



Lawyering through COVID-19: A Large Law perspective

The COVID-19 pandemic is creating once-in-a-lifetime challenges and change. For lawyers, creating a new work from home routine and establishing boundaries has been the critical first step in establishing a new normal. In this series, we talk to lawyers from different sectors of the industry about how they've adapted to the global COVID-19 pandemic.

Here, we talk with **Graham Murray, Partner at Bell Gully** who specialises in tax law. Graham was interviewed during Alert Level 1, prior to a return to higher Alert Levels in New Zealand.



GRAHAM MURRAY
Partner | Bell Gully
Tax

How prepared was your firm to respond to the pandemic crisis in terms of your “work from home” arrangements and capabilities?

We found the transition seamless – there really wasn't any interruption to our ability to work with clients and each other during lockdown. We have been investing in tools to allow our people to work flexibly for a number of years, from equipment to internal systems and videoconferencing. As you can imagine, we did undertake some substantial stress testing prior to Alert Level 4, when our entire workforce shifted to working from home, but we weren't surprised that everything proved to be robust and effective at scale because it was a progression from where we've been positioning ourselves in recent years rather than a leap into the unknown.

Use of technology can be limited by the training and understanding people have of it, so the fact that our people were already trained and familiar with most of our remote access technologies gave us a solid foundation for lockdown. We did bring forward one or two additional elements, but we were fortunate that because these had been planned for some time they were already in place and tested. Being able to draw on substantial IT training resources available from home, in a range of formats including video, also underpinned effective use of the tools we have available.

People and processes also play into preparedness. So timely communication around what to do, and when, was critical so that people were prepared where change was necessary. We did have to create solid alternatives for some processes that were part of our office routine but didn't translate to home – for instance to overcome the obvious difficulties in doing face to face identity verification for anti-money laundering purposes.

We also had a big focus on information security throughout Alert Levels, which our people and our systems were well equipped for.

What does the day-to-day operation of your firm look like today (in Alert Level 1) compared to a couple of months ago (in Alert Level 4)?

In Alert Level 1 we've very much returned to 'normal' with just a few differences – we continue to have the Government's QR codes available, for instance, and we are keeping some other protocols that will allow us to react quickly should circumstances change again. We're also encouraging our teams to remember that some people may be more comfortable re-engaging with greetings such as handshakes or hongi than others – acceptable social norms may well have shifted for some people over this period. Personal hygiene remains a big focus and, as always, people are directed to stay home if unwell.

It seems a far cry from Level 4. Although we were very much open for business –and committed to providing the same standards of service as we did from the office – our entire team were at home. Throughout all the Alert Levels we've stayed regularly in touch with each other and our clients.

“ Frequent video conferences proved particularly effective, delivering many of the visual cues and relationship-building aspects of face-to-face contact. ”

They're still more in use than they were previously, as they offer a level of convenience and efficiency. But I'd have to say that people are enjoying having the option to meet in person again too.

What does the day-to-day operation of your firm look like? What were the things that worked for your firm as it adjusted to the new normal of working from home?

There was a really strong focus on communication, from our crisis response team, our management, among and across teams and with clients. Many of us had as much contact with our teams as we had in the office, because we adopted practices that fostered day-to-day interactions. To ensure we maintained the teamwork we value, teams were given the discretion to develop the protocols for contacting each other that would work for them. Generally, that meant daily team video conferencing – some even meeting twice daily in the early stages of lockdown. Some teams put in place informal channels too, to stop pictures of our pets standing on keyboards from clogging up our emails but also to encourage talking about more than just work. I think for most of us our teams became a critical support network during lockdown.

The increase in communication wasn't just informal. Frequent formal updates from our Covid Response Team (CRT) outlined what key government announcements meant for us internally. Similarly, as a firm, we also expanded our communication to clients in the immediate aftermath of lockdown because there were so many things clients needed clarity around – from who was an essential business to what was happening around rent relief. Within the first week, we had set up a dedicated coronavirus resource centre for our clients, which proved to be very popular. While we really value meeting with our clients in person, it has also been great to open up more flexibility for them through webinars and video calls, and there is an appetite from clients to continue with those elements to a greater extent than in the past.

What were the main challenges during the lockdown?

Even in normal times many lawyers have to actively make choices to keep balance in their lives, and as a firm we recognise that challenge. Our work must be compatible with responsibilities and commitments we have outside of work and, counter-intuitively, when you're working from home that can become an even greater challenge. Many in our teams utilised greater flexibility in order to support those commitments; some worked short days, took extra leave or worked different hours in order to manage their home and work responsibilities, and the firm was alive to these needs across our teams.

“ With work to do and deadlines to meet, but without some of the usual markers of our days, it's important to consciously 'step away from your desk' at home. ”

Those with primary responsibility for younger children had some different pressures in their home environment. For working parents having children learning, playing, and just generally being around 24/7 offered time to connect – but could also be a bit relentless. Rather like an endless school holiday, but with work still on, home schooling to support and more baking than usual. We have a Parents Network which offered a number of creative competitions for the youngest Bell Gully cohort. Those challenges offered a little light relief and got the whole family working together.

How has COVID-19 affected your practice area and how are you managing any unexpected issues?

COVID-19 created real liquidity issues for some of our corporate clients. Not surprisingly, they have been interested in the pros and cons of deferring tax payments, and advice on the various tax relief measures that the Government rolled out to ease tax-related pains associated with the crisis. The loss carry back rules and the reintroduction of tax depreciation on commercial buildings have been of considerable interest. Many clients have engaged in or considered capital raises, and the proposed “same business” test that will allow these businesses to carry forward their tax losses despite significant shareholding changes has been welcomed.

On the private client side, expat Kiwis have returned to New Zealand due to COVID-19 and seem to be making the big decision to stay permanently. Returning residents’ tax issues have therefore taken on greater significance. These issues range from determining when tax residence is picked up, transitional residence periods and restructuring options to manage New Zealand’s fairly punitive foreign investment tax rules. Foreign nationals have, if anything, become more interested in New Zealand due to the relative success we have had in managing the spread of COVID-19 so far, and we are anticipating an upsurge in interest in new migrant issues to the extent that travel restrictions ease.

Some clients have been dealing with interesting issues that are unique to the post COVID-19 world. Examples have included managing tax residence issues when employees are stuck in another jurisdiction (most countries have “day count” base tax residence tests), and whether having staff working in other jurisdictions due to travel restrictions and lockdown means they might pick up a taxable presence there.

With many businesses and private clients dealing with an uncertain environment, it has been really important to support our clients with timely information and advice relevant to their circumstances at each stage of this crisis.

Mental health is a key concern at the moment with all the changes and uncertainty – are you doing anything in particular to support your own mental health or your employees’ mental health?

We talked a lot about well-being and mental health in lockdown, including providing resources for healthy living and encouraging staff to use our Peer Support Network and EAP services as needed. Recognising and acknowledging these challenges in our industry is important, and never more so given the threat posed by the pandemic and the challenge of the many changes we’ve gone through together.

The increased levels of communication were really important. Beyond providing many with the opportunity to learn the hard way about lighting and camera angles, the frequent video conferencing offered genuine connection and a really strong platform for maintaining well-being and morale. The lighter side of things also helped – team quizzes, themed meetings, firm-wide challenges from our social and sports committees were all welcome additions that added variety to the days.

Keeping people informed and ‘in the loop’ with scheduled regular and frequent communications from our CRT around what was happening with the firm, tips for working from home and how Government policies impacted us, was also good for wellbeing – we had a strong positive response to our approach to communication across the firm and within our teams when we surveyed staff towards the end of lockdown.

As New Zealand moved through each Alert Level, was your firm able to put systems in place?

Yes. We had a very structured and clear response to changes in Alert Levels. Once each set of measures was outlined by Government our CRT would communicate what they would mean in practice in our offices well ahead of each change taking effect. Among the measures we put in place was the rostering of half of our team in the office, while half remained at home during Level 2, with those groups swapping each week. That was to mitigate risks in the event of an individual becoming exposed, to reduce transmission risk and to make it easier to comply with physical distancing and contact tracing requirements. Core principles around distancing, hygiene, personal health and awareness of others offered overarching guidance, but office protocols were also clearly spelled out, including limits to movement between floors, protocols for delivering documents to others, and protocols for client contact. At each level policies were reviewed, updated and communicated, and we also had a detailed ‘life in Level 2’ guide for our return to the office with all the protocols in one place. That was adapted to reflect any additional areas that needed to be considered as well as changes in Government guidelines or to third party policies that might impact us, like those of our landlords.

Has the need to work from home during lockdown changed the way you operate while the crisis is at Alert Level 1?

As mentioned, we’ve carried on with some protocols that will allow us to move quickly in the event there’s any change needed in the future, and I think greater use of video conferencing and webinars will stick around for some time. We have also taken the opportunity to fast track some process changes which required us to think differently about what we had done in the office. This has seen changes and improvements to our billing processes, for example, and fast-tracking new software updates, and new protocols around taking laptops home at night. It also means there is an understanding that people can work from home in some circumstances, which can offer more flexibility to manage life’s demands without the either-or choice that a physical presence in the office can sometimes imply.

What hasn’t changed throughout the crisis is that we have, and will continue to have, a strong focus on helping clients to deal with the huge array of challenges and changes they are facing. It remains a tough environment with many uncertainties. While it is a given that we are providing extensive support around the regular stream of regulatory change and guidance, we are also looking for opportunities as individuals, across our teams and in our wider practice areas to help clients address specific issues and even to take the opportunities that are emerging for some.

What advice would you give fellow lawyers about getting back to normal who might be struggling with unforeseen changes in their careers/ specialised area of practice?

I think that staying positive is really important at this time. This is a disruption of such significance that few have a clear idea of what to expect in the coming months. I think it's important to acknowledge that, without being overwhelmed by it. Use your time to make an investment in your own future – stay across changes in your practice area, expand your skill set, and build relationships.

What are your best tips for working from home?

- 1 Make sure you have plenty of coffee.
- 2 Try to stick to your normal work routine (but see below).
- 3 Don't miss out on the things you won't be able to do when back in the office. Check in with your family when you can and have meals with them.
- 4 Keep some time to yourself that is not working time.
- 5 If you are quiet, use the time to learn something new. Make sure you are up to date with all relevant law changes impacting your practice.



This is a moment in time that we'll remember for the rest of our lives. I think that looking back we'll be able to see what went right, not just what went wrong. The teamwork, the support and the goodwill that we have seen demonstrated so far across the country certainly give me hope that we can meet the challenges that we still have to face together.



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