



Working from Home: the Good, the Bad, and the Comfy

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The Good

- u Working from home can greatly improve productivity.
- u Saved cost
 - u If there is a question within your practice area as what exactly the benefits of remote work are, then it is worth considering the resources saved by needing less office space, reduced absenteeism, less turnover, reduction in reimbursements for travel, less time wasted in transit, etc
- u More flexibility
 - u Remote work options make employers more competitive.

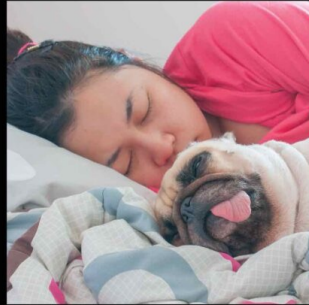
Remote Workers Tend to be Happier

Remote workers reported having less stress, more focus, and a better work-life balance.

Some remote workers also worked over 40 hours per week at higher to workers that never worked remotely



Working From Home



What society thinks I do.



What my family thinks I do.



What my friends think I do.



What my clients think I do.



What I think I do.



What I really do.

The Challenges

Model Rule 1.4: Communication

“(a) A lawyer shall:

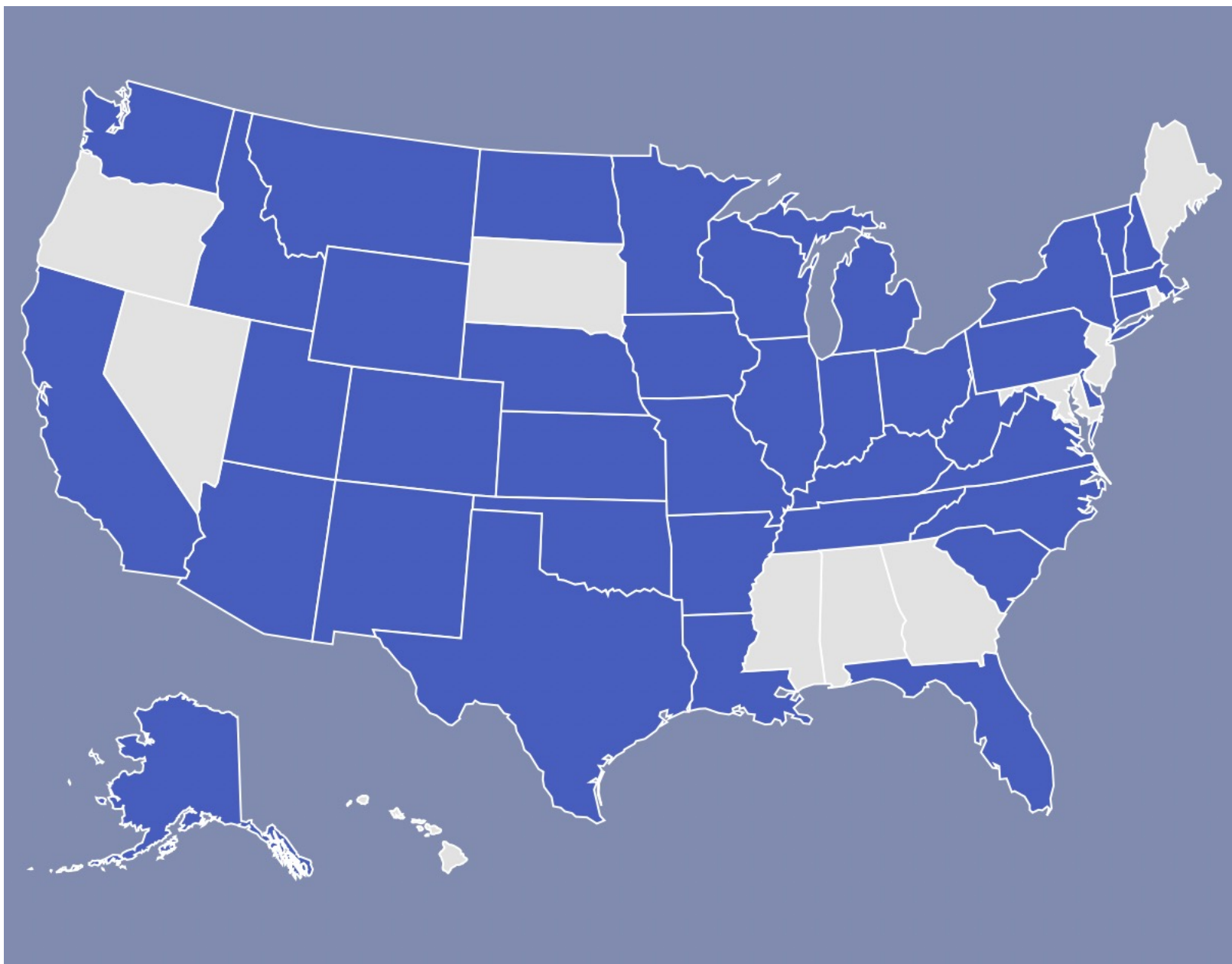
- u (1) keep the client reasonably informed about the status of the matter;
- u (2) promptly comply with reasonable requests for information; and
- u (3) consult with the client about any relevant limitation on the lawyer’s conduct when the lawyer knows the client expects assistance not permitted by the rules of professional conduct or other law.

(b) a lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.”

- u Comment [2] – need to give client sufficient information to participate intelligently in decisions about the representation
- u Comment [4] – need for regular communication

Model Rule 1.1 – Competence – Comment [6] – Maintaining Competence

- u [6] To maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law and its practice, **including the benefits and risks associated with relevant technology**, engage in continuing study and education, and comply with all continuing legal education requirements to which the lawyer is subject. (Emphasis added)
- u Keep yourself abreast of technological changes/legal changes to facilitate remote legal work.



Practicing Remotely

Remote access

- u Remember security when using third-party vendors. Such as Cloud based backup systems.
- u Advises on competency, confidentiality, and working with a non-lawyer service provider (ABA Model Rules 1.1, 1.6, and 5.3)
- u Read terms and conditions of service
- u Consider consulting with an IT professional

Technology Enables Communication

- u Adobe
 - u E-signature
- u Google Docs for collaborative projects
- u E-notary
 - u E-notarization v Remote notarization

Strong Connection

- u Plan B. Have a secondary location or plan.
- u If your internet cannot connect be prepared to move locations or have a phone hot spot or a portable wifi device.

Model Rule 1.6 – Confidentiality of Information

- u (c) A lawyer shall make reasonable efforts to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the representation of the client.

Communicate (Securely)

- u Model Rule 1.6 Confidentiality of Information Comment [15] Reasonable Efforts on Preventing Access
- u Requires lawyer to act competently to safeguard information relating to the representation of a client:
 - u “against unauthorized access by third parties and”
 - u “against inadvertent or unauthorized disclosure by the lawyer or other persons who are participating in the representation of the client”
- u No violation if lawyer has made reasonable efforts to prevent access or disclosure

Being in Court at Home

- u Common pitfalls: not wearing appropriate attire, not securing noisy animals, and leaving sensitive material in the open.
- u Ask witnesses if they are alone in a room. You don't want your testimony being corrected by another involved party/witness who is sharing the room with the testifying witness.
- u Ask witnesses what documents or devices are within arms reach to establish a record, if need be.

Virtual Trial Tips

- u Other ways to interrupt a witness or get a judge's attention other than talking over others.
 - u Court reporters have an increased difficulty transcribing virtual trials, between delays due to low connectivity or witnesses talking over each other, it is more important than ever to not speak over others. If you need to interrupt a witness or need to get the judge's attention try waiving your hand with a short interrupter "Your Honor" or "Counsel?"
- u Stop checking yourself out.
 - u When presenting your eyes should be on the camera to simulate the impression of eye contact.

BREAK

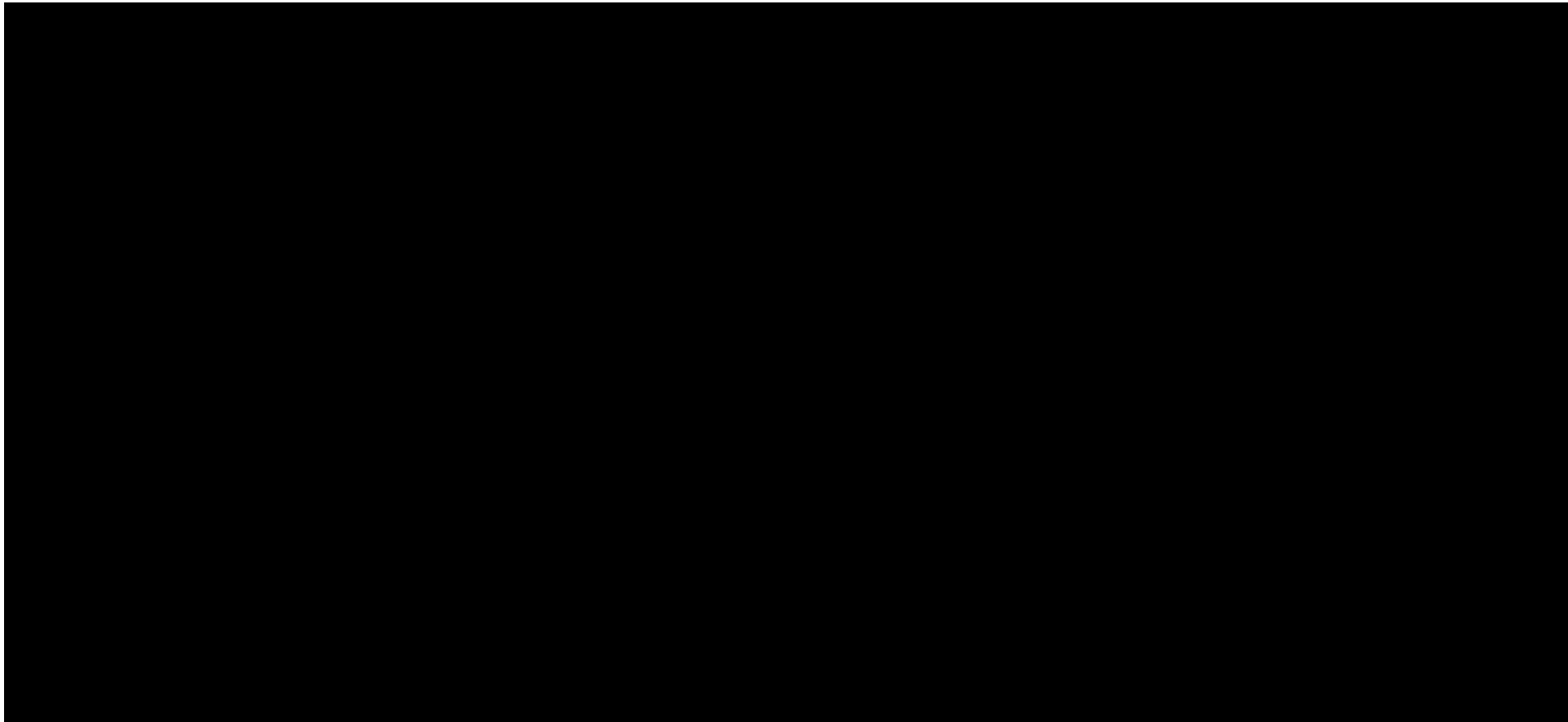


The Duty to MUTE

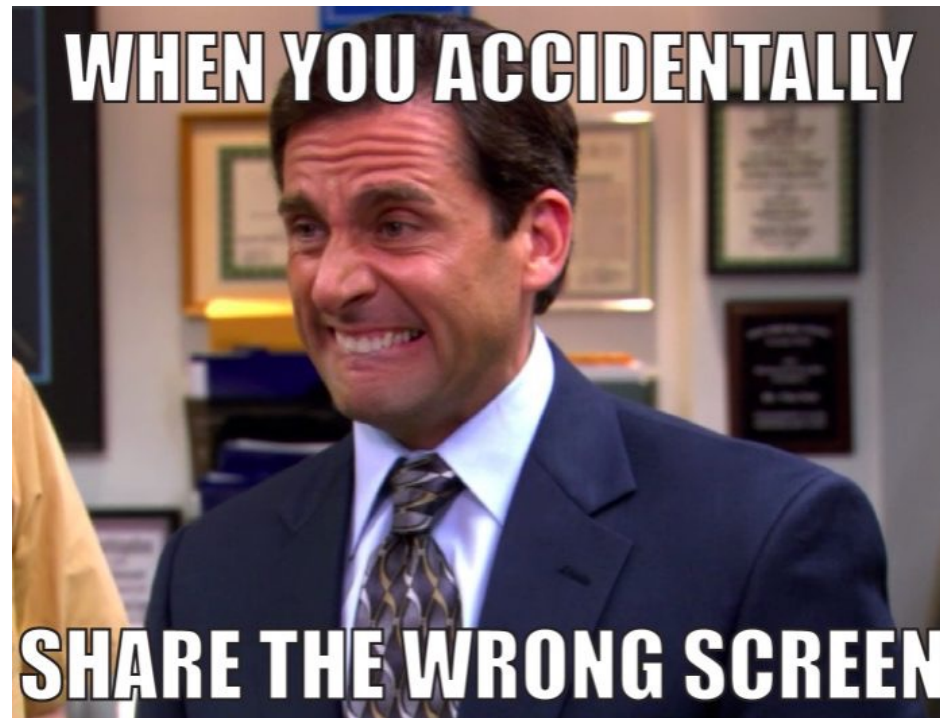
- u **ALWAYS** mute when you are not talking.
- u And if you suspect someone is unaware they aren't muted, be professional and point out that they aren't muted.
 - u Even if it's a Judge.



What Could Go wrong?



What Could Go Wrong?



Bad Zoom Behavior

Shirtless Testimony

An attorney in Louisville, KY sat through an entire parental rights termination hearing where the father sat in bed shirtless.

Florida Judge Dennis Bailey

Wrote a letter calling on the lawyers to dress more appropriately, after a male attorney appeared shirtless and a female attorney made an appearance from her bed.

Jefferson County, KY - Circuit Judge Audra Eckerle

During a criminal hearing the Judge used her mute function to silence the criminal defense attorney who later moved for the Judge to recuse herself based upon what he argued was a violation of his client's rights.

Access to Virtual Justice

- u Inquire as to your witnesses or parties availability.
- u If a hearing is to occur remotely, then inquire as to your witnesses and/or parties ability to remote into the hearing.
- u Best practice: either conduct a practice session or instruct your witness to log into a Zoom, WebEx, or other platform prior to the scheduled hearing.
- u If a necessary party to a hearing or other proceeding is technologically unavailable, then act as if they are actually unavailable. Always leave the record open, if key testimony/evidence was “unavailable.”
- u Preserve issues by notifying the appropriate authorities in a timely manner.

The Bad: Remote Work Takes a Toll on Some

Here are some of the most common problems that remote workers face when it comes to their mental health:

- Pressure to work extra hours or hours that they're not accustomed to.
- Difficulties unplugging from work due to it being accessible on their computer or laptop.
- Loneliness due to a lack of colleagues to speak to in-person.
- Isolation due to being stuck at home because of lockdowns.
- Stress due to a lack of time management skills that are required when working from home.
- Depression caused by a lack of tangible career progress.

Coping Strategies

Stick to a schedule. Although [40% of remote workers say that a flexible schedule is one of the biggest benefits of working from home](#), not sticking to a schedule can actually be detrimental.

Be comfortable. Customize your space, it is worth investing in a dedicated work space

Remove distractions. Distractions can prolong your work hours and make it hard to stay focused.

Co-working spaces as an option. Co-working can encourage productivity. For example, I know two people who meet up together and work in the same area which they reported increases productivity. **Limits.** Make sure you understand your limits and stick to a schedule so you avoid overworking yourself.

Unplug – literally. Try unplugging by turning off your laptop or ignoring any calls or messages to your work phone during off hours/times

Communicate and engage. Use messaging programs, video calls, and regular calls to stay in touch with colleagues and communicate effectively with senior managers

My Loneliness (Might) be Killing Me

- u While remote work can be immensely beneficial to productivity, isolation can hinder work performance, career growth, or personal wellbeing.
- u Identify what, if any, struggles working from home presents and supplement those interactions.
 - u If your work performance is suffering due to an inaccessibility from the ideas/suggestions/inspiration of your coworker – seek out private one-on-one telephone/virtual meetings with those who help your work flow.
 - u If you wish to be making greater strides in towards career growth and networking, find local or bigger cities organizations designed to facilitate these events and inquire (or volunteer to plan!) about attending virtual events.
 - u And if your personal wellbeing needs attending to seek out external resources. Therapy, self-care practices, walking lead to greater creativity and in another study those who took a 30 minute lunchtime walk felt less stress, less fatigue, and were more alert.