

Legal levers in a virtual world: teaming online to do different things differently

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The world, including the legal world, has gone virtual and this move is foreshadowing the future of working in global, virtual teams in law. Over the past ten years, in LawWithoutWalls (LWOW), I have worked virtually with more than 230 global teams of legal and business professionals and students. And although teaming virtually gets easier with practice, it remains exceedingly hard.

It is hard enough to get the time zones right, let alone the technology, not to mention the even bigger hurdle of managing cultural differences. Harder still is the reality that most legal professionals are not teaming virtually by choice. They have been forced online by Covid-19 without preparation.

Is there a silver lining? Most definitely. The legal profession will from now on use and embrace technology differently. But I'm not writing this article for silver linings. I'm writing this article because I want more than that for all of us. I want more than for lawyers to do differently what they have always done. I want lawyers to do different things differently. Those who do that will be legal levers in our virtual world. Admittedly, I'm not an expert in levers. I'm not that handy with a saw or a crowbar. But I'm fairly good with a garden shovel and I know how oars work, having been a coxswain on the Dartmouth women's crew team. And I know that levers help to move heavy loads when they have these four components (beam, fulcrum, effort (input) and load) and are used the right way (ie, with the right input to lead to the right output). It is the same for legal levers in our virtual world. And it is to explaining this analogy that I now turn.

The beam: tech and tools for connecting in a virtual world

Connecting in a virtual world requires individual accountability for the tech and the tools – the beam of the lever. True, sometimes the tech gods get in our way and prevent strong Wi-Fi. When that happens, please forgive fast and often because the person experiencing the tech difficulty is more exasperated than we are. Other times, however, we have not done what we should have before the virtual meeting to ensure that our tech works and that we know how to use the tech effectively. In LWOW, everyone is individually accountable for taking the tedious, annoying time to test their tech (hardware, software, platforms and Wi-Fi) in the same location with the same equipment before the meeting. Everyone is also individually accountable for knowing their equipment (including how to manage their audio and video settings), learning all the various platforms and apps, and honing basic troubleshooting techniques, for example, restarting or trying a different browser.

Everyone is also individually accountable for wearing earbuds and ensuring that one person on the team sends a calendar request to schedule a meeting that includes a clickable link (and automatic embedded passwords) in the location line to make it easy to connect.

Tech: don't leave it to the tech gods

To do before virtual meetings	To do during virtual meetings
Test, train and learn the video platforms and your equipment; learn how to troubleshoot.	Use same machine in same location as testing. Wear earbuds at all times.
Ensure a strong connection: Run a speed test; reboot; shut down all non-essential programs and windows.	Start with video on and microphones muted. Have a backup way to connect.
Begin sign-in process five minutes prior to test video and audio	Position your face centred and up close (no lower than shoulders) with good lighting pointing at your face and an appropriate background!
Send a user-friendly calendar invite that states if video is requested and that enables entry with a simple click of a link in the location line.	

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Everyone is also individually accountable to remember the LWOW golden rule of virtual working: use the minimum, multiple tools necessary. What do I mean by that? It is important to use a combination of tools and platforms to collaborate across time zones, cultures and organisations. Although teams may add tools to their mix – and of course must improvise with other tools if one tool isn't working – to maintain order in the LWOW universe, we ask that all teams use a combination of the following: an integrated video/chat platform (for smaller teams and sub-teams); a video conferencing tool for larger groups; and a shared drive with real-time collaboration capabilities. Without the beam (the tech and the tools and our individual accountability for them), there is no lever.

Tools: the minimum multiple necessary

Each team should have one of each	Reason
Integrated video/chat platform: includes video-calling, chat app with channelling and file sharing capabilities; can be used on computer, tablet or phone, eg Slack or Microsoft Teams	Decreases use of email; enables sub-teams and organisation by subject; preserves conversations; provides consistency when team is on different platforms; and promotes organic conversations, and impromptu meetings.
Videoconferencing tool for larger groups: video, audio, chat, slide decks, polls, Q and A, room lock options, breakout rooms, eg Zoom or AdobeConnect	More control (video/audio rights; look/feel); handles more people; and enables better presenting.
Shared drive with real-time collaboration: eg Google Drive, Office365 (OneDrive) or SharePoint	Provides quick access to all shared files; enables more effective virtual meetings; enhances teaming; and no version wars

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The fulcrum: channelling new energy to pivot to teaming online

For a lever to work, the beam needs to be held up by a fulcrum that enables a pivot. That fulcrum is you and you need to enable the pivot to team online by channelling a new energy for the type of presence required in a virtual world. Connecting virtually is so very hard because it requires a different presence than in-person meetings. First, virtual working is draining: it often results in being available 24/7 or at odd hours (especially if working on a global team).

Second, virtual presencing is draining because it requires a mental presence and internal energy different from in-person interaction that is beyond exhausting. Without this presencing pivot, our ways of working online will not succeed. We will get frustrated. We will misunderstand others and they will misunderstand us and we will resort to the old ways of doing things once we are no longer forced to work online. To prevent that, everyone (now) needs to take virtual presencing seriously. They need to be dressed in the right manner (at all times) for a video call (unless it is made clear that the meeting will not be with video). In other words, video-on should be presumed for all meetings. If you want to know why, watch the YouTube video, '*A Conference Call in Real Life*'.^[1]

Also, in a virtual world, we have to be even more conscious of the messages we send with our facial expressions and our body language. To do that, we have to be very attentive to how we are positioned on screen. We need a full face (centred and up close) in our video lens so we can see each other's eyes and mouth. This helps everyone else to know when we are pausing and it helps us to read each other better. Bigger is better in a virtual world: we need big gestures, so people get the affirmation that a nod would provide in person.

These things may seem small, but in the world of teaming, the smallest gestures can often make the biggest difference. And it is every individual's onus no matter your rank or title. Chris Avery wrote a great book entitled *Teamwork is an Individual Skill* and he makes the point that if everyone took teamwork personally, as if they individually were responsible for the success of the teaming, then teaming would be successful.^[2] This is true here too. We need to take virtual presencing personally and be individually accountable for channelling the

energy to bringing ourselves better online. It is each person's personal responsibility to have the right virtual presence online because nonverbal cues and behaviours display moods and emotions that are catchy. Once one person catches the mood, more and more people do. It creates a positive (or negative) ripple effect. This is why channelling new energy for our virtual presence and taking virtual interaction personally is the fulcrum because without it, without you (each individual) enabling the beam in this way, the teams won't be able to pivot. The tech beam won't have a way to ensure that teams can do different things differently online.

Effort: the three rules of engagement applied to a virtual world

The beam and the fulcrum are the basic essentials to working and teaming online, but the real work comes with effort (input) made by each individual to think differently and behave differently beyond the additional energy required for virtual presencing. In my book, *Legal Upheaval: A Guide to Creativity, Collaboration, and Innovation in Law*, I introduce the three rules of engagement, open mind, open heart, and open door, that all legal professionals should follow for effective collaboration. These rules were hard for us to follow in the old, in-person world. In a virtual world, they take even more effort. Here, I highlight just one important tenet from each rule to enhance virtual teaming.

Open mind

The running theme of the open mind rule of engagement is saying 'yes and' instead of 'no' or 'but'. I know that many readers would not be successful today without knowing how to say 'no'. So, I'm not suggesting never saying 'no'. But online, things don't happen the way we planned. People sometimes show up differently (or not at all). Yet we have to move forward with our lives, our work and the work of our clients. I urge you to say 'yes and' to all the things that come up that you can say 'yes and' to in the virtual world (without legal or financial risk of course). Say 'yes and' to new technologies, new tools, new relationships, and new ways of working.

Open heart

The open heart rule is centred on empathy. As discussed in my book, research shows that empathy is essential not only to solving problems but also to preventing them. Teams are more effective when they are empathetic, that is, when they can sense how others feel by reading verbal and nonverbal cues. Empathy is even more important in a virtual world especially now given how this pandemic has been affecting us personally and emotionally.

Unfortunately, virtual teaming with empathy takes even more focus and effort online because it is harder to read physical cues via video and even harder to do so with nonvisual communications such as texts and email. Consider also that some people are woefully uncomfortable seeing themselves on camera and it might make them feel and act differently. It may seem a small thing but not recognising and attending to these small things can be deal breakers for engagement and teaming online. Research conducted by Cass Sunstein and others demonstrates that teams fail when members misread or receive incorrect signals from each other. Therefore, we have to make even more effort in a virtual world not only to empathise with each other related to our new ways of working but also with the new challenges that many are facing due to the lockdown (eg, lack of child care, housekeeping help, adequate tech, multiple monitors, family support and quiet space).

Open door

The worst part and the best part about the virtual world for lawyers might be that we now have open doors into parts of our lives that we never shared before, for example, our home spaces.

The negative side of it is that not everyone has a designated home office or an appropriate place to close a door to be alone and quiet, and there is the risk of oversharing and lack of privacy. The positive side of this is that more doors into our lives means teams get to know each other more personally. Studies demonstrate that when individuals share personal real-life events (versus sanitised tales from work life), team members bond and that bond is more important to the team's success than expertise, ability, efficiency or IQ.

Aristotle said it best: 'Man is by nature a social animal.' We do well only in communal settings, which, of course, is one downside to living in a virtual world. We don't have the same social and communal settings that we used to. However, minding the open door rule can help and legal leaders are showing the way. For example, Jeff Carr (former General Counsel at FMC and Univar) holds virtual LawLand cocktails every Sunday for legal professionals of all levels all over the world and the door is open not just to who attends but also to what we discuss.

Law firm leaders, such as Mark Kelly, chairman of Vinson & Elkins, are opening new doors by hosting small group virtual mocktail chats with lawyers from all levels of the firm, something never done before. These organised open door virtual events are great examples of doing different things differently.

Probably the most important new door that needs to be opened in the virtual world (and that lots of lawyers didn't do before) and is an 'open door policy' during the virtual work day. Individuals, now more than ever, need the impromptu visits that used to occur with a knock on a closed door. This can be done with many of the cool apps out there including Slack and Microsoft Teams. However, it can only be done with a great deal of effort. With that increased input (along with you serving as a fulcrum that enables us to pivot) we can change the output and move the heavy load: the community, culture and commitment of our teams.

The load: community, culture and commitment

The load in the virtual world is the same as that in the physical one, only it is now a much heavier load: creating a sense of community and culture and commitment. In LWOW, we call this our 'collective accountability'. First, it is important to co-develop the behavioural norms and culture of virtual interaction so that our virtual place is what Ray Oldenberg calls 'a third place', which is not the home or the office. It's important that this third place has its own rules of engagement regarding which tools are used (when and how) and teaming style and cadence to create the right culture and one that is in keeping with that of the organisation.

It's important that we provide training on these specific protocols and norms related to the virtual part of working/learning. People don't miraculously know how to interact to build community or in a way that is in keeping with the culture. The little things matter, including how to use the chat app or ask questions during a video call, when to send a message in a channel or a direct text message. We have found in LWOW that the virtual teams that hone their norms and meet at both pre-established times – and at the spur of the moment – really gel as a team and are more efficient and effective. It doesn't matter which technological collaborative tools are selected, but that they are purposefully selected to create a third space where the team meets and collaborates consistently and the norms of behaviour are followed.

The second type of collective accountability involves commitment. In LWOW, we believe that the expectations that are not set are the expectations that are not met. So we require all sub-teams to create a written pact that: sets out the P, purpose of virtual work; outlines the A, agreements we make related to; the C, creative cadence (how we work online); and the T, timing of virtual meetings (including when we meet or work virtually and acceptable response times). The pact serves as a commitment to the virtual community and culture after open discussion about preferences and work styles. It helps the team to understand how they will team in the future, creates accountability at all different levels and in so doing enhances collaboration and

serves as a culture-creation output tool. The pact only works – the load is only lifted – if individuals put in the effort (input, with the three rules of engagement) and serve as a fulcrum for the pivot to a new energy and way of working online.

Conclusion: virtual teaming the right way, right away

Living in a virtual world during the pandemic presents opportunity and risk. Just as there is a right and wrong way to team in the physical in-person world, there is a right way and a wrong way to team virtually (regardless of our age or culture or experience). The right way, as explained, includes both individual and collective accountability for connection, new energy, community, culture and commitment. The risk is that we won't start the right way (and we may have many valid excuses for not doing so), but bad habits are learnt fast. The legal profession's future way of working will be blended (part virtual/part in-person) at the very least. Therefore, taking the time to set expectations and train ourselves and our teams how to work virtually the right way – right away – is worth the time and effort it takes. By pivoting and putting in the effort (input) now, we will deliver a new output: we will be legal levers (and legal leaders) doing different things differently.

Notes

^[1]Drake Baer, 'This hilarious video shows why conference calls are so, so terrible', Fast Company, 2 March 2014, www.fastcompany.com/3025791/this-hilarious-video-shows-why-conference-calls-are-so-so-terrible (<https://www.fastcompany.com/3025791/this-hilarious-video-shows-why-conference-calls-are-so-so-terrible>) accessed 4 April 2019.

^[2]Christopher M Avery, *Teamwork is an Individual Skill: Getting Your Work Done When Sharing Responsibility* (Berrett-Koehler Publishers, 2001).

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