Solo, But Not Alone: How to Assemble Your Virtual Team

A solo practitioner was always considered a breed apart, namely a legal rebel going it alone to the battlefields for his or her client. Well, times, as ol'Bob says, they are a'changing. The solo lawyer today still wants to be fiercely independent – but with new collaborative tools at hand, namely: “The Internet”, they no longer have to be alone. They can bring together people into virtual teams and practice in ways never before possible as a solo. So how do you remain connected and cohesive as a virtual team? The speakers will discuss the pros and cons of assembling your own virtual team and the myriad tools at your disposal to help you effectively and ethically communicate and stay connected. Other considerations such as the practicality and necessity of face-to-face time, team structure, and team building exercises will also be canvassed.

David J. Bilinsky¹

(daveb@thoughtfullaw.com)

¹ This paper was originally co-written by Andy Adkins and David J. Bilinsky for ABA TECHSHOW 2012.
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>INTRODUCTION TO VIRTUAL TEAMS</td>
<td>3</td>
</tr>
<tr>
<td>CONSIDERATIONS IN MOVING TO VIRTUAL (AS OPPOSED TO IN-PERSON) TEAMS</td>
<td>6</td>
</tr>
<tr>
<td>HURDLES TO CONSIDER AND HOW TO HANDLE THEM</td>
<td>7</td>
</tr>
<tr>
<td>WHAT TOOLS ARE AVAILABLE TO YOU?</td>
<td>8</td>
</tr>
<tr>
<td>ETHICS, PRIVACY, SECURITY AND TAX CONSIDERATIONS</td>
<td>11</td>
</tr>
<tr>
<td>REGULATION</td>
<td>12</td>
</tr>
<tr>
<td>JURISDICTION</td>
<td>12</td>
</tr>
<tr>
<td>PROFESSIONAL RESPONSIBILITIES:</td>
<td>13</td>
</tr>
<tr>
<td>SECURITY OF RECORDS:</td>
<td>13</td>
</tr>
<tr>
<td>RECORDS RETENTION:</td>
<td>13</td>
</tr>
<tr>
<td>UNDERSTANDING THE RISKS:</td>
<td>14</td>
</tr>
<tr>
<td>RESOURCES FOR A VIRTUAL PRACTICE:</td>
<td>14</td>
</tr>
<tr>
<td>PULLING TOGETHER YOUR VIRTUAL TEAM PLAN</td>
<td>15</td>
</tr>
<tr>
<td>CONCLUSIONS</td>
<td>17</td>
</tr>
<tr>
<td>APPENDIX A – VIRTUAL LAWYERS AND RESOURCES</td>
<td>18</td>
</tr>
</tbody>
</table>
Solo, But Not Alone:
Assembling Your Virtual Team

♬ A winter's day
In a deep and dark December;
I am alone,
Gazing from my window to the streets below
On a freshly fallen silent shroud of snow.
I am a rock,
I am an island....♬

Lyrics and music by Paul Simon, recorded by Simon and Garfunkel.

Introduction to Virtual Teams

Traditionally the solo lawyer was a breed apart. They were the legal rebels – going it alone to the battlefields and conquering goliaths on behalf of their clients. They needed no one and liked it that way. Or at least that was the image they liked to portray.

Well times, as Bob says, they are a’changing. Today the solo lawyer still wants to be fiercely independent but now they recognize that the power of the Internet means that they no longer have to be alone. Courtesy of new collaborative tools, they can bring together people into virtual teams and practice in ways never before possible as a solo.

So in this paper we are going to explore the different ways you can build your own virtual practice using virtual teams. Along the way we are going to explore how you can collaborate with a new and wider office team – by bringing in assistants, bookkeepers, IT support, accountants and others on an as-needed basis to meet your support needs.
You can also collaborate with those outside the office: experts, contract staff, litigation support personnel or providers, legal research, second chair lawyer assistance and the like can all be brought in remotely to your office to assist on your cases. This allows you to contract with all kinds of different staff with different skill sets on a short-term basis rather than full-time. You now can achieve a scalable office! This is particularly important for a solo as your physical space most probably is limited and can only accommodate a limited number of people. However if your office walls are virtual, you have a virtually limitless capacity to expand. These days you can even outsource your office administration!

Continuing on this outsourcing theme, courtesy of having a virtual office, you can still maintain that low overhead that is characteristic of a solo. Building a virtual team means that all of you can cut your commuting times down to a minimum as your team members are accessing your office remotely. Accordingly, a virtual office is a largely paperless office. It is also a mobile office since all you need is an Internet connection to work.

There is no question that a virtual office must be concerned with security and privacy issues. There are a host of legal, ethical and technical issues as well. Do you host your data on your own servers (using such tools as Microsoft Sharepoint to create a private cloud) or do you look to such applications such as PBWorks and practice virtually using a public cloud application?

You can be more responsive to your clients if you can assemble a virtual team quickly to ramp up for a big case or closing. It has been shown that virtual team members (as well as yourself) can achieve a better work/life balance from adopting this way of working/commuting! Furthermore, a virtual office can accommodate lawyers who would have otherwise left the profession over family/work issues. This has been clearly demonstrated by those firms that have reached out to young lawyers who are also moms. These talented lawyers are at high risk for leaving the profession – being able to contract with a firm as a virtual lawyer (on a part-time
basis) allows them to still remain as an active member of the profession while still raising their children. Win-Win! As a solo with a virtual office, you can now tap into previously inaccessible talent pools (however you risk losing your solo status!)

Of course, going virtual also means that you can now reach out to new markets or to existing markets in new ways, since you are no longer limited to the clients that can access you within a reasonable geographic area. An example of this is a firm in Hong Kong who markets themselves as a virtual in-house legal department for corporations (Virtual Legal In-House: http://www.hongkonglaw.com/weirlaw/VLIH.htm). You can offer ‘unbundled’ legal services – by delivering discrete legal tasks that meet the needs of the clients for limited legal services. Heck you can even set up a law practice in Second Life and join the Second Life Bar Association (http://www.slba.info/). For those of us still practicing in the real world, but wanting a wider reach, you can join the Internet Bar Organization (http://internetbar.org/) which seems particularly well-suited to a virtual practice!

To dispel one myth: Going virtual does not mean giving up all the trappings of a traditional legal bricks and mortar practice. You can be a mobile lawyer (increasingly most of us are these days) and incorporate bits of virtual practice into your traditional law practice. There is much to be gained by exploring how virtual practice can help you erase all types of boundaries that surround a typical law practice and in so doing, lower costs, reach to new markets, reach out to new ways of doing things and create the type of practice that best suits you.

Of course going virtual not only has its benefits but also gives rise to certain risks. You are now carrying on in practice by going beyond the traditional boundaries of the legal profession and as such, you are a bit of a square peg in a round regulatory hole. By becoming a virtual lawyer you can be seen to be a new kind of rebel and thereby seem to be threatening to some who have a rather more conservative view of how law should be practiced. Not all jurisdictions see virtual law practices as
being fully in alignment with the traditional foundations of practice, ethical rules, regulations and such. Accordingly, in this paper we explore some of the benefits as well as the potential difficulties that you may encounter by moving to this new and exciting way of practicing law.

We also wanted to acknowledge the huge debt of gratitude we have for the biggest virtual legal rebel we know: Stephanie L. Kimbro. Stephanie has operated a web-based virtual law office in North Carolina since 2006 in the areas of estate planning and small-business law. She is the recipient of the 2009 ABA Keane Award for Excellence in e-Lawyering along with numerous other awards and recognition. She has literally written the book on virtual law practice: Virtual Law Practice: How to Deliver Legal Services Online (http://apps.americanbar.org/abastore/index.cfm?section=main&fm=Product.AddToCart&pid=5110707). Stephanie is a leader in this area and we owe much to her groundbreaking and thoughtful work in advancing the virtual practice of law.

**Considerations in moving to virtual (as opposed to in-person) teams**

A Virtual Law Office has been defined many different ways by many different people. It can certainly be seen as one form of e-lawyering, or using the power of the Internet to deliver legal services. Virtual practice can be lawyering. It is a secure method of delivering legal services online that are accessible to the client and the attorney anywhere they can access the Internet.

Simply put, there are several different ways to create a virtual law office. One is to be entirely web based. Another is to have a virtual office as part of a larger firm, meaning the virtual lawyer utilizes the larger firm’s infrastructure as opposed to being web based. Typically, there will be a secure client portal where the attorney and client conduct their business, including payments for services rendered. At this
point, most virtual practices tend to focus on areas in routine document preparation.

So, why would you want to be virtual as opposed to having a real office? Lots of reasons – working at home; working at your convenience and not your clients’; not having to face clients; working around your family’s schedule(s). But, there are also times when you need assistance, whether it be a virtual receptionist to answer your phone while you’re “away,” or a virtual secretary to help you prepare documents, or a virtual paralegal to help you with discovery, or another attorney to collaborate on a difficult case.

**Hurdles to consider and how to handle them**

How comfortable are you with technology? Be honest with yourself; in order to successfully be virtual, you need to keep up to date on technology, virtual tools, and the every changing communication methods with clients. Furthermore, your virtual team needs to be equally comfortable with technology. If one of you is working with a virtual collaboration tool such as SharePoint or Dropbox, you both need to know how to share information.

As mentioned earlier, you’re probably going to be mobile at some point, so having wireless access to the Internet is a must. Furthermore you must also understand how to get connected and how to stay connected. It’s not the easiest thing, but if you can understand the basics, you’ll be well on your way to becoming a virtual lawyer.

OK, so you’re comfortable with technology. Are you disciplined enough to work without a standard routine or without the typical law office environment? That means people – *people*. Can you work alone in solitude? Of course, you can. You’ve always dreamed of working away from the office, on your own time, with no distractions.
Of course, you say that now. But, what about those cold, snowy or dark and rainy winter days? There’s no one around to talk about the latest football or basketball games. There’s no distractions or interruptions during the day. (or alternatively the Internet and Twitter – become too much of a distraction!)

Of course you can handle it. If you get the virtual cabin fever, you can always find alternatives. But, make sure you’re ready for the virtual freedom from interruptions and the ability to schedule yourself as you wish...before you take the virtual plunge.

**What tools are available to you?**

The two main players in this field are DirectLaw and Total Attorneys Virtual Law Office. Both of these are hosting platforms, providing a collaborative space on the Internet to allow you and your client to communicate, exchange documents, and conduct financial business.

Basically, once the initial attorney-client relationship is established and the client pays the initial fee, the client then accesses a secure portal on the attorney’s website where initial information is provided to the lawyer. This may be a fill in the form or a more complex questionnaire, depending on the type of documents and or services the client is requesting.

Attorney-client communications are usually by email and/or telephone. Once the documents are completed and reviewed by the attorney, the client receives an electronic notification that the documents are completed and ready. The client pays the balance of the fee electronically (usually with a credit card) to receive the final documents.

There are all kinds of pros and cons with this type of legal service delivery model. Advantages for this type of model include the ability to work from anywhere and not having to personally meet the client; and working with available off-the-shelf
document automation technologies, documents can be quickly assembled for the client, which means that you can deliver the work quickly. Instead of billing by the hour, you can charge a flat fee for services (and seek to gain efficiencies in the process).

The disadvantages should also be apparent: you need to be comfortable with technology; otherwise you will undoubtedly be frustrated. If you’re not using a ready-made VLO platform, you’ll have to do a lot of the work yourself, including setting up security and financial transaction processing.

Working virtually also means that you rarely, if ever, meet face-to-face with clients. If you work out of your home, there are family and scheduling challenges. It’s hard to ignore your spouse or your young children when they need “just a minute” of your time, especially when you’re in the middle of a client matter. You may also find that working in a VLO will limit you in your areas of expertise and it’s hard to kick around ideas with someone else when you’re surrounded by four walls.

You may need to periodically “meet” your clients virtually, either by phone or by video. The phone is easy – everyone knows how to use a phone. Video conferencing has come a long way and is easier than ever before. If you’ve never used Skype you are in for a treat. First of all, it’s free – our favorite price. Second of all, you type in www.skype.com, create a free account and download a simple piece of software that automatically installs on your computer. The hardest part, if you want to call it that, is hooking up a web cam (less than $50 at Best Buy, Wal-Mart, or Target) to your computer (unless you have a MacBook in which case it is built-in). Again, these days it is almost plug and play.

Once you have all of that set up, you open Skype, test out your video and audio, and you’re ready to make your first connection. Of course, if you have kids away from home, you’ve probably already got this set up. If not, you’ll need to know the Skype “name” of the person you’re going to contact, set a time for the video connection,
then it’s simply a matter of clicking on the name and “make a video call.” Best of all, did we mention it’s FREE!

Given the wide range of types of virtual practices, it is no surprise that the tools that you can use to practice virtually are wide-ranging and broad. The good thing about virtual practice is that, since you are using cloud-based tools for the most part, the debate about Mac vs PC has largely evaporated. You are operating from a browser using tools that operate on both (and Linux too in many cases).

Here is a quick list of services and software that you can use in your virtual practice:

**Virtual Law Platforms:**


Total Attorneys (previously Virtual Law Office) [http://www.totalattorneys.com](http://www.totalattorneys.com)


**Collaboration Platforms:**

PB Works: [http://pbworks.com/](http://pbworks.com/)

MS Sharepoint:
  - (Canada): [http://sharepoint.microsoft.com/en-ca/Pages/default.aspx](http://sharepoint.microsoft.com/en-ca/Pages/default.aspx)

DropBox: [http://www.dropbox.com/](http://www.dropbox.com/)

SpiderOak: [https://spideroak.com/](https://spideroak.com/)


**Virtual Office Software:**

RocketMatter: [http://www.directlaw.com/](http://www.directlaw.com/)

Clio: [http://www.goclio.com/](http://www.goclio.com/)
Virtual Assistants:

International Virtual Assistants Association: http://www.ivaa.org/

This association for virtual assistants lists 30 different services ranging from Transcription Services to accounting and bookkeeping to Author and Coaching Support. It also offers a CVA designation (Certified Virtual Assistant), EthicsCheck and CRESS (Certified Real Estate Specialist) designations. Members get access to their forms library to help people get started in the business of being a virtual assistant.

Examples of virtual assistants:

T. Marie Hilton: http://clericaladvantage.com/
Denise M. Annunciata: http://www.virtualparalegalservices.com/
Laurie Mapp: http://halosecretarialservices.com/blog/about-halo/
Aretha Gaskin: http://www.tvlai.com/
Pattricia Hayward: http://www.officeassistantsonline.com/lawyers.htm

Ethics, privacy, security and tax considerations

The Law Society of British Columbia has drafted what I believe to be at present the most comprehensive look into lawyer’s use of Cloud Computing services (we are slightly biased since one of the authors of this paper participated in this working group). This Report (which is in Appendix B to this paper) is a great overview of all the issues in a lawyer using cloud-based services in his or her practice and has a good review of the issues and a due diligence checklist.

We discuss an overview of the issues below. Of course, you should to have reference to the particular ethics rulings in your jurisdiction before embarking on a virtual practice. A good source of information may be to contact the Practice Management Advisor in your state or province in order to get some real-time information on where your jurisdiction stands in relation to the virtual practice of law. Stephanie
Kimbro also maintains a current list of the ethics rulings in different jurisdictions on her blog.

**Regulation:**

Cloud computing forms a challenge to those seeking to regulate lawyers. Canadian firms are, at least in the writers’ opinion, much more highly regulated than US firms and potentially affected to a greater extent by privacy legislation when it comes to moving to the cloud. As a result the regulators must come to grips with the fact that file and trust records are not to be found on paper or at least on a hard drive if they do a trust account audit or investigation into a lawyer’s practice (as occurs in Canadian firms).

Cloud computing affects both a lawyer’s records management and the regulator’s investigative function. An insurer’s obligation to defend their client in the event of a claim against a lawyer may be affected if all records are kept on the cloud but need to be produced. All of this can usually be accommodated without too much difficulty but it is possible that metadata associated with the records stored in the cloud may not be available in the same way that metadata stored on a local hard drive would be. In any case cloud computing does offer a new set of challenges to be met by lawyer and regulator alike.

**Jurisdiction:**

In most cases the servers used by a virtual lawyer will be located in another state, province or even another country. The service provider may have backup and storage locations in multiple countries. This makes it difficult to determine where the data may be located. This may mean that the lawyer’s data may be subject to a foreign legal system. Personal information and privacy laws come into play here. The client of the virtual lawyer may not appreciate that their personal data may be at risk. We suggest that a lawyer not look at the issue from the perspective of “What are the chances that a foreign territory may access this data?” but rather “What are the potential risks if they do?”
**Professional Responsibilities:**

Legal regulators in Canada (it is assumed as well elsewhere) have certain rights to see a lawyer’s records. If those records are kept on the cloud but accessible by the lawyer (and thereby, it is assumed, by the regulator) on demand, does this satisfy this requirement? We would submit that in most cases, it should. There may be specific ethics requirements for the books and records of a lawyer to be kept at their chief place of business. Accordingly the specific ethics requirements of any jurisdiction with regard to the location of books and records of the lawyer that need to be maintained on site (and perhaps in paper form) need to be investigated in advance of opening a virtual practice.

**Security of Records:**

Lawyers in all jurisdictions are expected to maintain reasonable security in and around their records and to guard client confidences, privacy and maintain secrecy. This requirement must be maintained if the records are being kept in the cloud. Lawyers would be expected to do due diligence with regard to the cloud provider, to craft confidentiality agreements if possible with the provider and to understand the security measures that the provider has put into place. However, the benefits of moving to the cloud regarding security of records should also be mentioned. Reliable Cloud providers state that they maintain multiple backups of your records under strong security. Oftentimes this could be better than the systems actually maintained by lawyers before the moved to the Cloud.

**Records Retention:**

Lawyers have requirements to keep records for certain times even after the closing of a file. If you are storing records on the cloud, you need to ensure that the provider will keep records for at least as long as you are required, otherwise you will have to move records to other storage.
Understanding the Risks:

Moving to anything new always means having to come to grips with what is the same, what has changed and what risks should be managed as a result. The same with becoming a virtual lawyer. There are some risks that remain the same regardless (maintaining confidentiality), there are some that disappear (such as the risk of destruction of paper records by fire) and some that emerge (such as the deletion of the data on the servers by the cloud provider). In all cases it is important that you as a lawyer understand the risks and take all reasonable steps to comply with your ethical and professional duties in a way that allows you to move to the cloud and meet the needs of your office and those of your client.

Resources for a Virtual Practice:

Donna Seyle (http://lawpracticestrategy.com/services-2/) is a virtual lawyer who offers consulting services to those who are interested in becoming a virtual lawyer.

Stephanie Kimbro, a virtual lawyer herself, also consults to lawyers looking to go virtual: http://virtuallawpractice.org

Blakes: Canadian legal considerations for virtual teams:

http://www.blakes.com/pdf/Legal_Considerations_for_Virtual_Teams.pdf

New Jersey Opinion that virtual firms do not comply with the state’s ethics code:


In an action that could affect large numbers of New Jersey practitioners, two court regulatory committees said on Friday that "virtual offices" staffed by receptionists who are mere answering services do not satisfy New Jersey’s bona fide office rule.

Virtual offices, time shares in an office building on an hourly or daily basis, are popular with lawyers who work from their homes but need someone to take their calls and a conference room to meet clients.
But these lawyers are violating Rule 1:21-1(a), the Advisory Committee on Professional Ethics and the Committee on Attorney Advertising said in a joint opinion, ACPE 718/CAA 41.

The rule defines a bona fide office as a place where an attorney or a responsible person acting on the attorney’s behalf can be reached in person and by telephone during normal business hours to answer questions posed by courts,

..."A 'virtual office' cannot be a bona fide office since the attorney generally is not present during normal business hours but will only be present when he or she has reserved the space," the opinions say. "Moreover, the receptionist at a 'virtual office' does not qualify as a responsible person acting on the attorney’s behalf who can answer questions posed by the courts, clients or adversaries."


**Pulling together your Virtual Team Plan**

Start with the creation of the virtual team. Before you can really build the team, you need to build relationships and trust in your virtual teams. This may be people you know and have worked with before or they may be someone you’ve heard about. Either way, it’s imperative that you build these relationships before building the team. As you move forward, you may find that you have a pool of virtual resources from which to draw, depending on the project.

After you’ve established the relationships, you’ll need to determine what platform the virtual team will use to collaborate. This may be an existing server system or a virtual system in the cloud. Whatever the platform, you’ll need to make sure everyone is comfortable with the technology, the security, and access.

As with any law-related project, you'll also need to define the service-level goals and reporting mechanisms, such as time and reporting sheets. Who signs on the project
and what is the scope of services they will provide. This may be the most difficult part of the virtual project, but once you have this established (see “trusting relationships” above), you can easily estimate the time and costs associated with each virtual project.

If the project is yours, you'll need to develop the leadership and management skills necessary to govern a virtual team effectively and efficiently. This is not all that difficult from a standard law practice – the only difference is that you don't work face-to-face and if you tend to get frustrated because someone on your virtual team doesn’t answer the phone or email immediately, you’ll need to tend that frustration. In a lot of cases, virtual team members may be working on multiple projects simultaneously and you’ll need to take that into consideration.

As the client project moves along, you'll have to knit the various parts together: keep the disparate parts of the team informed, involved and engaged. Minimize any conflict and foster a climate of cooperation and collaboration. This is very important, especially if your virtual team members are working on other projects. The “squeaky wheel” can also be virtual.

The first time you collaborate virtually on a new platform will be an obvious learning curve, not only for you, but also for your virtual team. Everyone will need to get comfortable with the platform in order to use the tools effectively. And also keep in mind that while you may use a particular collaborative platform, other members of your team may use a different platform and it may take a little while to get used to.

If you run into difficulties, don’t forget non-online ways of remaining engaged. Pick up the phone and call your virtual team members. Sometimes a periodic quick conference call can save a lot of hassle and frustration.
Conclusions

If you've read the previous material, you'll note that “Going virtual” is not that big of a difference from going solo. Sure, it’s a big step, but there’s not that really much to it. It’s less expensive than a brick & mortar office; it’s less expensive than having to support a full staff; it’s more convenient for you since you can work virtually anywhere.

But, with all the good, there are also several downsides and you have to weigh those in the virtual equation. For example, you need to be comfortable with technology or at least have someone around who can help you. You need to be disciplined enough to run your own schedule and keep up with client work. You need to learn a different marketing method – no more yellow page ads (less expense) but more online marketing (more of your time).

There’s been some solid pioneering work in the virtual law practice and the resources included in this paper should help you get started on the right foot. After all, it is a leap of faith, but then if you don’t ever step outside your comfort zone, you’ll always be stuck in the same grind.

Whatever path you choose, “choose wisely” and you’ll be virtually happy with whatever decision you make.

© 2012 Adkins and Bilinsky.
Appendix A – Virtual Lawyers and Resources

Examples of Virtual Firms: (a non-comprehensive list of lawyers who are practising in a virtual manner)


Bill Henderson: http://www.bloorstreet.com/200block/lawoff.htm


Books:

Virtual Law Practice: How to Deliver Legal Services Online by Stephanie Kimbro: http://apps.americanbar.org/abastore/index.cfm?section=main&fm=Product.AddToCart&pid=5110707

The Report of the Cloud Computing Working Group of the Law Society of British Columbia can be found here: