

Phoning It In

Telecommuting gives lawyers, firms best of both worlds

BY HOPE VINER SAMBORN

Until recently, there was no such legal animal as the type exemplified by Ken Werner of Charleston, S.C. The tax and employee benefits attorney works out of his home, which makes his species somewhat unusual. What makes him truly rare, though, is that the law firm in which he is a partner is based in Hartford, Conn. Call him *lawyerensis telecommunis*.

After 15 years in the Boston office of the 225-lawyer firm of Day, Berry & Howard, Werner opted to change his lifestyle and move south. Rather than lose him, Day Berry agreed to let him telecommute. Seven months later, Werner and his partners concur that, despite the distance, the move has been a resounding success.

"I pretty much figured out that it didn't matter where I was to do most of what I do," says Werner. As one of the estimated 15.7 million Americans who now telecommute, Werner

demonstrates that the practice has gone well beyond what many originally thought of it as—a way for women to work at home while caring for children.

The definition of telecommuting can range from working out of a home office daily or a few days a week to working anywhere outside of a permanent firm office. Most telecommuting lawyers work from home two or three days a week, says Norman Clark, a consultant with Altman Weil Pensa in Newtown Square, Pa. About 10 percent do it full time, while still attending occasional meetings at the main office.

The Affiliates, a national legal staffing firm based in Menlo Park, Calif., did a survey of 200 lawyers from firms that are listed among

the nation's 1,200 largest. The respondents said 14 percent of the lawyers at their firms regularly telecommute, and 80 percent of those questioned said they expect the number to grow. Legal consultants tend to agree.

"It is going to increase as the demands of the legal marketplace become geographically more diverse," says Clark. And telecommuting isn't limited to those transactional and consulting-type practices that involve a lot of phone use and documents, experts say. Even litigators are working at home—at least part of the time.

Attitude Drives Productivity

Although being away from the office can be lonely for the kind of lawyer who needs contact with colleagues just down the hall, other lawyers enjoy the solitude of telecommuting and look at it as a way to make work more productive and enjoyable.

For Albert "Andy" Andrews, a partner with a 125-lawyer Minneapolis firm, telecommuting offers an opportunity to spend time each week on his Wyoming ranch—something he's been doing for 10 years. Andrews says that, despite the idyllic setting, he is more productive there.



ALBERT ANDREWS, a partner at a Minneapolis firm, spends part of the week at his Wyoming ranch where, with all that quiet, he says he gets more done.

"The beauty of it is that the phone doesn't ring all the time," says Andrews. "I am able to review and draft documents without being interrupted."

Despite his physical distance from the firm, Andrews easily stays in contact with the office and his clients. "I've found it to be very easy with modern telecommunications," says Andrews, who does trust and estate work with Gray, Plant, Mooty, Mooty & Bennett.

What's the Attraction?

Lawyers telecommute for a variety of reasons, including the desire to enjoy a vacation home or time with family, the need to integrate outside activities such as schooling, and the need to accommodate physical limitations.

For Werner, lifestyle was a driving force. Recently he chaperoned one of his daughters' field trips and attended a parent-teacher conference—activities he was unable to do when he worked at the office. "I can see my children in the morning and have dinner with them at night," he says. "I have no commute and it gives me almost two hours a day more."

Still, Werner, like other successful telecommuters, keeps regular hours with some slight deviations and is careful to eliminate distractions at home so that he can maintain professional decorum.

"There's a notion that if you telecommute you'll be like Dilbert wandering about in a bathrobe and playing solitaire. That's just not true," says Clark of Altman Weil.

Using telephones, voice mail, computers, e-mail and faxes—the staples of telecommuting—Werner and other telecommuters remain in close contact with their colleagues. In fact, because he does a lot of consulting with colleagues, Werner says he calls his office an average of 50 times a day. He spends much of the rest of his day on the phone with clients.

For Werner, the transition has been seamless because other attorneys, paralegals, associates and clients were already accustomed to working with him over the phone. "It has worked out even smoother than I thought it would," he says.

Despite its advantages, telecommuting doesn't work for everyone. Telecommuters need to be self-starters who can handle difficult situations alone, says Nicole Belson Goluboff, a Riverdale, N.Y., attorney who has written a book titled *Telecommuting for Lawyers*, published by the ABA Law Practice Management Section. Most of all, a telecommuter should be a volunteer, she adds, not someone pushed into it by the firm.

A telecommuter also tends to be a person who has already established relationships with a firm. "It's not a good idea to start your career like this," Werner advises. "It's good to build up personal relationships first."

Without established relationships, telecommuters may face bias from other firm attorneys, says John Beavers, managing partner of Bricker & Eckler, a 138-lawyer firm in Columbus, Ohio, where one attorney telecommutes full time and others do it part time.

One of the challenges is getting assigning attorneys to give telecommuters client responsibility rather than just duties involving drafting and researching, says Beavers. "If someone can spend one or more days a week here, [that person can] overcome it because it is easier to give people an assignment by handing them a file rather than thinking of what is electronically available."

Some lawyers, however, actually use telecommuting as a way to expand their client base. Andrews has developed new client relationships in Wyoming, where he is licensed to practice.

"A lot of my clients like to come West. They come to Yellowstone and they like to visit me at the ranch," he says.

Andrews and other telecommuters report that clients often favor this work arrangement. But telling your clients that you will be telecommuting can require some finesse, Werner warns.

The first conversation he had with a client about his new arrangement taught him a lesson. He started by saying he would be moving to Charleston. When the client became alarmed, Werner realized that the best way to broach the subject is to first say that nothing about the relationship will change.

"If clients feel that they are not getting as good a service as they would otherwise, you have a problem," Clark says.

Tangible Benefits

Telecommuting attorneys and their clients aren't the only ones who benefit from this work arrangement. Firms are also reaping the rewards with increases in their bottom lines. Columbus' Bricker & Eckler, for example, has realized greater profitability and productivity because of the telecommuting arrangements that have pervaded the entire firm's work style, managing partner Beavers says.

In the past two years, lawyers have written off less time and realized more profit, he says. They aren't working more hours but they are using their time more productively and thus are billing for it, he explains.

Despite the benefits for law firms, approaching firms about telecommuting can be a challenge, telecommuters say. The key is to stress the benefits to the firm. And there are several.

"You want to present the positives," says Werner. "There are, for example, some savings for the firm. They don't have to pay rent on an office for me. They don't have the same support staff costs." However, he says, they will have increased costs of overnight packages and higher phone bills.

Some experts recommend being flexible in your demands during negotiations with the firm, especially if you are to be their first telecommuter. "You can't expect to make a lifestyle change that benefits you and keep everything the same," Werner says. Most of all, you need to stress that your work will reflect its same high level of quality and that clients' needs will continue to be met. ■

