

Top Positive Developments Arising from the COVID-19 Pandemic



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This article is focused on things that, if we continue to nurture, are positive developments arising from the COVID-19 pandemic. Even if your list of "things" is different, please pursue them as the concept is that none are right or wrong, but that good can and will arise out of the current events if we let them!

The order of the developments listed below is simply the sequence of things that popped into my head as I became tired of focusing on the negative and sought to accentuate the positive.

- **Rise to the occasion** - Law firms and lawyers have had their creative problem-solving skills challenged and have demonstrated the resiliency to rise to the occasion. While it will not result in the total eradication of the "ostrich head in the sand" mindset that has for so long dominated law firm thinking, it creates a hope that the legal industry will embrace dealing with issues as it moves forward.
- **Embrace alternative arrangements** - Law firms have had to open their minds to the concept that lawyers can be productive working outside the office. As a result, the historical barriers/delays of admission to partnership for lawyers (predominately women), conscientiously or unconsciously applied by law firms, have had to go through a re-think. While still a ways to go, the last three months have seen the most progress in enlightened thinking in recent times.
- **Focus on the present** - Law firms have started to embrace the gift of the "present." Law firms have historically managed their operations on precedents (the past), and any variance in viewpoint was off in the future. There was little or no appreciation for the present. The pandemic has positively changed this focus – resulting in a greater emphasis now on people – clients and members of the firm (staff and lawyers).
- **An internal community of interest** - Law firms have always touted the importance of their people. On an irregular basis, they might have even attempted to demonstrate this "value." The pandemic has resulted in law firms having to work at living this value on a much more frequent and regular basis. Virtual town halls with staff, lawyers (partners and associates), and everyone have been subscribed to by many firms creating a real internal community of interest.
- **Client loyalty** - Lawyers have often been too busy (at least in their minds) to follow up with clients other than when working on a file raising doubts in many clients as to how their lawyers see them (as just a file and not a valued client)! During the pandemic, a large number of firms have implemented proactive contact with clients, often without any current matters on the go, but rather to just check in with them and their families. To the extent this has become a learned habit, it will be rewarded with the illusive "client loyalty."
- **Embracing proven technology** - Law firms were moving at a tortoise pace in embracing technology and the positive impact it could have on productivity and the

value proposition (timing, pricing, quality, and service) offered clients. The pandemic has eliminated any doubt as to the viability of both cloud computing, and virtual meetings and the impact on the value proposition firms can provide clients with (and no longer the sole domain of large firms as the nimbler small/mid-size firms are now on the same playing field).

- The closeness of families** - Not the exclusive shortcoming of lawyers, but this is the profession under the microscope. Busy practitioners often lose sight of those closest – family. I recognize the stress of homeschooling (who knew you could not pass Grade 5 math), confinement with teenagers, the habits that acerbates spouse/partner annoyance, and other irritants arising from prolonged close confinement. Despite these irritants, there is a real sense that generally, families have never been more intimate and a resulting vow of being there for family events going forward.

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- Increased collaboration** - The legal profession of the past was much more civil than it has been of late. The Pandemic has had a positive impact on regaining some of that civility, certainly from a collaborative perspective. Virtual hearings have required opposing firms to reach agreement on procedures for mainly new situations. Mutual accommodation has existed as lawyers have strived to make the legal system continue to function during the pandemic.
- Re-evaluation of required resources** - While not seen by all as a positive development, the reduced pressure of meeting ever-increasing overhead is, in fact, a positive. The reduced stress comes from several things including re-evaluation of the size and nature of the office space required, the furniture needed to furnish the firm's space, the scope, and quality of the compliment needed to support the lawyers servicing of clients, the compensation structure – both staff and lawyers and business development effort that does not require the expenditure of money but rather the consistent commitment of time.
- Re-awakening of public conscience** - The pandemic has broadened lawyers' and law firm's external perspectives, particularly in the areas of public health (mental and physical) and food supply. While food shortages, lack of health care, and the number of people walking around with mental health challenges are not new issues, they had never been so in their face until the pandemic. Law firms and their lawyers have demonstrated a re-awaking of their "public conscience" that will carry on well after the pandemic.
- Acknowledgment of discrimination** - The pandemic and recent events south of the border (and in Canada before we get too high and mighty) have resulted in lawyers (and many others) having free time on their hands that has eliminated any excuse for not taking a serious look at discrimination (racial, sexual preference, religious) that unfortunately forms a real part of our everyday life. This acknowledgment, while not resulting in a definitive solution, will make it hard to go back to the historic systemic biases and open up real discussion on how we become the "better person we want to be."

While I see the above items as positive developments arising from the pandemic, the real issue law firms and lawyers face now and going forward is whether they choose to be optimists or pessimists. The difference was perhaps best captured by the following comment attributed to Winston Churchill:

"A pessimist sees the difficulty in every opportunity, and an optimist sees the opportunity in every difficulty."

Stephen Mabey is a CPA, CA and the Managing Director of Applied Strategies, Inc. Stephen's focus is on law firms in general and on small to medium size law firms in particular. He has written about and advised on, a wide range of issues including - leadership, business development, marketing, key performance indicators, strategic planning, mergers, practice acquisitions, competitive intelligence, finance, mergers,

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