Podcast transcript: Small firms, big changes and the impact of COVID with Helen Suke

**Heather:**  You're listening to More Than Knowing the Law, the podcast that explores how to minimize risk through building good business culture and approaches presented by the Legal Practitioners Liability Committee.

Hello, and welcome to More Than Knowing the Law. I'm Heather Hibbard, Chief Risk Manager at the Legal Practitioners Liability Committee. In this episode, we're exploring how business culture within small firms within the legal sector may have changed due to COVID.

You'll hear how one firm navigated the rapid changes needed during the pandemic and adapted. There will be some insights shared that you may be able to use for positive change in your practice. And joining me today is Helen Suke. Helen is the Principal at Suke & Associates - Family and Relationship Lawyers located in the Melbourne CBD.

I started our conversation by asking Helen about her year in business last year, and how things changed during that time. Here's Helen. Welcome, Helen, thank you so much for joining us on this podcast today.

1:20 **Helen:**  Thanks very much, Heather. It's a pleasure to be here. It's a great topic to talk about.

**Heather:**  Today, we want to explore with you how your firm managed in the last year with all of the challenges of COVID. But more importantly, how things may have changed as a result of last years’ experience. But first, can you just tell us a bit about your firm, Helen?

1:41 **Helen:**  Sure, Heather. So I'm the principal of Suke & Associates, which is a boutique family law practice, generally based in the CBD, but we haven't seen much of the CBD in the last 12 months. I have a team of seven, soon to be eight. So it is that perfect boutique size. I've previously been a partner in medium size and large firms, but the boutique practice is almost two and a half years old. It's been a terrific experience moving from a larger practice into a boutique practice and working with a small team.

2:11 **Heather:**  And how did you cope moving to working from home last year when COVID hit?

**Helen:**  Yeah, that was really interesting. Our team's really tight knit and my husband's got an autoimmune condition. And he is in and out of the practice quite frequently. And it was actually one of my lawyers that turned to me in her chair one day and said, "Helen, I think we need to all go home."

And for a moment, there was just stunned silence because this is before the government said that we needed to go home. And I looked at her and said, "Oh, maybe you're right." Their concern was that most of them travelled to the city by train. And that, you know, all the media was that's how the infection was likely to be spread. And they were concerned that if it came into the office, then the team would suffer.

So we were very fortunate that when we set up the new practice, we spent a lot on our IT, we invested heavily on IT. And everything's cloud-based. So it was just a matter of us literally picking up our iPads and going home. But to be honest, Heather, we thought, maybe this is two weeks, maybe it's three weeks, we had no idea that it was going to be as long as it was.

But the IT decision that I made when I set up the practice, you know, engaging a really terrific firm and having everything cloud-based, we thought it was a great idea. We thought it was good for attracting staff and for efficiency within the practice. But we had no idea that it was actually going to be our lifeblood.

3:25 **Heather:**  Was anybody working remotely before that point?

**Helen:**  Look on occasions we did, yes. And so we knew that it worked well. Whenever one of us has got a piece of significant drafting and really quiet work that you need to do, sometimes it's lovely to do that work at home where there are no sort of interruptions with people popping in and out of your office. But generally, we were working in the office, the idea behind using the cloud-based solution too was so that we could take our laptops down to court or have our laptop with us in a mediation and retrieve all of our data quite smoothly.

But that decision, unbeknownst to me at the time was a very important one because what we learnt very quickly, particularly in that first month of lockdown is there were a lot of really good other family law firms that we work with that really struggled either because they didn't have enough laptops for staff members or the IT just wasn't up to it or they were server-based and then all sorts of complications as to how you move people remotely, telephone systems were an issue, who answers the phone? How do you put calls through?

So we were very fortunate that the office set up that we've got too has a dedicated reception team who we know very well. And so for clients, it was the same as before, they'd just ring the office and they'd be immediately put through to us. But again, I think they were serendipitous events rather than, it wasn't something I consciously thought about when I set up the firm.

4:43 **Heather:**  So the practicalities of it worked well. But how about the culture? How did working remotely for you affect the culture of your organization do you think?

**Helen:**  Yeah, look, I think initially, and I've spoken to a lot of lawyers over the last 12 months because it's just interesting to hear other people's experiences. There was a bit of excitement You know, like, "Hey, we can do this. This is really exciting, how amazing they could all work at home." So there was a lot of energy around that, that we could easily retrieve our documents, that we could prepare documents for clients. It was still seamless. That was the first lockdown.

I think then when we got to that second, the really big lockdown in, when was that, August, September, October seemed to go on forever. That was harder. Because whilst you can work in that way, I think it's become obvious to all of us that it takes a lot more energy, you know, the number of emails exponentially rises, even being on Zoom, it's more tiring on Zoom, if you've got a full day in a mediation or a full day in court, on and off Zoom, that it just seems to take more energy from us than sitting with a client and our barrister in a mediation around a table.

5:46 The volume of emails has been a challenge. We tried a few other mechanisms, we use messenger on Teams, if something was urgent, we would text each other so that it sort of more immediately came to our attention. But I think the one thing that was really missing is all those serendipitous conversations during the day or swinging around in your chair and just saying to somebody, "What do you think about this? Do you think there's another way of approaching this or..."

That's a two-second conversation, it's done, rather than email into somebody's inbox, email back, maybe a phone call. So it was a little bit like wading through treacle at some points. But again, I think there was a certain level of pride that we could do it, there was an excitement that we had the tools to be able to do it.

Then when we had that further disruption around Christmas time, I think that all took us a little bit by surprise. I had one of my team is from Queensland, you know, she planned to go to her family and she was going to take her computer and just go because it doesn't matter where you are working, whether in Victoria or Queensland, but she had to do the mad dash in her car. And of course, there was concern, was she going to get there safely, and then once she got up there, then the communication was all fine.

6:51 Then we came back into the office before this lockdown, we came back in. And I think we had about seven weeks in the office. That was pretty exciting. And speaking to other lawyers, I'm not sure that our firm is typical of other firms, I think a lot of firms have struggled to get their staff to come back, there's a pool of anxiety hovering over Victoria. The anxiety has impacted our work. It's impacted all of us personally, it's different from the other states, the other states have not had the experience that we've had in Victoria.

And it impacts the way people respond to things. Everybody's touchier than normal, even the most considered people maybe not quite as calm as they usually are. So I was a little bit anxious, Heather, about approaching our team as to what we wanted to do. I mean, while we were in lockdown, we Zoomed every morning. So at 9:30 every morning, we jumped on Zoom, talked about what everybody had to do, what support people needed, we talked about our matters and bounced ideas around.

And I think that was a significant glue while we were apart. On Fridays, we didn't Zoom in the morning, but we had quarantinies till five o'clock at night. So it was a bit like trying to copy you know, after work drinks. And that was a bit of fun. But when we came to think about coming back to the office, I spoke to all of my staff members individually to try and get an idea how everybody was feeling. And I didn't want to dictate as to what everybody did.

8:12 And so I suggested that we have all hands on deck on Tuesday, Wednesday, Thursday, and I said, look, you know, I don't care what happens on Monday and Friday. Let's give it a go and then review it in a few weeks' time and see how we're all feeling. I was quite surprised that a couple of my lawyers just said, "Hey, we just want to be in the office full time, we don't want to be working from home anymore, we just want to be in the office, we want home to be home and work to be work."

And they lived reasonably close to the office. So there wasn't a great travel time there. That might have had an impact on that comment. But once we did get back into the office, the energy was quite palpable. We had one of our paralegals who was manned to the office whenever it was allowable, you know, during the lockdowns, making sure we're getting briefs out to barristers, and taking deliveries from clients and whatever, that's quite a challenge.

You're working on your own in a city office as well, it's different from working in your home. And he executed that job really, really well. But you could see that his excitement of us all coming back and that he wasn't on his own anymore, it was a bit like, you know... Yeah, it was surprising.

And so we just sort of let it drift. And we had a few days where people sort of worked from home. But Heather, really within a couple of weeks, everybody was in the office every day without any further formal discussion happening about what we were doing. And it was wonderful, it was really good.

9:27 **Heather:**  I think you must be unique because that's not really the story that we've heard from a lot of practitioners about people wanting to do things differently.

**Helen:**  No, and I have heard from other practitioners that it's actually been their senior staff that that they have found to be more reluctant to come back in, senior lawyers, partners that say, "Well, hang on, I'm working really well from my holiday house in Anglesea and I really just don't want to be back in the office, I don't see the need." I think what I'm hearing from younger lawyers and these are the ones not only in my firm, but other firms. younger lawyers are very much feeling that they're missing out on their coaching and mentoring and training, and the things that they pick up being in the office.

10:06 So one of my lawyers said to me, "Look, Helen, I love it when I'm in your office, if you're having a phone call about a matter, it's not a matter I'm necessarily working on, but I can hear the way you're handling the phone call, or how you're answering the questions or how you're managing the client's expectations or responding to their needs." And it's sort of made me really stop and think about how much of the learning for younger practitioners is osmotic, let's sit down and have a CPD at lunchtime, it's not like that.

It's very much about just being in the soup, being able to ask questions as and when things arise or saying, "Hey, Helen, why did you do that that way, wouldn't there be another way of doing..." Their learning, even with court, feedback that I've had is with court being on Zoom, it strips away all the etiquette of court, that when you go down to court, you open the door, you bow to the bench, you don't turn your back to the bench, you don't plonk things all over the bar table.

11:20 And there's a formality in the way you address the court officers and judges. That seems to have been lost on Zoom. Now, some might say maybe that's not necessarily a bad thing. But I think from a client perspective, if you've got something in court, it's often one of the most significant days in their lives. And I think they're looking for a certain level of formality around that. And that it is serious.

And there is a judge sitting there, and even though she or he might be sitting in originally, maybe, you know, a less formal setting, I mean, now that they seem to be sitting in court, even if it's online, but it's just removing those learning opportunities, and particularly in a call over, if you go into court in the morning, and there's 15 matters being called over, you don't only get to present your particular case to the court, but you get to hear about another case or what's happened, there's a problem with a subpoena or somebody is being told that no, that's not the right process, you need to do something else. So you're learning things just by sitting in the court waiting for a matter to come on.

11:54 **Heather:**  Are there ways that you think that people can perhaps not in the court scenario, but back in the office can formalize that informal learning? Have you heard of people doing that? Or is there things that you might have done last year to try and formalize that with, well, clearly, those regular meetings that you had every morning, was one way to do it?

12:15 **Helen:**  That was something that we just thought it was a good way of, I suppose having a handover and just making sure everybody was well supported for the day that was coming. But one conversation that occurred probably the second or third week we were back in the office, one of my teams said, "Helen, I really miss out Zooms, I really miss in the morning, that..." I said, "Oh, do we have a Zoom without having a Zoom?" And she said, "Yeah, I think that would be good. I really liked the way we met in the morning. And we discussed our files..."

And, and I think, too, it gave a good understanding of what everybody had on their plate, and particularly for our paralegals, that sometimes as lawyers, we can think that our tasks we've got to get out is the only task in the world. And we forget that our paralegals are juggling other work as well. And we need to wait our place in the queue.

12:58 So that's something that we talked about, but we didn't actually implement. But we do intend on implementing that we still have, you know, maybe a stand up meeting or something for 15 or 20 minutes each morning to touch base. But it's interesting how you just sort of automatically slide back into what you did before.

And I think we've got to be very intentional about what are the great learnings. There are good things that have come out of COVID and lockdown and being able to maybe go to a directions hearing on Zoom or being able to Zoom a client rather than just a phone call, and the clients don't have to drive their car into the city spend $70 on parking to just come and talk to us. So there's certainly been great, great advantages.

13:37 **Heather:**  Yeah. And I think that's the thing, isn't it? First, not to lose that learning and to continue to grow with it, sounds like that your firm will be doing that. Are there three practical tips you can give our listeners for how to deal with the sort of hybrid work environment that we're likely to be going to into the future?

13:58 **Helen:**  I suppose with all things in life, Heather, communication always has to be number one. And if there is a hybrid work environment, we have to be particularly intentional about that. I see there are advantages to people being able to continue working from home in certain circumstances, it can be very productive, it can enhance people's lifestyle, but we have to be very careful about keeping everybody within the group as well, supporting them and that they are part of the team.

14:25 I think it's probably easier for established teams to work with. When you're bringing people, I put on two additional lawyers during lockdown, which is all a bit odd. We actually hadn't met each other face to face in two weeks until we got to Christmas time.

And there was some hesitation about that. But you know, really thinking about team and what is required to initially glue a team together, but then keep them glued together. And I don't think we've fully explored that or understood that, but that will be a challenge going forward if this is the way that we are going to continue working, because with different personalities, you've got to cater for how they come into a group and how they integrate into a group.

15:01 **Heather:**  Do you think that people within your team with different personalities managed differently in lockdown? Sort of the introverts versus the extroverts?

**Helen:**  Yeah, absolutely. Heather, that was, again, a really happy surprise. And I've got an involvement with a school as well in a governance capacity. And it was interesting listening to the teachers as well, that I think working remotely being on Zoom for a number of introverts really helped them to be seen, it helped them to come forward, and it maybe made them feel more comfortable to be involved.

Whereas for an extrovert, it's probably a bit like, "Oh, gosh, to get me away from this screen, I just want to be in front of people." But I think a lot of introverts shone, and in fact, one of my staff members even express that view that they felt that working remotely actually brought out the best in them.

15:44 **Heather:**  So, good learnings. So maybe the hybrid work environment going forward is not such a bad thing after all?

**Helen:**  It may not, I think we're just going to have to try and it will depend on the compositions of teams, but people also having a willingness to be flexible, and not only to think about their own needs, but to think about the broader team needs. So with that learning and what it means for other staff members, that it's not just about their work environment, but how you contribute to that whole group.

**Heather:**  We're very passionate at LPLC about supervision and proactive, deliberate supervision. And I'm wondering whether this hybrid working arrangement will actually encourage that as people deliberately have communication with people rather than learning by osmosis. What do you think about that?

16:29 **Helen:**  Heather, I think that will very much depend on the team and the firm. I would imagine in firms where that didn't happen before that it probably would happen less, when you're in a hybrid situation where you have people that are remote, that are not as visible, but that I think there are great opportunities to be able to support and supervise people well when they're working remotely.

I mean, email's great if you've got good IT systems that your documents can be emailed to the supervising partner for checking and you can change the document on screen. I think one of the difficulties that we've had in lockdown has been at times communication with other practices.

17:05 And I guess this is a learning for us moving forward, as principals of firms, we've really got to think about, you know how we work in this situation, because who knows how long we're going to have ups and downs with lockdowns, but how we have our reception systems working so that you can easily be put through to people because that has been one of the challenges.

What we've tried to do is, say ring a practice where we want to speak to a lawyer and try and make an appointment to ring them back at two o'clock in the afternoon, so you know that they'll pick up the phone, but it has been difficult at times to be able to get lawyers on the phone because they are working remotely. So I think that's something we have to look at for the future.

17:43 **Heather:**  With many firms now adopting a more agile and remote working arrangements and making use of shared space, what impact do you think that will have on confidentiality?

17:54 **Helen:**  Yeah, oh, yeah. That's something that hadn't occurred to me. But when we have shared workspaces now, because we're hearing a lot of firms saying, "Well, maybe we can break up our team into hubs, like hubs, that people that work in particular suburbs together, and that they can go to a workspace, a shared workspace."

Yeah, that idea of how do you maintain your confidentiality, what if you're working in a shared workspace in a suburban area, and your client is coming to meet you, but you don't know that maybe the lawyer who's on the other side of the matter has got a client that's coming to meet them, and you end up with, you know, both parties sort of coming up in a lift together?

I just think there are things we have to be conscious of, how we maintain that confidentiality for clients. Certainly, we were always taught as young lawyers, you don't take files home, or if you take a file home, that you sort of guard it with your life, straight to home, do the work, straight back to the office. I think those principles need to be thought about again, but in this sort of electronic sort of world that you've got to be very careful that you're in a space where nobody can overhear your telephone conversation, and that you keep your records, well-guarded and confidential.

19:01 **Heather:**  And certainly cyber risk is a huge issue for us at the moment, we're seeing continual claims in that space, we'd like to think that practitioners and firms even when they're working remotely, are fully aware of that, in keeping their systems up to date and have multi-factor authentication.

**Helen:**  Yes, I must admit our IT team is very strict about that and is forever seeming to add another layer to what we do, for which we're grateful. But it's just that awareness of an email looking just not right. And I went to one of your CPDs, Heather, on this topic, and it was outstanding. And I think we just need to listen to those sorts of CPD programs regularly because it's just having it at the front of your mind, just how sophisticated these cybercriminals are now.

There was a recent publication that came through your office as well about a practitioner who had his phone, but somehow the cybercriminals managed to take over his phone and change his banking data. I read that and felt like I was reading a science fiction novel. It was terrifying. But we have to take those things seriously. And we do have to make sure that our team is aware of those things the way we deal with our trust account details, etc, that no banking records should ever be, account numbers in emails.

20:13 I think that's reasonably well-understood. And of course, now the problem with invoices being altered, you know, which has been well aired on television, current affairs programs, that we've almost gone back to where we were that years ago, when we'd have to transfer money to a client, we'd make a phone call, or it would be a fax.

And now you think, "Oh, gosh, do we have to go back to faxes?" But faxes are now basically email. So that doesn't help. But that means of communicating to make sure that those transfers are going to the right place.

And using the phone number in your system that you have for your client, not just picking a phone number up out of an email, just when you're in a a busy work environment, you can see how in accounts teams, those things can happen so easily that somebody just sends an email and says, "Please transfer to this account." And they might have a phone number down the bottom. And also that the accounts team quickly rings that phone number, not realizing that's not actually the client's number.

21:02 **Heather:**  It's about having a really clear good systems and processes and keeping up to date with the cyber risks that we're seeing. We know that there are firms who think that they're doing a good job, and they've got the message, but there have, there's just weaknesses around the edges of their systems and processes that the cybercriminals then exploit. So it's been continually vigilant, I think, particularly with this remote working, that's going to continue.

21:27 **Helen:**  Yeah, absolutely. If you're in an office environment, and you're connected to a VPN, you've got your certain protections around that. But when people are working remotely, you don't know how secure they are, you know, whether they're connecting into a Wi-Fi that they shouldn't be connecting into.

Again, it's just a matter of having those conversations. But you know the risks are there. And it's very difficult to anticipate everything that might happen. And I do think there'll be a point in time whenever we feel as a society that we're through this pandemic, that people will look back at things that have happened during the pandemic, and really assess whether that's the way they want to work during the rest of their life.

And I think we can make a real effort to look after our teams in this time to reassure them that this is a great place to work, that you want that collegiate attitude within the workplace. And I think that will pay off even if it doesn't feel like it's happening now. I think in the longer term that will definitely matter to people.

22:22 **Heather:**  Well, thank you, Helen, it's been a delight to talk to you. And it sounds like that you and your lovely staff have managed to navigate the last year or so really well. And we wish you all the best for the coming years ahead. Thank you.

**Helen:**  Thanks, Heather. I'm incredibly proud of the way they have worked. And I know a lot of other firms are in the same position. So we've just got to take the good learnings and not forget as we move into the future not slip back into what we knew before. Thanks, Heather.

22:50 **Heather:**  Thanks so much to Helen for sharing her stories with us. To summarize the key takeaways from this episode, investing in good IT systems allows flexibility and adaptability to remote working. Positives and negatives for business culture came out of COVID. Working remotely in some instances may mean that you miss out on osmotic and opportunistic learning that can occur in group working situations.

For some people remote working brought out the best in them. And there are still questions around hybrid working environments, and how they work best for the needs of individuals and the needs of the team. To connect with Helen and discover more resources on this topic, visit the show notes. Link is in the description of this episode.

You have been listening to More Than Knowing the Law. And I'm Heather Hibbard. If you would like more information about the topics we have discussed today, and links to helpful resources to manage your risk, visit LPLC.com.au.