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## **INSIGHT: BigLaw Diversity—Remote Workforce Can't Be Allowed to Slow Efforts**

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As a result of the Covid-19 pandemic, remote work is now ubiquitous among BigLaw, but how has it effected the development of lawyers and firms' diversity and inclusion efforts? In the first part of a two-part series, Russell M. Franklin, partner at Morgan, Lewis & Bockius, examines what it takes to advance through the ranks at a large law firm or within a large legal department.

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The Covid-19 pandemic has required law firms and in-house legal departments to figure out, almost overnight, how to work entirely remotely.

For businesses where the kinks associated with a fully remote workforce have been worked out and productivity hasn't slipped, leaders are looking to the future and pondering whether the pandemic has revealed a way to reduce their firm's physical footprint, thereby increasing profitability, without sacrificing productivity, culture, and the myriad of others things that law firms and legal departments need to thrive.

This possibility raises a number of other questions. For example, how would entirely remote work for traditional law firms and corporations with meaningful legal departments impact the development of lawyers?

Second, are there discrete groups of lawyers that would be disproportionately impacted (positively or negatively) by this shift? Before thinking about how a physical location may influence career development, it is helpful to first think about what it takes, in broad strokes, to advance through the ranks at a large law firm or within a large legal department.

### **Access, Access, Access**

Intellectual capacity, work ethic, communication skills, attention to detail, judgment, and several other hard and soft skills are necessary to be an effective lawyer. In addition to these skills, success in BigLaw (which, for the purposes of this article, includes large law firms and large legal departments) requires at least three other things that a lawyer largely doesn't control.

### **Access to the Right Work at the Right Time**

A well-trained attorney has worked on matters with enough variability to give her the perspective necessary to see the forest and the trees; has, over time, successfully performed tasks of increasing complexity so that she ultimately can lead matters herself; and has worked on the same type of matter enough times to see, through experience, where things can go wrong and where unique value can be added.

Not every matter will provide this suite of skills and even with the right matters, the work has to be at the right level, and sequenced in a specific order to build out a complete skillset.

### **Access to the Right Relationships at the Right Time**

Having the right people on your side oftentimes is the most important thing in BigLaw. People decide who gets the best work, access to valuable information, who is invested in, and who gets the “benefit of the doubt” when mistakes are made. People decide who is elevated and who gets credit for the various things that matter in climbing the ranks within big law. Who is, and is not, willing to support a BigLaw attorney is arguably the single most important determiner of success.

Because the impact of these decisions can affect a BigLaw lawyer’s long term career trajectory, timing matters. If the support isn’t there when it is needed most, the ability to demonstrate a well-rounded skillset may not matter.

### **Access to the Right Information at the Right Time**

Information is a necessary input in each of the items mentioned above. A BigLaw lawyer must know what matters are within the firm’s system in order to get staffed on them. A BigLaw lawyer must know who is important to ensure she has the support of people who are actually capable (and willing) to move the needle.

Similarly, a BigLaw lawyer has to know how key decisions are made within the institution to assure herself that she is doing everything possible to maximize the probability of success. And, since information invariably comes from people, this goes right back to relationships.

### **The Remote Working Conundrum**

What would change for everyone if an increased proportion of legal work is done on a remote basis?

### **Mentorship/Sponsorship**

Mentorship and sponsorship are the lynchpins of each of the items mentioned above as they each require either, candid advice at the right time (mentorship), or the input of someone who will use social capital to ensure that the young attorney gets the right opportunities at the right time (sponsorship).

More often than not, mentorship and sponsorship relationships are forged over time through extended contact and mutual sacrifice. A lack of physical interaction will affect mentorship and sponsorship and might change who gets access to the individuals within an institution with the greatest ability to shift career trajectory.

## **Inclusion**

Cohesion and commonality boost output and longevity. When an individual feels a part of a team, she tends to work harder for longer and to sacrifice more, which elevates the entire team. The resulting benefit from increased employee engagement is increased productivity and employees who feel more fulfilled in their work.

These reasons are why organizations consider “firm culture” and formal and informal teambuilding exercises to be so important. Creating the type of cohesion that exists on a sports team, for example, is, however, notably more difficult in an organization with offices that are not in close proximity and among a large group of people who don’t spend much time together.

BigLaw spends millions of dollars a year trying to close this gap. Closing this gap will be even more complicated when people who otherwise would be located in the same office are increasingly physically distant.

*This column does not necessarily reflect the opinion of The Bureau of National Affairs, Inc. or its owners.*

## **Author Information**

*[Russell M. Franklin](#) is a partner at Morgan, Lewis & Bockius LLP. The views expressed in this article are his, and his alone, and do not necessarily reflect the views of Morgan Lewis or any other entity.*

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