

In Post-Pandemic Era, What Will Return to Office Look Like?

When — or even if — we return to the office post-pandemic, what challenges, including the emergence of yet another coronavirus variant called omicron, await?

Many questions have surprising answers from experts in legal office management and recruitment during a recent PBA-sponsored virtual roundtable.

The PBA Large Law Firm Committee conducted a webinar, “Business and Practice of Law Post-COVID: How Will it Change?” in mid-November that focused on the business of practicing law post-pandemic.

According to Bloomberg Law, the COVID-19 pandemic has rapidly transformed the legal industry. With the start of 2022 approaching, in-

house legal departments can expect to see the continuation of many pandemic-era trends, including the growth of legal operations, the transition of in-house legal departments from legal advisers to strategic business partners, the accelerated use of legal technology and the importance of managing outside counsel and legal spending, according to Bloomberg.

“There’s an economic benefit to working from home,” said webinar panelist James D. Cotterman, principal, Altman Weil Inc., Orlando, Fla. “Most of the studies that I’ve looked at or heard of have said that work from home has been a productivity improvement, not a distraction.”

One benefit, Cotterman said, is that long commutes are eliminated.

“When I worked in an office, my



James D. Cotterman



Ellen Freedman



Robin B. Snyder

commute was 45 minutes each way,” he said. “My commute now is 45 seconds. I kind of like that.”

Firms must prepare and creatively manage a staggered “return-to-work” environment and continue to observe COVID-19 protocols. This “hoteling,” Cotterman said, doesn’t allow “everybody in the office at once.”

The decision to return will be up to the firm’s management and could be different office to office. The “hybrid” model — which allows some workers to split the workweek from working at home on specific days and being in the office on others — may stay indefinitely, according to the panelists.

The drive to remain at home for work, especially with the COVID-19 delta variant still taking its toll, could be trumped not by health concerns but by convenience and improved worker efficiency.

“It’s an ongoing debate,” Cotterman said. “And conversations

that firms are having internally. The first thing is, are we going back to a practice and an office configuration that we had prepandemic? Are we going back to 2019? Or are we going to come out of this with something that looks different from what we’ve been doing in the last year and half?”

Several clients of Cotterman’s firm have surveyed their workforce about returning to the office at different points during the pandemic “to gauge what the interest and concerns and criteria might be for people in terms of returning to the office,” he said.

The hybrid office concept, where some associates and partners are working remotely and returning to the office for a limited time during the workweek, is driven by convenience as much as by COVID-19 safety protocols. Many panelists point to the freedoms

continued on page 3



The *Pennsylvania Bar News* is a semimonthly publication of the Pennsylvania Bar Association. Editorial correspondence should be mailed to the Pennsylvania Bar Association, P.O. Box 186, Harrisburg, Pa. 17108-0186. The *Pennsylvania Bar News* is distributed free to all PBA members as a membership benefit. Annual subscriptions for non-members are \$200. To subscribe, call 800-932-0311.

Board of Governors

President Kathleen D. Wilkinson
 President-elect..... Jay N. Silberblatt
 Vice President..... Michael J. McDonald
 Chair, House of Delegates..... Jonathan D. Koltash
 Secretary..... Beverly H. Rampaul
 Treasurer James R. Antoniono
 Immediate Past President Anne N. John

Young Lawyers Division Representatives

Chair Paul D. Edger
 Chair-elect Patrice M. Turenne
 Immediate Past Chair..... Colin J. O'Boyle

Governors

Minority Rodney R. Akers
 Minority Philip H. Yoon
 Unit County..... Melinda C. Ghilardi
 Woman Amy J. Coco
 Zone 1 Jennifer S. Coatsworth
 Zone 2 Jonathan M. Huerta
 Zone 3 Lisa M. Benzie
 Zone 4 John P. Pietrovito
 Zone 5 James P. Valentine
 Zone 6 Judge Damon J. Faldowski
 Zone 7 John F. Alcorn
 Zone 8 Mary E. Schellhammer
 Zone 9 Carolyn R. Mirabile
 Zone 10 Melissa M. Merchant-Calvert
 Zone 11 Kelly A. Mroz
 Zone 12 Lawrence R. Chaban

Editorial Committee

Chair Bernadette M. Hohenadel
 Vice Chair Magistrate Judge William I. Arbuckle III
 Members..... Emeline L.K. Diener; Mary Wagner Fox; Richard J. Frumer; Judge Thomas King Kistler; Peter W. Klein; Alyson Tait Landis; Stephanie F. Latimore; Michael J. Molter; Catherine R. O'Donnell; Jill M. Spott; Ryan W. Sypniewski; Andrij V.R. Szul; Thomas G. Wilkinson Jr.; Zanita A. Zacks-Gabriel
 Board of Governors Liaison..... Jonathan D. Koltash
 Executive Editor Jeffrey A. Gingerich
 Editor Andy Andrews
 Legal Editor Timothy L. Clawges
 Contributing Writers Ellen Freedman, Paul C. Troy, Andrew M. Lamberton

PBA Executive Staff

Executive Director Barry M. Simpson
 Deputy Executive Director..... Francis J. O'Rourke
 Director of Communications..... Jeffrey A. Gingerich
 Director of County Bar Services and Special Projects Susan E. Etter
 Director of Information Technology..... Terry Rodgers
 Director of Member Services Karla D. Andrews
 Director of Finance Lisa L. Hogan
 Director of Legislative Affairs..... Fredrick Cabell Jr.
 Director of Meetings..... Wendy A. Loranzo
 Director of Western Pennsylvania Services Bridget M. Gillespie
 Director of CLE Content Delivery..... Erika Bloom
 Director of CLE Content Development..... Clair A. Papieredin

The appearance of a product advertisement herein does not constitute an endorsement of the product by the Pennsylvania Bar Association.

PBA Headquarters PBA Western Pennsylvania Office
 100 South Street, P.O. Box 186, Heinz 57 Center, 339 Sixth Ave., Suite 760
 Harrisburg, Pa. 17108-0186 Pittsburgh, Pa. 15222

Phone: 800-932-0311 • Fax: 717-238-1204

www.pabar.org

Judge Katherine Platt to Receive Family Law Award

Katherine B.L. Platt, a judge at Chester County Court of Common Pleas, will be presented with the 2022 PBA Family Law Section Eric Turner Memorial Award during the section's winter meeting Jan. 14-16, 2022, in Philadelphia.

The Eric Turner Memorial Award honors a jurist who is dedicated to the practice of family law and who serves as a mentor and teacher to fellow jurists.

As part of the award, a \$1,000 donation will be made to a charity of the honoree's choosing. Judge Platt has selected Legal Aid of Southern Pennsylvania, an organization that provides free civil legal aid for low-income, vulnerable people in Bucks, Chester, Delaware and Montgomery counties.

Prior to taking the bench in 1998, Judge Platt was in private practice for 22 years focusing on family law, real estate and commercial lending. Her judicial assignments have included rotations in civil trials, criminal trials and Family and Orphans' Court, the latter on which she has served as Chester County's administrative judge since 2011.

Active in her local community, Judge Platt founded the West Chester Child Access Center, a no-cost supervised custody visitation center. She is also a founding member and past chair of the Doris Jonas Freed American Inn of Court, which is composed of a group of judges and attorneys from

Bucks, Chester, Delaware and Montgomery counties who focus on family law education. In addition, she is a past chair of the Chester County Bar Association's Pro Bono Committee that monitors the administration of the Access to Justice program that works to assure the delivery of legal services to those who qualify for legal aid. She is a frequent lecturer and trainer for volunteer attorneys and mentors.

She is an active member of the PBA Family Law Section and the Pennsylvania Joint State Government Commission Advisory Committee on Domestic Relations Law.

In 2018, Judge Platt was recognized as a permanency advocate by the Pennsylvania Department of Human Services' Statewide Adoption and Permanency Network. Her other accolades include receiving the 2015 Chester County Bar Association's President's Award, the 2008 Pennsylvania Psychological Association's Public Service Award, and the 2008 PBA Legal Services to the Public Judges Award, which she received for tutoring nonfamily law attorneys on how to conduct pro bono representation of family law cases.

Judge Platt received her bachelor's degree from the Sarah Lawrence College and a Juris Doctor from Villanova Law School. 

Free Legal Answers Provides Opportunities to Help Veterans

There is a new opportunity to provide pro bono assistance to veterans.


Pennsylvania Free Legal Answers, a virtual legal advice clinic in a number of states for state-specific civil legal issues, can be accessed through the PBA website at www.pabar.org/site/For-Lawyers/Pro-Bono-Services/Pennsylvania-Free-Legal-Answers. Qualified users may post legal questions, and authorized volunteer attorneys may provide legal advice.

Veterans, along with eligible dependents and survivors who meet financial eligibility guidelines, will be able to submit questions about veterans' issues involving discharge upgrades, VA disability and other VA benefits, and more. Volunteer attorneys who are licensed in good standing in their jurisdiction, and who are accredited with the U.S. Department of Veterans Affairs, are eligible to volunteer on the site to view and answer veterans' questions without any formal representation. To become accredited

with the VA, visit www.bit.ly/VAAccreditation.

The ABA Military & Veterans Legal Center has collaborated with the Standing Committee on Pro Bono and Public Service, along with the Commission on Immigration, to develop a new ABA Free Legal Answers website for federal legal issues, including veterans' issues.

This is a great opportunity for attorneys who want to provide pro bono services but cannot commit to full representation. You can help veterans and their survivors or dependents on your own time and from the comfort of your own home, which is ideal during the pandemic. The program will also allow veterans in rural areas, or those who are otherwise unable to access legal assistance, to have access to legal resources from their home.

For more information, visit ABAFederal.FreeLegalAnswers.org and click on "Volunteer Attorney Registration." 

In Post-Pandemic Era, What Will Return to Office Look Like?

‘When I worked in an office, my commute was 45 minutes each way. My commute now is 45 seconds. I kind of like that.’

— James D. Cotterman

continued from page 1

and productivity gains because of eliminating commutes and office distractions.

Return to Normal

However, some workers relegated to solely working from home yearn for the return to “normal,” which the pandemic has redefined. Yet some want what they were used to. What can be done about that?

“Not everyone prefers to work from home,” said Ellen Freedman, PBA law practice management coordinator. “But for many, the ability to work at least partially from home will become a deal-breaker for employment. The pandemic showed people that they can be productive and save significant personal time and costs previously spent on commuting.”

Those of the baby boomer generation are still mostly of a body-in-a-chair mindset, according to Freedman. “They have trouble trusting that work will get done, and done well, if someone is not in their desk chair. So, any boomers still in charge will push for a return to the office.”

The practice areas involved will also influence the outcome, she said. For many practice areas, “it won’t matter,” Freeman said. “But for those where clients still frequent the office regularly, there will be pressure to have all hands on deck.”

Freedman said that continued pressure will be exerted by a segment of the workforce to keep remote work incorporated into a hybrid model of employment.

“Add to that the desire of many firm owners to significantly downsize their footprint — space costs being one of the largest expenses in the law firm’s budget — many large firms will willingly employ ongoing hybrid

employment models to lower space requirements and increase profit margins,” she said.

It looks like the work-from-home, or at least the hybrid model, is here to stay.

“I don’t think that we’re going back to a situation where we’re in the office five days a week,” said webinar panelist Robin B. Snyder, assistant director, Health Care Department and shareholder at Marshall Dennehey, Philadelphia. “That is something that needs to continue to be flexible as we move forward.”

Office personnel are critical so “that we can maintain our culture of sharing ideas and bouncing ideas off one another, and I mean that across the board, from most senior attorneys to junior attorneys,” Snyder said. “I think that some of it will fall in the hands of individual lawyers and their individual teams, but I do think there will be some management oversight in making sure things are flowing correctly and that people aren’t falling through the cracks, so to speak, if they’re working remotely too often or not having enough contact within the office as a whole.”

Does it matter where the office is located? To some webinar participants, the answer is: not in a virtual work world.

“Firms realized ‘I don’t need to have you in New York City or Los Angeles or Chicago,’” Cotterman said. “Wherever they happened to be located, all I have to do is ship you the tools, plug you in and off you go.”

Cotterman asked: what does the new office look like? Has its purpose changed?

“There’s a strong sense that when we come back to the office, the office ought to be something different,” he said. “What is our purpose for coming back to

continued on page 7

PBI

Continuing Legal Education Arm
of the Pennsylvania Bar Association

12 CLE
10 substantive
2 ethics

HEALTH LAW INSTITUTE 2022

The event of the year for every health law professional is back with an in-person component this year!

The first day of the Institute will be presented live in the PBI office in the Wanamaker Building and will consist of one track of the most important topics presented by dynamic and talented faculty. Be sure to register early as there is limited seating in the room with the speakers! The second day of the Institute offers the session choices that you have come to love about the Institute. We will offer a “build your own” Institute in a virtual format that you can take from the comfort of your home or office. Join us this year as the Health Law Institute continues to provide you with the practical teaching with realistic solutions to everyday and unexpected problems in health law.

The Go-To Event of the Year

The Institute is the premier event of the year for everyone practicing in the health law field. You’ll be updated on all the newest developments, including price transparency, private equity in healthcare and overcoming health disparities. With 26 sessions, you can create a learning event best suited to your practice.

MAR. 15-16, 2022

9:00 am to 4:30 pm both days

Day One - Philadelphia

Regular: \$399 | New Attorney: \$200

Day One - Webcast

Regular: \$299 | New Attorney: \$150

Day Two - Webcast

Regular: \$299 | New Attorney: \$150

The Institute Kicks off with the Always Popular “Year in Review”

Take this opportunity to stay on top of all of the significant developments in health law in our opening session. In this energetic discussion, you will be taken on a journey through all of the new and important case law and regulatory changes. It’s the perfect way to explore what is happening across a broad spectrum of health law issues. You’ll also get a glimpse at what is on the horizon in health law.

11476

REGISTER TODAY! | 800-932-4637 | WWW.PBI.ORG



Anticipating Future Data Needs at Startup

By Ellen Freedman

I made a statement during a recent webinar that stirred the interest of several participants who contacted me afterward for elaboration. It's not the first time I've made the statement, and it won't be the last, because it's a good business practice.

That statement prompted me to draft this article about it, to get it on everyone's radar screen and include it in the resource I send to members who are starting a new practice.

The simple truth is that in the absence of good data, one cannot make smart business decisions. And the easiest way to ensure you will have data available when you need it is to set up your record-keeping systems properly from Day 1. And thereafter, every time your record-keeping system is changed, you should review what data you are capturing, consider what your needs in the future might be and make any necessary tweaks during setup.

You need to set up your information management systems, anyway. It's just a question of thinking it through a little more thoroughly and strategically. Very often — too often — the need for data does not make itself known until it is too late to collect it in any meaningful or helpful way. The trick is to capture as much meaningful information as possible up front, so that when you start to ask important questions, you can analyze the information to identify the best answers.

Collecting information doesn't mean you have to look at it when it's not relevant or important. It just means that if and when you

need it, it will be there.

This is where I can help you, having assisted firms at every stage, from inception to close, succession or sale. I know what information firms require at each phase of their life cycle and what they need when they want to try new things or implement new strategies. I also know the types of information firms repeatedly struggle to create after-the-fact — if they can at all — that would have been so easy to have collected all along.

Here are a few examples:

- **The branch office:** When a small firm opens a satellite office, it usually makes no major change to the bookkeeping chart of accounts. It just doesn't seem necessary. But, inevitably, the firm will want to know if that office is performing well financially. Going back and separating revenues and expenses can be time-consuming and inaccurate.

However, when the office is opened, it takes only an hour or so to modify the chart of accounts to create a separate account ("account" as in chart of accounts, not a bank account), for revenue and each expense category for the new office. In the future, whenever the firm wants, it can produce a detailed profit-and-loss statement that shows each office separately. And it can easily go backward in time and look at prior periods the same way.

- **Marketing decisions:** Where should the firm spend its money? What strategies are effective? Where is our business coming from now? How does that compare to five years ago?

These questions are all answerable with the data that many firms simply do not track. Matter-intake information is critical to gather and track. That includes multiple levels of information. What ads were seen? Was your seminar attended? Was a blog article read? Did they read your profile on LinkedIn? Was there a referral source and, if so, who? What industry magazines do they read? What educational events do they attend?

- **Sale of a practice:** So many solo and small firm attorneys are in the throes of or anticipating this process. Lots of information will be necessary, including revenues by practice area, gross profit margin and origination source of clients in practice areas. No, I'm not referring to the originating attorney: Most firms know to track that basic piece of information. I'm referring to how the client comes to the firm. It includes a lot of the same information that you track for marketing decisions.

What percentage comes from repeat work for former clients? What percentage arrives via word-of-mouth? What percentage appears from referrals? What type of referral is it? Could it be a happy former client? Colleague? Adversary? What percentage is derived from reputation and market share?

All of these numbers make it simpler for a potential buyer to determine what is probably transferrable to a new owner. That's the value they're willing to pay for.

- **Hiring and "right-sizing":** Non-billable time should be tracked for

partners, associates and paralegals. This information will reveal if your firm is in need of more administrative support, if department heads are working efficiently and if people are keeping their commitments to marketing, community activity and networking.

If you have document management software, set it up so you can easily review time spent producing documents, the number of revisions and the total amount of time spent by the author or editor. You will be able to know with certainty if someone is really busy or just inefficient.

These are three quite different examples. Some data is harder to collect and requires some effort. Experience dictates that the reward for the extra effort can be significant. In a highly competitive marketplace, having data available that your competitors do not have provides a strong strategic advantage.

Before I joined PBA, I man-

continued on page 7



Ellen Freedman, CLM, is the law practice management coordinator for the PBA. In that capacity, she assists PBA members with issues and problems that arise on the business side of their practices. She encourages feedback and questions. Ellen can be reached at 800-932-0311, ext. 2228, or at lawpractice@pabar.org.



Court Summaries

By Timothy L. Clawges

CHARTER SCHOOLS

Commonwealth Court

APPLICATION REQUIREMENT — multiple charter school organization — MOTION TO SUPPLEMENT RECORD — recently released school performance profile scores — failure to comply with application guidelines — lack of authority to require approval of applicable school district before submitting application — de novo standard of review — denial of appeal from order granting Department of Education motion to supplement record affirmed

Propel Chart. Sch. v. Dept. of Educ., No. 1209 C.D. 2020 (Nov. 19, 2021) — In proceeding in which applicant seeks to consolidate charter schools into a multiple charter school organization, order granting the department motion to supplement record with recently released school performance profile scores affirmed.

CIVIL LITIGATION

Supreme Court

VENUE — LIBEL OR DEFAMATION CLAIMS — CAUSE OF ACTION PREMISED ON INTERNET-BASED PUBLICATION — Pa.R.Civ.P. 1006 — publication — statement read by third person and understood as being defamatory — 42 Pa.C.S. 8343 — venue proper where publication of defamatory statement occurs — Restatement (first) of Torts — Section 577 — order affirming order overruling preliminary objections affirmed

Fox v. Smith, No. 39 EAP 2019 (Nov. 17, 2021) — Standards governing selection of appropriate venue for litigating libel or defamation claims grounded on newspaper publications also apply to

causes of action premised on internet-based publication; publication occurs where statement read by third person and understood by that individual as being defamatory, which includes place where website is accessible to and accessed by residents.

Superior Court

PERMANENT INJUNCTIVE RELIEF — MONETARY DAMAGES — discharge of rainwater runoff onto property — jurisdiction — Pa.R.A.P. 311(a)(4)(ii) — final judgment after notice of appeal filed on monetary damages — continuing nuisance and continuing trespass theories — laches — failure to file post-trial motions — Pa.R.Civ.P. 227.1 — plenary scope of review — lack of due diligence — order granting permanent injunctive relief and directing payment of monetary damages affirmed

Morgan v. Millstone Res., 2021 PA Super 223 (Nov. 16, 2021) — Order granting permanent injunctive relief from discharge of rainwater runoff onto property and directing payment of monetary damages affirmed.

CIVIL PROCEDURE

Superior Court

WATER DAMAGE — personal property stored in rented nonresidential building — alleged breach of contract — TERMS OF LEASE — exculpatory clause — landlord not liable for any damages — negligence — failure to prevent or repair water infiltration — water and mold damage — INADEQUATE RULE 1925(b) STATEMENT — allegation court erred by granting summary judgment — failure to identify any grounds why judgment improper — lack of specificity — WAIVER — summary judgment for landlord affirmed

Keystone Specialty Srv. v. Ebaugh, 2021 PA Super 228 (Nov. 22, 2021) — Rule 1925(b) statement insufficient to preserve issues when it merely alleges court erred by granting summary judgment but fails to identify any reason why the judgment was improper. In action asserting breach of contract re water and mold damage to property stored in rented building, lease that provides landlord not liable for loss of or damage to stored items and that tenant is solely responsible to purchase and pay for insurance to protect personal property, since landlord is not liable to tenant for any loss damage or destruction of their property, provides sufficient basis for summary judgment for defendant landlord.

CIVIL RIGHTS

Third Circuit

QUALIFIED IMMUNITY — Section 1983 claims — 14th Amendment — withholding and fabricating evidence — concealing evidence supporting alibi — habeas relief previously granted — acceptance of subsequent plea deal — due process — overview — *Heck v. Humphrey* — claim tied to validity of conviction or sentence — CLEARLY ESTABLISHED RIGHT — denial of right discovery — interlocutory appeal — order denying motion to dismiss affirmed

Dennis v. City of Phila., No. 19-2390 (Nov. 23, 2021) — Order denying motion to dismiss Section 1983 claims asserting 14th Amendment violations from withholding, fabricating and concealing evidence and failing to correct knowingly false testimony affirmed since allegations go beyond *Brady* violation by asserting police knowingly deceived the court and jury in violation of petitioner's due-process rights.

GAMING

Supreme Court

CONCERT TICKETS — distributed by casino to patrons for playing table games and slot machines — personal property — NOT SERVICES — calculation of taxable revenues of casino — Section 1103 — Gaming Act — 4

Pa.C.S. 1103 — exclusion from value of revenues proper — order affirmed

Greenwood Gaming v. Com., No. 19 MAP 2020 (Nov. 17, 2021) — Concert tickets that casino distributes to patrons for playing table games and slot machines at its facility are not services for purposes of calculating taxable revenues generated by those games and machines under Section 1103 of Gaming Act, 4 Pa.C.S. 1103, and are excludable from those taxable revenues.

POST-CONVICTION RELIEF ACT (PCRA)

Supreme Court

APPOINTMENT OF COUNSEL — alleged improper participation of former chief justice in prior appeals — no constitutional right to appointment of counsel — rule-based right to appointment of counsel — research of *Com. v. Edmunds* factors — failure to assert Pennsylvania constitutional provisions require departure from federal law — Pa.R.Crim.P. 904 — evidentiary hearing not required — TIMELINESS — pro se discovery request — order denying relief affirmed

Com. v. Wharton, No. 788 CAP (Nov. 17, 2021) — Petitioner was not constitutionally entitled to appointment of counsel, and interests of justice did not require discretionary limited appointment of counsel when asserted reason for request for counsel was assistance in researching *Com. v. Edmunds* factors to support unconstitutional as applied challenge, but petitioner did not assert any provision of the Pennsylvania Constitution required the court to depart from federal law.

Superior Court

INEFFECTIVE ASSISTANCE OF COUNSEL — FAILURE TO FILE SUPPRESSION MOTION — pretrial identification of petitioner — INABILITY TO ESTABLISH PREJUDICE — failure to present alibi witness or raise weight-of-evidence claim
continued on page 6



Court Summaries

continued from page 5

— **failure to present police testimony**
— **order dismissing petition affirmed**

Com. v. Bishop, 2021 PA Super 222 (Nov. 15, 2021) — Order dismissing PCRA petition affirmed since petitioner failed to establish prejudice on his claims, which included that counsel was ineffective for failing to present testimony of police officer re pretrial identification, present alibi witnesses or raise a weight-of-evidence claim.

PRISON LITIGATION

Commonwealth Court

SEIZURE OF FUNDS — INMATE ACCOUNT — RETIREMENT ANNUITY PLAN — death of parent of inmate — qualified domestic relations order — exemption from attachment or execution under 42 Pa.C.S. 8124 — NO EXEMPTION UNDER ACT 84 — First Amendment — Fourth Amendment — 14th Amendment — preliminary objections sustained

Rodeheaver v. Bedford Pa. Ct. of Common Pleas, No. 477 MD 2020 (Nov. 19, 2021) — Since Act 84, 42 Pa.C.S. 9728(b)(5), makes no exception for retirement funds, preliminary objections sustained to claim that money in inmate account from retirement annuity plan per qualified domestic relations order as a result of death of parent of inmate may not be seized under Act 84 since those funds are exempted from attachment or execution under 42 Pa.C.S. 8124.

SEARCH AND SEIZURE

Supreme Court

WIRELESS INTERNET NETWORK CONNECTION RECORDS — college student — records obtained without search warrants — college computing resource policy — ABANDONMENT OF EXPECTATION OF PRIVACY — Fourth Amendment — *Carpenter v. U.S.* — order affirming denial of suppression affirmed

Com. v. Dunkins, No. 45 MAP 2020 (Nov. 17, 2021) — College student abandoned any purported expectation of privacy in Wi-Fi connection records by assenting to college computing resource policy that provided users should not have any expectation of privacy with regard to any data; no error in refusal to suppress wireless internet network connection records obtained by police without warrant from college information technology department when student defendant had assented to such college computing resource policy that provided student should not have an expectation of privacy regarding computer files created or stored on computers within the network.

REAL-TIME CELL-SITE LOCATION INFORMATION — court orders authorizing disclosure — functional equivalent of search warrant — no waiver of legitimate expectation of privacy — Fourth Amendment — Wiretap Act — 18 Pa.C.S. 5773 — mobile tracking — neutral, detached issuing authority — probable cause — specificity — particularity — not violated by lack of geographical limitations — standard of review — order affirming judgment of sentence affirmed

Com. v. Pacheco, No. 42 MAP 2020 (Nov. 17, 2021) — Court orders authorizing disclosure of real-time cell site information are functional equivalent of search warrants and satisfy Fourth Amendment requisites when there was probable cause for the orders, and the affidavits of probable cause provided particular descriptions of place to be searched and items to be seized.

Superior Court

Superior Court

LAWFULNESS OF ARREST — active arrest warrant — probable cause — defendant sitting in vehicle — arrest occurring on porch of nearby home — production of arrest warrant not required — WARRANTLESS VEHICLE SEARCH — *Com. v. Alexander* decided during pendency of appeal

— **retroactive application — failure to preserve challenge to application of automobile exception — failure to raise issue with trial court or in Rule 1925(b) statement — drugs seen from outside window — plain view — inventory search — inevitable discovery — en banc court — judgment of sentence affirmed**

Com. v. Heidelberg, 2021 PA Super 229 (Nov. 23, 2021) — Judgment of sentence for drug and firearm offenses affirmed since (1) the prosecution need not produce the actual arrest warrant when evidence police dispatch confirmed existence of arrest warrant upon which the arrest was based and (2) defendant waives any retroactive application of *Alexander* since he fails to preserve challenge to application of automobile exception and existence of exigent circumstances by not raising issues with trial court or in Rule 1925(b) statement.

SENTENCING

Superior Court

JUVENILE — FIRST-DEGREE MURDER — life without the possibility of parole (LWOP) — 18 Pa.C.S. 1102(d)(7) — original sentence vacated — consideration of required factors — constitutionality — discretionary aspects of sentencing — standard of review — sentence of 50 years to life — age of parole considered — sentence not de facto LWOP — no abuse of discretion — judgment of sentence affirmed

Com. v. Moye, 2021 PA Super 225 (Nov. 19, 2021) — Sentence of 50 years to life for person who committed first-degree murder as a juvenile affirmed; fact that petitioner will be eligible for parole at age 66 indicates sentence is not de facto LWOP.

STUDENT FREE SPEECH

Supreme Court

FIRST AMENDMENT — finding student committed terroristic threats — expulsion — statements outside school day and off school property —

educational environment — conversations at home — comments regarding person looking like school shooter — Snapchat — intended audience of one person — DUE PROCESS — true-threat doctrine — totality of circumstances — primary focus on subjective intent of speaker — no substantial disruption to school environment — order affirming order sustaining appeal of expulsion affirmed

J.S. v. Manheim Twp. Sch. Dist., No. 2 MAP 2021 (Nov. 17, 2021) — Expulsion reversed since student did not engage in unprotected speech or cause substantial disruption to school environment by having off-campus conversations on social media commenting a particular student looked like a school shooter and posting a meme of that student singing lyrics indicating intent to harm others. When reviewing such a decision, an appellate court must examine the content of speech, then assess the relevant contextual factors surrounding the speech, such as (1) the language employed by the speaker; (2) whether the statement was political hyperbole, jest or satire; (3) whether the speech was of the type that often involves inexact and abusive language; (4) whether the threat was conditional; (5) whether the threat was communicated directly to the victim; (6) whether the victim had reason to believe the speaker had a propensity to engage in violence; and (7) how the listeners reacted to the speech.

continued on page 7



Timothy L. Clawges is counsel to the Pennsylvania House of Representatives Judiciary Committee. He also writes case digests for the PBA Criminal Justice Section Newsletter.



continued from page 6

UNEMPLOYMENT COMPENSATION

Supreme Court

ELIGIBILITY OF CLAIMANT — RAISED BY BOARD SUA SPONTE

— self-employment — 34 Pa. Code 101.107 and 101.187 — commingling of adjudicatory and prosecutorial functions — plenary scope of review — 43 P.S. 824 — order reversing decision reversing award of compensation benefits affirmed

Quigley v. U.C.B.R., No. 20 EAP 2020 (Nov. 17, 2021) — Order finding board erred affirmed when board did not grant hearing to claimant on question board had raised sua sponte and terminated her benefits on that basis, then compounded the prejudice by

denying her motion for reconsideration on remand.

WORKERS' COMPENSATION

Supreme Court

COURSE OF EMPLOYMENT — TRAVELING EMPLOYEE — Section 301(a) — 77 P.S. 431 — motor vehicle accident after leaving employer-sponsored event — voluntary social event — scope and standard of review — requirement that claimant was furthering employer business —

conflicting testimony re actions after leaving gathering — order affirming denial of petition vacated

Peters v. W.C.A.B., No. 1 MAP 2020 (Nov. 17, 2021) — Conflicting testimony whether claimant took action after leaving employer-sponsored event that would be considered abandonment of employment; order vacated in appeal of whether claimant in course of employment when he was involved in motor vehicle accident. ⚖️

In Post-Pandemic Era, What Will Return to Office Look Like?

continued from page 3

the office? And things that are relational in nature and come first to mind — mentoring, collaboration, training and development, building and maintaining your culture — those are things people are most highly focused on and they think are the most challenged.”

“If we are not primarily doing work there anymore, and we are coming back to these relational-type issues, what does that mean for how it’s set up, how it’s designed and how it’s organized?” Cotterman said. “I think that’s part of the question as well.”

Transformed Design

The pandemic has literally transformed the design of the firm’s office, according to webinar panelist Ryan

J. Hoopes, senior director, Cushman & Wakefield, Dallas.

His firm used Bright Insight to survey more than 700 firms, from the largest law offices in the world to local law firms. See the survey here: www.bit.ly/BrightInsights.

Hoopes noted his firm produces this report via a benchmark survey “that is sent out to our database via email once per year in the second quarter,” he said. “The database surveyed consists of global law firms, not just U.S.”

The overarching theme from survey responses, Hoopes said, is that “many of the changes that law firms are going through right now, related to their workplace strategy, are themes and trends that existed and were gaining

momentum before the pandemic.”

The survey points out changes in how an office looks since the pandemic, including reduction of the private office size, amount of square feet per attorney and increased technology spending.

“What the pandemic did was to serve to accelerate many of those trends in tremendous fashion,” Hoopes said. “Most of these trends were moving toward more efficient, more flexible and a higher quality workspace. The pandemic just served to accelerate all of them.”

Hoopes said the new traffic in these spaces is something that has become a hot topic.

“More collaboration areas are tied in with client-facing areas,” he said. “We’ve gotten as far as looking at designing the same program and the number of attorneys and support staff.”

Firm’s Needs

Office design depends heavily on the firm’s philosophy, needs and the workers in a geographic region.

“It does depend upon the geographic region,” Snyder said. “What works in Pennsylvania, even Pittsburgh compared to Philadelphia, may not work in Florida or in Ohio. You have to adapt to the environment and what is going on in those geographic regions while still maintaining a practice that works for your clients and your law firm. Geography will play a part in what happens

with the remote workforce.

“We found the remote work policy in our Pittsburgh office was favored, whereas in Philadelphia, companies still did

continued on page 8

Anticipating Future Data Needs at Startup

continued from page 4

aged law firms in-house. One thing that always astounded those firms I managed was that no matter how hard they tried to “stump” me in asking for an analysis of something unusual, it was rarely a problem to pull the numbers together to provide ample relevant data on which to draw conclusions and make decisions. Being a “numbers person,” I instinctively tracked everything possible.

Remember, you may have all the information you need for now. But that doesn’t mean it will be adequate in one, five or 10 years from now. It’s a whole lot easier to collect and organize detailed information, even if you don’t have a use for it now, than to try to determine what you’ve never collected or organized, later. ⚖️

ATTORNEY DISCIPLINARY / ETHICS MATTERS

STATEWIDE PENNSYLVANIA MATTERS
NO CHARGE FOR INITIAL CONSULTATION

Representation, consultation and expert testimony in disciplinary matters and matters involving ethical issues, bar admissions and the Rules of Professional Conduct

James C. Schwartzman, Esq.

- Judge, Court of Judicial Discipline
- Former Chairman, Judicial Conduct Board of Pennsylvania
- Former Chairman, Disciplinary Board of the Supreme Court of Pennsylvania
- Former Chairman, Continuing Legal Education Board of the Supreme Court of Pennsylvania
- Former Chairman, Supreme Court of PA Interest on Lawyers Trust Account Board
- Former Federal Prosecutor
- Selected by his peers as one of the top 100 Super Lawyers in Pennsylvania and the top 100 Super Lawyers in Philadelphia
- Named by his peers as *Best Lawyers in America* 2022 and 2015 Philadelphia “Lawyer of the Year” Ethics and Professional Responsibility Law and Legal Malpractice Law

(215) 751-2863

In Post-Pandemic Era, What Will Return to Office Look Like?

continued from page 7

not come back to work: It was disfavored in Philadelphia,” she said. “And that’s just Pennsylvania. Why should we have to come back to the office?”

How does the office design work into a back-to-the-office scenario?

A longer-lasting plan is necessary for the design of the office, according to Hoopes.

“The last 18 months have really been more of looking at instituting Band-Aids on the real estate situation,” he said. “(But) what does our long-term workplace strategy look like?”

The bigger trend he’s seeing is the combination of the workplace amenities (break area, lounge, collaboration spaces for attorneys and employees) interwoven with the client-facing areas.

From a design standpoint, what they’re seeing, according to Hoopes, is the meshing of elements: collaboration and amenity spaces with client-facing areas.

“From a profitability standpoint, that is one of the premier parts of our strategy: looking at reducing real estate costs while maintaining a competitive balance,” he said. “It’s incredibly advantageous to be in high-quality, trophy-asset buildings from a recruitment and retention standpoint, and to a brand standpoint for a lot of these law firms. But those are expensive.”

Hoopes said clients are “spending a lot of dollars on space to elevate the feel of the space and the experience of attorneys while impressing clients coming into the space.”

Worker Retention

If the office “feel” and design is worked out, what about worker retention and recruitment?

“You have to be very purposeful when it comes to this area,” said webinar panelist Marie Milie Jones, founding partner, JonesPassodelis PLLC, Pittsburgh, “particularly in

these times that are uncertain.

“You have to be purposeful to engage with people,” Jones said. “You have to listen to what they are telling you, and what they might need.”

“We need to consider what’s best for the clients and what’s best for the firm in general,” Snyder said.

Office environments are used different ways by the personalities that inhabit the space.

“We are all different people by nature,” Snyder said. “So, if you’re in the office and you’re walking down the hall, and you see someone’s door closed every single day, it may be that they are just somebody who likes to hide behind that closed door. But that is something that you in management can see because it is physically in front of you. If the person is not physically in the office, the people who have those personalities that are not outgoing, necessarily, may tend to hide. That doesn’t mean they’re not going to be successful in your place of business, but it takes a little bit of extra effort on the part of management to make sure that you are addressing the needs of all the people in your organization in a different sort of way.”

Snyder said the approach “takes just a little extra effort and a different way of management.”

But what does working remotely or out of the office leave out?

Some believe mentorship, guidance and creative corroboration could be falling by the wayside, not to mention the relationships that build between partners and associates.

Law firms have found that most anything that is transactional or linear in nature can get done very effectively in a remote working setting, according to Hoopes.

“But what you miss out — and where our studies have shown the issues have been — are areas like mentorship; succession planning, as an example, vaulted to the No. 2 concern of the 700 law firms we surveyed; business development; creativity; a lot of the aspects that



Ryan J. Hoopes



Marie Milie Jones



Kevin E. Raphael

‘Many of the changes that law firms are going through right now, related to their workplace strategy, are themes and trends that existed and were gaining momentum before the pandemic.’

— Ryan Hoopes

associates really need from our understanding and our studies, they are missing out on from remote working environments,” he said.

While the response to the surveys point to being able to work remotely, that same work environment “has affected them negatively” in a lot of ways, Hoopes said.

Appropriate compensation remains at the top of the associate concern ladder, Hoopes said. But collaboration and culture are incredibly important.

“The surveys are not giving you stereotypical answers that any of us probably would have expected,” Cotterman said. “We are getting a much more nuanced and complex set of answers. Which means our response is complicated by that, and we’re going to have to take the time to see how we address this uniformly and consistently across the organization, but provide the flexibility that what works for Jane works for John, and what works in Dallas works in Chicago.”

To see the survey, visit www.bit.ly/AltmanWSurvey.

Consistent Policies

What the new normal may bring

is still being determined. Some firms may have already adopted long-term, consistent policies and some are striving to do so.

Will there exist a “uniform policy across a firm with geographic locations in many states, or is post-pandemic going to show that all policy will be based on particular offices or the proclivities of attorneys in particular offices?” said panel moderator Kevin E. Raphael, partner, Pietragallo Gordon Alfano Bosick & Raspanti LLP, Philadelphia.

“I do not see us having individualized policies,” Snyder said. “I think they may be interpreted differently and implemented differently in the different geographic regions. The policy will be consistent throughout. It will have to be something that can work in all the jurisdictions.”

Some firm leaders believe virtual policies should be spelled out clearly.

“As an employment lawyer, I would suggest that you have uniform policies, understanding that there can be a particular office that has to do something one way that another office simply couldn’t do,” Jones said. “That still allows that office to have

continued on page 11



Expert Services

A BOARD-CERTIFIED DOCUMENT AND HAND-WRITING EXAMINER — J. Wright Leonard, BCFE, CDE. Federal, State and Local Courts. Examination/Testimony in Civil/Criminal Matters.
1500 Walnut St. #M-12
Philadelphia, PA 19102
215-735-4000
www.ForgeryID.com

MEDICARE SET ASIDES/CONDITIONAL PAYMENT RESOLUTIONS — Susan V. Mason, Esq., MSCC — Protect your client, your practice and extinguish exposure under the Medicare/Medicaid Secondary Payer Statutes. Personalized service and expertise you can trust.
412-302-8880
smason@firstreviewinc.com

REAL ESTATE LAW EXPERT — William F. Hoffmeyer, Esq. — AV-rated attorney/educator/author — Expert analysis and testimony on matters involving Real Estate Law and issues pertaining to attorney and title insurance agent liability. Owner of York's oldest title searching

and title insurance agency. Licensed title insurance agent for almost 50 years and author of the "Abstractor's Bible."

30 N. George St.
York, PA 17401
717-846-8846
E-mail: info@hoffsemm.com
For full CV, go to
www.hoffsemm.com

REAL ESTATE LAW EXPERT — Richard W. Stewart, former chair, Disciplinary Board of The Supreme Court; former vice chair, Pennsylvania Board of Law Examiners; over 15,000 titles examined; AV-rated. Licensed title agent and real estate broker.
301 Market St.
Lemoyne, PA 17043
717-761-4540, ext. 288
RWS@JDSW.COM

TITLE SEARCHES, LIEN SEARCHES AND TITLE INSURANCE FOR CENTRAL PENNSYLVANIA — York Abstracting Company, LLC (Y.A.C.O.)
717-846-8846
William F. Hoffmeyer, President

Legal Resources

CAREER PLANNING SERVICES FOR ATTORNEYS

— David E. Behrend has been a statewide resource for Pennsylvania lawyers going through employment transitions, including those displaced, and recent graduates. 30 years assisting professionals as career counselor/consultant. In office or telephone consults with absolute confidentiality.
132 Pennsylvania Ave.
Bryn Mawr, PA 19010
215-840-0867
www.lawcareercounseling.com
Behrend42@aol.com
"IT'S ONLY YOUR CAREER WE COUNSEL."

Position Opening

The Barbara J. Hart Justice Center, A Project of the Women's Resource Center, has an immediate need for a full-time staff attorney, Spanish-speaking, preferably. The qualified attorney will represent survivors of domestic and sexual violence in family law, immigration, housing and consumer debt matters in Lackawanna and Susquehanna counties. Candidates must be licensed to practice in Pennsylvania with the ability to work individually and in teams. The Justice Center provides a great and challenging opportunity for attorneys to develop litigation skills and expertise in the field of domestic and sexual violence and family law. Qualified candidates should submit a cover letter and resume to julianap@wrcnepa.org, Juliana Petro, Esq., Legal Director, and deniseb@wrcnepa.org, Denise Burgos, Legal Assistant.

For Sale

"The Abstractor's Bible," 4th edition (2015)." A Complete System for Searching Real Estate Titles and Analyzing Court House Real Estate Records. Includes a searchable CD-ROM. By William F. Hoffmeyer, Esq. Cherry Lane Publishing
publishing@cherrylanepublishing.com
717-846-8846

It Pays to Advertise in Legal Marketplace

LINE RATES:

PBA Member: \$35
Non-PBA Member: \$40
(first 30 words, each additional word \$1.50)

BLIND ADS: Processing surcharge \$10

BOX AD RATES:

Ad Size	PBA Member	Non-PBA Member
1 col. x 1	\$ 75	\$ 95
1 col. x 2	\$135	\$170
1 col. x 3	\$195	\$250

EMPLOYMENT ADS:

PBA Member: \$25
(first 30 words; each additional word \$1.50)

Non-PBA Member: \$40
(first 30 words; each additional word \$1.50)

BLIND ADS: Processing surcharge \$10
(no fee for job-seekers)

Legal Marketplace

Pennsylvania Bar Association
100 South Street P.O. Box 186
Harrisburg 17108

800-932-0311, ext. 2226

www.pabar.org



Your Other Partner

Stay Connected

- Follow us on Twitter @pabarassn
- Find us on Facebook @pabarassn
- Join the Pennsylvania Bar Association on LinkedIn

Stay Informed

www.pabar.org

PBA House of Delegates, Board of Governors Take Action During Meetings

The PBA House of Delegates met virtually on Nov. 19 to vote on legislative and policy-related items. The following is a summary of House action, as well as corresponding action by the PBA Board of Governors, which met in Hershey on Nov. 17.

Approved the joint recommendation of Civility in the Profession Committee and the Bylaws Committee to amend Article VII, Section 701 to establish the Civility in the Profession Committee in the bylaws. **(Board of Governors' vote: Y-20/N-0/A-0)**

Approved the recommendation of Bylaws Committee to amend Article IX, Section 907, to make permanent the positions of the minority and woman governor in the bylaws. **(Board of Governors' vote: Y/20/N-0/A-0)**

Approved the recommendation of the Bylaws Committee to amend the Board of Governors' recommendation checklist. **(Board of Governors' vote: Y-15/N-0/A-1)**

Approved the recommendation of the Bylaws Committee to amend the bylaws to permit virtual meetings of the House of Delegates to proceed via electronic or advanced communication technology when called by the Board of Governors, by reason of the inability to conduct an in-person meeting because of an event of force majeure, pandemic emergency or any other event. **(Board of Governors' vote: Y-23/N-0/A-1)**

Approved the recommendation of the Bylaws Committee to amend Article III, House of Delegates, Rule 333, Quorum, Manner of Acting and Adjournment, to increase the quorum requirement for the House of Delegates from 50 members to 33⅓% of the total voting members. **(Board of**

Governors' vote: Y-24/N-0/A-0)

Approved, as amended, the recommendation of the Bylaws Committee to amend the bylaws to ensure adequate provisions for removal and succession of leadership. Specific amendment recommendations would apply to Article II, Section 204, Termination or Suspension of Membership; Censure (d); Article III, Section 301, Composition of the House of Delegates — (a) 5, 6, 8 and 9; Article IX, Section 914, Nominating Committee — (a); Article IX, Section 941, Resignations; and Article IX, Section 951 Vacancies — (d) and (e). **(Board of Governors' vote: Y-21/N-0/A-2)**

Approved the recommendation of the Quality of Life/Balance Committee that the PBA adopt and encourage that county bar associations also adopt the ABA Wellness Pledge as well as the “seven point framework” to reduce substance abuse disorders and mental health distress in the legal profession. **(Board of Governors' vote: Y-24/N-0/A-0)**

Approved the recommendation of the Large Law Firm Committee asking the PBA to urge bar associations and legal employers to develop and implement policies and practices to permit the safe return to the workplace to address the impact of the COVID-19 pandemic as well as the impact of COVID-19 pandemic's disproportionate impact within the legal profession on people of color, women, individuals with disabilities, individuals who identify as LGBTQ+ caregivers and seniors. **(Board of Governors' vote: Y-24/N-0/A-0)**

Approved the recommendation of the Workers' Compensation Law Section that the PBA support House Bill 1837 or other similar legislation that would eliminate the need for an injured worker to

obtain two witnesses to his or her signature to a compromise and release agreement or that his or her signature be notarized so long as the injured worker appears before a workers' compensation judge in a hearing for the purpose of seeking approval of the compromise and release agreement, and affirms that he or she understands the full legal significance of entering into the agreement. **(Board of Governors' vote: Y-21/N-0/A-2)**

Approved the recommendation of the Workers' Compensation Law Section that the PBA support proposed model rules on conducting electronic depositions and submit them for consideration to the Pennsylvania Department of Labor and Industry to promulgate as an amendment to 34 Pa. Code Section 131.62 (c) of the Special Rules of Administrative Practice and Procedure before workers' compensation judges through its rule-making procedure. **(Board of Governors' vote: Y-21/N-0/A-2)**

PBA Seeks Candidates to ABA House of Delegates


The PBA is seeking candidates to fill three open seats on the Pennsylvania delegation to the ABA House of Delegates.

According to the ABA constitution and bylaws, one of these seats must be held by a young lawyer who is less than 35 years old at the beginning of the term. The delegation, at 13 members, is broken down into several categories: PBA-appointed delegates, county-appointed delegates, state-elected delegate and ABA-appointed delegates.

The PBA is allotted eight seats, each of which carries a two-year term. The PBA Board of Governors chooses the nominees, who are then officially voted into office by the PBA House of Delegates. Terms for these seats will run from August

Approved the recommendation of the Legal Services to the Public Committee recommending that the PBA urge the Board of Pardons to rescind immediately its newly announced policy deferring the scheduling of merit review hearings on applications for clemency where there are unpaid fines, fees or costs from underlying convictions, in the interest of the preservation of equal access to justice for all applicants regardless of ability to pay, in alignment with the long-established ability to proceed in forma pauperis in civil proceedings and the principles of right to counsel for indigent defendants in criminal proceedings. **(Board of Governors' vote: Y-20/N-0/A-2)**


Unanimously approved the memorial recommendation for the Honorable Justin Morris Johnson.

Unanimously approved the memorial recommendation for the Honorable Eugene B. Strassburger III. 

2022 through August 2024. The first meeting the elected would be eligible to attend would be the Feb. 1-6, 2023, meeting in New Orleans.

Candidates must be a current member of the ABA and be able to attend the following meetings:

- ABA Midyear Meeting: Feb. 1-6, 2023, New Orleans
- ABA Annual Meeting: Aug. 2-8, 2023, Denver
- ABA Midyear Meeting: Jan. 31-Feb. 5, 2024, Louisville, Ky.
- ABA Annual Meeting: July 31-Aug. 6, 2024, Chicago

Those who wish to serve as a delegate should send a letter of interest and a resume via email to Sandra Graver: sandra.graver@pabar.org. All material must be received no later than March 31, 2022. 

In Post-Pandemic Era, What Will Return to Office Look Like?

continued from page 8

the practice, while the firm has an overarching policy.”

That policy is influenced by what used to be reality for many offices.

“I think there is a strong urge to always sort of go back to where your comfort zone is, with what worked in the past, although I think we have been very successful as a profession to work remotely,” Cotterman said. Firms were able, he said, to “keep clients’ work moving, with the constraints of the courts and other aspects of moving ahead.

“It’s been a successful pivot,” he said.

But what has been lost working virtually with associates?

“I’ve learned that the associates don’t want to miss out on opportunities, and those might be work opportunities, client-facing opportunities, they might be social opportunities with the firm,” Jones said. “But they balance that against really liking the flexibility to not always be in the office.”

That is a “balancing act we have to perform,” she said.

In the end, the management team must pay more attention to “not let somebody slip through the cracks, and make sure they’re engaged,” Jones said.

Business Success

But firms need to take a hard look and discern what is critical to the practice’s business success.

“What’s the purpose to go back to the office?” Cotterman said. “Does the office fit and meet that purpose? What is the purpose of getting together? Is that the most efficient use of your time and resources?”

Cotterman hears from managing partners who say, “our clients really are not all too keen on us coming back out to see them in their offices,” he said. “We are comfortable working with you in a remote situation.

“I think you have to be flexible in terms of how you (meet) with each client,” Cotterman said. “If a client

needs you to have more face-to-face interaction, then figure out how that’s going to happen, when it’s going to happen and so forth. And if other clients really don’t want to go in that direction, want to stay remote, plan your service for them. I think you’re just responsive to their particular needs and situations.”

“The keyword we are going to hear today from all of us is flexibility,” Jones said. “I believe post-pandemic, it’s going to be flexible, but I would venture a guess of more *in* than *out* of the office. I agree, however, that the management responsibilities are going to become more critical and that there will be a greater level of administrative oversight to address, manage and ensure the productivity of the lawyers as well as their happiness, frankly, in terms of their jobs with this flexible atmosphere.”

That burden on management can cost more, particularly for technology, Jones said.

“If our clients need something, want something a certain way, I think we work hard to accommodate that if we can,” she said. “Discuss it. Do you need to be there for that client, even if the client says I don’t want you to come?”

“If the client says we do want you here, and you have concerns for whatever reason — the safety of your lawyers, the nature of the industry in which that client works, and you wouldn’t want your lawyers to be there — then you have that conversation,” Jones said. “I think we will work with them and just try to assess how their needs and our firm’s preferences can work together so that we can all get to the right answer.”

But in the new normal, what tactics can help to increase clientele? It has taken a lot of learning and adaptability.

“The tools have come a long way and continue to go a long way,” Cotterman said. “Many of us have learned new social skills over the last year and a half. How do we interact socially in a digital format differ-

‘But what you miss out — and where our studies have shown the issues have been — are areas like mentorship; succession planning, as an example, vaulted to the No. 2 concern of the 700 law firms we surveyed; business development; creativity; a lot of the aspects that associates really need from our understanding and our studies, they are missing from remote working environments.’

— Ryan Hoopes

ent than when you’re right there in person? Some people are camera-shy. The digital (world) can be a bit imposing to some people.”

That also means more robust technology platforms so that people can interact within the confines of their networking, he said.

Client development, business development, is about building relationships, Jones said.

“We have to figure out the best way to maintain or build new relationships with clients in the post-pandemic world,” she said. “I can still see using in-person events (getting together, finally). Take a client to a hockey game. Take them to a dinner and a show. I can see that continuing. We’re going to try and do that when we can and when the clients are comfortable, because you want to interact and continue to build those relationships.”

‘Here to Stay’

“Video conferencing is here to stay,” Freedman said. “Most people have come to enjoy the cost- and time-savings of meeting via video. The pandemic lockdown has left many people starved for interaction. So, when the risk of contracting COVID-19 or one of its variants shrinks from daily consideration, we will see a return to more in-person group meetings.”

Freedman said some things are not as good via video.

“People will want to gather again in person for celebrations, conferences, strategic planning, creative brainstorming, entertainment and so forth,” she said. “Nonetheless, we will see a per-

manent shift to increased use of video, and even text, for communications and small meetings.”

Software applications such as Zoom will become more evolved and unified with other technologies, Freedman said. Back when unified messaging first entered the scene, people were able to receive their voicemails as attachments to emails. It was a technologically transformative experience.

Training, then, will be mostly virtual.

“We’re going to have another generation of lawyers coming up now behind us that will be trained in a substantially different way than we were trained,” Snyder said. “But it needs to happen with purpose so that you are ensuring that those individuals are being trained. We want to mentor young associates and bring people along so that they know about the culture of the firm, and they want to stay and become shareholders and become the future leaders of the firm. And you’re not going to do that unless you can find ways to continue mentoring them, even if they’re not in a physical workplace 24/7, so to speak.”

The remote environment makes it easier to get experience, Snyder said.

But the 24/7 mentality may increase the stress from work-from-home.

“Do we now feel like we are on 24/7?” Jones said. “That’s not necessarily balanced at all. And it’s also not necessarily good from an employment-law standpoint. There is a lot of reasons the remote-working-from-home situation could be troublesome.”

continued on page 12




**From All of Us at the PBA,
May Your Holiday Season Be Full of Joy!**

2022 Membership Renewals Available

The PBA strives to offer benefits and services to help you grow, connect and succeed.

To continue to utilize the membership perks you value most, we encourage you to renew your 2022 PBA membership. Members can renew PBA dues or section memberships online by logging onto the


Member Dashboard at www.bit.ly/PBADashboard and clicking on Renew Dues under My Account.

If you need your username and password or would like to renew over the phone, call the PBA Member Services Center at 800-932-0311. 

PBA Announces Dues Waiver/Periodic Payment Requests

Requests for 2022 PBA dues waivers/periodic payments must be received by Jan. 31, 2022. Dues waivers/periodic payments will be granted only on the basis of medical disability or other hardship that

adversely impacts your ability to pay membership dues.

Contact PBA Member Services at 800-932-0311 or msc@pabar.org for more information or to request a form. 

In Post-Pandemic Era, What Will Return to Office Look Like?

continued from page 11


But the hybrid environment will persist, because it could be better business sense, according to Cotterman.

“Probably the last thing airlines and the hotels want to hear is that a significant proportion of the travel budgets of corporations are unnecessary,” he said. “They don’t serve a necessary business purpose, given the advancement of tools like (Zoom). And they will not happen.

“Our clients are corporate clients. There may not be the willingness, or the opportunity, or even the availability from the budget to travel and go to conferences like they used to. If you want to get together, it’s going to be outside of those settings.”

“I do think it’s going to be completely dependent upon the client and the event, going back to the word ‘purpose,’” Snyder said. “What is the purpose of the meeting? Does it have to be in-person? Can it take place remotely?”

“I think there is a much bigger focus on workplace balance: it’s front-and-center now,” Snyder said. “Management has to figure out how that is going to affect policies and affect how we conduct our business.”

View the webinar at <https://www.youtube.com/watch?v=-5xuNU4lpg>. 



Upcoming Events

Unless otherwise noted, find more information in the PBA Events Calendar at www.pabar.org or call the PBA Member Services Center at 800-932-0311.

- Jan. 14** PBA 2022 Family Law Section Winter Meeting
- Feb. 2-6** PBA Midyear Meeting
- Feb. 24-26** Conference of County Bar Leaders
- March 25-26** PBA Statewide High School Mock Trial Competition Finals
- March 30** Women in the Profession 2022 Virtual Spring Conference

Please check the PBA website (www.pabar.org) and PBI website (www.pbi.org) frequently for updates.