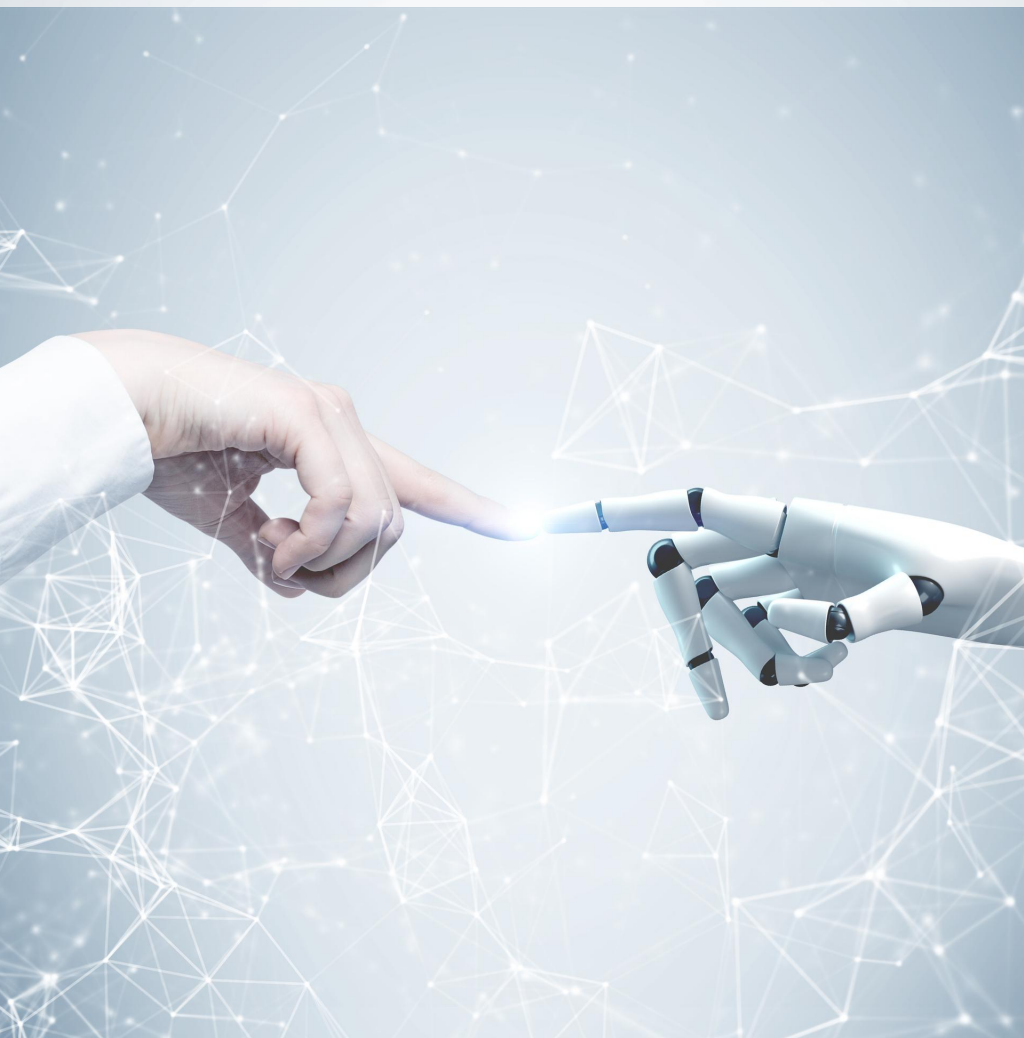


# LRD COLLOQUIUM 2020 RESEARCH PAPER SERIES



LEGAL RESEARCH AND DEVELOPMENT DEPARTMENT

THE LAW SOCIETY OF SINGAPORE

# About the Colloquium

The Colloquium on 'The Role of Lawyers in the Age of Disruption: Emerging Regulatory Challenges' was held as a live webinar on 19 May 2020, amidst Singapore's circuit-breaker period, and attended by over 320 members of The Law Society of Singapore. It aimed to be a platform for legal practitioners, emerging scholars, industry experts and students to contribute to developing thought leadership in topics relating to the ethical and regulatory challenges arising from technology's impact on the legal profession.

The Colloquium sought to examine two important questions. First, how should we re-examine the role of lawyers in an age of disruption, especially with increasing automation, competition and liberalisation? Second, given that professional regulation sets the parameters of lawyers' business models, practice structures and professional values, how should lawyers, law practices and potential new entrants to the legal market be regulated or re-regulated in the future of legal work?

These issues were discussed over the course of four panel sessions focusing on the following themes:

- Panel 1: **The Role of Lawyers in the Age of Disruption**
- Panel 2: **Legal Ethics & Technology**
- Panel 3: **Alternative Legal Service Providers - To Regulate or Not to Regulate?**
- Panel 4: **Law Practices and the Future of Work**

To explore these questions, 13 research papers were presented across the four panel sessions, helmed by expert moderators and commentators.

For a snapshot of the highlights of the Colloquium, please visit the [LRD Research Portal](#) for our post-event feature article [here](#).

# Disclaimer

Whilst every effort has been made to ensure that the information contained in this research paper presented at the Colloquium and published herein are accurate, The Law Society of Singapore does not accept responsibility for any errors or omissions in this research paper. Weblinks cited in this research paper are functioning as of the date of publication.

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Panel 4  
Law Practices and the  
Future of Work

The Distributed Law Firm -  
A Model for Singapore Law  
Firms in a Next Normal World

(Or the Creative Possibilities of  
Working Remotely Forever)

Faith Sing

**THE DISTRIBUTED LAW FIRM –  
A MODEL FOR SINGAPORE LAW FIRMS IN A NEXT NORMAL WORLD  
(OR THE CREATIVE POSSIBILITIES OF WORKING REMOTELY FOREVER)**

Faith Sing\*

*In this paper, we argue that a distributed law firm model has advantages that will become more important for Singapore law firms in light of prevailing theories on the ‘future of work’ and, more broadly, the ‘next normal’ world.*

*We do this by looking at the following:*

- (i) What is a distributed law firm model;*
- (ii) What has been said about the advantages and disadvantages of distributed models;*
- (iii) fsLAW’s current model and how it addresses some of the disadvantages; and*
- (iv) What does the ‘next normal’ world and the ‘future of work’ imply for distributed teams and Singapore law firms?*

**I. WHAT IS A DISTRIBUTED LAW FIRM MODEL?**

The key attribute of a distributed law firm model is that lawyers and other team players in the law firm are distributed geographically, including during working hours; at least, more often than in the traditional model. Law firm personnel spend less time in the office than they do in a traditional model.

A distributed law firm is a fancier name for what might sometimes be called a ‘virtual’, ‘remote work’, or ‘work-from-home’ law firm.

I have chosen this to encourage the reader to discard prejudices from these more rigid concepts and, instead, focus on that key attribute of geographical distribution of

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law firm personnel. That key attribute might be malleably shaped into or combined with many different law firm models.

## II. WHAT HAS BEEN SAID ABOUT THE ADVANTAGES AND DISADVANTAGES OF DISTRIBUTED MODELS?

Definitive and more scientific literature on the advantages and disadvantages of distributed models are likely being written by PhD candidates in business schools and psychology departments at this time.

In the absence of expert advice, we have been collecting articles on remote working; heavily skewed to free news sites and ones that we have a subscription to. We have also been asking our friends about their thoughts on their newly mandated work-from-home practises. We have summarised these below.<sup>1</sup>

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<sup>1</sup> Most articles deal with more than one aspect of the advantages and disadvantages, some in greater depth than others. Here is a collection of them – Adam Hickman and Jennifer Robison, 'Is Working Remotely Effective? Gallup Research Says Yes' (*Gallup*, 24 January 2020) <[www.gallup.com/workplace/283985/working-remotely-effective-gallup-research-says-yes.aspx](http://www.gallup.com/workplace/283985/working-remotely-effective-gallup-research-says-yes.aspx)> accessed 19 May 2020; Shelly Banjo and others, 'Coronavirus Forces World's Largest Work-From-Home Experiment' (*Bloomberg*, 3 February 2020) <[www.bloomberg.com/news/articles/2020-02-02/coronavirus-forces-world-s-largest-work-from-home-experiment](http://www.bloomberg.com/news/articles/2020-02-02/coronavirus-forces-world-s-largest-work-from-home-experiment)> accessed 19 May 2020; Pilita Clark, 'Work At Home If You Can, But Don't Expect It To Be Paradise' *Financial Times* (London, 9 February 2020) <[www.ft.com/content/a835f3a4-48e1-11ea-ae2-9ddbdc86190d](http://www.ft.com/content/a835f3a4-48e1-11ea-ae2-9ddbdc86190d)> accessed 19 May 2020; Josh Lee, 'Out-of-Office: Preparing Your Firm For a Remote-Working Future' (*LawTech.Asia*, 13 February 2020) <<https://lawtech.asia/out-of-office-preparing-your-firm-for-a-working-from-home-and-telecommuting-based-future/>> accessed 19 May 2020; Tim Bradshaw and Ryan McMorro, 'Remote Working Is On Trial In Both China and Silicon Valley' *Financial Times* (London, 18 February 2020) <[www.ft.com/content/0c8d9bf0-51ab-11ea-8841-482eed0038b1](http://www.ft.com/content/0c8d9bf0-51ab-11ea-8841-482eed0038b1)> accessed 19 May 2020; Derek Thompson, 'The Coronavirus Is Creating a Huge, Stressful Experiment in Working From Home' (*The Atlantic*, 13 March 2020) <[www.theatlantic.com/ideas/archive/2020/03/coronavirus-creating-huge-stressful-experiment-working-home/607945/](http://www.theatlantic.com/ideas/archive/2020/03/coronavirus-creating-huge-stressful-experiment-working-home/607945/)> accessed 19 May 2020; myshingle.com, 'Managing Work and Kids During Covid – You Got This!' (*myshingle.com*, 16 March 2020) <<https://myshingle.com/2020/03/articles/parents-who-practice/managing-work-and-kids-during-covid-you-got-this/>> accessed 19 May 2020; Robert Tracinski, 'How to Work from Home As If You Actually Want to Enjoy It - A Counterintuitive Guide to Telecommuting' (*The Bulwark*, 19 March 2020) <<https://thebulwark.com/how-to-work-from-home-as-if-you-actually-want-to-enjoy-it/>> accessed 19 May 2020; Miriam Wyzenbeck, 'Tips For Working Productively At Home' (*The Law Society of New South Wales*, 20 March 2020) <[www.lawsociety.com.au/news-and-publications/mental-health-and-wellbeing-law/wellbeing-resources/tips-working-productively](http://www.lawsociety.com.au/news-and-publications/mental-health-and-wellbeing-law/wellbeing-resources/tips-working-productively)> accessed 19 May 2020; Tammy Tam, 'Working From Home is the New Normal Under Coronavirus Threat – Might As Well Embrace It' *South China Morning Post* (Hong Kong, 22 March 2020) <[www.scmp.com/news/hong-kong/health-environment/article/3076330/working-home-new-normal-under-coronavirus-threat](http://www.scmp.com/news/hong-kong/health-environment/article/3076330/working-home-new-normal-under-coronavirus-threat)> accessed 19 May 2020; The Editorial Board, 'The End of the Office Has Been Greatly Exaggerated' *Financial Times* (London, 3 April 2020) <[www.ft.com/content/d1003918-74e0-11ea-95fe-fcd274e920ca](http://www.ft.com/content/d1003918-74e0-11ea-95fe-fcd274e920ca)> accessed 19 May 2020; Crispina Robert, 'COVID-19 Has Stripped Work to Bare Bones - Was All That Excess Needed Anyway?' (*Channel News Asia*, 22 Apr 2020) <[www.channelnewsasia.com/news/commentary/coronavirus-covid-19-work-from-home-remote-working-digital-12661120](http://www.channelnewsasia.com/news/commentary/coronavirus-covid-19-work-from-home-remote-working-digital-12661120)> accessed 19 May 2020; Santosh Viswanathan, 'COVID-19 is Reshaping What Work Looks Like' (*Channel News Asia*, 27 April 2020) <[www.channelnewsasia.com/news/commentary/coronavirus-covid-19-future-of-work-telecommuting](http://www.channelnewsasia.com/news/commentary/coronavirus-covid-19-future-of-work-telecommuting)>

### **A. Productivity advantages and disadvantages**

Some suggest that remote working makes workers better at their jobs<sup>2</sup> because:

- (i) For jobs that require solitary, uninterrupted thinking, working from home can provide the space that a locked office door might have provided in days gone by;
- (ii) Being out of the office means less likelihood of being pulled into less productive meetings, getting distracted by requests for assistance from those who would rather not help themselves and being caught up in idle chit-chat;
- (iii) There is greater focus on the work product than work politics as a means of advancement, since the ways in which work politics are traditionally plied rely on person-to-person interactions;<sup>3</sup>
- (iv) Workers are more engaged, particularly if demand for remote working exceeds supply;<sup>4</sup>
- (v) Workers might better tailor their work habits to productive periods instead of following the 'artificial schedule of office life';<sup>5</sup> and

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remote-working-12669716> accessed 19 May 2020; Anthony Oundjian, 'COVID-19 Could Make Remote Working a Permanent Feature. That Has Several Implications For Firms' (*Channel News Asia*, 29 April 2020) <[www.channelnewsasia.com/news/commentary/covid-19-remote-flexi-working-hot-desk-office-space-12683206](http://www.channelnewsasia.com/news/commentary/covid-19-remote-flexi-working-hot-desk-office-space-12683206)> accessed 19 May 2020.

<sup>2</sup> An often cited study is that of call centre worker for Ctrip in Nicholas Bloom and others, 'Does Working From Home Work? Evidence From A Chinese Experiment' (2015) 130(1) *The Quarterly Journal of Economics* 165 <<https://academic.oup.com/qje/article-abstract/130/1/165/2337855?redirectedFrom=fulltext>> accessed 19 May 2020. In that study, they found that 'Home working led to a 13% performance increase, of which 9% was from working more minutes per shift (fewer breaks and sick days) and 4% from more calls per minute (attributed to a quieter and more convenient working environment). Home workers also reported improved work satisfaction, and their attrition rate halved, but their promotion rate conditional on performance fell.'

<sup>3</sup> For some evidence that promotion may be prejudiced with an advantage given to those who come in to the office, see *ibid*. This feels like a transitory effect as employers grapple with better performance measures and promotion systems.

<sup>4</sup> It may be that workers are more engaged with a combination of working onsite and remotely, in the 60% to 80% remote working ratio, up from 20% remote working in 2012 – Hickman and Robison (n 1). However, some attribute this to a transitory effect of remote working being a perk in return for which workers work longer hours.

<sup>5</sup> For example, Tracinski (n 1).

## The Distributed Law Firm

- (vi) It forces a rethink of the conventions of the office that may hinder productivity.<sup>6</sup>

Others suggest that remote working reduces workers' productivity because:

- (i) It is harder for managers to get a sense of who is working and who is not, and therefore harder to encourage those who are less self-disciplined to work without the threat of the boss making an unannounced appearance;<sup>7</sup>
- (ii) Being at home leads to 'mental distancing' from the business and its priorities, even if workers are self-disciplined;
- (iii) There are fewer opportunities for face-to-face interactions leveraging off non-verbal as well as verbal cues for more effective communication between co-workers and with clients;<sup>8</sup>
- (iv) There is less interaction between high performers and others, with high performers having 'spill-over' effects on their colleagues and raising their performance too;<sup>9</sup>
- (v) It is harder to have unscheduled chats with co-workers - it is less efficient organising video-calls and the pitch of an unscheduled chat is different from that of a scheduled one;

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<sup>6</sup> 'Way before coronavirus struck, Japan had been inching towards acknowledgment that a rethink of work — to make it fairer, more productive and more flexible — was overdue. Where things got snagged, however, was on the strict conventions of the office, the presenteeism, the meaningless meetings and gaping institutional lack of empathy. Coronavirus...could allow for a clearer way of valuing work for what is done rather than for the time it took, the place it occurred or the conventions observed as it was being done.' — Leo Lewis, 'The Godzilla Effect: How Coronavirus Is Shaking Up Japanese Society' *Financial Times* (London, 24 April 2020) <[www.ft.com/content/432c03aa-8490-11ea-b555-37a289098206](http://www.ft.com/content/432c03aa-8490-11ea-b555-37a289098206)> accessed 19 May 2020.

<sup>7</sup> For example, Chelsea Mize, 'Why Remote Work Policies Fail for Some Employers' (*PGI*, 19 July 2017) <<https://sg.pgi.com/blog/2017/07/why-remote-work-policies-fail-some-employers/>> accessed 19 May 2020; Robert (n 1).

<sup>8</sup> There are many articles on the importance of nonverbal cues in effective communication including Vanessa K. Bohns, 'A Face-to-Face Request Is 34 Times More Successful Than an Email' (*Harvard Business Review*, 11 April 2017) <<https://hbr.org/2017/04/a-face-to-face-request-is-34-times-more-successful-than-an-email>> accessed 19 May 2020.

<sup>9</sup> For example, Jason Corsello and Dylan Minor 'Want to Be More Productive? Sit Next to Someone Who Is' (*Harvard Business Review*, 14 February 2017) <<https://hbr.org/2017/02/want-to-be-more-productive-sit-next-to-someone-who-is>> accessed 19 May 2020.



- (vi) There is less serendipitous sharing of ideas from casual chats in the lift, corridor or office pantry, and less of the 'creative sparks' derived from casual interaction;<sup>10</sup>
- (vii) There is less bonding, trust-building and norm-setting between co-workers from gossiping with each other and greater difficulty in creating the 'psychological safety' made famous by Google's study on high-performing teams;<sup>11</sup>
- (viii) Workers have less access to IT specialists who would help them with equipment or internet connectivity issues in the office, and internet connectivity is less stable at home;<sup>12</sup>
- (ix) Balancing tending to children with remote working is difficult.<sup>13</sup> Asian families with multi-generational living arrangements might ease the childcare burden although it might add to the degree of activity and political navigation from which workers might need the workplace for respite; and

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<sup>10</sup> One of the reasons cited in Marissa Mayer's decision to recall all Yahoo! remote workers in 2013 included this assertion – 'Some of the best decisions and insights come from hallway and cafeteria discussions, meeting new people, and impromptu team meetings.'

<sup>11</sup> For an example on the benefits of positive gossiping, Frank T. McAndrew, 'Gossip in Your Workplace Probably Does More Good Than Harm' (*Psychology Today*, 25 April 2015) <[www.psychologytoday.com/us/blog/out-the-ooze/201504/gossip-in-your-workplace-probably-does-more-good-harm](http://www.psychologytoday.com/us/blog/out-the-ooze/201504/gossip-in-your-workplace-probably-does-more-good-harm)> accessed 19 May 2020.

<sup>12</sup> For example, Oundjian (n 1).

<sup>13</sup> For example, Chloe I. Cooney, 'The Parents Are Not All Right - Even In the Most Privileged Households, The Pandemic Is Exposing the Farce of How Society Treats Families' (*Medium*, 5 April 2020) <<https://gen-medium-com.cdn.ampproject.org/c/s/gen.medium.com/amp/p/66ab2a3e42d9>> accessed 19 May 2020; 'When Easing Lockdowns, Governments Should Open Schools First' *The Economist* (London, 30 April 2020) <[www.economist.com/leaders/2020/04/30/when-easing-lockdowns-governments-should-open-schools-first](http://www.economist.com/leaders/2020/04/30/when-easing-lockdowns-governments-should-open-schools-first)> accessed 19 May 2020; or Christy Yip and Ruth Smalley, 'Home-Based Learning Blues: Life in a Rental Flat During the COVID-19 Circuit Breaker' *Channel News Asia* (Singapore, 29 April 2020) <[www.channelnewsasia.com/news/cnain Insider/home-based-learning-rental-flat-low-income-covid19-12685142](http://www.channelnewsasia.com/news/cnain Insider/home-based-learning-rental-flat-low-income-covid19-12685142)> accessed 19 May 2020. The following three may sound more optimistic. One recommends a looser approach to parenting – myshingle.com (n 1); the other two recommend consulting with your children and being flexible – Wyzenbeck (n 1); Ruchi Sinha, 'Parents, Working From Home Need Not Be a Hair-Splitting Experience' *Channel News Asia* (Singapore, 25 March 2020) <[www.channelnewsasia.com/news/commentary/how-to-work-from-home-with-kids-around-12573806](http://www.channelnewsasia.com/news/commentary/how-to-work-from-home-with-kids-around-12573806)> accessed 19 May 2020.

- (x) Not all, or perhaps few, homes are optimised for home-based working especially if children are doing home-based learning at the same time.

**B. Mental health advantage or disadvantage**

Some think that remote working leads to better mental health outcomes for workers, citing the following reasons:<sup>14</sup>

- (i) More time with family and friends if remote working reduces time spent commuting to and from work, and increases chances of catching-up with them at dinner or before bedtime;
- (ii) A qualitative difference over and above the quantity of time outside of work - that it is 'nice for your work life to be embedded not in the atmosphere and rhythms of your co-workers, but in those of your family'.<sup>15</sup>

Others have pointed out that remote working has led to:

- (i) A lengthening of the work-day where it is hard for workers to draw a line between home and work. This might be because there are no familiar rituals that divide work from home and because with less 'performance visibility', workers feel they need to work harder to prove their worth;<sup>16</sup>

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<sup>14</sup> This article is included because it is well-written and funny and its basic premise is that 'Happiness comes from a small number of disproportionately important things. Perhaps as few as two. One is a fulfilling job. The other is a vital private life...Anyone who has these areas covered will have to put in an absolutely catastrophic showing in every other field of life to end up with a sense of overall disaffection. And the inverse is even truer. No one who dislikes their work or partner will ever offset the pain by mastering sleep, fitness, nutrition, digital abstinence and other lifestyle marginalia.' Janan Ganesh, 'How Wellness Sweats the Small Stuff' *Financial Times* (London, 7 February 2020) <[www.ft.com/content/946b330e-48c6-11ea-aeb3-955839e06441?shareType=nongift](http://www.ft.com/content/946b330e-48c6-11ea-aeb3-955839e06441?shareType=nongift)> accessed 19 May 2020.

<sup>15</sup> Tracinski (n 1).

<sup>16</sup> For example, Robert (n 1); or Viswanathan (n 1).

- (ii) Fewer opportunities for interaction between workers or friends at workplaces close by including of the social variety and therefore greater solitude or loneliness;<sup>17</sup>
- (iii) Work practices aimed at replicating the monitoring tools that supervisors might have in the office being 'suffocating';<sup>18</sup>
- (iv) Fewer opportunities to escape from home life which may be chaotic and stressful with children and extended family, or even violent.<sup>19</sup>

Another observation is that remote working might mean fewer urges to buy and consume, or perhaps just fewer opportunities to do so.<sup>20</sup> This may be in part the result of the more general lockdown; however, remote working might reduce the risks of being in the company of those less forgiving of cheaper fashion or transportation and therefore, the urge to splurge.

### **C. Social equity advantage and disadvantage**

Those who have taken to remote working like ducks to water tend to be those with spacious homes, options for quiet home workspaces, the latest equipment, better internet connectivity and helpers to deal with clamouring children.<sup>21</sup>

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<sup>17</sup> This is not trivial and led to 49% of employees who were given the choice in an experiment to opt to work in the office and not from home - Nicholas Bloom and others (n 2).

<sup>18</sup> For example, Jane Li, 'Live-streams and "work diaries": How Work From Home Works in Coronavirus-Hit China' (*Quartz at Work*, 14 February 2020) <<https://qz.com/work/1802044/what-its-like-to-work-from-home-in-coronavirus-hit-china/>> accessed 19 May 2020.

<sup>19</sup> For example, Gillian Tett, 'How the Pandemic Trapped Domestic Violence Victims in Hell, Under Lockdown, Vulnerable Families are Imprisoned in a Cage of Terror, Stress and Abuse' *Financial Times* (London, 29 April 2020) <[www.ft.com/content/e4334e46-890b-11ea-a01c-a28a3e3fbd33?accessToken=zwAAAXHUT9VwkdPkM05GiQsR6tOgHKKKpj-9Mw.MEUCIDgda2YWBByDUHqFtDH9zxcKFiU9Q\\_ksOczqbEu0HYsrxAiEAvat7IFHq36AxdIAJYHZYpQgaYEz\\_SD7GSr\\_olavp1Mw&sharetype=gift?token=2a16aafc-dc14-43d2-85c4-87f8d01d7904](https://www.ft.com/content/e4334e46-890b-11ea-a01c-a28a3e3fbd33?accessToken=zwAAAXHUT9VwkdPkM05GiQsR6tOgHKKKpj-9Mw.MEUCIDgda2YWBByDUHqFtDH9zxcKFiU9Q_ksOczqbEu0HYsrxAiEAvat7IFHq36AxdIAJYHZYpQgaYEz_SD7GSr_olavp1Mw&sharetype=gift?token=2a16aafc-dc14-43d2-85c4-87f8d01d7904)> accessed 19 May 2020.

<sup>20</sup> For example, Pilita Clark, 'My Urge to Splurge is Over and Won't be Returning Soon' *Financial Times* (London, 3 May 2020) <[www.ft.com/content/6fbd1ff4-8b01-11ea-9dcb-fe6871f4145a](https://www.ft.com/content/6fbd1ff4-8b01-11ea-9dcb-fe6871f4145a)> accessed 19 May 2020.

<sup>21</sup> I have not found articles directly on point, but one might imagine the difficulties of working remotely from articles on studying remotely such as Yip and Smalley (n 13); or Noam Scheiber, Nelson D. Schwartz and Tiffany Hsu, 'White-Collar Quarantine Over Virus Spotlights Class Divide' *New York Times* (New York City, 27 March 2020) <[www.nytimes.com/2020/03/27/business/economy/coronavirus-inequality.html](https://www.nytimes.com/2020/03/27/business/economy/coronavirus-inequality.html)> accessed 19 May 2020.

There are fewer positions in the legal industry that cannot be performed from a well-appointed home, but not all have well-appointed homes. If the 'new normal' is for legal work to be performed with the lawyer's private infrastructure, it may, over time, become a barrier or disincentive for those not born into such infrastructure.

On the other hand, there is a view that those on a lower pay scale have more to gain if everyone worked remotely. This is because travel is likely longer and less pleasant for them and, in a period of COVID-19, more dangerous.<sup>22</sup> In countries with fewer public transport options and a city-rural house price and jobs divide, remote working provides opportunities to climb up the corporate ladder without risking bankruptcy on paying rent.<sup>23</sup>

### ***D. Incurred and opportunity cost advantage***

If remote working catches on, there will be less need for expensive prime business district real-estate. Big business renters are taking note.<sup>24</sup> The residual that is required may need to be re-configured.

Remote workers have the advantage of reduced travel time that may be used for personal or work priorities. Their employers have the advantage of happier workers. The opportunity to combine work with holidays, sabbaticals, family or client visits overseas expands.

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<sup>22</sup> Joe Andrew, 'Let's Stop Asking "When Are We Going Back to the Office?"' (*The Hill*, 28 April 2020) <<https://thehill.com/opinion/finance/494889-lets-stop-asking-when-are-we-going-back-to-the-office>> accessed 19 May 2020.

<sup>23</sup> For example, Thompson (n 1).

<sup>24</sup> For example, Viswanathan (n 1), notes that 'a recent Gartner survey is showing that 74 per cent of CFOs are planning to move previously on-site employees to remote work arrangements post-COVID-19'.

### **E. Talent advantage**

Some have suggested that businesses that are good at remote working will be able to extend an increasingly attractive employee benefit and attract:

- (i) women or men who would like to better integrate time with their children or family, or other familial duties, with demanding work schedules;<sup>25</sup>
- (ii) millennials (or probably all young people mis-described as millennials) who may want to better integrate life with work and flexible working schedules potentially allowing for side-gigs, travel or further studies;<sup>26</sup>
- (iii) older people who would rather not retire but would also like to better integrate life with work and flexible working schedules with travel, further studies or running after grandchildren.<sup>27</sup>

### **F. Climate advantage**

Carbon emissions per worker may be reduced as a result of greater working-from-home, with remote workers cutting down on the daily commute.<sup>28</sup> While we do not

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<sup>25</sup> For example, Amy Bell, 'Female Business Consultants Pursue Better Deal in China, Coronavirus Lockdown Will Accelerate Moves Towards More Flexible Work Patterns' *Financial Times* (London, 1 May 2020) <[www.ft.com/content/5c251510-7502-11ea-90ce-5fb6c07a27f2?shareType=nongift](http://www.ft.com/content/5c251510-7502-11ea-90ce-5fb6c07a27f2?shareType=nongift)> accessed 19 May 2020 or Pilita Clark, 'Five Ways to Look As Though You Care About Women At Work - Corporate Women's Groups and Diversity Training Will Not Close the Gender Pay Gap' *Financial Times* (London, 10 November 2019) <[www.ft.com/content/26605f3e-0149-11ea-b7bc-f3fa4e77dd47](http://www.ft.com/content/26605f3e-0149-11ea-b7bc-f3fa4e77dd47)> accessed 19 May 2020.

<sup>26</sup> For example, see this article that is likely written by a certified millennial Lee (n 1); or Patrick McGee, 'Gig Economy's New Deal for Silicon Valley's White-Collar Workers' *Financial Times* (London, 13 February 2020) <[www.ft.com/content/92c6d068-384e-11ea-ac3c-f68c10993b04](http://www.ft.com/content/92c6d068-384e-11ea-ac3c-f68c10993b04)> accessed 19 May 2020.

<sup>27</sup> For example, 'Retirement Is Out, New Portfolio Careers Are In' *The Economist* (London, 6 July 2017) <[www.economist.com/special-report/2017/07/06/retirement-is-out-new-portfolio-careers-are-in](http://www.economist.com/special-report/2017/07/06/retirement-is-out-new-portfolio-careers-are-in)> accessed 19 May 2020.

<sup>28</sup> For example, Hickman and Robison (n 1); although this feels like an area which might require further precision. This article appears to suggest that the climate effects of the lockdowns flowing from COVID-19 are more modest – 'The climate science website Carbon Brief estimates that emissions in 2020 are likely to fall by about 5 or 6 per cent relative to emissions last year. That would be the largest fall on record. What might be a surprise is that it is not enough. If the cuts were compounded at that rate for the rest of the decade, we'd still fall short of what the UN Environment Programme estimates would be needed to restrict global temperature rises to 1.5 degrees. (A 2-degree target would be easier: five

have transportation-specific carbon emission statistics for Singapore, in low-density countries such as the United States, this may account for up to 50 percent of petroleum use.<sup>29</sup>

Remote workers tend to use less electricity per worker. In Singapore, it may be because some workers might use fans, can more easily dial down the air-conditioning and have a better opportunity of a window seat and a sun-filled work spot.

Remote workers also print less. This may be because home printers are slow and if the costs of printing are not socialised, workers may be more careful with what is printed. In the longer-term, widespread remote working will reduce the floorspace and number of office buildings required. Construction and maintenance of buildings is estimated to account for 6 percent of all greenhouse gas emissions.<sup>30</sup> A climate advantage may not just be for corporate social responsibility public relations in a world that has to become increasingly energy-expensive to survive.

### **G. Cyber threats**

For those whose workplaces have got cyber-security right, remote working introduces new threats including from:<sup>31</sup>

- (i) Home Wi-Fi networks that are less secure than corporate Wi-Fi networks;
- (ii) Theft or loss of computing equipment at home;
- (iii) New scams including coronavirus updates or IT impersonators; and

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pandemics in the next decade would suffice.)' – Tim Harford, 'Saving The Planet Demands Sacrifices Just as Covid-19 Does' *Financial Times* (London, 1 May 2020) <[www.ft.com/content/0b171892-8afd-11ea-9dcb-fe6871f4145a?shareType=nongift](http://www.ft.com/content/0b171892-8afd-11ea-9dcb-fe6871f4145a?shareType=nongift)> accessed 19 May 2020.

<sup>29</sup> Gregory Meyer and David Sheppard, 'Coronavirus Puts the Brake on America's Gas-Guzzling Ways' *Financial Times* (London, 14 March 2020) <[www.ft.com/content/45c9829a-6573-11ea-b3f3-fe4680ea68b5?shareType=nongift](http://www.ft.com/content/45c9829a-6573-11ea-b3f3-fe4680ea68b5?shareType=nongift)> accessed 19 May 2020.

<sup>30</sup> Bill Gates, 'Buildings Are Bad For the Climate' (*Gates Notes*, 28 October 2019) <[www.gatesnotes.com/Energy/Buildings-are-good-for-people-and-bad-for-the-climate](http://www.gatesnotes.com/Energy/Buildings-are-good-for-people-and-bad-for-the-climate)> accessed 19 May 2020 and Bill Gates, 'Climate Change and The 75% Problem' (*Gates Notes*, 17 October 2018) <[www.gatesnotes.com/Energy/My-plan-for-fighting-climate-change](http://www.gatesnotes.com/Energy/My-plan-for-fighting-climate-change)> accessed 19 May 2020.

<sup>31</sup> For example, Reuters, 'Mass Move to Work From Home in Coronavirus Crisis Creates Opening For Hackers: Cyber Experts' (*Channel News Asia*, 19 March 2020) <[www.channelnewsasia.com/news/business/mass-move-to-work-from-home-in-coronavirus-crisis-creates-opening-for-hackers--cyber-experts-12556472](http://www.channelnewsasia.com/news/business/mass-move-to-work-from-home-in-coronavirus-crisis-creates-opening-for-hackers--cyber-experts-12556472)> accessed 19 May 2020.

- (iv) Inexperience with cloud systems which work on the basis that anyone with the 'key' may access information on the cloud. For example, by not setting up a strong password policy or multi-factor authentication, hackers can easily gain access to and retrieve information from the cloud.

### **III. fsLAW's CURRENT MODEL AND HOW IT ADDRESSES SOME OF THE DISADVANTAGES**

#### ***A. What does fsLAW's current model look like?***

There are five key aspects of our current practices that help a distributed law firm model work for us.

##### ***1. We catch up regularly each day***

We aim to catch-up as a group four times each work day. The first catch-up is to set our priorities for the day. Each of us takes it in turn to tell the group what we are aiming to get done for the day and where we left off the day before.

The second catch-up occurs before lunch. The focus tends to be on how our morning has gone and our current thoughts and output on what we have been doing. Sometimes, emails received in that morning might mean we discuss changes to our priorities for the day.

The third catch-up occurs after lunch. It is similar to the second catch-up except that we focus on what we can realistically achieve by the end of the business day. Our fourth catch-up occurs about an hour before the close of the business day. If we have done well, this is a time to reflect on what we are finishing off that day and what will be tomorrow's focus. If things have not quite gone to plan, we work out our focus for that evening.

Our regular catch-ups give us a chance to:

- (i) Ensure that we are prioritising our clients' work in line with their deadlines: because we catch up every two to three hours, we can track the progress of our projects and how we can divide the work more effectively if completion is not progressing as we had initially planned.
- (ii) Quickly iron out any differences in interpreting a task or project: each team member can give timely inputs and the focus of inquiry can be re-directed, if necessary. This means less work and time is wasted.
- (iii) Build trust in each other: with better insight, the team builds trust that work is getting done and each team member is pulling their weight, even though we may not be able to see each other slaving away. In addition, frequent interaction means more opportunities to throw in an anecdote or two that humanises and personalises each team member.

### **2. *Our regular catch-ups are brief, 'face-to-face' and at set times of the day***

Catch-ups can be as brief as five minutes or up to 30 minutes if I am giving the team my latest thoughts on how we should do things in the firm. Often, team members will also catch up in smaller groups separately to work through separate projects. Keeping team meetings brief keeps them fresh and useful.

Our catch-ups are face-to-face, unless there is a good reason for voice-only sessions. When we are working remotely, this means a video call. This gives us a better chance to pick up on non-verbal cues, like smiles, grimaces, yawns and puzzlement, and adjust our communication accordingly. As video calls with clients become more prevalent, it also pays to practise within the team first.

Each catch-up is held at the same time each day. This means that each team member can work on more complex tasks that require focus without interruption between group



catch-ups. Each of us has a stretch of uninterrupted time to write that tricky piece of advice, or draft that nuanced clause that will break through a deadlock in negotiations.

Our first and last catch-ups are especially important when we are working remotely. It replaces the rituals of commuting to work and packing up and going home for the day. It is a place marker between the work day and a restful evening. If there is to be no rest that evening, our last catch-up for the day gives us a chance to agree on how we can collaborate that evening to squeeze in as much of our personal priorities as practicable.

We keep to our catch-ups and set times whether we are working remotely or if we are collaborating at the same workplace. Our practices for productive and collaborative work are not built around meeting at a workplace.

### **3. *We are religious and transparent with our timesheets***

Each team member is religious about keeping track of what they are working on. We aim to make our timesheet entry for a task within 5 minutes of beginning that task.

Timesheets for lawyers have traditional uses, including:

- (i) Keeping a better tab on a law firm's most expensive cost of doing business - our lawyers' time; and
- (ii) Reminding us and the client of the work we have put in for them so that we may better justify our bill.

In a remote working scenario, it replaces time in the office as a measure of productivity. Of course, neither timesheets nor office presence is the best measure of productivity. However, discipline with timesheets has certain advantages:

- (i) It is a simple way of corralling a wandering mind to the task at hand;
- (ii) It answers the question – 'What have I been doing all day?' – without requiring a post-mortem of the day, and gives you an assurance that you feel busy because you have been busy; and

## The Distributed Law Firm

- (iii) It provides raw data to pore over when we are reflecting on how to improve the way we work, whether as a group or individually.

Each team member gets to see every other team member's timesheet. This helps us to:

- (i) Build trust in each other that we are all putting in a fair amount of work, even if some of us are working more flexible hours; and
- (ii) Work out, in real-time, if a team member is busy or in the right frame of mind for a moment of collaboration.

### **4. *We are a virtually paperless law firm***

We each use a 2-in-1 device that is both a traditional laptop as well as a touchscreen tablet that comes with an electronic pen. We jot our thoughts, mark-up amendments by hand, or sign engagement letters on this device. We do not have fast printers, physical folders or files, staplers, paper clips, or other types of stationery, which further encourages us to go paperless. The systems we use are cloud-based.

As a result of going paperless, each team member has access to all the documents that they would need to start working, wherever they are. Each of us also takes less time to complete a task because we rarely print or scan documents, and can start working on a document the moment we receive it by email. Going paperless also means that we each learn tips and tricks on working with electronic documents by practising regularly and educating each other as we go along. We also learn and focus on just one filing system – the electronic one.

We all have access to a common task spreadsheet. It includes all the projects and tasks we have to or aim to do, and indicates what needs to be done and which team member is responsible for getting it done. That means that no team member is ever wondering what to do next. In addition, each has a way of planning their work and sharing that plan with everyone else on the team in real-time.

Our cloud-based systems mean that we always have the latest version of our task spreadsheet wherever we are and if we update a document, we can be confident that

the rest of the team has access to the latest updates. Our systems and processes are such that our lawyers can work anywhere there is an internet connection, and do not need advance preparation for meetings or working remotely.

**5. *We have lunch together and are in the city at least once a week***

We try to have lunch together at least once a week. This gives us a chance to get to know each other, understand each other's life outside of work and potentially grow to like each other.

Prior to the COVID-19 lockdown, each of us would head into the city at least once a week and ensure that we caught up with colleagues and friends based in the city. Catching up in person certainly has its advantages over video-calls. The question is the optimal frequency for in-person catch-ups and whether can we capture more of its benefits, without incurring its costs.

**B. *Our perspective on advantages and disadvantages and how it has shaped our model***

We have been doing remote working for more than seven years. Our model has evolved and looking at other experiences of remote working, our model has emphasised:

- (i) Routinising our interactions as a team and changing our personal habits to address many of the perceived adverse effects on productivity from remote working, including building trust and evolving better ways of measuring productivity.
- (ii) Leveraging technology – although our technology is reasonably simple and replicating the IT support of a larger firm was never our intention – although others may miss the comforts of a captive IT function.

- (iii) Agreeing on work expectations so that there is less likelihood that long hours are needed.

What we have not addressed are social equity issues with our model. Our model does assume that each of our team has and prefers their home set-up instead of the office. In addition, understanding and addressing cyber threats is always a challenge.

The biggest advantage for me as a senior lawyer with children is that I am able to respond quickly to demanding clients while also:

- (i) Seeing my children, the moment they come home from school most days;
- (ii) Having dinner with my family and putting my children to bed most nights;
- (iii) Having short conversations with them when I am having a break from work and, I am hoping, having a better chance of spotting if they are sad or happy;
- (iv) Gaining confidence in the way that the household is run because I can quickly let my helper know if I want things done differently;
- (v) Being a back-up in case of emergencies.

I can do this because I am always at work and mostly at home. For my colleagues, on days that they work from home, they too steal time from their daily commutes and apply it to time spent with their families, on more sleep, or staying up later the night before.

I feel that I am also better able to give my work full attention because I have fewer things to worry about such as: travelling to work; what to wear; dry cleaning; car-buying-servicing-cleaning-petrolling; office rent, cleaning, maintenance and security; what my children are doing; what my helper is doing (especially to my children); if I will be home in time for dinner; if my children are having too much device time; etc. I cannot say that I understand the mindfulness literature, but if it is about emptying your

thoughts of concerns, a remote working-from-home practice makes many concerns disappear.<sup>32</sup>

#### IV. WHAT DOES THE 'NEXT NORMAL' WORLD AND THE 'FUTURE OF WORK' IMPLY FOR DISTRIBUTED TEAMS AND SINGAPORE LAW FIRMS?

We may not exit a post-COVID-19 world for a while and it is likely that leaving lockdowns will happen gradually and in fits and starts,<sup>33</sup> so that remote working will still be relevant for lawyers in Singapore.

There are some other medium and longer-term reasons to think that remote working will remain relevant and useful for Singapore lawyers:<sup>34</sup>

- (i) Other law firms in and outside of Singapore may get better at remote working and move to make it a permanent part of their repertoire.<sup>35</sup>

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<sup>32</sup> For an example of what I have attempted to read in the context of mindfulness and law firms, see Amy G. Pruet, 'Work-Life Synchronicity in the Legal Profession' (*Law Practice Today*, 14 November 2019) <[www.lawpracticetoday.org/article/work-life-synchronicity-in-the-legal-profession/](http://www.lawpracticetoday.org/article/work-life-synchronicity-in-the-legal-profession/)> accessed 19 May 2020.

<sup>33</sup> Reuters/nh, 'Countries must ease lockdowns slowly, be ready for COVID-19 to jump back: WHO' (*Channel News Asia*, 2 May 2020) <[www.channelnewsasia.com/news/world/covid19-countries-ease-lockdowns-slowly-who-12695494](http://www.channelnewsasia.com/news/world/covid19-countries-ease-lockdowns-slowly-who-12695494)> accessed 19 May 2020.

<sup>34</sup> For a broader perspective on what businesses are being told to do to prepare for a post-COVID-19 world, see Kevin Sneider and Bob Sternfels, 'From Surviving to Thriving: Reimagining the Post-COVID-19 Return' (*McKinsey*, 1 May 2020) <[www.mckinsey.com/featured-insights/future-of-work/from-surviving-to-thriving-reimagining-the-post-covid-19-return?cid=other-eml-nsl-mip-mck&hlkid=63dc93e47a124609beaeb4ec1842657c&hctky=2159830&hdpid=b16fb5ce-b91b-435d-a7d7-ef4aa3afe3f1](http://www.mckinsey.com/featured-insights/future-of-work/from-surviving-to-thriving-reimagining-the-post-covid-19-return?cid=other-eml-nsl-mip-mck&hlkid=63dc93e47a124609beaeb4ec1842657c&hctky=2159830&hdpid=b16fb5ce-b91b-435d-a7d7-ef4aa3afe3f1)> accessed 19 May 2020; Edward Barriball and others, 'Jump-Starting Resilient and Reimagined Operations' (*McKinsey*, 11 May 2020) <[www.mckinsey.com/business-functions/operations/our-insights/jump-starting-resilient-and-reimagined-operations?cid=other-eml-alt-mip-mck&hlkid=e11bf8052ba34238b8f6a7d0e3ddcaa6&hctky=2159830&hdpid=6b010a35-a39d-46bc-afa0-907d0ac65ae4](http://www.mckinsey.com/business-functions/operations/our-insights/jump-starting-resilient-and-reimagined-operations?cid=other-eml-alt-mip-mck&hlkid=e11bf8052ba34238b8f6a7d0e3ddcaa6&hctky=2159830&hdpid=6b010a35-a39d-46bc-afa0-907d0ac65ae4)> accessed 19 May 2020; Brian Gregg and others, 'Rapid Revenue Recovery: A Road Map for Post-COVID-19 Growth' (*McKinsey*, 7 May 2020) <[www.mckinsey.com/business-functions/marketing-and-sales/our-insights/rapid-revenue-recovery-a-road-map-for-post-covid-19-growth?cid=other-eml-alt-mipmck&hlkid=6a483f2b33854ed894a9099c225addde&hctky=2159830&hdpid=a3291c77-3f36-4969-b205-446f1d12913d](http://www.mckinsey.com/business-functions/marketing-and-sales/our-insights/rapid-revenue-recovery-a-road-map-for-post-covid-19-growth?cid=other-eml-alt-mipmck&hlkid=6a483f2b33854ed894a9099c225addde&hctky=2159830&hdpid=a3291c77-3f36-4969-b205-446f1d12913d)> accessed 19 May 2020; Kevin Sneider and Shubham Singhal, 'From Thinking About the Next Normal to Making It Work: What to Stop, Start, and Accelerate' (*McKinsey*, 15 May 2020) <[www.mckinsey.com/featured-insights/leadership/from-thinking-about-the-next-normal-to-making-it-work-what-to-stop-start-and-accelerate?cid=other-eml-alt-mip-mck&hlkid=3fff63363f6f4ada96e8725e9ff8eb6a&hctky=2159830&hdpid=2d14bc36-360c-4b62-b777-b1d9c1ab7b7f](http://www.mckinsey.com/featured-insights/leadership/from-thinking-about-the-next-normal-to-making-it-work-what-to-stop-start-and-accelerate?cid=other-eml-alt-mip-mck&hlkid=3fff63363f6f4ada96e8725e9ff8eb6a&hctky=2159830&hdpid=2d14bc36-360c-4b62-b777-b1d9c1ab7b7f)> accessed 19 May 2020; McKinsey, 'COVID-19: Implications for law firms', (*McKinsey*, 4 May 2020) <[www.mckinsey.com/industries/financial-services/our-insights/covid-19-implications-for-law-firms?cid=other-eml-alt-mbl-mck&hlkid=066b295882a64150a5ff65aec16c96b9&hctky=2159830&hdpid=798a5fec-6b19-4ea4-af63-d39878f28682](http://www.mckinsey.com/industries/financial-services/our-insights/covid-19-implications-for-law-firms?cid=other-eml-alt-mbl-mck&hlkid=066b295882a64150a5ff65aec16c96b9&hctky=2159830&hdpid=798a5fec-6b19-4ea4-af63-d39878f28682)> accessed 19 May 2020.

<sup>35</sup> This deals with the intentions of business generally – Daniel Thomas, Stephen Morris and Andrew Edgecliffe-Johnson, 'The End of the Office? Coronavirus May Change Work Forever' *Financial Times*

If so, it will change their cost structure and perhaps their business model permanently.

Many of the perceived disadvantages of remote working may be worked through. Its advantages in reduced costs whether from lower rental, wider appeal to employees and greater productivity may give competitors an edge that cannot be ignored.

The gig economy will grow in importance<sup>36</sup> and may not just apply to those jobs that we might consider as 'low-skilled', such as food delivery riders, and may be a reality for white-collar workers like lawyers too.<sup>37</sup> Remote working is an enabler for its growth.

- (ii) Clients are likely to get used to remote working practices for themselves and the people they do business with.<sup>38</sup>

If we are happy to accept telemedicine<sup>39</sup>, how far behind can 'tele-law' be? This means less stigma to video-calls from home and less cachet with an impressive prime business district reception room. It also means that clients may look further afield for legal support if they are more comfortable without, or with infrequent in person interactions. There may even be better, deeper bonding opportunities with clients working from home if their lawyers are clearly doing the same.

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(London, 1 May 2020) <[www.ft.com/content/1b304300-0756-4774-9263-c97958e0054d](http://www.ft.com/content/1b304300-0756-4774-9263-c97958e0054d)> accessed 19 May 2020.

<sup>36</sup> Joseph E. Stiglitz and others, 'How the Economy Will Look After the Coronavirus Pandemic' (*Foreign Policy*, 15 April 2020) <<https://foreignpolicy.com/2020/04/15/how-the-economy-will-look-after-the-coronavirus-pandemic/>> accessed 19 May 2020.

<sup>37</sup> McGee (n 26).

<sup>38</sup> Heather Kelly, 'Twitter Employees Don't Ever Have to Go Back to the Office (Unless They Want To)' *Washington Post* (Washington D.C., 13 May 2020) <[www.washingtonpost.com/technology/2020/05/12/twitter-work-home/?utm\\_campaign=wp\\_main&utm\\_medium=social&utm\\_source=twitter](http://www.washingtonpost.com/technology/2020/05/12/twitter-work-home/?utm_campaign=wp_main&utm_medium=social&utm_source=twitter)> accessed 19 May 2020; Richard Waters, 'Lockdown Has Brought the Digital Future Forward — But Will We Slip Back?' *Financial Times* (London, 1 May 2020) <[www.ft.com/content/f1bf5ba5-1029-4252-9150-b4440478a2e7?shareType=nongift](http://www.ft.com/content/f1bf5ba5-1029-4252-9150-b4440478a2e7?shareType=nongift)> accessed 19 May 2020; Lee Hsien Loong, 'May Day Message 2020' (*Prime Minister's Office Singapore*, 30 April 2020) <[www.pmo.gov.sg/Newsroom/PM-Lee-Hsien-Loong-May-Day-Message-2020](http://www.pmo.gov.sg/Newsroom/PM-Lee-Hsien-Loong-May-Day-Message-2020)> accessed 19 May 2020.

<sup>39</sup> Siddharth Venkataramakrishnan 'Lockdown Drives Boom in Healthcare Apps' *Financial Times* (London, 5 May 2020) <[www.ft.com/content/8d672ee1-5872-4d50-ab4e-4d503832af27](http://www.ft.com/content/8d672ee1-5872-4d50-ab4e-4d503832af27)> accessed 19 May 2020.

- (iii) Global trade and cross-border investments will shrink in favour of goods and services sourced locally,<sup>40</sup> and Singapore has little business other than other peoples' business.

This might mean that Singapore lawyers will have to work harder to build relationships and understand the situation on the ground to stay relevant. Sojourns overseas may need to be longer and remote working practices might ensure our Singapore lawyers do not skip a beat even while they are based overseas for extended periods.

- (iv) Automation and the broader innovation agenda has not gone away and will speed up.<sup>41</sup>

Businesses will urgently seek to change their operational costs and, potentially, their business models.<sup>42</sup> As cost pressures intensify, experimentation and ultimately innovation will become more urgent. Not all proposed automation tools will be useful, but it will become more important to sort the wheat from the chaff quickly.

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<sup>40</sup> For example, 'The Coronavirus Crisis Will Change the World of Commerce' *The Economist* (London, 8 April 2020) <[www.economist.com/leaders/2020/04/08/the-coronavirus-crisis-will-change-the-world-of-commerce](http://www.economist.com/leaders/2020/04/08/the-coronavirus-crisis-will-change-the-world-of-commerce)>; Lee (n 38).

<sup>41</sup> '[T]he defining feature of the latest innovation revolution is breakneck speed. Companies are being forced to raise their corporate metabolism and overcome 'analysis paralysis', an affliction caused by top managers having pored over the same irrelevant case studies at business school.' 'The Pandemic is Liberating Firms to Experiment With Radical New Ideas' *The Economist* (London, 25 April 2020) <[www.economist.com/business/2020/04/25/the-pandemic-is-liberating-firms-to-experiment-with-radical-new-ideas](http://www.economist.com/business/2020/04/25/the-pandemic-is-liberating-firms-to-experiment-with-radical-new-ideas)> accessed 19 May 2020; The Economist (n 41); 'The changes covid-19 is forcing on to business' *The Economist* (London, 11 April 2020) <[www.economist.com/briefing/2020/04/11/the-changes-covid-19-is-forcing-on-to-business](http://www.economist.com/briefing/2020/04/11/the-changes-covid-19-is-forcing-on-to-business)> accessed 19 May 2020; Carl Benedikt Frey 'Covid-19 Will Only Increase Automation Anxiety' *Financial Times* (London, 21 April 2020) <[www.ft.com/content/817228a2-82e1-11ea-b6e9-a94cfd1d9bf](http://www.ft.com/content/817228a2-82e1-11ea-b6e9-a94cfd1d9bf)> accessed 19 May 2020; Sapana Agrawal and others, 'To Emerge Stronger From the COVID-19 Crisis, Companies Should Start Reskilling their Workforces Now' (*McKinsey*, 7 May 2020) <[www.mckinsey.com/business-functions/organization/our-insights/to-emerge-stronger-from-the-covid-19-crisis-companies-should-start-reskilling-their-workforces-now?cid=other-eml-alt-mip-mck&hlkid=c386a3f8a08b4abd99b538b005de8ce4&hctky=2159830&hdpid=e82ebd85-9f8e-43f4-a968-0b897e5bcded9](http://www.mckinsey.com/business-functions/organization/our-insights/to-emerge-stronger-from-the-covid-19-crisis-companies-should-start-reskilling-their-workforces-now?cid=other-eml-alt-mip-mck&hlkid=c386a3f8a08b4abd99b538b005de8ce4&hctky=2159830&hdpid=e82ebd85-9f8e-43f4-a968-0b897e5bcded9)> accessed 19 May 2020.

<sup>42</sup> 'McKinsey research on the 2008 financial crisis found that a small group of companies in each sector outperformed their peers...What characterized the resilient companies was preparation before the crisis—they typically had stronger balance sheets—and effective action during it—specifically, their ability to cut operating costs... According to the Brookings Institution, over the three recessions that have occurred over the past 30 years, the pace of automation increased during each.' Kevin Sneader and Shubham Singhal, 'The Future Is Not What It Used To Be: Thoughts on The Shape of the Next Normal', (*McKinsey & Company*, April 2020) <[www.mckinsey.com/featured-insights/leadership/the-future-is-not-what-it-used-to-be-thoughts-on-the-shape-of-the-next-normal](http://www.mckinsey.com/featured-insights/leadership/the-future-is-not-what-it-used-to-be-thoughts-on-the-shape-of-the-next-normal)> accessed 19 May 2020.

In this regard, remote working is arguably an innovation in itself. Remote working is also relevant because automation may mean work we or our colleagues now do, may be performed at the flick of a switch, and requires even less in-person collaboration and can no longer justify rental costs to house our staff.

One worry, pre-COVID-19, was the automation of tasks which are traditionally performed by law graduates such as discovery, document review and document drafting at the first instance. These tasks have formed the basic training ground for generations of lawyers and justified their salaries and prime business district cubicles. While some of them might be of the view that automation might give them an advantage in leap-frogging past this mundane training stage, a more experienced view that still sees the value of such training must also grapple with the fact that automation means law firms can no longer afford it. Remote working may be one piece of the puzzle in addressing this break in the economic model.

- (v) We will still have an aging society<sup>43</sup> and, potentially, an aging profession. We have a much-discussed demographic time bomb and consequent drag on productivity. Remote working is one way to entice entering into or staying in the workforce if it represents one tool in the toolbox for flexibly moulding jobs to fit different lifestyles.

More senior members of the profession may re-consider full retirement for a work routine combining say, *taichi* in the morning, breakfast with friends or family, considering tricky legal points in a draft piece of advice after, video-conferencing with colleagues to

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<sup>43</sup> 'Our life expectancy at birth – the latest figures which came out just a few weeks ago – is now the longest in the world – nearly 85 years, even longer than Japan! Employers must redesign their training, jobs, and careers around the abilities and strengths of the older workers. The older workers may not be as strong or quick as their younger colleagues, but this is actually not a problem in many jobs, where we can redesign the job, or we can use technology. This way, employers can continue to tap on the skills, knowledge and experience of our older workers. Employees, on their part, must adopt the right mindset. We must be ready to adapt, learn new things, and take on different responsibilities. We cannot just be satisfied doing our old jobs well, because many jobs will change.' - Lee Hsien Loong, 'National Day Rally 2019' (*Prime Minister's Office Singapore*, 18 August 2019) <[www.pmo.gov.sg/Newsroom/National-Day-Rally-2019](http://www.pmo.gov.sg/Newsroom/National-Day-Rally-2019)> accessed 19 May 2020.



discuss the draft advice, followed by grandchildren coming home from school, dinner with children and perhaps a review of the final legal advice and a final video-conference.

Like our law graduates and automation, law firms may not be able to afford to pay for a prime business district cubicle or corner office for our senior member of the profession, but remote working might make this model more economic. In addition, doing away with travelling to and from the office means that our senior colleagues have more time for other personal priorities, or have essentially the same routine if they find themselves following grandchildren to New York, London or Shanghai.

Of course, addressing the productivity cliff with an aging population also means encouraging groups that may not have found the traditional legal lifestyle worth its costs, such as women with children. I have attempted to give a personal perspective on how this might work in the preceding section (see Part II, H).

Finally, if the claimed broader health benefits from a simpler, family-oriented work-life integration remote working model are indeed true, remote working may well contribute to our working stronger for longer.

- (vi) If we cannot stop climate change, it would still be nice to have a cooler Singapore.

The climate related advantages of a work-from-home model have been summarised earlier (see Part II, F), although it is still early days and we may yet see energy intensive practices developing with a remote working model.<sup>44</sup> However, it is comforting to know that we could potentially play our part by just staying put more often.

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<sup>44</sup> For a broader perspective on the pandemic and climate change see Dickson Pinner, Matt Rogers, Hamid Samandari, 'Addressing Climate Change in a Post-Pandemic World' (*McKinsey*, 7 April 2020) <[www.mckinsey.com/business-functions/sustainability/our-insights/addressing-climate-change-in-a-](http://www.mckinsey.com/business-functions/sustainability/our-insights/addressing-climate-change-in-a-)

Singapore's small role in fighting climate change has also been noted<sup>45</sup> and what we do may not affect the extent of climate change overall. However, the 'urban heat island' effect is something we have greater control over. A major contributor to this is our 'reliance on air-conditioners'.<sup>46</sup> If we reduce our air-conditioned office presence and some of us do not substitute it for a home-based air-conditioned existence, we might have a shot at a cooler Singapore.

### V. SUMMARY

Whether you reap the advantages or suffer the disadvantages of remote working depends heavily on work practices that you adopt and, to a lesser extent, the technology you might use.

For example, a combination of remote and in-person working appears to be better than remote working entirely. Further, it appears that making it work requires a whole-of-team approach. If only a small proportion of the team are remote working, it is easier for them to fall out-of-the-loop if important decisions are made through in-person encounters that they are not invited to; training, performance review and promotion processes may not adequately take them into account as well.

As you can imagine, technology-focused businesses and workers have been at the forefront of remote working prior to COVID-19.<sup>47</sup> They are developing ways of working which are not always consistent and it certainly does not feel like the final equilibrium for them either.<sup>48</sup> Lawyers have had a crash course in remote working and while there

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post-pandemic-world?cid=other-eml-nsi-mip  
mck&hlkid=792be67e7bf14a438f9f8607bd91b97f&hctky=2159830&hdpid=b16fb5ce-b91b-435d-a7d7-  
ef4aa3afe3f1> accessed 19 May 2020.

<sup>45</sup> Singapore contributes to about 0.1% of global greenhouse gas emissions – Ministry of the Environment and Water Resources Singapore, 'Singapore's Climate Action Plan' (*Ministry of the Environment and Water Resources Singapore*, 2018) <[www.mewr.gov.sg/docs/default-source/default-document-library/a5finalmerw.pdf](http://www.mewr.gov.sg/docs/default-source/default-document-library/a5finalmerw.pdf)> accessed 19 May 2020.

<sup>46</sup> Tang Hui Huan, 'Why Singapore is Heating Up Twice As Fast As the Rest of the World' (*Channel News Asia*, 13 January 2019) <[www.channelnewsasia.com/news/cnainsider/singapore-hot-weather-urban-heat-effect-temperature-humidity-11115384](http://www.channelnewsasia.com/news/cnainsider/singapore-hot-weather-urban-heat-effect-temperature-humidity-11115384)> accessed 19 May 2020.

<sup>47</sup> Bradshaw and McMorro (n 1).

<sup>48</sup> For example, Jose M Gilgado, 'Buffer Shares 9 Lessons for Becoming a Better Remote Worker', (*Buffer*, 20 April 2020) <[https://angel.co/today/stories/buffer-shares-9-lessons-for-becoming-a-better-remote-worker-18291?utm\\_source=platform-newsletter&utm\\_medium=email&utm\\_campaign=platform-](https://angel.co/today/stories/buffer-shares-9-lessons-for-becoming-a-better-remote-worker-18291?utm_source=platform-newsletter&utm_medium=email&utm_campaign=platform-)

are suggestions that the profession has not been well prepared,<sup>49</sup> the continuing journey of others in the technology field may be a sign of encouragement that things can get better and need not be done identically to how things were done in the past.<sup>50</sup>

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newsletter-20200423&utm\_content=textlink&alla[source]=platform> accessed 19 May 2020; Software vendors' tips to address many of the disadvantages of remote working. They emphasise both practices as well as software, see for example, Georgina Bowis, '5 Tips to Keep Your Remote Team Engaged and Motivated' (*Microsoft Industry Blogs – United Kingdom*, 19 March 2020) <<https://cloudblogs.microsoft.com/industry-blog/en-gb/cross-industry/2020/03/19/5-tips-to-keep-your-remote-team-engaged-and-motivated/>> accessed 19 May 2020.

<sup>49</sup> Robert Ambrogi, 'Coronavirus Could Be Tipping Point For Tech Competence In Law - The numbers Suggest That a Sizeable Portion of the Legal Profession is Poorly Equipped to Deal with an Extended Situation of Working Remotely and Virtually' (*Above the Law*, 16 March 2020) <<https://abovethelaw.com/2020/03/coronavirus-could-be-tipping-point-for-tech-competence-in-law/>> accessed 19 May 2020.

<sup>50</sup> As another example of what others are thinking on how to better manage remote working, see Raphael Bick and others, 'A Blueprint for Remote Working: Lessons from China' (*McKinsey Digital*, 23 March 2020) <[www.mckinsey.com/business-functions/mckinsey-digital/our-insights/a-blueprint-for-remote-working-lessons-from-china](http://www.mckinsey.com/business-functions/mckinsey-digital/our-insights/a-blueprint-for-remote-working-lessons-from-china)> accessed 19 May 2020.

