THE MAGAZINE OF THE LOS ANGELES COUNTY BAR ASSOCIATION Angeles Lawver OCTOBER 2021 On the Cover **PLUS** Agreeing to Agree Attorney Expert Witnesses in Franchise Los Angeles lawyer Disputes Alex Linhardt analyzes page 12 the determinants of so-called "agreements **Taxing** to agree" and how Mala California law treats them page 16 page 20 California's On Direct is Back! **Automatic** page 10 **Renewal Law** page 26

## BARRISTERS TIPS

## by Natalie Alameddine

s the COVID-19 pandemic approaches 20 months, vaccination rates increase, and law firms start to reopen, associates may be grappling with returning to a physical office. One thing is clear, though: Associates have proven to be productive from home. In terms of productivity and profitability, 2020 was a record year for many law firms. Unlike other professions, legal practice is uniquely positioned to track productivity with those pesky 6-minute billing increments, and it makes no difference where associates are located so long as they are hitting their hours.

Associates may have become accustomed to the benefits of working at home, such as avoiding Los Angeles traffic, squeezing in laundry loads between calls, or simply wearing pajama pants during zoom calls, but there is still value in returning to the office.

Depending on a firm's flexibility, developing a game plan can facilitate a productive schedule in the office. For example, does it make sense to work from home certain days per week due to family schedules, personal matters to handle during lunch, or to avoid the tiring commute on Thursdays (which is typically the worst day of traffic in Los Angeles County)? Is productivity greater in the mornings, such that it makes sense to focus on substantive work assignments in the a.m. while scheduling in-person meetings in the p.m.? Does picking up lunch in long lines around the office waste so much time that it is worth considering meal-prepping on Sundays? In returning to the physical workplace, cognizance of how to keep productivity up is going to be key.

On the days scheduled to be in the office, it is important to coordinate attendance with others both inside and outside the practice group. Facetime can foster stronger relationships, mentorship, and perhaps even opportunities for candid, direct feedback from partners outside of formal review cycles. While Zoom happy hours and virtual teambuilding activities kept some connectivity alive, personal interactions are still key to develop deeper connections and to maintain

a thriving work culture. Time in the office can be made more efficient by scheduling coffee breaks, lunches, or simply making a lap around the office to say hello to colleagues. These interactions may lead to more opportunities for collaboration, feelings of connectivity, and help achieve long-term goals by knowing more people at the firm, especially

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those who onboarded during the pandemic.

One of the fruits of the pandemic was the adoption of video attendance for court hearings. While litigation associates may have never fathomed virtual appearances to argue a motion, it should continue to be utilized. For less crucial appearances or ex parte hearings for which personal appearances were previously required, video hearings still allow getting a feel for a judge and seeing facial reactions without being physically present, such that we can rethink spending half of a day on an excursion to Ventura County, San Bernardino, or even Stanley Mosk (where parking and getting into the courthouse alone can take a .5!). There are also many pro bono opportunities that have become virtual, allowing service to communities in need while saving time on commutes to better fit busy schedules.

As quickly learned during the pandemic, though, Zoom fatigue is real. Are video calls necessary for every meeting? No. Prudence in judgment has to be exercised when using

video tools in certain situations, for example, the first time interacting with a new client or a partner from another office. At the very least, it does not hurt to be "camera ready" since interfacing in that way adds a personal touch and can help build rapport. Similarly, even with social distancing guidelines gone for those who are fully vaccinated, using video for meetings like deposition preparation sessions still makes sense. Pre-pandemic, it was common to travel across town or even another state (I once flew to Idaho!) to prepare and defend a witness in deposition. Now that video calls are common, it can be both time-effective and cost-efficient to remotely prep certain witnesses. Added bonus: You can swiftly move on to the next client task as soon as the session is done.

The lack of separation between home and work made burnout a common issue among associates. It was all too easy to jump out of bed, be on a laptop five minutes later, and keep working through dinner and beyond. It became critical to take breaks for time to vourself, whether it be short walks around the neighborhood or squeezing in 10-minute yoga sessions each day. Taking these breaks helps avoid feeling burnt out and actually increases productivity—which may sound counter-intuitive. As attorneys and other professionals return to the office, it is necessary to keep good habits in mind to avoid burnout. Now that most people have home offices set up, it is especially important not to succumb to going back to work after dinner to finish "one more thing" after coming home from a long day in the office. (Of course, it's a different story when the midnight oil has to be burned for a summary judgment motion!). Good luck as everyone weans away from 100 percent WFH.

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