

Why and How Law Firms Should Prepare for a Potential Second Wave of COVID-19

COVID-19 caught many lawyers off guard with no plan for handling such an unprecedented disruption to their practices. It's been a rough few months, but it has also been a time to reevaluate firm processes and address procedural weaknesses.

If past epidemics offer any indication, we may be headed for round two of COVID-19 later this year. Let's take a look back:

- The 1918 H1N1 pandemic occurred in three waves
- The 1957 H2N2 virus occurred in two waves
- The 2009 swine flu virus occurred in two waves

This is definitely not what anyone wants to hear, but at least there is an opportunity to plan for this potential next wave. Even with parts of the country reopening, now is not the time to bury your head in the sand and act like its business as usual. Law firms must take measures now to prepare their practices for the challenges that could come with a second wave of COVID-19.

#1 Identify Weaknesses and Essentials

Look back over your law firm's response to COVID-19 and ask important questions. Where did processes fall apart? How were the employees affected? What practice areas declined? The answers will help you identify firm weaknesses that need to be addressed before a second wave comes about.

One word that we've heard a lot during this pandemic is essential. Use this perspective to make some vital decisions about your practice. Note which processes and staff positions proved essential to the wellbeing of your firm and which ones proved to be less important.

#2 Implement Workplace Precautions

COVID-19 opened our eyes to a lot of unhealthy habits within the typical law office. Take these lessons and implement precautions within your office now that could help lessen the potential for the spread of illness among your employees. Some of the steps you can take include:

- Promote frequent hand washing
- Develop a plan for employees to stay home if symptoms arise
- Install touchless sanitizing stations throughout the office
- Implement social distancing practices
- Develop a plan for cleaning frequently used surfaces throughout the workday
- Maximize remote work capabilities
- Promote virtual client communications, such as video conferences

#3 Strengthen Channels of Communication

An important aspect of business continuity is ensuring that all staff members stay on the same page. Rumors and gossip can prove detrimental, further disrupting the workplace. Firm leaders must have channels in place that allow for the quick and clear dissemination of information to all employees – whether they are working down the hall or from home.

A comprehensive database with contact information for all employees should be in place. There should also be multiple channels of communication available to ensure the delivery of all messages and a vetting procedure to ensure message accuracy.

#4 Review (or Create) SOPs

With Standard Operating Procedures (SOPs) and/or handbooks in place, law firms can better prevent inconsistencies, staff confusion, and the disruptions that will come with a second round of COVID. They are essentially a detailed “how-to” for running your legal practice with specific procedures to complete tasks according to the firm’s standards and industry regulations.

Comprehensive SOPs can help with greater efficiency, firm-wide consistency, effective issue resolution, and streamlined procedures even through the worst business disruption. While law firms differ in their daily operations and processes, most SOPs include these common components:

- Human Resources – Job descriptions, new employee onboarding, employee training, disciplinary procedures, performance reviews, hiring processes
- Privacy Policies – Security measures, password guidelines, private device usage requirements, client confidentiality expectations
- Client Communications – Client communication expectations, accepted methods of communication, client complaint resolution
- Client Billing – Firm time tracking tools, task tracking expectations, designated billing staff members, invoice timelines, invoicing processes, payment collection processes

From security breaches to missed deadlines, a lack of policies can leave law firms of all sizes open to significant financial losses and professional liability. As firms face the possibility of a second COVID-19 wave, they need to document their procedures and make them available for all staff members to reference.

#5 Business Continuity Plan

A business continuity plan lays out the processes that staff members should follow to continue working in the midst of an emergency or disastrous

event. The American Bar Association (ABA) strongly recommends that law firms engage in disaster preparedness and released the Lawyer's Guide to Disaster Planning. According to the guide, a law firm continuity plan should include:

- Step-by-step disaster recovery procedures
- A list of physical inventories
- A checklist for client contacts
- Insurance company information
- A personnel plan to cover essential duties in case a staff member becomes ill

In the age of COVID-19, law firm business continuity plans should also include remote work processes and expectations.

#6 Record Preservation Plan

Law firms must have a plan in place to safeguard important client records during and after a business disruption. This becomes especially important when your entire firm is operating from different physical locations.

As defined by the ABA, "Vital records, for continuity planning purposes, are records, systems and equipment that, if lost or damaged, would materially impair an organization's ability to carry out essential functions or require considerable expense to replace or repair."

If you haven't previously done so, your law firms need to implement cloud-based storage procedures in anticipation of a second COVID-19 wave. When data is stored virtually, it is not only safe from physical damage, it is also continuously available to credentialed firm members wherever they may be located.

Don't Leave Your Law Firm Ill-Prepared for the Next Pandemic Wave

COVID-19 caught many lawyers off guard, but it also revealed some fatal flaws in law firm procedures and provided an opportunity to correct them. As the world braces for a potential second wave, firm leaders need to prepare now. With the right planning, your firm can be ready to weather any future business disruption.

About Erika Winston:

Erika Winston is a freelance writer with a passion for law. Through her business, Personal Touch Edits, she helps legal professionals deliver effective written messages. Erika is a regular contributor to [TimeSolv](#) and a variety of other publications.