



# **Law Practice Management In The Time of a Pandemic**

**April 10, 2020**

**12:00 - 12:30**

**LIVE WEBCAST**

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Continuing Legal Education

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**LAW PRACTICE MANAGEMENT IN THE TIME OF A PANDEMIC**  
**April 10, 2020**

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# Law Practice Management In The Time of a Pandemic

April 10, 2020

## Faculty Biographies

**REID P. POTTER** assists lawyers with questions about starting and running a law firm, developing a law practice, using technology, and trust account management. Mr. Potter left the private practice of law to join the staff of Practice 2.0 in August 2019. He has worked with graduates sitting for the UBE and previously taught at Arizona Summit Law School.

**ROBERTA L. TEPPER**, Lawyer Assistance Programs Director for the State Bar of Arizona, has been with the State Bar since 2013. She administers a variety of programs focused on assisting lawyers to achieve success in their practices; provides advice to lawyers on starting, running, building and winding down their practices and all aspects in between through Practice 2.0, the Bar's practice management program; administers the Member Assistance Program; the Mentor Program; and she and her team provide administrative support for the Bar's 30 Sections, the Young Lawyer Division and administer the Online Community. She served as Bar Counsel and then Senior Bar Counsel in the Lawyer Regulation Office from 2004 until she assumed her current position in 2013. Ms. Tepper is an active member of the Law Practice Division of the American Bar Association and serves on the as the co-Vice-Chair of the 2020 ABA TECHSHOW Board, on the Law Practice Division Council and has authored articles on practice management and wellness for Law Practice Magazine and Law Practice Today. She is the Chair of the Practice Management Advisors of North America, is the Immediate Past President of the Arizona Women Lawyers Association Board of Directors and as a past chapter President is an ex officio member of the AWLA, Maricopa Chapter, Steering Committee. A graduate of the University of Arizona College of Law, Ms. Tepper is admitted to practice in Arizona, and is an inactive member of the North Carolina and Delaware Bars.

Law Practice Management  
in the Time of a Pandemic

Reid Potter, Practice Management Advisor/Attorney  
Roberta Tepper, Lawyer Assistance Programs Director  
State Bar of Arizona



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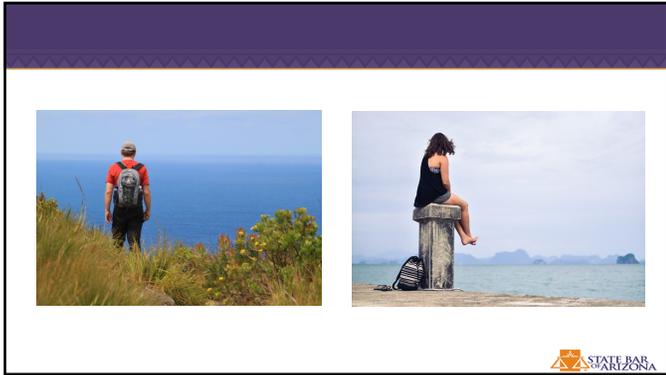
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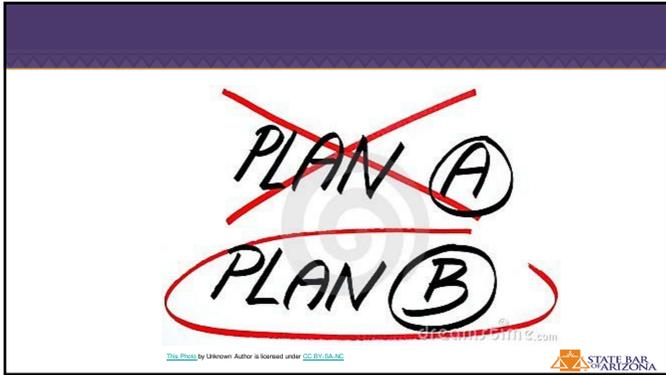
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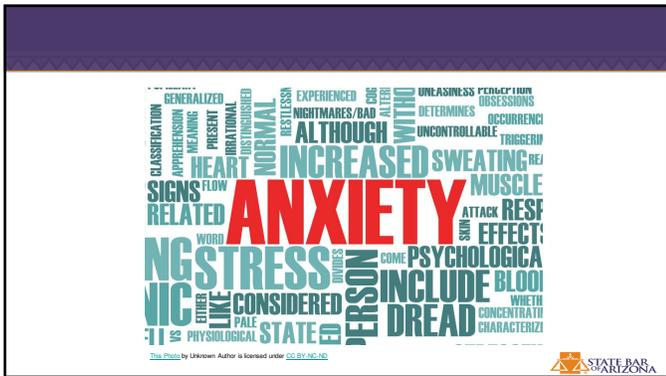
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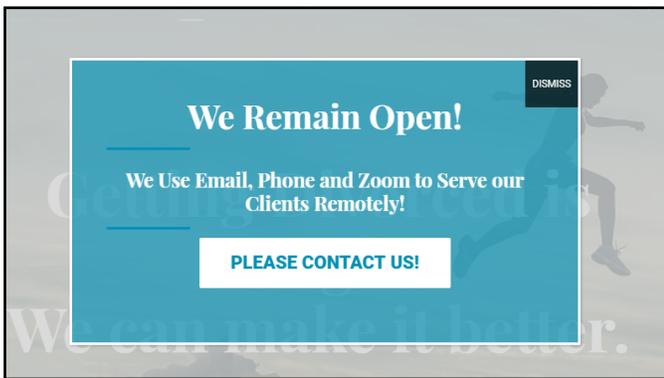
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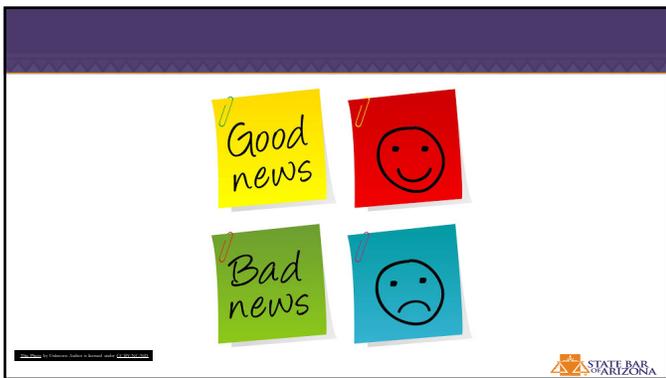
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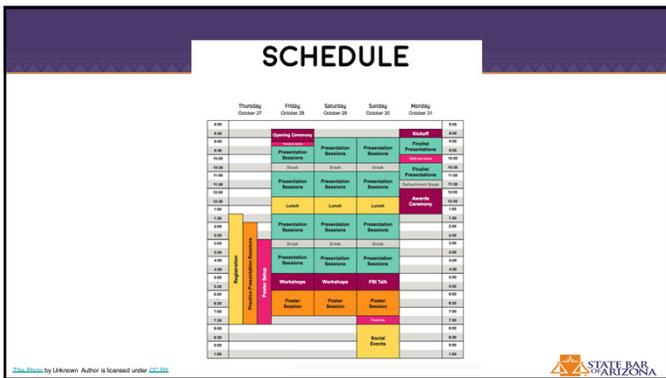
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### Pomodoro Technique

Turn off your phone, email, social media, and other distractions

Focus (25m) → Break (5m) → Focus (25m) → Break (5m) → Focus (25m) → Break (10m)

Focus intently for 25 minute bursts

Break for 5 – 10 minute bursts

*Take a walk, grab a snack, check social, stretch*

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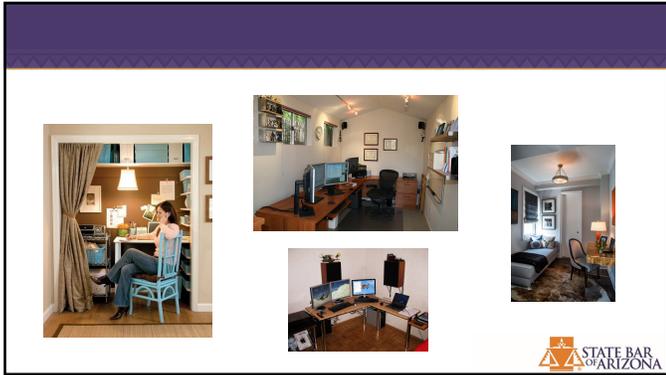
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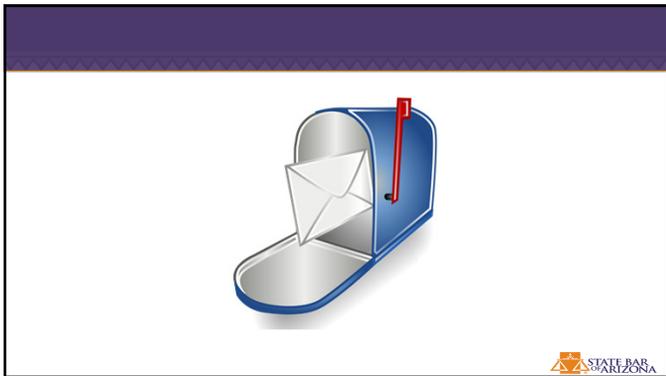
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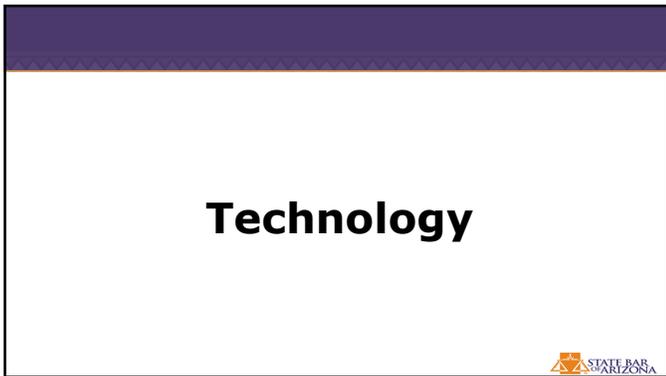
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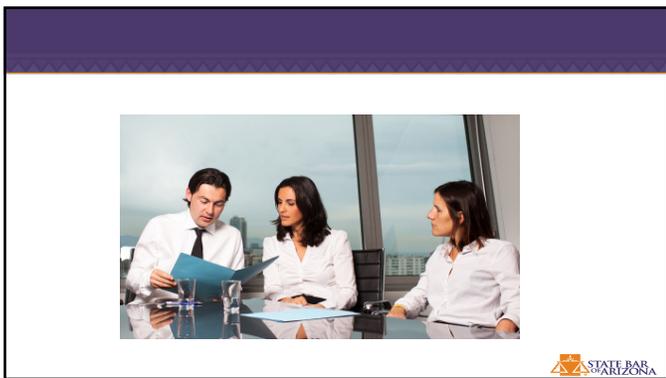
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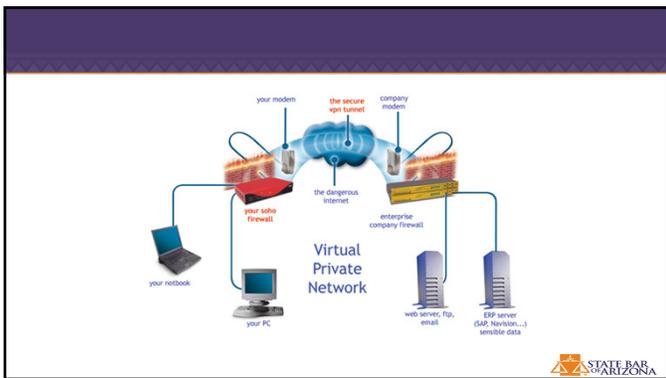
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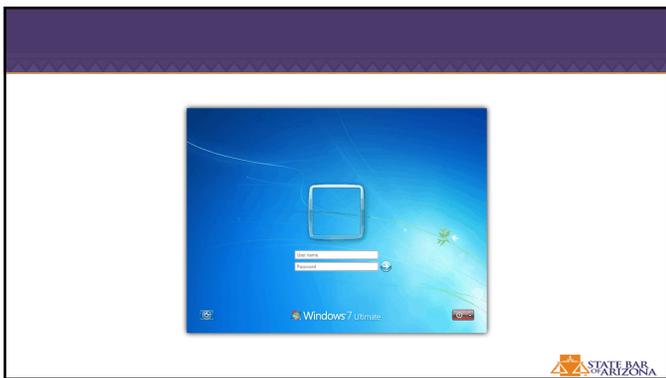
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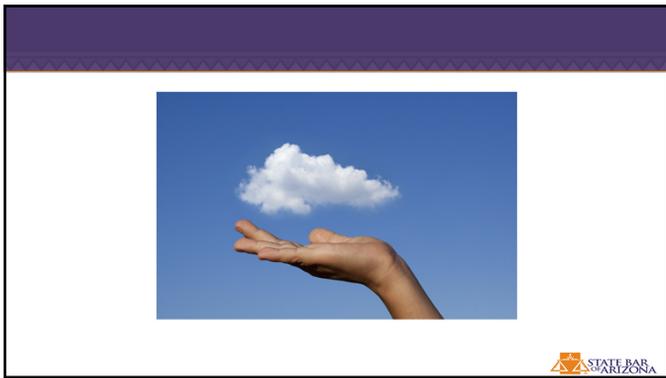
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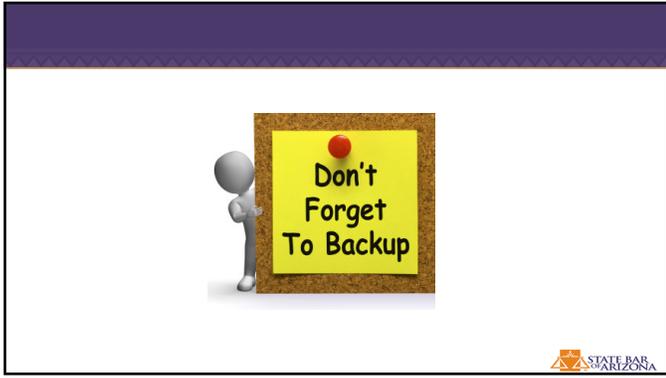
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And as with using any new technology

- Read the Terms of Service and Privacy Policy
- Know who owns the data
- The paid version is usually more secure than the free version
- Don't use a free product in your practice if you wouldn't use it if you had to pay for it



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Questions? Need more info?  
We are here for you

- Free and Confidential services
- Practice 2.0
  - Free confidential advice on practice management, technology, starting and running your practice
  - 602-340-7332
- Trust account advice
  - 602-340-7305



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## Law Practice Management in the Time of Pandemic

### Materials and Resources

Top Tips for Practice Management during the pandemic (or, really, any time)

1. Take care of yourself

It is always a challenge for busy lawyers to take time for themselves. During these stressful times it is even more important to take care of yourself. You are your practice's most valuable commodity.

So, what does wellness mean now with the world in the throes of a pandemic? This [article](#) is part of an on-going national discussion.

2. Communication with clients is key

Year after year, communication remains one of the top two reasons clients become dissatisfied enough with their lawyers that they call Lawyer Regulation and complain. Good communication can be the keystone of a successful and long-lasting professional relationship; conversely bad, or irregular communication can increase the already high anxiety and frustration levels clients feel while involved in legal proceedings.

Tips for avoiding communication issues

- a. Set aside a specific time slot each week for "needy" clients to have a conversation with you. This may reassure them that you will be available to them and they won't get frustrated when they call and you can't take their call.
  - b. Create a schedule for contacting clients. If there is nothing going on, a quick email to inform them that their next event is "x" weeks or months away and in the meantime there is nothing that needs to be done may give clients reassurance that you are still thinking about them and their matter.
  - c. If you are communicating by email, be sure you are mindful of security issues when including confidential, or personal, information. Encryption is not required for every email but may be required if sensitive information is conveyed by email.
    - i. Consider using a client portal. There are some stand-alone products, but most full-service practice management platforms include a client portal, which is far more secure.
    - ii. Be mindful that email attachments are particularly at risk.
    - iii. Be sure your client is not using email to which someone else has access; people still don't realize that the email they send from work may be subject to review by their employer, or IT department.
3. Be sure you stay abreast of the latest emergency orders from the Supreme Court and also your local Superior Courts



#### 4. Technology issues

##### a. Equipment

- i. Be sure you have the equipment you need, or access to it.

##### b. Cybersecurity

- i. Passwords and multi-factor authentication

##### c. Privacy

When working from home, it is particularly important to ensure that your family or household members aren't able to access confidential client information. This means, among other things, that you should lock your computer if you walk away from it, that your children, spouse, etc., should not be using your "work" computer for their personal uses, and that any documents, checkbooks, etc., should be locked away in a physical location when you are not using them. Don't have a locking draw or file cabinet? They are readily available.

##### d. Terms of Service

You need to know the terms of service for the software you use. If the vendor has access to your data, you should also know under what circumstances that access will be exercised. You should also know how each vendor treats requests from law enforcement, government, for your data. The Electronic Frontier Foundation is one good source for this information; their 2018 and 2019 guides focus on censorship and government requests that information be removed; in [2017](#) they focused on government requests for your data.

##### e. Know what you need help with and don't be hesitant to ask!

#### 5. Privacy and Confidentiality

The Rules of Professional Conduct are not waived during a pandemic. Therefore, confidentiality, as discussed above, must still be a primary concern.

### **Additional Resources**

#### [Working and Meeting in the Age of Social Distancing](#)

This is a good article about using video conferencing in your practice by our Oregon colleague, Hong Dao. The link to the comparison chart of video conferencing software is contained within the article.

#### [Zoom safely: How to password-protect your meetings](#)

This article, in ZDNet, is a guide to securing your Zoom meetings against Zoombombing.

[Getting Things Done](#) This book has become a movement of devoted fans. It's a great system for organizing and being more productive. Like all such things, it's not for everyone but has many fans.

ABA Books (available in the Practice 2.0 lending library, or from the ABA – check with Practice 2.0 for available discounts)

[How to Do More in Less Time: The Complete Guide to Increasing Your Productivity and Improving Your Bottom Line](#), by Allison C. Shields and Daniel J. Siegel

[Checklists for Lawyers](#), by Daniel J. Siegel

## CHECKLIST FOR WORKING REMOTELY

### Practice 2.0

Practice Management Advice Program

A free, confidential member benefit

Whether you are going to be working remotely for a short time, or are considering it as a long-term option, you should be aware of what you'll need. We've compiled this checklist to help you get started. For more information about your specific circumstances or needs, please call us at Practice 2.0, 602-340-7332, for a quick question or to schedule a 30-minute consultation.

You may also wish to view our Remote Working Basics CLE webinar, available OnDemand.

#### Equipment

- **Laptop** with sufficient RAM and memory.
  - You may expect to spend between \$1,000 and \$1,500 on a PC, more if you opt for a MAC/Apple product.
- **Monitor**
  - If you are going to working remotely on a regular basis, you may want a monitor in addition to your laptop.
    - We encourage this as it may help prevent eye strain, permit you to have multiple documents, windows open and useable at the same time.
    - When choosing a monitor be mindful of resolution and size; and be sure the connections it offers are consistent with your existing equipment (for example, if you don't have USB ports available, make sure the monitor works with an HDMI port)
- **Printer**
  - Even if you are "paperless" or a paper-on-demand office, you will likely need to be able to print occasionally.
- **Scanner**
  - These days a scanner is a piece of equipment you will likely want. The Fujitsu ScanSnap is certainly the scanner of choice for lawyers these days, but there are many other options.
- **Shredder**
  - If you have paper relating to your legal matters you will want to be able to dispose of them securely. While you may accumulate them at the office for a commercial shredding service, if you are working from home you'll want to make sure that the draft of a pleading doesn't inadvertently end up as scrap paper for children's drawings, or inadvertently disposed of in a way that exposes confidential information.
- **Phone**
  - Call forwarding
    - If your office phone is a VOIP (voice over internet) you will likely be able to forward it to your personal cell phone (or landline if you have one – don't laugh, many people still have one)

- Consider getting a second number on your personal cell phone for your practice. There are many apps and services in the marketplace that make this easy and affordable.
- If you are going to work remotely on a regular basis after this health crisis ends, consider using a virtual receptionist. There are limitations in what you should permit them to do, but they can provide a “warm hand-off” for calls to your office.

#### ☐ Internet

- Be sure your home internet services are sufficiently fast and powerful to handle the extra load; if not, now is the time to upgrade.
- Be sure that you have secured your router; you’ll want WPA2-AES security to be set on the router.
- **Security**
  - **Virtual Private Network (VPN).** If you do not have a VPN, get that set up right now. Simply visualized, a VPN sets up a secure tunnel that enables you to safely navigate the internet.
    - Each year PCMagazine and CNET compile a list of the best VPN services. If you are unsure where to start, check either of their annual ratings.
  - **Passwords.** The latest guidance on passwords is that you no longer need to change them every 90 days or six months. The best practice is to create a memorable catch phrase, known only to you, and use the first letters of each word – in a mix of upper and lower case letters – combined with numbers and symbols; and that a good password is between 15 and 20 characters in length.
    - If you don’t want to, or are insecure about, remembering individual passwords for each site or service you use, consider using a password manager, like LastPass, Dashlane, or 1Password.
  - **Multifactor authentication (MFA, or 2FA).** This is a method by which you need more than a single password to access services or apps. MFA may mean that before you log on you need to enter both your password, and a verification code sent to your phone; it may also include the use of a physical token, like a YubiKey.

#### ☐ Practice management software/Document management software

- If you are going to work remotely, you will find life exponentially easier if you use cloud-based practice management and/or document management software.
  - NOTE: Right now, because of the critical situation, many practice management software services are offering their services for free for a short period of time. Please don’t choose based only on this factor – you’ll need to be sure you are picking the right software for your needs and that you aren’t going to run into trouble with onboarding, or converting current data into their system, in the

future. Please do your due diligence and if you have questions, call us at Practice 2.0.

- Back-up
  - Practice management and document management providers will backup your data, but it's a good idea to have an independent back-up method. Services like Carbonite, Mozy and SpiderOak will give you the additional security of having a backup of your data that will not be reliant on your continuing relationship with your current practice management software.
- Licenses
  - Do you have sufficient licenses for all of your software to allow additional users? It's easy to add licenses, but make sure you don't overcommit, or commit for longer than you anticipate needing them.
- Online fax services
  - If e-filing may not be an option, you may need an online fax program or service

#### Mail

- How will you handle your physical mail?
  - There are services that will receive and scan your mail for you, but there is a cost.
  - Make a plan on how to receive mail. Forwarding through the USPS may take 7 – 10 days, so you may want to plan to go into your physical office to retrieve mail.
    - You may consider using a PO Box, at the Post Office or other retail facility, but make sure you know their hours and if they will remain open.

#### Physical surroundings

- Desk/work surface and chair
  - Make sure your work surface is sufficient, whether it's a desk, or a table, or your kitchen counter
  - Be sure that wherever you choose to work provides privacy – you don't want your family members to be able to view confidential client information. Remember that under ER 1.6 confidentiality is more extensive than privilege and that there is no exception just because you are forced to stay-at-home.
  - Be sure your chair is comfortable and provides good ergonomic support.

#### Have a communication plan

- Think about how you will communicate with clients and how clients will be able to communicate with you. Check our tips above on phone options.
- Using a secure client portal, either incorporated into your practice management software, or a stand-alone secure portal (not the free version file-sharing programs like Dropbox) will enable you to share documents with your clients without exposing them to risk by attaching them to insecure emails.
- **Do you need to encrypt emails?** Maybe. There are a number of products that integrate with Outlook or your paid version of Gmail, that permit you to encrypt only as needed.

If your emails to clients contain confidential information you may need to encrypt. If you use a client portal, however, this may be unnecessary.

- **Video conferencing**

- There are many options available. If you use Office 365 you may be able to make use of Teams; otherwise there are a variety of services available free for limited services or for a reasonable cost, such as Zoom or GoToMeeting, join.me, WebEx. As with most things, the paid versions likely offer more security.

- **Other practical tips for successfully working remotely**

- Consider whether you need IT support. If it's not going to be readily available, you may want to create a relationship with an IT consultant. Not sure where to start? We have some suggestions. Be sure that whoever you deal with is accustomed to working with lawyers – we have confidentiality concerns that other professionals may not share.
- Dedicate a space for work
  - In addition to privacy concerns, dedicating a space where you work that is not for relaxing or recreation will help you define your work day – and when that is over.
- Dedicate work hours
  - Just because you are working from home does not mean that you need to be on-duty 24/7. Decide on your working hours and then stick to them. You deserve down time too!
- Dress for work
  - It may seem silly when you are working from home, but dressing for work, even more casually than usual will help signal your brain that this is work time, not play time.
- Be sure to use the log-in or sign-in functions on your computer, and log-out when you are going to be away from your computer for more than a moment. This will help ensure privacy and confidentiality and will also prevent the inadvertent use of your computer by family members while you have your files open.

**Have more questions? Want to talk about your specific practice needs?**

**Call us at Practice 2.0, 602-340-7332.**