
While BigLaw Maneuvers Complicated Office Returns, California's Small Firms Navigate the Transition With Ease

Katherine Proctor

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As more Americans get vaccinated against COVID-19 and employers consider plans for phasing their workforces back into the office, members of the legal community have been [watching](#) BigLaw firms' every move toward pre-pandemic operations. Who will have to come back in, and how often? Will they keep their existing office space, or renegotiate their leases and downsize? Will vaccines be required?

But for California's small law firms -- thanks to a nascent agility that proved to be a major asset during lockdown -- the transition to post-pandemic business is presenting fewer and smaller headaches.

"I think, in a way, our small size helped us quite a bit," said Brian Kim, a founding partner at Bolt Keenley Kim in Berkeley. The three-attorney firm -- which represents plaintiffs in ERISA, insurance, and financial elder abuse cases -- already

did a fair amount of remote work before the pandemic made telecommuting a necessity. Now that all three of them are vaccinated, they've started coming back to the office on a regular basis. Their one staff member, a paralegal, returned to the office on a full-time basis last week, after largely working from home and occasionally popping by to scan the mail.

For Bolt Keenley Kim, pivoting to nearly full-time remote work -- and then pivoting back -- "has been less of a shock" than it might have been for a bigger firm with "a more formal structure," Kim said. "We could kind of make adjustments on our own, as opposed to having to supervise large groups of people," he said. "So I do feel like we are lucky in that sense."

Suzelle Smith, a partner and co-founder of Howarth & Smith in Los Angeles, feels the same. "One of the advantages of being a small firm is you don't have a giant, whale behemoth where you're trying to deal with thousands or hundreds of people," Smith said. "We are 20 people, and everybody was already set up remotely. So we flipped the switch, and everybody started working from home."

And now that all 20 of those people are vaccinated, the high-stakes litigation firm has flipped the switch back.

"We said, 'We don't want to make everybody come down on June 2,'" Smith said. "But everybody wanted to. Our entire office said, 'We are so eager to get out of the house.' Everybody's coming in now just as we were before."

Of course, each small firm has its unique advantages and challenges in navigating a return to the office (or deciding against one), dependent on a variety of factors like practice area and firm culture. Diane Camacho is the founder and CEO of DLC Consulting Services, a San Francisco firm that provides management consulting services to small and solo law firms. Since vaccines started rolling out across California, she's had her hands full with questions from clients about their post-pandemic transition plans.

Among the small firms she provides consulting for, Camacho says, "there's a real mixed bag" as to how they're thinking about what their practice management strategies might look like in the future.

"Attorneys want to know what everybody else is doing before they make a decision," she said. "They like to benchmark, as they call it."

But as Camacho surveys the landscape of her legal professional network, at least one thing seems clear: "the mega firms are going to be less flexible than the small firms."

Remote firm management

The most common questions she's been getting from attorneys at small firms about the transition back to the office, Camacho said, is how to get their staff to come back with them.

Some small firms, like Bolt Keenley Kim, have had remote work baked into their office management styles since before the pandemic. Those firms' business models rely on attorneys to do more administrative work, rather than retaining a full administrative staff.

But for some firms, remote work was brand new. And the attorneys at those firms, as Camacho puts it, "like having someone at their fingertips."

"It goes with the generations, quite frankly, and the type of law. What kind of support they need, and how much work their staff can quantify from home," she said. "But a lot of them would like to have their employees back."

There are plenty of well-documented reasons that those staffers -- and office workers of all kinds -- might want to stay remote post-pandemic: greater flexibility, shorter or nonexistent commutes, savings on transportation and child care.

And rising vaccination rates don't mean that all workers are necessarily ready to leave their concerns about the virus in the rearview mirror. In a [recent survey](#) conducted by the National Retail Federation and Prosper Insights & Analytics, 1 in 10 respondents said nothing would make them feel comfortable returning to an environment where they worked around other people, including vaccines, masks, and social distancing protocols.

At any rate, as Camacho's clients take stock of a year-plus of remote law firm management, she says one of the primary areas where they still have to improve is internal communication. Those firms need to solve that problem either by bringing everyone back into the office or devoting energy to better virtual task management processes.

"It's people not having good systems in place to distribute tasks and monitor them, with some way of knowing you gave this task to Diane today, and it's due Thursday, and now it's Friday," Camacho said. "You're doing it randomly through emails, and then it becomes, 'When did I ask her? What was the date?' There aren't a lot of good methods of assigning and monitoring tasks. So that's been really hard."

Considerations vary with practice area

Daniel Olmos was in federal court in Oakland on March 16, 2020 -- one of the last in-person court days the Northern District of California held before the shelter-in-place orders started rolling in and businesses across the state started shutting their doors. But Olmos and his law partner, Dan Barton, never fully shut down Nolan Barton Olmos, their small criminal defense practice in Palo Alto. Their clients' matters couldn't be shelved, so they stayed open "with a very skeleton staff."

"We never had the luxury of closing," Olmos said. The firm made it clear from the beginning that remote work was permissible for all staff. But Olmos and Barton said they continued to go into the Palo Alto office "throughout the worst of the pandemic" -- wearing masks and social distancing, meeting with clients outside in the courtyard.

"Both Daniel and I made a commitment to come into the office and be present sometimes," Barton said. "During the height of the pandemic, that meant once a week being here to act in solidarity with the staff that was onsite and also to take care of business."

Olmos added that from early on, it was "very important" for both him and Barton "to let everyone know that even though last year was a devastating year financially, we still had a loyalty to the people in our office." He said that throughout the pandemic, the firm never furloughed staff or cut their hours.

As both attorneys and staff at the firm have gotten vaccinated, in-person operations have "ramped back up," Barton said -- he and Olmos are back in the office three to four days a week, with three or four support staff in the office every day. "Things are at a full boil," Barton said.

Even if it's preferred, being back at the office isn't as essential for some practice areas as it is for others. Kim notes that the ERISA and insurance cases Bolt Keenley Kim handles tend to involve a lot of brief writing and don't depend heavily on client interface.

For Nolan Barton Olmos, on the other hand, it's extremely helpful to be able to be back at work in person. Barton said that's because in criminal defense work, "a lot of what we accomplish is based on having a strong personal relationship with the client," which depends on having "that face-to-face experience and the rapport that it builds."

"If it's all on a screen, I don't know that the clients will be ready to accept our advice and act on our analysis of the situation, rather than when they bond with us personally," Barton said. "That requires some face time that's not FaceTime."

Office space and culture

Despite its commitment to an in-person office culture, Nolan Barton Olmos isn't foreclosing on the possibility of remote work. Barton's assistant just bought a home in Sacramento, for example, and now works remotely four days a week. An attorney who moved away from Palo Alto during the pandemic has also transitioned to full-time remote work.

"We'll adapt to the new reality of people working remotely," Barton said.

Camacho says that this attitude is common among her clients. "I think the smaller firms, probably most of them are going to be partially remote," she said, although "it's going to depend on the skill set of their attorneys and staff."

But that doesn't mean all those firms are giving up or even downsizing their office space.

"We're not a part of that trend," Olmos says, laughing, when that question is put to him and Barton. "We've never had the luxury of having a bunch of extra space."

Part of the reason for that, Barton says, is they have an office that they "really love" - and that's owned by a couple of the firm's partners. "That home on University Avenue in Palo Alto is a big part of our presence in the community," he said.

"Nobody wants to leave it."

Ditto for Bolt Keenley Kim. "Even though we do a lot of telecommuting, we like having the office space," Kim said. "It's useful. It's hard to concentrate at home. We're more productive." (The firm's three partners -- two of whom are married to each other -- all have kids under 13 years old, who were learning remotely throughout the pandemic.)

Considering why Howarth & Smith had such unanimous back-to-the-office sentiment, Smith said she's sure it has to do with the firm's size -- because at smaller firms, attorneys and staff "feel like they have a real stake in the action."

"When you're with a big firm that has 1,000 lawyers and 3,000 people in the firm, I don't think there's the same level of identification with the firm. It's more, 'I go in, I'm a lawyer, I do my job, I'm looking forward to when I can get home and start my real life,'" Smith said. "At a small firm -- where that small firm dynamic is working -- I think people do want to come back and be part of it."

As they begin to reflect on the past year and a half, it's not so much the particular trappings of pandemic practice management these small firms would like to keep around, so much as the general ethos of flexibility.

"It's nice that there are adaptations we've made that I'm hopeful we and the court system as a whole will keep hold of," Olmos said. "I think we realized through this that there were things we were doing that were really inefficient and unnecessary."

But it'll be a while, Camacho says, before we have a good sense of how the past year and a half's demands have altered small firm management and culture. She pointed out that there's likely to be a lot of movement away from firms by people who realized that pre-pandemic operations weren't working for them. And she's hearing from senior attorneys who are retiring earlier than they might have otherwise.

"It's going to be at least a year until we see the true fallout," she said.

For now, though, the small firms that have come back to the office are relishing their reunions. In the Howarth & Smith office a few weeks ago, everyone was having lunch together in the conference room. Surrounded by her colleagues, in person, after nearly a year and a half of working apart, Smith was struck by an idea.

"Let's go to a Dodgers game," she said.

Everyone agreed the idea was brilliant. They got tickets for the next night.

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