

Flexible and Agile Working in Law Firms

Abstract: Dawn Jones discusses the findings from an in-house project looking at how agile and flexible working can be successfully adopted by legal and business professionals. It is based on information gained from speaking to those with agile and flexible working already entrenched in their businesses, external consultants who advise on this change of working habits and internal teams and individuals who are already exercising agile and flexible working (albeit in a non-formal way). It is a high level guide to start thought processes around the differences between agile and flexible working, the people, the offices and the finances.

Keywords: ways of working; agile working; flexible working; law firms

INTRODUCTION

Over the last few years there's been a growing need for industries to address different ways of working for their people, including 'agile' and 'flexible' working, terms which are often used interchangeably but the main differences being:

- *Flexible working* arrangements are individually negotiated and are primarily seen as a benefit and an exception to the norm. All employees have the legal right to request flexible working.
- *Agile working* also involves flexible methods of working, however it tends to be client and business-driven, harnessing technology to create a new norm where people may work anytime and anywhere, providing business needs are met.

PRIMARY DRIVERS FOR AGILE AND FLEXIBLE WORKING

This evolution of agile and flexible working is being driven primarily by:

- **Financial considerations:** client pressure in relation to fees, and therefore profitability, intensifies the spotlight on cost control, for example, real estate. After salaries, real estate costs are the highest overhead, especially for premium London locations. Therefore decisions surrounding the utilisation and effectiveness of space are a key component. Recent research has highlighted the following:
 - Since 2009, prime location rental costs have increased by 68% in the City of London (Mid-town London by 88% and West End London by 50%).
 - The average allocation of space in for example law firms, is 60% higher than corporate benchmarks and the average daily show-up rate of partners and associates in law firms falls to between 70% and 80%. This shows that utilisation of offices averages

between 55% and 65%, factoring in partners and associates out of the office for business trips, client meetings, secondments and those on leave of absence.

(CBRE Law Firm Practice Group, Law in London 2016, *The Changing Law Office*, September 2016)

- **The cost of delivering work** - firms could potentially benefit from offering a full end-to-end service ranging from high volume commoditised work through to work that requires highly technical expertise, considering whether it's efficient to deliver these types of work from a premium location/office such as London which has high operational costs. With this in mind, it's key to note that space intensification could align with an activity-based working model. There are many ways to configure a working environment and many factors to consider when making these decisions, such as whether activity-based working would fit with the operational needs of the office.

- **Retaining and attracting a diverse talent pool** – firms both inside and outside the legal industry are starting to realise that in order to retain and attract a diverse pool of talented professionals, a flexible and agile model could be key.

It's well recorded now that there are currently 4 generations among the working population; the Traditionalists, Baby Boomers, Generation X and Generation Y (otherwise known as Millennials), and it's the Millennials that are the 'digital natives'. The Millennials are naturally looking for a different way of working; a way of working that embraces new technology and allows for work to be completed at any time from anywhere, and if firms fail to provide the expected working environment, they may also fail to attract highly qualified, bright, creative people.

- **The cultural challenge of the traditional view of flexible working** - more agile methods of working are in many instances expected by *all* genders for a number of reasons, which are wide ranging and dependent upon the individual's personal pressures, commitments and desires. These can include the caring for children, the elderly, other family/ friends, as well as social and professional responsibilities and interests. An activity-based environment could assist with trying to balance the expectations of different individuals across generations.
- **Technological investment** - advanced technological solutions are forcing the concept of agility. Systems can enable professionals to provide a quick, secure and sophisticated client response 'on the go'.

ACTIVITY-BASED WORKING SPACES

Hand-in-hand with the primary drivers for agile and flexible working, and in particular when considering the cost of delivering work, is the provision of a range of activity-based working spaces. These spaces need to accommodate:

- **Giving people a reason to be in the office**
Care and consideration should be taken to avoid a situation where the office space is always empty in favour of working elsewhere, for example from home or the local coffee shop. It's vital to provide an environment that's conducive to easy collaboration, productivity and knowledge sharing and that's a fun and forward thinking environment to come to and work in.
- **Improving the quality of collaboration**
Providing sufficient and appropriate space, married with state-of-the-art technology that easily captures

and distributes collaborative information, forms the foundation on which collaboration can grow.

- **Enabling individual productivity**
Ensuring there are places where individuals can concentrate on specific projects, but still feel and be part of the community.
- **Promoting knowledge sharing**
Removing unnecessary physical walls and partitions on a floor space and energising the areas with an ethos of free movement of people, naturally lends itself to sharing knowledge and greater communication. Key to success however, is to keep up momentum, and allocating a dedicated person to manage this is often the best practice.
- **Connecting to clients**
Welcoming clients and prospective clients to join the environment for meetings and events etc., shows them innovation in action!
Maintaining some rooms where confidential client meetings or calls can be taken is still important.
- **Supporting mobility**
Not just *providing* the technical equipment but also ensuring that all are *educated* on how to use the equipment. Whether using technology on-the-go or within an office environment, it's key that users are fully au fait with the features and functionality in order to take full advantage of the technology and maximise a healthy ROI.

BENEFITS AND RISKS

With revolutionary ideas comes the need for practical assessments of the benefits and risks/implications of the drivers. Here is a flavour of what to expect and/or look for:

BENEFITS	RISKS/IMPLICATIONS
Culture	
<ul style="list-style-type: none"> ❖ Retention of a diverse pool of talent ❖ Employees feel empowered which can significantly change the quality of their work... and home/ family life ❖ A feeling of working in the best place, a forward-thinking firm 	<ul style="list-style-type: none"> ❖ It will need to be driven and supported by senior management ❖ There could be different solutions for different business areas and, of course, for different clients! ❖ Consideration will be needed for both formal and informal structures...perhaps depending on the role ❖ Addressing the 'need to be seen to be working' culture ❖ Give time for the culture to change; celebrate the success stories

BENEFITS	RISKS/IMPLICATIONS
Work Allocation/Sustainability	
<ul style="list-style-type: none"> ❖ Real estate overheads need to be cost efficient and by removing the need for the work-force to be in the office could enable significant cost savings ❖ Activity based working can provide efficiencies 	<ul style="list-style-type: none"> ❖ Beware losing sight of those working in an agile and flexible way when it comes time for promotion/knowledge sharing/opportunities ❖ Remember that junior employees and underperformers will need more supervision ❖ Clients are seeking more for less and firms risk losing clients to competitors who are reducing their costs and passing the cost savings on to their clients
Communication/Collaboration/Innovation	
<ul style="list-style-type: none"> ❖ The movement of people accommodating different office spaces can enable creative and innovative thinking ❖ With distractions eliminated, individuals can leverage opportunities which result in them having some of their best ideas ❖ Collaboration gained from improved communications can result in time-zones becoming irrelevant ❖ Clients often appreciate open communications around work/home life balance, which many practice themselves 	<ul style="list-style-type: none"> ❖ It is vital that individuals maintain regular contact with each other, to challenge each other so that your quality of service is high ❖ The levels of communication need to be enhanced by both those in the office and those working remotely ❖ A lack of availability whilst working remotely can cause trust issues ❖ Technology requires investment to ensure that it is secure and provides quick and direct access to those in the office and those working remotely
Future Workforce	
<ul style="list-style-type: none"> ❖ Agile working can assist attracting a diverse talent pool ❖ A workforce that feels positive about agile and flexible working will then share the positivity within their networks/social media which can make a huge difference to a firm's brand 	<ul style="list-style-type: none"> ❖ Ensure a path forward is established and that progression for individuals working in an agile and flexible way is not held back ❖ Momentum needs to be maintained in order to continue to attract the right candidates
Clients	
<ul style="list-style-type: none"> ❖ As long as client deadlines are met, it shouldn't matter what time of the day the work is being delivered or where the work is delivered from. It could be argued that agility can enhance client service and experience ❖ A diverse workforce is becoming increasingly important to clients ❖ Secondments require agility and they can be one of the most important marketing tools ❖ Agility can enable competitive advantage over more traditional firms 	<ul style="list-style-type: none"> ❖ Clients need to be the most important factor when deciding on what agile and flexible system to adopt

COMMUNICATION

Whilst it is important to have the right spaces, technology and ethos for agile and flexible working, it all has to be underpinned by great communications.

- **Clear policies for the workforce are vital for success**, and often it's not a case of one size fits all! Research has suggested that senior management, partners etc. would rather a less formal approach to agile and flexible working, whereby other staff would be more comfortable with a structured approach they could follow.

That said, there are always exceptions to the rule, for example trainees will need supervision and under-performers may need to be exempt from agile and flexible working...

Just as important to consider is the preferred way of working for different business areas and, more importantly, how their client types prefer to interact – the requirements of the clients is of course paramount and can often result in secondments which can lead to gaining more in-depth knowledge about the clients.

Needless to say, this is a large piece of the puzzle that needs thorough investigation by each firm.

- **Internal newsletters** relating things like; current and future projects which could entail cross-border/team collaboration whilst remembering to celebrate the success stories, notification of clients coming into the office and events for the month (including mandatory events to ensure that the workforce have time to touch-base). The list of topics could go on and of course needs to be relevant to the firm and its people...
- **Create pertinent focus groups.** These could be purely internal or client inclusive, depending on the nature of the group, making for a dynamic environment. Remember to change-up the themes as and when relevant so as not to stagnate...
- **Learning and development is a key component** to enhancing a firm's service to its clients and to retaining the workforce and ensuring their progression. The delivery methods of L&D are ever-increasing and promise to satisfy all needs whether conducted on site or working remotely, depending on the topics and results required.
- **Communication to senior management** on ROI is necessary when adopting an agile and flexible working policy, particularly in the early days/years, to ensure the chosen approach is working or where adjustments are needed.

THE LEGAL INFORMATION ENVIRONMENT

The points here can apply to a variety of business models.

Most city law firms have been making flexible working a part of their human resource policies for some time. Agile working however is a newer concept that has only recently started to be adopted more widely and takes things one step further.

Inevitably, any changes in work pattern will affect the way that legal information professionals deliver their services and as with most things there will be challenges along the way.

The test is whether the challenges can be channelled into benefits and improvements.

Where agile working is implemented as a result of an office move, it is regularly accompanied by a reduction in space which usually has a knock on effect on the library. Looking on the positive side, this can be used as an opportunity to review holdings, remove resources off site if necessary and to remodel any hard copy collections to suit the new working conditions.

This is now much easier to achieve with the steady growth of online materials and the continuing development of technology. A primary thrust behind agile working is to promote collaboration which can be a great benefit to the library. Any opportunity to get to know your lawyers and their clients as well as other business support teams is to be welcomed. It may raise the profile of the information service and will help focus services where they are most needed.

The clear desk policy that comes with hot-desking may mean that materials that were previously scattered around the building are centralised once again and the need for a physical information hub of some kind is reaffirmed.

In that case people may be drawn to visit the library more often and of course it will also reinforce the need for more flexible and mobile working which is a challenge for both librarians and publishers alike.

SO, WHERE TO START?

- Look at what other firms in your industry are doing and decide what would work for you, remembering to look after your clients, workforce, brand and the bottom line!
- Carry out a pilot with a chosen business area/team and aim to make it as positive an experience as possible... *'Build it and they will come.'*

Aim for:

- **A reduced physical footprint** with the potential for a reduction in rental/overhead costs, remembering the practical house-keeping needs for things like; clearing/scanning/archiving paperwork, investing in new equipment (furniture, technology etc.) and ensuring the workforce are enabled to securely work remotely.
- **A healthy ROI** both from a financial stand-point and people aspect. What does success look like for you?

- **Increased collaboration** with clients and the workforce, improving the potential to expand cross-border/team opportunities and enhancing experiences
- **Improved work/life balance for all** and agility of fee earners, garnering senior management support/sponsors
- **Genuinely positive feedback** from those taking part, taking on board ideas and concerns eg. the good, the bad and the ugly!
Not forgetting feedback from the clients...

IN SUMMARY

In summary, and to conclude this article, I would suggest the following approach:

- Look at what others are doing and learn from them
- Get the right people, from all departments, around the table from the out-set
- Start slow and grow, adopting what works for you and your clients
- Celebrate the successes and make adjustments where needed.

It is an exciting work evolution and it could just work!

Biography

Dawn Jones manages the global Client Relationship Management solution at Reed Smith and is based in London. She specialises in providing the solutions that enable collaboration and communication both within the firm and with its clients and has over 20 years' experience working in the finance and law industries.