

What Should Associates Be Doing during COVID-19?

Dear Associate: 25 Things Rainmakers Advise

By Werten Bellamy

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I reached out to over 30 rainmaker partners from different AmLaw 100 law firms and asked: What should associates be doing during the current COVID-19 crisis?

Associates are experiencing tremendous disruption and it makes sense to offer them a clear set of strategies for top performance during these challenging times.

It is my hope that managing partners, partners, practice group leaders, professional development leaders, diversity leaders, recruitment leaders, and law school placement leaders will share the guidance set forth below.

Working in a Crisis

1. Stay Positive. Resist the temptation to accept doom and defeat. Your tone will be perceived by the team members around you. Remember the following, most partners seek associates who are:

- **Team Players:** Associates with a positive attitude are perceived to be better team players.
- **Coachable:** A positive attitude is a precondition of several other important attributes, to include coachability, productivity, confidence, optimism, a capacity for contribution, and a service orientation — each are vital in a crisis.
- **Resilient:** Associates with a positive attitude are more likely to keep the interim setback in perspective, not distracting attention or focus away from executing strategy and achieving client objectives.

2. Stay Visible and Connected. Remember to stay engaged and connected by actively participating in your practice group and practice team meetings by phone and WebEx and reach out to partners and senior associates with whom you are working or would like to work and let them know you are ready, willing, and able to work.

This is not the time to disappear or become relaxed. The associate that does not have enough work should seek out work from partners and make the effort to communicate availability and enthusiasm under the circumstances.

This is not the time to fade into the background. While it has never been a good strategy, it is definitely not the time to keep your head down and just do work in hopes of keeping up with your hours. Don't wait for partners to check in with you.

Connect with partners. Please resist the urge to default to your comfort zone, text and email. When working from home, it is important to keep in daily contact with your supervising partner(s). If they fail to make contact, find a reason to call, so that you remain in the forefront of their mind.

3. It's Your Time to be Remarkable. Anticipating needs and being responsive are more critical now and partners have the option to choose from many associates who are hungry for work.

Associates have to be increasingly flexible in this new working environment which means being available whenever there is a need. Partners don't work regular hours especially now. Partners are juggling many different responsibilities during the day including childcare, home schooling and managing a household. That means a lot of partners are working late at night to keep up with the demands of work and associates should be available then to respond to emails and questions.

In times of crisis, partners are really only willing to invest deeply in associates who they are confident simplify their lives, anticipate their needs, and reduce their effort (and workload) — associates who are skilled at helping partners free up more time to devote their priorities.

4. Be Flexible with Shifting Workloads. It's all hands on deck, and get comfortable with being uncomfortable. All billable hours are good hours now. Don't hesitate to take on a project outside of your area of expertise — you'll be better for it.

5. Get in the Game. Review new matter reports if the firm publishes them and reach out to those partners who have new matters that you would like to assist with. This is one way to stay visible.

6. Have Exceptional Billing Hygiene. If you have billable work, keep on it.

- Record your time every day and get it in!
- Record that quality non-billable work that you are doing.

7. Don't Wait for a Title to Be a Leader. There are times when the partner teaches and the associate is learning, and there are times when the opposite is true.

This period presents a wonderful opportunity for associates to emerge as proactive teachers in a number of areas that everyone is trying to learn, and when the senior lawyers — time is more consumed with counseling and strategizing. For example, partners take note of the associates who quickly and proactively master the skills of taking remote depositions — which applications were best suited and how to integrate the Federal Rules and witness/lawyer dynamics with the technology.

Take the lead on planning virtual practice group meetings, weekly status calls, managing Zoom, calendar appointments for deadlines — it's a small thing but critical with the team working remotely.

Even if the buck doesn't stop with you, conduct yourself as if it does.

8. Help Team Prioritize Matters. In an effort to assist clients with the potential business disruptions they may be experiencing, take the initiative to identify active matters that you are responsible for that may have scheduling flexibilities and inflexibilities.

Propose those with flexibility as a possible matter that may be reallocated for completion at a future date (e.g., next quarter) as a way for the client to postpone costs. And vice versa, flag those matters that cannot be delayed and that must be maintained on-schedule for the client's awareness so that they may budget the cost accordingly. Be prepared to explain the basis for a matter's flexibility or lack thereof.

9. Seek Out Work. You should be more proactive about your workload now than ever before. Seek out work like your career depends on it. It does. All hours are good hours now. Law firm finance committee discussions are all centered on revenue gaps. Don't unnecessarily become a victim of those discussions.

The amount and quality of premium assignments you will receive in the future is a lagging measure of your level of connection, contribution and self-investment now.

10. Focus on Portion Control. With your assignments, you want to be thorough. Problem is, in times of crisis, if you are too comprehensive in your approach, you run the risk of giving the partner more than they actually want (and need).

This means your work product should strike a balance between (a) a comprehensive discussion and (b) what is needed by the partner (and client) to move forward on the matter at hand.

11. Make It Easy to Mentor You. In a crisis, both partners and mentors will look to confirm three things:

- You are personally committed to them,
- You respect their time, and
- You are actively looking for opportunities to add value to them.

In times of crisis, partners have a limited budget of attention allocable to one-on-one associate development. Highly coachable associates take the steps that make it easy for busy partners to support their growth.

Service Initiative

12. Dear Corporate Associates. Don't Panic. This is a challenging time for everyone in the firm. Help partners help their clients navigate. Many deals are on hold at the moment and that work will ramp up quickly when the crisis is over. The associates picked for these early deals will be the ones adding value now.

13. Prepare Outlines and Checklists. Prepare outlines to share with your clients/internal corporate, finance attorneys on bankruptcy 101, distressed M&A, supply chain insolvency, checklists if you are thinking about shutting down, options for distressed companies, distressed lending 101 and 201, checklists for duties of officers and directors.

14. Analyze Agreements. Dig into material agreements to identify upcoming risks and suggest risk mitigation strategies that can help inform the advice and counsel of partners.

15. Insurance Audits: Assist partners in performing insurance audits for clients to analyze possible claims for business interruption and other coverage issues.

16. Offer COVID-19 Support. Volunteer to help partners working on the coronavirus task force, e.g. volunteer to help with research, analysis, and drafting of advisories or anything else the task force may need. Many groups are pushing out advisories right now.

- **Volunteer.** Reach out to your practice group leader and volunteer yourself as someone to contribute to work on e-alert drafting, advisories and support the work of the task force. Tell them you are willing to do anything they need. Show initiative, look at what major financial, accounting, and consulting firm task force groups are doing. Share best practices.

- **Create a Catalogue of White Papers.** Read and create a catalogue of useful white papers related to COVID-19.
- **Summarize key rules and regulations** — including the relief bill passed out of the Senate — and becoming the go-to experts on its contents. Draft form Essential Business letters for clients who will need them so that they can remain open. Examine how COVID-19 might impact force majeure clauses.
- **Help on client employee issues.** Digest and familiarize themselves with the Families First Coronavirus Response Act which requires small and medium-sized businesses to provide sick or family leave for certain employees. The associates prepared the initial draft of an electronic alert on the subject.
- **Share Information.** Think about whether you know any in-house counsel at a company that might benefit from receiving our firm's advisories.

Fill in the Blank

A partner can confirm I have high levels of initiative because they consistently observe

17. Deepen Your Client Knowledge. Take the time to research a client's product/service line using public online resources (e.g., client's website) to better familiarize yourself with the client's business. All too often associates begin handling matters for a client without having a full understanding of the client's business, industry, or product. Having this background knowledge will better assist you in handling active matters and identifying potential issues that may impact a client's business on future matters. This is an opportunity to provide clients added value beyond completion of active matters. Performing this due diligence has the direct benefit of assisting you complete work for the client and the indirect benefit of demonstrating the firm's interest in the client's business and success — which the client will recognize and appreciate.

Client Development

18. Be an Information Spreader. Reach out to classmates and in-house counsel peers and check in with them to show you care and are thinking of them. In a crisis, people greatly value ideas that will help them save time, improve health, improve work performance, make or save money.

For example, information related to mindfulness, mediation and wellness information are of particular value in these times. Remember, it's not the size of your network that matters in a crisis. What matters most is your value to your network.

19. Check in with People. People need to hear your voice. Spend the time to do one-on-one regular check-ins to see how their friends are doing and what they can do to help on a personal or professional level. What resource can you be to your friends and network during this time?

20. Time to Write an Article. If you don't have billable work that is keeping you at full capacity, think about that article you've been thinking about writing and start drafting. Publicized on your social media platforms and to the firm inviting your network to touch base with you if they need help.

There are so many issues associated with COVID-19 that will impact every practice area, but don't feel constrained by that as a topic. There are a lot of non-COVID-19 issues that can be written about that are important to clients and to particular practice areas.

In any crisis the greatest threat to your firm's client relationships is that they stop growing because associates and partners are not continuing to feed the relationship — waiting to be asked to solve a problem and not proactively adding value to the relationship.

Your Career

21. Secure Your Place on the Ship First. Simply meaning that the metrics that you will be judged upon have not changed. When we emerge from this crisis, we will be looking at who was busy and who was not. If you weren't busy, there may be an inclination to mark you as dispensable when we right the ship.

22. Tap into Peer Networks. Lean into your peer accountability networks to share ideas and create community. Do not wait for partners mentors to become available to you.

23. Focus on Your "Why." During this period of forced stillness is a bit of a gift as it serves as a catalyst for introspection. Use this time to make sure you are very clear on your "why." Take the time to make sure you are on a pathway of success designed by you and not someone else. If not, ask yourself what steps do you think you need to take to shift and then begin to do so, one step at a time. If this crisis teaches us anything, it is that life is fleeting, much of what we thought mattered does not, and that all we know and rely upon can change in an instant. What if after all one's efforts to boss up, the firm still displaces you anyway? You have to know that you will be okay, that you are enough and can and will thrive beyond this. Knowing your why is a step toward such peace.

24. Be Prepared for Any Outcome. While the above activities are occurring, the associate should also update their resume. In these times, some law firms might not have a choice but to let some associates go. The associate should be ready to jump into the job market with his or her resume and be ready to market their value for a new job.

When working on your resume:

- **List Matters** — List the deals, litigation matters on which you have worked.
- **Impact** — Identify the contribution you made on each matter and the impact of your contribution on partners and clients.
- **References** — You want to have partners who can attest to your work ethic and service initiative. This is an important differentiator.

In tight markets, it's easy to find technically sound associates. Hiring firms and law departments are really trying to discern your impact — what it feels like to work with you.

25. No Shame. There is no shame in being let go in a down market. Many of the most successful attorneys have been victims of layoffs. Let people help you. Reach out to your network. Know that you will bounce back.

About the Author

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