



ANALYSIS

As Law Firms Set Post-Pandemic Work Policies, It Looks a Lot Like the Old Normal



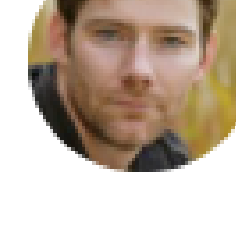
Photo: XArtProduction/Shutterstock

While firms have, on one hand, extolled the virtues of remote work, many of these same firms have implicitly made it known that in-person work is important to firm leaders like it always has been.

June 10, 2021 at 05:00 AM



Dylan Jackson [↗](#)



Patrick Smith [↗](#)

Law Firm Management

6 minute read

The steady drumbeat of new Big Law remote work announcements has crystallized two things about the future of work.

One: hybrid work, in a way, will continue to be a part of the legal industry for the years to come. Two: the “new normal” everybody has been talking about since the pandemic began may not actually be so new when the dust settles.

Nearly every firm that has publicly shared their return-to-office strategy has extolled the virtues of remote work to varying degrees. Many firms, such as Baker McKenzie, have asked that their attorneys work in the office a set number of days a week. Others, like Dechert, have asked attorneys to be “in the office at least part time”, but did not specify what that comes down to in terms of days in the office.

Still others, such as Sullivan & Cromwell and Wigdor, are expecting their attorneys to come back in full time, though they are sometimes couching the policy by saying a return to the office is “strongly encouraged” rather than required. An email sent out to Carlton Fields associates in May laid out a policy that does not require attorneys to come back in, but like Sullivan & Cromwell, it laid out an expectation of in-person return.

“Please be aware whether you are the ‘odd person out,’ working from home while others are not,” the email read. “The old saying ‘out of sight, out of mind,’ does have a lot of truth.”

Messaging like this has made it clear in the eyes of many that the “new normal” attorneys and staff had been expecting may look a lot more like the pre-pandemic normal.



Book

Midlevel Associate Survey

[View This Book](#) [↗](#)

“It’s going to be very interesting to see, because ‘strongly encouraged’ is just the secret word for ‘we’re going to expect you to come back,’” said Sharon Meit Abrahams, a legal development consultant who works with Big Law partners and associates.

David Ackert, president of technology and consulting firm Ackert Inc., agrees.

“I have heard firms use that language,” Ackert said. “It ranges from being a veiled threat, signaling there will be a political cost if you don’t come in, to being used strategically by some leaders

knowing that some will follow the meaning and others will ignore it.”

Some legal experts think the new hybrid policies may go the way of unlimited vacation policies or parental leave at many firms: a paper policy that doesn’t align with reality. Lawyers at Big Law firms are generally, by nature, competitive and ambitious. And in an environment where a firm’s leaders have come up the ranks in-person and attorneys are pitted against each other for origination credits and as partnership prospects, attorneys will likely gravitate toward in-office and in-person work to get ahead of their internal competitors.

The financial sector was recently profiled by The New York Times for having a similar issue: Even if you ask people not to work too much and not to come into the office too much, there will always be a group who thinks that sort of behavior will get them ahead. And if it does (and it often does), then there are few options for the rest but to follow suit.

“So what’s interesting is, the cream rises to the top, the best people and the hardest workers will come in,” Abrahams continues. “The rest of you, who don’t come in, we’ll hold it against you because you aren’t as dedicated.”

She noted that this dynamic has played out before: “This is what they’ve said about women who have children and go on parental leave.”

To be sure, there is still plenty of momentum behind the push to hybridize work once the pandemic subsides. Surveys and interviews with younger attorneys, as well as recruiters placing candidates in the hotter-than-ever lateral market, have made clear that the younger generation of lawyers appreciate flexibility with regard to where they work.

Tom Sharbaugh, former firmwide managing partner of operations at Morgan, Lewis & Bockius and current professor at Penn State Law, said there will be some advantages, particularly around recruiting and retention, for firms that are truly looking at a hybrid model long term.

“I saw this play out recently where there was an associate who called to tell me she was leaving her firm in Philadelphia to join a firm in New York,” he said. “She is not moving. She said her deal was that she only needed to be in the office one day every two weeks. She said if I take this job in New York I will have dinner with my kids more often than if I stayed with my firm in Philly.”

Sharbaugh said this type of thinking opens up a whole new level of recruiting, if firms are willing to do it. Several Big Law firms such as Perkins Coie, Husch Blackwell and Orrick, Herrington & Sutcliffe have been hiring attorneys remotely. Many Am Law 200 firms have eschewed lease space initially as they expand into new markets by lateral hiring. Whether that trend persists when the talent market cools down, child care resumes or more people make their way into the office is unclear.

Moving forward, once the proverbial dust settles, Ackert believes that the hybrid model as we know it now will persist to some degree for a while. Others, including Abrahams, think it is too early to definitively know.

“We are, like it or not, scarred by our experience last year,” Ackert said. “That won’t heal overnight. But it will end up being a reflection of people’s values and what they are willing to sacrifice to get what they want. They will, finally, have a choice whether to express that or not. Previously, with everyone in the office, there was no distinction.”

[Read More](#)

[More Large Law Firms Are Embracing Remote Associate Hires](#)

[The Way Back: How Law Firms Are Planning for Post-COVID Office Life](#)

[A Trial-And-Error Approach to Office Returns Yields Some Lessons Learned](#)

More From ALM

Resources

[CLE Center](#)

[Legal Compass](#)

[Events & Webcasts](#)

[Lawjobs](#)

[Professional Announcements](#)



A Buyer's Guide to Affordable Phone Systems

Brought to you by OOMA

[Download Now](#) [↘](#)



Law Firm Marketing: 19 Proven Strategies For 2021

Brought to you by Walker Advertising

[Download Now](#) [↘](#)



4 Processing Techniques for Complex Cases - How Small and Mid-sized Firms Can Excel

Brought to you by Ipro Tech

[Download Now](#) [↘](#)

[Go to Resources](#)

Sign Up Today and Never Miss Another Story

As a part of your digital membership, you can sign up for an unlimited number of a wide range of complimentary newsletters. Visit your My Account page to make your selections. Get the timely legal news and critical analysis you cannot afford to miss. Tailored just for you. In your inbox. Every day.

[Subscribe to ALM Legal Publications Newsletters](#)