Remote Management in the Time of COVID-19

With Patricia Román Hass, Rick Rufolo and Eric Mittelstadt

Note from the MIE Journal Committee: An MIE webinar held on June 1, 2020, entitled Remote Management in the Time of COVID-19, is the basis for this article. Three experienced civil legal aid leaders discussed their early lessons about moving to remote work in their organizations. The recorded webinar is available to be viewed on the MIE website at https://mielegalaid.org/training/recorded.

Increased Communication with Staff, Board and the Community

Eric Mittelstadt, MIE Director of Programs: Let’s start with how folks are doing after having settled in to working from home. In Utah we’ve found that early on there was a lot of energy behind getting settled at home and making sure the job can be done remotely, but as time goes by, folks who were doing well in the office are doing well at home and the opposite is true too.

Rick Rufolo, Executive Director, Georgia Legal Services Program: We have to remember that we took people out of their comfort zone very suddenly and put them into these new environments. Some people adapt better than others and I think it takes patience to work through some of those challenges that people are facing.

Patricia Román Hass, Managing Attorney, Indiana Legal Services: I have a weekly meeting with my staff of 12 every Friday via telephone conference, not Zoom or Teams, because I have some people on staff who prefer a call-in number. I like to have a member of the staff, support staff or attorney, report on some aspect of our practice and the work they are doing from home. We also have one of the attorneys report on the intakes they received that week and whether they noticed any trends. I always leave time for questions so that we can just chat as a group. I am definitely hosting more meetings now than ever before and the basics are more important than ever: have an agenda, follow the agenda, give everyone a chance to give input, mute when you’re not speaking, etc. I also offer assistance as often as possible: how can I help? What do you need? Management has become much more intentional for me because just wandering over to the office next door is no longer an option.

Eric: The longer this goes on the luster wears off and the Zoom meetings become more routine. What have you done to keep your people engaged?

Rick: Replacing the spontaneous interaction that takes place in our offices is a challenge. As Executive Director it’s really important that I stay in constant communication with my senior leadership team. We made a point to communicate on a regular basis with our board president as well as our executive and finance committees. I wanted them to know how we were transitioning from our offices to our remote working environment.
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have weekly calls via Zoom because for us that face-to-face interaction helps keep those personal connections. I also send out a weekly update to the entire staff because I want them to hear what I’ve been thinking about and decisions we’re making.

One very powerful thing we did came through our Race Equity Committee. They wanted to create an open forum to talk about how they were feeling and reacting to significant things going on here in Georgia and across the country. This led to a statement for racial justice which brought our team together in an important way. Tragically we also lost one of our colleagues to COVID-19 and it was important to be able to talk about missing our colleague and friend.

In the early days and weeks, I made a point to communicate on a regular basis with our board president as well as our executive and finance committees. I wanted them to know how we were transitioning from our offices to our remote working environment. As time went on, having the executive and finance committees up-to-date on developments became very important — short-term funding needs, the payroll protection opportunity and also thinking more long-term. Many legal aid organizations are enjoying additional funding now, but we need to be thinking about what’s coming down the road and so I’ve made a point to involve the board in those discussions. We also conducted a full board meeting — our annual meeting actually — virtually and that was a very interesting experience. We had a lot of business to take care of in that meeting and we were able to elect new officers and vote on proposals. I have some board members who drive 4 to 5 hours to attend in-person board meetings so as not to reveal client confidences. We also talked about ensuring that paper notes make it into a shredder and not a garbage can. It seems pretty basic, but people sometimes forget that the same rules apply when they are working from home.

We also obtained and implemented multi-factor authentication for Office 365, which took a day or two to adjust to, but provides an added layer of security. Now we can be more certain that whomever signs into an Office 365 account with access to client communications is the person that is supposed to be signing in. We’ve also sent reminders to staff about encryption and making sure to encrypt client confidential information, personal information like bank account numbers, Social Security numbers or any health information.

Ethical Considerations that Should Be Addressed as Remote Work Continues

Patricia: We had to work through ensuring staff had an appropriate space for conversations with clients so as not to reveal client confidences. We also talked about ensuring that paper notes make it into a shredder and not a garbage can. It seems pretty basic, but people sometimes forget that the same rules apply when they are working from home.

We provide services to senior clients primarily through our community education events at senior centers. Our attorneys came up with a solution we’re calling our Elder Action Team. They’ve mined our legal server database for email addresses for senior clients and emailed client alerts they developed, providing information on economic impact payments and public benefit deadlines and how to avoid COVID-19 scams. It’s great to see the leadership of attorneys and how they thought through this and found ways to keep serving clients.

Eric: We’ve re-energized relationships in Utah specifically around issues of domestic violence and also around the eviction moratoriums and the anticipated crush of cases we expect to arrive soon. We’re producing some YouTube videos and trying to get community education out about what’s going to happen and tenant’s rights.

Ideas for Bringing on New Staff and Working with Interns Remotely

Patricia: We started a new staff attorney in our office at the end of March and it went very well. I used her first day to provide her with paperwork to review during her down time in the first few weeks (e.g., our personnel manual, our case acceptance guidelines, and other policies and practices). Then, we moved on to substantive work and training. In our office, we have an “attorney of the week” who reviews all of the intake applications. I took those duties during her first week and we spent a few hours each day reviewing the cases together and determining how each intake fit into our case acceptance guidelines. I would recommend doing this sort of shadowing to
anybody who is onboarding a new member of their staff. Once she finished the first week, we flipped roles and I became her shadow. As she went through her review of the cases, she shared her thoughts with me, and by the end of her first two weeks she was largely up and running.

**Eric:** We’ve gone ahead with hiring too, and it’s as you describe. We have limited summer internships. We took a look at what time and support we can provide interns, all the tech issues involved, and whether we could give them the experience that they’re looking for. Interns should get a good experience, but we should also get some good work out of them, and we have so much we are dealing with right now, we don’t think either will happen. We do have a rural summer fellow who’s getting a stipend to be working with us, so we’ve gone ahead with that, and also with some particular people with needed skills.

**Monitoring Whether Staff Are Working Productively from Home**

**Rick:** We had so much uncertainty initially, and there still is a lot of concern on the part of our team members. I think it comes down to two things: trust and patience. Think about taking your normal office routine, getting to and from the office, something you’re very comfortable with, and now tell someone, hey, we’re going to completely turn that upside down and you’re going to do all of this from home, starting tomorrow.

People adapt differently but this is a huge challenge for anyone and for me as an executive director. I encourage my leadership team to be patient and to keep in mind that we had to give people an opportunity to get comfortable — it wasn’t going to happen overnight. We weren’t going to be able to flip a switch and all of a sudden people are going to be able to be as productive and get as much work done from home.

We also have to keep encouraging people to try new things, experiment and get feedback. What’s working and what isn’t? It’s different for different people and that’s where the patience and the level of trust has to come into play. It becomes so important to make sure that you give people a line of communication so that they feel they have a channel to reach out and be heard when they may be struggling. It helps them keep their morale up.

**Patricia:** Productivity is tied to morale, so it is also important to communicate victories, because even though we are all working from home, we are still handling and winning cases. We should remind people that we continue to make a difference in the community. The not-so-fun part is monitoring whether people are actually working. When you are in the office, you can at least tell who is there. You may not be able to tell exactly what they are doing, but you can more easily check in. My time spent on management has increased significantly during this time. It is taking longer to check people’s timekeeping records, to do more frequent case reviews, to communicate with staff regularly and make sure they have everything they need. It is a busy time and managers should remember to give ourselves some grace. It’s important to think about self-care. I sometimes go on a run midday to clear my mind. I also try to remember to give myself credit for the work, even if it has taken all day to work with one person on one piece of technology — at least we got it done.

I have done more frequent timekeeping checks. I also place unscheduled calls to staff to check in. It is fair to expect staff to designate core hours they will work. Schedules are different now, and some are working after the kids are in bed or on weekends, but establishing some core hours is helpful for checking in on productivity and work.

Many of my staff have expressed their gratitude for how ILS has protected them by allowing them to work from home, by taking additional steps to keep them safe and healthy, and perhaps most important, still providing them with a paycheck. We are fortunate in so many ways. If you are demonstrating to your staff that you are on top of it and regularly checking in, but that you are also willing to help and be flexible and understanding when things go wrong, you will get more productivity.

**Eric:** I had a manager who said he’s being much more productive at home because he never takes a break. There is no one to chat with so he’s sitting in front of his computer all day long and working. I told him it was important to be less productive then, and give himself some breaks because we’re in this for the long term and we’ve got to watch over our own health and morale too.

**Considerations on Moving Staff Back into Offices**

**Eric:** We’ve asked ourselves why we feel a need to send people back to the office? We’ve got people settled at home, we’re able to focus on client service and results and people are productive, for the most part. Does it make sense to go through those steps, consulting the experts, putting protections into place like checking temperatures and having masks and hand sanitizer to get people back in the office when we’re working
successfully at home? We’ve told our staff to get settled at home and focus on how to be productive there. Tell us what we can do to help you be more productive. If there are particular remote work issues that are coming up or particular issues with client service that are difficult, what are the ways we can resolve those issues that may not include going back to the office.

Rick: Georgia started to reopen so early, it created a lot of apprehension for the staff. I’ve been transparent about when we might return to our offices. We’ve got to make the top priority our people’s health and safety. We have people who have underlying health issues I’m not going to put in harm’s way. We also have people dealing with child care issues who aren’t able to get back into an office. But we also have people ready to go back to court and many of them are lower risk. We’re trying to prepare for what I do think is inevitable, that we’ll be back in our offices. We’re just not at a point yet where we can determine what that date is. We’ve ordered PPE, masks and gloves, hand sanitizers and ways to check temperatures and we are working on our guidelines for social distancing. If you’ve got a large program, with many offices in different set ups, every situation is unique. To the extent programs are wrestling with this, patience is going to pay off. The last thing that I want to do is have people going back to the office only to find out we weren’t as prepared as we thought we were.

Patricia: We formed a “COVID-19 task force,” which includes two managers, the executive director, the deputy director, and two tech team members. We are working on a plan for returning to the office. We gave each of our offices a list of questions to answer that were pretty specific to their own offices, their landlords, their staff and their workspaces to create plans for each. Our first phase will be staff who volunteer to return to the office, continuing with no public access. There will be a daily health screening and temperature check. Employees will be required to wear a face covering unless they are in their own office with the door closed. Staff will be required to social distance.

We are considering making work from the office optional until 2021. We trust our staff to work well from home, and we can monitor productivity so why not quell staff fears and settle the question for now. It is important to remember that many are scared and uncomfortable and they have good reason to be.

Eric: That gives rise to some other issues. The courts are going to reopen and start doing more business. What if attorneys are uncomfortable in these situations?

Rick: In a lot of courts, hearings are telephonic or by video, but in Georgia our judges have a lot of discretion and some courts are holding in person hearings. It creates new challenges, not the least of which is judges holding in person hearings where no protections are in place. We developed a toolkit for remote representation that includes motions for remote hearings, and a limited representation agreement for use if someone feels they can’t appear at a hearing. We’ve developed YouTube videos to instruct clients on how to request the same accommodations. We decided we will not ask an attorney to go into court if they are not comfortable. We have to get an extension or do it remotely or assign it to an attorney who is prepared to go in, but at this point we wouldn’t force anyone into that situation.

Patricia: I look at it a bit differently than Rick does. I think it’s an essential function of a litigator’s job to go to court and represent clients. We are fortunate in that our local courts are very flexible. We have e-filing and all civil hearings right now are held virtually. Once things reopen, managers should consider if they accommodate one attorney’s request not to go to court, will they accommodate others? How long will they accommodate such requests? We should consider how difficult such a scenario would be if it is ongoing for months or even years. I plan to handle these issues on a case-by-case basis. Certainly, if an attorney comes to me and says “I have a hearing and the court denied my request to make it virtual, but I don’t want to go because I don’t feel comfortable,” I will have a discussion with them. What specifically makes them uncomfortable? What is going on in that courtroom that makes them uncomfortable? Is there anything that we can do to make it better? Managers should be wary of creating an unfair situation for other staff attorneys. Of course, if there is a disability involved, that is a different story and there is another route that you have to take, but if it is generalized discomfort or fear, I am not sure that I want to set the precedent of not requiring court appearances. Keeping in mind, as Rick said, that treating everyone fairly doesn’t necessarily mean treating everyone the same.

Eric: Thanks much Rick and Patricia for your input and guidance. What an incredibly challenging time it is to be a manager and a leader in a legal services office! It’s been encouraging to see the thoughtful and considerate way you have addressed these challenges, and to see all conversations and ideas shared on the MIE listserv. We’re going to find our way through this together. Take care all.
Patricia Román Hass is the Managing Attorney of the Merrillville office of Indiana Legal Services (ILS), where she leads a team of five staff attorneys and six support staff in providing free legal advice and representation in civil cases for eligible low-income Hoosiers throughout Lake, Porter, Jasper, and Newton counties. In addition, Patricia is responsible for maintaining and establishing community partnerships that benefit specific client communities, such as the homeless, victims of domestic violence, senior citizens, immigrants, and members of the LGBT community. Patricia previously worked as an attorney with the law firm of Reminger Co. and was a litigation attorney with Burke Costanza & Carberry LLP for several years. Prior to becoming an attorney, Patricia, a native Spanish speaker, worked with ILS to provide legal services to Indiana's migrant population. Patricia may be reached at patricia.romanhass@ilsi.net.

After a successful 30-year career at United Parcel Service (UPS), Rick Rufolo is Executive Director at Georgia Legal Services Program (GLSP). Rick leads GLSP's 10 regional offices in Albany, Athens, Atlanta, Augusta, Brunswick, Columbus, Dalton, Gainesville, Macon and Savannah and joins a dedicated team of lawyers and legal professionals whose goal is to ensure that access to a legal process is guaranteed to all people throughout the state of Georgia, no matter their economic status or race. Rick comes to GLSP after serving as Vice President for the Labor, Employment and Litigation Practice Group at UPS. His team led complex global litigation cases across the company. He is extremely active in the community, and has served as Board Chair of the Truancy Intervention Project, Board Chair of the Boys & Girls Club of Fulton County, and board member of Atlanta Legal Aid Society. Rick also played an active role in the Leadership Council on Legal Diversity, one of the leading organizations dedicated to creating a diverse legal profession. Rick may be reached at rrufolo@glsp.org.

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