



NJSBA

New Jersey State Bar Association

Guidance and Best Practices to Re-opening Law Firms in the COVID-19 Public Health Crisis

The vast majority of the legal community has been working remotely since mid-March when Gov. Phil Murphy announced the state's stay-at-home measures for flattening the growth curve of COVID-19 infections.

Now, with the number of infections and hospitalizations decreasing, New Jersey is starting to re-open. The New Jersey State Bar Association (NJSBA) has reviewed best practices and guidance across the business, legal, real estate and public health sectors to develop a collection of potential actions to consider as New Jersey's attorneys and law firms find their footing in a new normal.

Re-opening will be a multi-phased journey, and the NJSBA urges all attorneys and firms to stay abreast of the latest guidance from the state of New Jersey and public health agencies like the U.S. Centers for Disease Control and World Health Organization.

The following is meant to provide suggestions about actions, policies and procedures that law firms might consider or take into account in re-opening. Law firms will need to determine the best course and develop protocols that are most appropriate for their specific situations.

NJSBA: HERE FOR

YOU

- BE INFORMED
- BE PREPARED
- BE FLEXIBLE

PREPARE YOUR STAFF

Reports from Asia and Europe support the notion that going back in full force is not always the best path. It is also inconsistent with public health guidance. That means employers should consider a plan that gradually increases the number of people who return to the workplace.

Potential action to consider:

- Limit in-office time to those employees that need to be back in the office, especially if there are restrictions from public health officials about how many people may gather in a location.
- Allow employees who can successfully work at home to continue doing so.
- Have employees work on staggered time or day schedules.
- Discourage meetings in the office, whenever possible. Establish policies for when there must be a meeting in the office that take into account:
 - How to maintain social distancing within the meeting.
 - Whether the meeting can be held in a large space, or even outside.
 - Whether attendees should be required to wear personal protective equipment (PPE).
 - Who and how attendance records for meetings are kept, in the event someone begins experiencing symptoms of illness.
 - Whether attendees should be asked in advance if they have a fever or other symptoms, or if they have been exposed to sick people.
- Develop procedures for whether the office will allow walk-ins.
- Discourage use of mass transit, if feasible.
- Discontinue non-essential travel.
- Provide PPE for every employee and hand sanitizer for every workstation.

PREPARE YOUR PHYSICAL SPACE

Employees must feel safe and protected in order to be productive in the workplace. Law firms and law offices should prepare for employees and clients who expect clear and updated information about what is being done to keep them safe.

Potential action to consider:

- Examine building conditions and components like HVAC, entry systems, water temperature, and hand-washing availability. If a firm is a tenant of a larger facility, consider asking what is being done to address those systems.
- Allow for social distancing between workstations and possible reconfiguring of workstations to allow for more space between employees, as well as the possibility for people to close doors between workstations.
- Have foot traffic flow in only one direction to prevent employees crossing paths in opposing directions.
- Install barriers at reception areas and remove seating from those areas.
- Develop cleaning protocols to sanitize high-touch areas (light switches, door handles, elevator buttons, bathrooms, copier panels, etc.) in accordance with U.S. Centers for Disease Control guidelines and other best-practices outlined by organizations like the World Health Organization.
- Establish standards to sanitize conference rooms and other common spaces.
- Close common employee areas, like kitchens, lunchrooms and supply areas. Temporarily eliminate water and coffee stations. Ask employees to bring lunch from home to limit, or eliminate, food deliveries to the office.
- Find ways to limit use of common-use equipment like printers, copiers, scanners and shredders.
- Investigate whether voice or automatic controls can be installed on lights or if touchless fixtures can be used in bathrooms, lights and office equipment.
- Ensure hand sanitizer is available near all doors and entry points.
- Designate a single place for all deliveries and have a sterilization station and plan to disinfect packages.
- Use signage to remind employees and visitors of the protocols the office is following.
- Ask all employees to keep track of people they interact with outside the office, in case someone becomes ill.

HAVE A PLAN

The COVID-19 public health crisis has presented a number of novel issues that require business owners and employers to consider updating existing policies or crafting new ones.

Potential action to consider:

- Establish work-from-home policies that clearly outline expectations.
- Determine which federal, state and local laws and orders apply. State and local orders, in particular, can change rapidly. Consider designating a point person to monitor and report on what is new or updated.
- Ensure uniform application of company sick or personal time rules, and compliance with the latest Family and Medical Leave Act allowances. Doublecheck the accuracy of sick, vacation and PTO banks.
- Develop policies to address issues like reasonable accommodation requests for people who have had COVID-19, those who are at-risk, those who fear it, and those who have children at home or are the primary caregiver to an adult; and maintaining privacy in health and medical data.
- Communicate and stick to uniform rules about employees who are sick and those at-risk. Explicitly state that anyone feeling ill should remain home and speak to a doctor. If thermal screening stations are utilized, make sure privacy issues can be addressed. Consider having a written policy about health screening measures that employees must comply with that includes the ramifications of not complying. Have a policy about what procedures employees must follow to return to work after a COVID-19 diagnosis.
- Develop a COVID-19 “containment policy” that meets the CDC Interim Guidelines for Businesses that can be shared with employees and posted throughout the facility.
- Evaluate hiring and training for employees about any new or updated policies.
- Review insurance for business matters, including workers’ compensation, cyber, and others, as well as individual malpractice coverage to ensure it is properly updated. Consider also asking vendors or contractors, like cleaning agencies or security companies, for copies of relevant policies.

BUSINESS CONSIDERATIONS

There are myriad business and financial considerations to weigh in law firm operations going forward.

Potential action to consider:

- Re-evaluate lease needs and understand what plans landlord or building owners have put in place. Given the changes in how work is being done, consider whether the office space still suits your needs and establish protocols to keep everyone working in an office setting safe and protected.
- Plan for additional expenses related to reopening, such as enhanced cleaning, hand sanitizer, PPE, and screening services. Capital may be needed for space reconfiguration, buying new workstations, changing fixtures, and adding technology components. That said, experts suggest limiting major capital expenses, if possible.
- If the firm furloughed employees, check on all state and federal guidelines and protocols that are required for their re-entry to the office. Keep in mind that workers need time to arrange care for others.
- If you utilized Paycheck Protection Program funds, understand any obligations you may have connected to the program, and carefully document how the funds were used.

SHARE YOUR PLAN

Now, more than ever, it is important to communicate in a thoughtful and direct way with your team, which includes employees, clients, vendors and the public. It will help people remain calm and confident if information is shared frequently and clearly.

Potential action to consider:

- Speak with one voice and be sure that employees have a path to ask questions or raise concerns. Use multiple platforms to keep clients informed about procedural changes; email, website, and social media are good tools.
- Frequently evaluate the procedures in place to ensure they are serving the intended need. You won't get it all right from the start. Be open to suggestions for change, ask for ways to improve, and analyze what can be done better.

FOCUS ON WELLNESS TO BOOST PRODUCTIVITY

A worried employee is an unproductive employee. And a disconnected employee is also an unproductive employee. Consider steps to stem anxiety and nurture relationships, even in the age of continued social distancing.

Potential action to consider:

- Think of new ways to nurture and grow your culture: Help people connect to each other, even with social distancing, to keep your office culture strong and supportive. With fewer people working in the office and many experiencing stress, the culture of your workplace may require extra support and attention.
- Stay attuned to stress employees may experience and provide information about how to access information to bolster their well-being.
- The New Jersey Lawyers Assistance Program offers free, confidential counseling to everyone in the legal community. It also has a rich library of resources available about building resilience; managing time and productivity; and coping with stress. Find more information, visit njlap.org.
- The New Jersey State Bar Association also has a Lawyer Well-Being Committee that offers programming and resources to provide information and relief.

ADDITIONAL RESOURCES

Here are the sources the New Jersey State Bar Association used to develop this guidance.

New Jersey Institute for Continuing Legal Education
Re-Opening Businesses After COVID-19

New York State Bar Association
https://nysba.org/app/uploads/2020/05/NYSBA_GUIDANCE-ON-RE-OPENING-LAW-FIRMS.pdf

Indiana Bar Association
https://cdn.ymaws.com/www.inbar.org/resource/resmgr/pdfs/reopening_your_practice.pdf

AIHA
https://aiha-assets.sfo2.digitaloceanspaces.com/AIHA/resources/Guidance-Documents/Reopening-Guidance-for-General-Office-Settings_GuidanceDocument.pdf

U.S. Chamber of Commerce
<https://www.uschamber.com/reopening-business>
https://www.uschamber.com/sites/default/files/uschamber_reopen_guide.pdf

New Jersey Business and Industry Association
https://njbia.org/workplace-policies-all-employers-should-consider-before-reopening-2/?utm_source=Real%20Magnet&utm_medium=email&utm_campaign=154750672

U.S. Centers for Disease Control
<https://www.cdc.gov/coronavirus/2019-ncov/communication/guidance-list.html?Sort=Date%3A%3Adesc>

World Health Organization
<https://www.who.int/emergencies/diseases/novel-coronavirus-2019>

CBRE
<https://www.cbre.com/covid-19/Reopening-The-Worlds-Workplaces?article=7c4fc873-6d81-48a1-9284-d86c35a1f379&feedid=fab9f8b5-57a6-4d15-b9e2-f5bd185db42e>

SAX Accounting
<https://register.gotowebinar.com/recording/recordingView?webinarKey=4284597109188939534®istrantEmail=kcoscarelli%40njsba.com>