home—emailing, phone calls, reading cases, and drafting motions or contracts on the computer. As of today, almost all law firms in major cities have eased their transition into fully remote work. I have watched this transition through my own incoming emails from my firm’s Chairman and partners, as well as watching my boyfriend work for his law firm from the couch seamlessly.

And yet, it makes me wonder if this remote work can capture all there is to being a lawyer. Is there not a client-facing element to our job? Why place such value on in-person face time in the office if we can adequately perform our role remotely? What does that in-person element add, and what is lost when teleworking?

Law firm recruiters would tout that group collaboration, team building, and group morale would all be aspects that cannot be captured in online interactions. I have seen these intangible parts in action – the small talk discussions after our GWNYS classes in the hallway that lead us to say – “Are you hungry, do you want to grab a bite?” Going to lunch with that classmate, and finding you have a lot in common, and a friendship grows. Or talking out ideas surrounding our Securities Hypos over coffee somehow allows the concepts to sit differently in my head than they did when I was scrolling through my notes, alone, on my computer screen. I feel that the same thing could be attributed to workplace dynamics – that in-person aspect of striking up spontaneous conversations with co-workers in the coffee lounge or being able to walk down the hall and talk out a complex issue aloud with a co-worker on their team.

However, it seems that our Google Meet video calls can provide us with much of the same substance that an in-person law school class provides. Will law schools reconsider more classes moving online like many medical schools have already done? Video conferences meetings are already showing lawyers in firms that many of the discussions can be undergone efficiently from home without the commute time to Midtown.

When people are forced to change, we find a way to do it. After this all ends, I wonder if the flexibility and lessons learned will hold steady or if people will easily revert back.

## John McBride

During times of economic feast or famine, investors often quote Warren Buffett's famous line, "Be greedy when others are fearful and be fearful when others are greedy." The first portion of Mr. Buffett's quote encourages investors to find valuable assets worthy of their hard-earned capital when others seem less inclined. The economic slowdown caused by the novel coronavirus has made many professionals fearful. However, these are the times when opportunistic law students can use the challenges imbedded in the moment to create lasting value. Below are several suggestions that will help any professional service provider or law student shine, despite the obvious hardships presented by the national pandemic.



Luckily, for law students and many business lawyers, work from home (WFH) does not alter the fundamental expectations of producing legal work. For example, the basic competencies of critical thinking, clear writing, and quality research remain the sine qua non for the legal world. Nonetheless, the fringes of productive life have become slightly more efficient given the ubiquity of WFH arrangements. Rather than investing time selecting daily business attire and commuting, some effort can be clawed back into work. Now, professionals can present even more polished final work products given the extra allotment of time.

Niche legal expertise is a career competency that can be established during periods of voluntary isolation and shelter in place orders. The demand for online content, pithy articles, and useful resources has never been greater. Moreover, society increasingly favors professionals with bona fide subject matter expertise. Given the economic environment, law students need to be able to articulate a clear value proposition to potential employers and display a budding area of legal expertise. Conducting research, producing intelligent discourse, and online publishing have paved a way for every law student to carve out their niche.

An often-overlooked area of professional competence is the ability to remain healthy. The impediments to physical health have made national news for weeks. But mental health remains a critical aspect of productivity despite the national conversation. Currently, otherwise healthy people are especially burdened by loneliness, fatigue, and boredom. Most of us would reap outsized mental health rewards from taking more breaks, periodically fasting from daily news consumption, and practicing gratitude.

Hopefully, these small encouragements highlight the notion that each of us can generate value for the legal community despite the stressors of the time. Indeed, there are ample reasons and methodologies to produce more and better legal work given the circumstances. However, my take-away from this semester is all-together a different thing. Professor Cunningham and Justice Masley each emphasized how important relationships are to business lawyering. They each taught me that a keen legal mind is best supported with a sincere appreciation for people. I hope that all of us exit this national crisis with a renewed focus on increasing the quality of our relationships along with our professional skills.

## James Midkiff

Positivity sometimes seems like wearing risk blinders. This perhaps explains why lawyers, whose job is to think critically to spot risks, often succumb to negativity. For many of us if not all, containment has created an imbalance in the yin and yang of critical thought and positivity.



In the business context, a lawyer adds value by spotlighting risk for the client. The lawyer focuses on risks as a negative. In our personal lives we often are too quick to spotlight the risks with insufficient counterweight to think critically about the benefits of positivity or ignore the paralysis by analysis trap.

The first step to finding balance is being aware about when to think critically and when not to. Thinking critically is vital in analyzing contracts, reviewing work product, and writing. Yet being positive may be preferred when considering whether it's a good time to call a friend or when talking to a coworker about their personal lives. Often, in the same conversation or when thinking about one issue, it is best to think critically in one area, while positive in others.

When talking with people the question is *what response does this person want or need?* When thinking about personal plans and issues the question becomes *what value and what cost is this creating?* Often, we spend time identifying small risks: doing that is a waste of time, no one cares if I don't show, there is no convenient subway stop nearby. Focusing on these thoughts is akin to letting million-dollar risks tank a multi-billion-dollar deal.

Once you are aware, the next step is to become the master of your mind. The idea of flipping a positivity switch is laughable to anyone who has fought this issue. But surrendering is equally illogical. The best advice may be familiar to any working professional: fake it 'till you make it.

Some tips for faking it. **Practice gratitude:** this may force you to invert your thinking pattern. It also helps to think about others and creates a chain of benefits. **Find a reset:** sometimes you are just in a destructive and negative mood. Find something that clears your head and can refocus your thoughts, such as taking a hot shower, going for a walk, or listening to a podcast. **Find the silver lining:** this encourages creative thinking to search for positives and opportunities.

When isolated, we are more prone to these negative thoughts as our minds become mired in negative feedback loops. The routine and necessity of commutes, work, and talking to others often serve as resets that refocus our mind. Mirroring these routines also helps achieve balance. For me that is making my bed and cooking breakfast. Other people wear work clothes.

It is an over-simplification to say critical thought breeds negativity. In reality, negativity results from illogically applied critical thought, or blinders. These blinders prevent us from seeing the reasons why we should be happy, taking steps to make us happy, and improving our lives. No herculean feat can solve this struggle, it is a daily battle of little decisions that build over time.

## Shelsea Moore

The past couple of weeks have brought new challenges to people and professions all over the nation. Things once taken for granted are now reminisced about over virtual meetups with friends, family, and coworkers. Things like toilet paper, going into an office, hugging those you care about, and just being in the presence of others are fondly talked about for hours on end. Through all of these changes and challenges people and professions are finding ways to adapt and survive.



As I reflect, I am reminded of a quote by Charles Darwin, “It is not the strongest or the most intelligent who will survive but those who can best manage change.” I think nothing could be truer of professions, including the legal profession, dealing with the “new normal” we have encountered over the past couple of weeks. Although traditional legal practice does and will continue, some traditional legal skills will need to adapt in order to support provisions of legal services by remote means.

Communication is the first skill to come to mind. How do you connect with a client or depose a witness over Zoom and still have the same effect as you would if you were in the room? Many attorneys are finding themselves trying different strategies to achieve this goal. The different approaches which have worked for me, thus far, are longer amounts of small talk to connect with the person, looking straight at the camera as if it were the person to make eye contact with, and speaking slower and enunciating more.

Additionally, attorneys will need to adapt their organizational skills. The systems once used in office may work if they have the same supplies, space, and are allowed to take files from the office. However, this is not the reality for most of us. At FINRA we are not allowed to take any paper files from the office due to confidential material. All the documents are now uploaded onto the system. Thankfully the documents are still accessible, but it is not the same as having the file in front of me, tabbed, and all the papers spread out. Instead, I am flipping through tabs on my 11” laptop screen and looking for parts I had to go through and re-highlight.

For those of us who do not have a home office, my workspace consists of my couch or kitchen counter, it can be hard to focus in general. I have found making a checklist and keeping different notepads for my different cases has helped me remain focused and organized.

Overall, the legal profession, as well as other professions, will have to adapt to the current, and what seems to be the future, “new normal” of remote means. Many of the same practices will remain the same, but it is imperative to adapt with the change. It would benefit people and professions alike to think of this as an opportunity not only to survive as Darwin says, but to grow legal practices and thrive.

## Ashley Nguyen

With or without the ongoing pandemic, there has been a slow shift towards rendering professional services remotely. The high-tech industry has been at the forefront of remote work, in part due to the industry being centered in California where high housing costs, lack of robust public transportation, and awful traffic make for long and difficult commutes. The influence from “Big Tech” along with the same geographical and price constraints have also seen more uptake of remote-friendly adaptations in West coast offices of other industries as well.



I have noticed that on the East coast, particularly in business, financial, and legal services, there is a greater placed emphasis on “face time” and appearances. This is evident in the heightened formality in workplace attire and even in office locations and aesthetics. Prestigious firms are willing to pay rent premiums to be housed in prestigious buildings in prestigious neighborhoods. It makes sense with the more traditional, older roots on the East coast and lack of the same infrastructural constraints on the West coast that everyone be expected to show up looking their best at work. Given this, the bulk of the skills we have considered in Business Lawyering have been in the realm of “how to best impress clients, seniors, and colleagues by making the most of face time.” We have learned how to act and dress for an office environment. We have learned to build relationships and become close with people by inviting them to coffee. We have learned to market ourselves and build rapport at in-person professional events.

After a networking event, I met an alumnus at an AmLaw 5 firm in February and after, caught up with her for coffee at her firm’s office in Midtown. In the process of just going with her from the reception area to the firm’s café on a separate floor, we ran into three colleagues of hers, whom she introduced me to on the spot. Just in that small window of time, I could see how important face time and simple things such as greeting people in elevators are in our industry. She even mentioned off-hand that while the firm has all the remote technology necessary, everyone comes in to work, because that is how you get ahead.

The legal industry can be slow on the uptake and adaptation to new methods, and this pandemic will likely catalyze practice culture to look more like Big Tech, for better or for worse. Because this virus disproportionately puts older people at risk, many scholars believe that after this is over, there will be an exodus of older people moving from urban, pandemic-prone areas (e.g. NYC). Older people are by definition more senior, so many will likely want to take the lead on working remotely more often, which has conveniently proven itself to be feasible. Face time will no longer be seen as pseudo-mandatory.

I can see this impacting a junior business attorney’s practice in many ways. There is a fine line between utilizing one’s right to work remotely and abusing its usage. We have emphasized being client-oriented and providing quick service and responses. In a remote working environment, it can be difficult to set personal boundaries, and young associates may be expected to be even more accessible at all times, increasing the likelihood of burnout. But despite some of these medium changes, the root skills universally remain important: communicating efficiently and effectively and providing value.

## Jenny Wang

People constantly work from home (WFH) with available technologies. Yet, it is a completely different scenario when the entire office works from home. One significant effect of the coronavirus pandemic is the need for companies to test out and implement remote working protocols. Entire companies have been sent home either by choice or through executive orders. Some aspects of WFH are positive. For instance, study shows that a more relaxed work environment enhances creativity, and limiting travel leaves more time for productive billable work. Yet, most employees need to make several adjustments to thrive in this new workplace.



First, one needs to adjust his or her expectation for others. The most important lesson I learned working from home is not to assume you will always have access to the person you need precisely when you need him or her. Many people are suffering in the midst of a pandemic. Most parents will not be able to devote a full workday if they have to watch young children. Married couples having two working spouses cramped in an apartment might have physical space limitations. Thus, communications and feedback skills become extremely important. Before reaching out to my supervisor, I usually make a list of all my questions and projects, so that, I would live without reaching him for another three or four hours.

Second, one must take ownership of his or her work and also recognize one's constraints. Taking ownership of one's work has always been important. It's even more so when nobody is in the office, since it's now impossible for others to see what you're working on and to help make sure you're on track. Thus, regular check-ins and overcommunication are crucial for remote working.

Third, one has to find ways to add value to a company by taking initiatives. In the midst of this pandemic, interns might have fewer personal responsibilities and more time to devote to professional settings. Thus, one should take initiative to proactively reach out to request that feedback if it's not forthcoming, to pull a 50-state survey to advise clients on new pandemic-related legislation.

The past month has been challenging for most people in the country, especially lawyers. Most lawyers' primary tasks are communication and some of them are not exactly tech geniuses. The more all of us can fully accept this truth at the outset, the smoother and easier this transition will be for everyone, both individually and on an organizational level.

## Ananda Zhu

I have heard countless times that lawyering is a “people business”: indeed, as lawyers, we constantly work with people and help people to solve their legal issues. The current pandemic acutely brought to our attention that people are gregarious and social creatures by nature. Despite the disruption of our current situation, I observed through my experience with isolation over the past month that the professional and interpersonal skills for a successful business lawyer are more important than ever in long-distance interactions.



As we physically distance ourselves from each other, I feel that my classmates, professors, and colleagues from my externship this semester are all looking for solutions to substitute face-to-face interactions. In this situation, I notice that my communication skills are being put to the test. Personally, I decided to make a conscious effort to draft my emails and other written communications with as much clarity and conciseness as possible. Remote working inevitably results in an increased volume of written communication, so pithiness and clarity are pivotal for reducing confusion and miscommunication.

I also try to pay closer attention to the communication style of each individual with whom I communicate via email. For instance, my externship supervisor prefers sending short email messages, so if I have a quick question, I opt to send her a short email rather than call her on the phone or video chat. I also adapted my usual communication style to be more personable. Under normal circumstances, I usually refrain from sending personal regards or include any content that is unrelated to the business issue at hand. However, since the pandemic unfolded, I tried to include a personal message or at least a closing line that wishes the recipient good health and safety, and I have received positive feedback for doing so.

The ability to remain flexible and accommodating is another professional competency that becomes especially valuable in a remote working environment. Given the myriad options for remote-working technologies that are available in the market, knowing the different options and their suitability for a particular professional situation can be tremendously helpful. For example, I recently learned from a fellow editor on my law journal about the different features of Google Drive and DropBox for remote working capabilities, which I had never even considered before the current crisis. Although this type of knowledge is not conventional legal expertise, it can nevertheless create tremendous value for clients in a remote-working environment.

Lastly, I feel that we can all use a little more empathy and consideration for each other, not only in our professional setting but in all of our social connections during this trying time. Regardless of whether I am interacting with a fellow student, a colleague, or a potential client, professional life is never short of difficult situations, some of which may be even more challenging to navigate than the current pandemic. As lawyers, our ultimate duty is to help people find solutions—using our expertise, creativity, and empathy to find a solution to the challenges of remote working is just part of the job.



## Appendix: Weekly Writing Prompts

1. Write—and edit meticulously—a 100-word summary of who you are, your professional identity and goals. This will form the basis for an “elevator pitch.”

2. Explain three of your externship goals, why you selected these goals, and how you plan to accomplish each one. (Later in the semester, we will compare this statement with your actual experience.)

3. Draft a one-page summary of a prominent legal issue you recall from your Corporations class (or Contracts if you did not take Corporations). Revise it to produce a reasonable first draft and then either (a) edit it yourself, tracking changes or (b) swap your work with a classmate and both of you edit the other’s draft, using tracking changes. Submit the tracked changes version to me. Be sure you have carefully studied this week’s reading before completing this assignment.

4. Succinctly state the kind of law practice in which your field placement is engaged (e.g., bankruptcy, commercial, real estate finance). State what this entails in substance, and highlight the specific legal skills valued highly for this setting. Are lawyers in this placement “business lawyers”? How is the practice of “business law”—and the vocation of business lawyering—affected by what your organization does?

5. Of professional skills that are among the key competencies of business lawyers (as described in this week’s reading), which appears to be most germane to your work and those of lawyers in your field placement and how can you use your placement to enhance these skills?

6. Of the behavioral competencies that are key to business lawyers (as described in this week’s reading), which appears to be most germane to your work and those of lawyers in your field placement and how can you use your placement to enhance these skills?

7. Review your statement of goals from your Class 2 memo. State whether and how you made progress accomplishing those goals. Explain and state whether and how you modified your goals.

8. Present one example of a professional instance you observed or experienced (ideally, in the course of your externship so far) of (1) an excellent split-second judgment and (2) an excellent on-the-spot adjustment to a thorny problem. State what you can learn from both for future use.

9. Describe the working relationship between your supervisor and staff. How does the staff participate in the office’s processes and decision making? What skills, legal and otherwise, seem valuable? Are promotion and other rewards based principally on legal skills or other skills?

10 & 11. Free writing.

12. Briefly describe your work environment. Does it suggest a distinctive practice culture? Is there a clear sense of mission and purpose? Would you consider it a learning organization? A reflective practice? What is the single most important thing you learned in your externship this semester? How has all this changed or stayed the same in the remote services environment?

13. While traditional legal practice does and will continue, the recent social distancing response to the pandemic induced significant investment and experience with distance practices generally, including in the rendition of legal services. How might traditional legal skills need adapting to support an ongoing supplemental provision of legal services by remote means?