

Reproduced with permission. Published April 09, 2020. Copyright © 2020 The Bureau of National Affairs, Inc. 800-372-1033. For further use, please visit <https://www.bloombergindustry.com/copyright-and-usage-guidelines-copyright/>

Employment Firms Forced to Scale Legal Advice Amid Jobs Crisis

Welcome back to the [Big Law Business column](#) on the changing legal marketplace written by me, [Roy Strom](#). Today, we look at how labor and employment firms are scaling legal advice in response to an unprecedented jobs crisis and what the industry can learn from their example. [Sign up](#) to receive this column in your Inbox every Thursday morning.

There is a lot of talk among legal industry consultants, academics, and other would-be change agents about using technology to “scale” or “leverage” legal advice from a few supersmart lawyers to many clients.

Inside Big Law firms, it is mostly talk, rather than reality, for a number of reasons. Because those lawyers have their own work routines and don’t need to be told how to do their job. Because clients have such varying requests that the benefit of building a process to scale specific legal advice is often not the worth the cost. Or because the lawyers’ billable-hour incentives are not in-line with the law firm’s desire to “scale” their advice.

But those stubborn barriers to change are falling by the wayside for some labor and employment firms experiencing a surge of similar and urgent questions from clients whose businesses have been upended by the Covid-19 pandemic and ensuing jobs crisis. Changes in how those firms deliver scaled legal advice may lead to greater application of knowledge management techniques on the other side of the crisis.

Consider how Littler Mendelson responded to the roughly 150 coronavirus-related inquiries it has been fielding each day.

The 1,500-lawyer labor and employment firm repurposed a client-facing portal it launched last year, [Littler OnDemand](#), to serve as a central repository for the firm’s crisis advice. The OnDemand service is usually staffed by a group of five contract lawyers who serve as a sort of triage system for client questions.

The firm asked associates to volunteer for shifts on the desk (open 8 a.m. ET to midnight) and has surged the capacity to about 50 associates, said [Scott Forman](#), a Miami-based firm shareholder who founded the On-Demand service.

The OnDemand platform also captures data about the types of questions employers asked as the crisis evolved, providing a real-time view of the nation’s employers’ concerns.

In early March, more than 50% of the questions Littler received were around privacy and employee privacy in the workplace. Popular questions included: “Can I take my employees’ temperature?” and “Can I share

that an employee has been exposed to the coronavirus with other employees?” But by early April, concerns over layoffs and leave dominated nearly all the questions.

The questions roughly tell the story of what Littler experts were busy addressing on any given day.

The firm created a task force of about 150 subject matter experts who would field questions that the On-Demand counsel could not answer or were not answered by a knowledge management team generating content based on constant changes to state and federal workplace regulations.

The experts’ answers would be stored in the service and, eventually, could be delivered to the next client with a similar inquiry.

“Maybe the first five times the question is asked it gets elevated to the subject matter expert. But over time, the Littler OnDemand counsel are seeing what is input in the app and can handle that next question without elevating it,” Forman said. “It’s truly leveraging a process to systematize and scale talent and expertise.”

Other firms with a focus on labor and employment have found themselves similarly inundated with requests for advice.

[Bonnie Puckett](#), the leader of Ogletree Deakins’ Asia-Pacific practice, was one of the initial four lawyers on her firm’s coronavirus e-mail listserv.

The questions became overwhelming, she said, and the firm began to automate some documents clients repeatedly requested. The firm now has multiple e-mail lists for various practice groups since “everyone’s” practice is now impacted by the virus. And the firm is using Microsoft Teams and Excel sheets to track updates on changing regulations across states and countries and share those with clients.

“We’re centralizing how we give advice quickly,” Puckett said.

[Laura Maechtlen](#), chair of Seyfarth Shaw’s labor and employment practice, said her firm has also broken teams into various e-mail groups. Project management teams are tracking those e-mails and pulling information onto an internal website that firm lawyers can use to quickly share information with clients.

“You are having to be agile and leverage your existing experience in literally warp speed,” San Francisco-based Maechtlen said. “It is just amazing the demand that is on us. So the environment does encourage more collaboration because we need to get information to clients at a scope and at a speed that we have never seen before.”

Littler’s Forman said his firm has been trying to scale legal services for years but normally has to limit its work with lawyers at the firm who are interested in the

process. But the urgency of the coronavirus has changed that.

“When a lawyer normally handles something soup-to-nuts and I tell them, ‘you’re only going to touch a piece of this,’ they would reject that. But it is absolutely welcome in this environment,” he said. “Those lawyers we are trying to scale, they are stretched so much that this has been a welcome level of support we are providing for them.”

Forman said he thinks there will be more opportunities in the future, and after the crisis, to create processes that leverage expertise in particular practice groups.

“We’ve developed advocates through this process,” he said, “and that is the key to change management.”

Worth Your Time

On Pay Cuts: More and more law firms are announcing delayed or reduced capital distributions to partners, salary cuts to staff, and job cuts. Among those firms are Bryan Cave Leighton Paisner and [Winston & Strawn](#). Legal services providers Reynen Court and Elevate Services also cut some salaries. And top in-house lawyers are seeing their salaries slashed, too.

Associates Delayed: Orrick’s 2020 associate class will not begin until next January or until after postponed bar exams due to fallout from the coronavirus pandemic. Goodwin goes virtual for shortened summer associate program. And Cahill Gordon & Reindel won’t have a 2020 summer associate program, but the firm will still pay and hire the 30 candidates it had promised a spot.

On Dealmaking: Since the virus began shaking up markets in March, law firms that focus on deal work face a situation unlike any other in recent memory, and a deal market that could slow even further in the coming months, writes my colleague, Meghan Tribe. Global M&A volume was down by more than 30% in the first quarter of 2020, compared to the same period last year.

That’s it for this week. Thanks for reading and please send me your thoughts, critiques, and tips.

By [ROY STROM](#)

To contact the reporter on this story: Roy Strom in Chicago at rstrom@bloomberglaw.com

To contact the editors responsible for this story: Jessie Kokrda Kamens at jkamens@bloomberglaw.com; Rebekah Mintzer at rmintzer@bloomberglaw.com