

**Tech, Remote Work and More:
Questions and Answers for Estate
Planners**

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A KEY ESTATE PLANNING GUIDE

1

1

**Tech, Remote Work and More:
What Estate Planners Need to
Know Now**

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2

2

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3

3

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5

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Jane Ransom, Executive Director
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6

6

Q: I cannot afford subscription trust and estate legal services. What are the options?

- Options:
 - If you're familiar with programming and have time, automate your own documents using a document assembly tool like HotDocs or Contract Express
 - Outsource the automation of your documents with a tool like HotDocs or Contract Express
 - Try alternative subscription options like Lawgic, Fore! Trust Software, ElderDocx, WealthCounsel, Lawyers With Purpose, or CounselPro

7

7

DOCUMENT AUTOMATION OPTIONS IN WORD

- Quick Parts and AutoText
- Macros
- Mail Merge
- FillIn fields or Content Controls

- All of the foregoing can be outsourced if you'd rather have someone build it for you

8

8

Q: ADVANTAGES AND DISADVANTAGES OF HOT DOCS

- ADVANTAGES:
 - You automate your own forms (don't have to accept other language)
 - Your entire decision tree can be built into the interview
 - Integration with some practice management systems
 - Dramatically faster drafting
 - Never have to answer same question twice (answer files)
 - Capture expertise of users
 - Quality and accuracy of documents
 - You can outsource all of it

9

9

Q: ADVANTAGES AND DISADVANTAGES OF HOT DOCS

• **DISADVANTAGES**

- Requires mastery of Word (which almost no one has mastered)
- Programming is time consuming to learn and execute
- Cost (subscription)
- Need to update your own documents

10

10

Q. AUTOMATING PROCESSES (VS DOCUMENTS)

- These are not the same thing
- You can automate document drafting and achieve no significant gains if the process is bad
- Drafting is only one piece of a larger process
- "A bad system will beat a good person every time." – W. Edwards Deming

11

11

Q. AUTOMATING PROCESSES (VS DOCUMENTS)

• **IDENTIFYING AND DOCUMENTING PROCESSES – PURPOSES**

- Improve Profitability.
- First Step to Automation.
- Reduce mistakes.
- Improve Consistency.
- Everyone is using the same process.
- Better Client Service.
- Documented processes addresses human infallibility and inattention.

12

12

Q. WHAT PROCESSES SHOULD I AUTOMATE

- What are the most common mistakes made in your law office?
- What processes are repeatable and predictable?
 - Example: Opening a new estate planning matter
- Start with a Routine Simple Process for your first Attempt

13

13

START WITH A CHECKLIST FOR THE PROCESS

- PRINCIPLES OF A USEFUL CHECKLIST
 - Clear Concise Objectives for Use
 - Simplicity "If you can read, you can draft a will."
 - Complete
 - Easy To Follow
 - Clear Direction about who does what
 - Consider absolute deadlines and contingent deadlines

14

14

SOME MAY PREFER A PROCESS MAP

- A Process Map Is A Structural Analysis Of A Workflow.
 - Consider how work is actually done from how it **should** be done.
 - A process map is a graphic representation of a walk-through of the process.
- Want to graphically create a process map?
 - <https://www.lucidchart.com/> (web-based)
 - <https://www.smartdraw.com/> (download or web-based)

15

15

SIMPLE CHECKLIST EXAMPLE – New Matter

- Run Conflict Check
- Complete New Matter Memo
 - Matter Type ETP; BUSFORM; BUSSUCC
 - Client Contact Information
 - Fee Arrangement
 - Draft Engagement Letter. Use Hot Docs form and select options that match fee arrangement.
 - Billing Attorney Reviews and Revised Engagement Letter.
 - Forward engagement letter to client.
 - Obtain signed copy of engagement letter and save in CORR file for client.

16

16

SAMPLE CHECKLIST CONTINUED

- Open Matter in Document Management System
 - Set up standard files for matter type
 - Select any non-standard files required for matter
- Open Matter in Billing System
- Send Thank you note to referral source

17

17

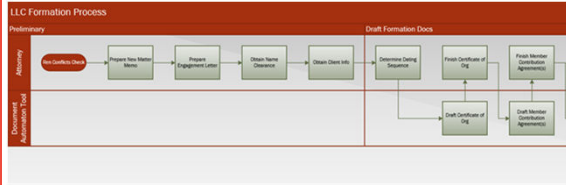
PROCESS MAP V. CHECKLIST

- A process map is simply a visual depiction of the process.
- A visual depiction can allow for easier communication about the process.
- The visual depiction can help identify how automation of the process may fit in the big picture.
- Visual depiction may help troubleshoot.

18

18

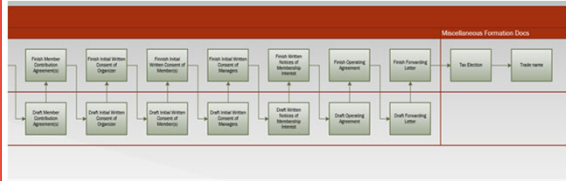
SAMPLE PROCESS MAP FOR ENTITY FORMATION



19

19

ENTITY FORMATION PROCESS MAP CONT.



20

20

Q. CAN YOU PROVIDE EXAMPLES OF HOW YOU BECAME MORE PAPERLESS

- Well designed document management system
- Constantly evaluate why paper still exists and rethink processes. If anyone says "we have always done it this way, then it is time to review the process."

21

21

PAPER REDUCTION – THE HARDWARE

- Scanners (desktop scanners make it easy)
- Monitors (multiple monitors that rotate to portrait)
- Laptops/notebooks (take the electronic file with you)

22

22

Scanners

Key features for desktop scanners

- We prefer sheet fed v flat bed
- Document feeder
- Quiet
- USB connection
- Black & white or color, legal or letter & fast

23

23

Scanners

- You may need a copier, but...
- All success stories used **distributed scanning** - in the current environment partners and other staff should be provided with home scanners if they have any paper that they handle
- Some professionals still want to print and mark up a document or plan manually and they need to scan it. **Try marking up in word: use a table of contents to create the structure documents**
- An all in one printer/scanner/copier may be best – see later



24

24

Recommended Flatbed Scanners

- Xerox Duplex Combo Flatbed Scanner (25/50 ppm – \$224)



- Fujitsu fi-7280 (80/160 ppm – \$1,835)



25

25

Recommended Sheetfed Scanners

- Fujitsu ScanSnap iX1500 (30/60 ppm – \$420)



- Brother ImageCenter ADS-2800W (40/80 ppm – \$400)

- Canon DR-C225W II (25/50 ppm – \$412)

26

26

Recommended Sheetfed Scanners

- Fujitsu fi-7160 (60/120 ppm – \$831)

- Fujitsu fi-7180 (80/160 ppm – \$1,469)

- Fujitsu fi-7300NX (network scanner 60/120 ppm – \$1,070)



27

27

PAPER REDUCTION - SOFTWARE

- PDF Software
- Document management system (or alternate to document management system)

28

28

Scanning Software

- Digital documents must be PDFs
- Portable Document Format is a file format that captures all elements of a printed document as an electronic image that you can view, navigate, print, or forward to someone else
- You can buy and download the software to your laptop while working remotely if you do not already have it

29

Types of PDFs

Image only PDFs

- Just an image of original
- Cannot be searched for words contained inside
- Default type of PDF from scanners

Searchable PDFs (what you want)

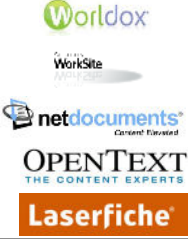
- Layer of searchable text behind image
- Searchable
- Indispensable

If you don't have searchable PDFs, you will have difficulty finding them in the future

30

Document Management System Options

- Worldox GX
- iManage WorkSite
- NetDocuments
- OpenText
- Laserfiche



31

Document Management Effective Use - Consistently Naming Matters

- 1234 HENNING, JOHN AND NANCY
 - 0000 ESTATE PLANNING
 - CORR – CORRESPONDENCE 2020
 - EMAIL20 – EMAIL 2020
 - TRLIV – LIVING TRUSTS
 - TRIRREV – IRREVOCABLE TRUSTS
 - WILL – WILLS
 - ASSETDATA – ASSET DATA
 - POAHC – POWER OF ATTORNEY FOR HEALTH CARE
 - 0001 SIGNED ORIGINAL DOCUMENTS (WHICH GO TO PORTAL)

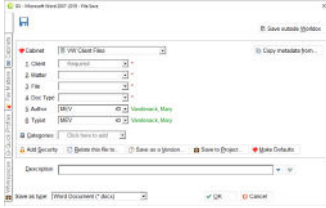
32

Document Management Effective Use - Consistently Naming Documents

- Estate Plan General Summary [Name] [Date]
- Living Trust – First Amendment – [Name] – [Date]
- Living Trust – [Name] – [Date]
- Living Trust (Restated Date) - [Name] – [orig date: Date]
- Power of Attorney – General Durable – [Name] – [Date]
- Power of Attorney – Health Care – [Name] – [Date]
- Schedule of Assets – [Name] – [Date]
- Will – First Codicil – [Name] – [Date]
- Will – [Name] – [Date]

33

Document Management Systems – Require Fields



34

34

More On Email Management

- Save email to document management system
- Create an email folder
- When saving email, save with a description that will allow you to find the email. "Email from John Jackson summarizing ownership of LLC"
- Have document management pop up for sent items to require save.
- Don't allow storage in inbox or email folders

35

35

Store Email Outside of Email App

- STOP PRINTING email



- Save as MSG or PDF files – or store them in a document management system
- Professionals accustomed to having staff print emails should IMMEDIATELY change to saving PDFs of important emails while forced to work remotely during COVID

36

36

Q. How Do You Manage Staff Remotely

- Microsoft Teams
- Daily huddles for work groups via teams
- Morning project plan
- End of day accounting regarding project plan
- Weekly computer training session to address remote issues

37

37

Training

- Include all staff – even those who don't think they'll scan (they'll change their minds) – This can be done remotely now with a web meeting
- **Training on remote work management**
- Most important step
- Breaks down resistance
- Use the current COVID tragedy to push reluctant professionals to adapt to essential technology as they may have no choice but to do so in the current environment

38

38

Q. How Do You Stay Focused Remotely

- Your remote set-up simply has to work for you.
- Each of our presenters has their own approach. You have to find yours.

39

39

Q. When Should I Use Videoconferencing?

- “Zoom fatigue” is becoming a challenge
- Videoconferencing should be used when you would have had an in-office meeting
- Telephone conferences worked for many years without video conferneces

40

40

Q. How Do You Make Videoconferencing Efficient?

- Videoconferencing has some efficiency by the nature of being outside the office. (no greeting, serving coffee, etc.)
- Basic principle of effective law practice: control the meeting whether on the phone, in the office or on video.
- Learn how to end the videoconference.

41

41

Q. How Do You Save Videoconference Recording?

- Most services offer recording
- They are HUGE files (just recorded a 2 hour webinar that was 970 MB)
- Save them anywhere or external hard drive
- Sending them to someone else is the trick (consider ShareFile, for example)

42

42

Q. What Do You Include In Client Portal?

- Each attorney has a different approach based on his or her practice and clients.
- Generally, copies of signed estate planning documents will be available.
- More detailed portals can be designed that assign differing security rights to various advisors to upload and/or review information.

43

43

You Need A Password Manager

- Part of your estate plan – makes it sharable
- Way too many passwords and logons to keep track of
- They generate strong passwords
- You're using the same password for many logons
- Holds credit cards
- Holds any kind of personal info

44

Password Manager Options

- Dashlane
- LastPass
- Sticky Password
- LogMeOnce
- 1Password
- TrueKey
- RoboForm
- Keeper Desktop



45

Q. Best Practices For Handling Mail

- If mail is directed to an individual at a residence, scanning of envelopes may be available through us post office.
- Mail can be forwarded to one person who scans and distributes.
- If office is open, one person can scan and distribute.
- Look for opportunities to reduce incoming mail.

46

46

Remote Work Checklist

- Internet access – **Mary - issues with remote areas; Marty bandwidth issues**
- Mobile hardware
- Other required hardware to work remotely **Mary uses 3 screens; Marty uses 1 laptop**
- Mobile communications
- Electronic filing system and remote access to the files – not reliant upon paper files
- Billing & accounting with remote access
- Centralized, sharable client database - case management system
- Get documents signed remotely
- Security and protecting client data when working remotely
- Home workspace - **Separate office vs. armchair**
- New processes and procedures

47




Backup & Security

- Redundancy critical
- Backup rules
 - No excuses
 - Unattended is best
 - Backup everything
 - Check the backup log
 - Off-site storage
 - No incremental backups
 - Run test restores
 - Have secondary method

48

48

Backup on a Budget (What You Can add NOW!)

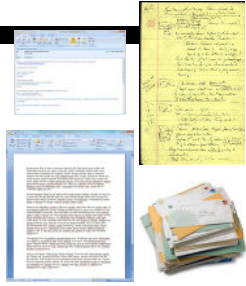
- Carbonite Personal Plus \$72/PC/yr – unlimited storage 
- WD 3TB My Book Desktop External Hard Drive - \$89 
- Acronis True Image 2020 - \$35 – creates a mirror image of entire hard drive 

49

Electronic Filing System

Must hold:

- Documents created internally
- Documents received
- Email
- Email attachments
- Faxes
- Notes
- You CAN start now! You should!




50

Digitize Mail & Faxes

- If you have a physical fax machine in your office convert NOW to an internet fax service. This CAN be done remotely in the current environment
- Consider Internet fax service
 - www.ringcentral.com
 - www.myfax.com
 - www.efax.com
 - www.greenfax.com
 - www.onebox.com
 - www.faxzero.com

51

Outlook

- If you use 
- Then you need one of these because they integrate
 - Adobe Acrobat
 - Nuance Power PDF Advanced
 - Foxit PhantomPDF Business
 - Nitro Pro

52

File Sharing Tools



ShareFile | Dropbox for Business | Box | SPIDEROAK | SharePoint | Google Drive | OneDrive for Business

53

Develop Protocols

- Write down how you do it – create a “Cheat Sheet” for each step with screen shots to make it really EASY for a non-techie to do it
- Marty and Mary will comment
- Should be part of your employee manual

54

Now that you have an electronic filing system,

RELY ON IT!

55

Incredibly Inexpensive Storage

- 1 page of a PDF document = roughly 30 kilobytes
- 1 gigabyte = 1,073,741,824 bytes or 35,791 pages of text
- 1 bankers box holds about 2,500 pages
- 1 gigabyte can store 14.3 banker's boxes of documents (so let's round down to 14)
- 3 TB USB external hard drive = \$90
- Therefore, a single hard drive could hold 42,000 bankers boxes of documents at a cost of \$0.0021 per box.

56

Problems Solved With Electronic Files

- Remote access – especially now during COVID stay at home orders
- Electronic files always in the same place
- Lower operating costs
- Electronic files are easily searchable
- Easy to share & collaborate
- Easily transportable
- Instant data access
- Easy updating
- No storage costs

57

3 Basic Approaches – Use 1, 2 or all 3 Depending on your Current Status

- Sync files to laptop   
- Cloud sharing or access  
- Connect to office server or PC  

58

You Want An Ultrabook Configuration

- Resume from hibernation < 3 seconds
- Battery life > 6 hours of video
- USB 3.0, USB-C or Thunderbolt ports
- < 0.83" thick
- < 3 lbs.
- Powerful
- Touch
- Antivirus
- Anti-theft
- Hardware security

For example:
Dell XPS 13 in Frost White



59


2-in-1 Convertible

Hybrid tablet/laptop




60

Tablet




61

Unless you're doing pretty basic stuff, an iPad probably won't cut it




However, the tradeoff between a 2-in-1 PC and a tablet is negligible



62

Laptop + Dock + Monitors + Keyboard/Mouse

- One laptop and docking station at home and office.
- Docking station is less costly than redundancy of multiple computers.
- Multiple computers gives you redundancy.



63

You Can't Assume Everyone Has A Home PC

- If everyone in your office has a desktop, they may not be able to work at home
- This is not very portable!
- Might be time to consider laptops for everyone
- You can order online and have shipped directly to the homes of professionals and staff who need them NOW. You can have an IT consulting help remotely set up whatever is needed.

64

Laptop Configuration Recommendation

- 13.3", 14" or 15.6" touch screen – smaller = lighter laptop
- 16 GB of RAM (32 OK, 8 not OK)
- 500 GB or 1,000 GB (1 TB) solid state hard drive
- Biometric/fingerprint reader built in
- Windows 10 Pro (not Home) or Mac OSX
- 3 year, next business day, on-site warranty + accidental damage protection
- Intel i5 or i7 processor – 8th, 9th, or 10th gen

65

Deciphering Intel Processors

- i3 – i5 – i7 – i9: speed/power increments
- Generation: current is 10th – how to tell
 - Intel Core i7-10710U – 10th gen
 - Intel Core i7-9750H – 9th gen
- Power Consumption:
 - Intel Core i7-9750H – High performance graphics, uses more juice
 - Intel Core i7-10710U – Ultra low power consumption (most are here)
 - Intel Core i7-10310Y – Extremely low power consumption (uncommon)

66

Keyboard/Mouse Combo for Dock

External keyboard/mouse combo MK550 or MK710



67

67

Best Travel Mice

- Logitech MX Master - \$60
- Logitech Anywhere Mouse MX - \$35



68

68

Portable Printers


- HP OfficeJet 200
- HP OfficeJet 250 All-in-One (print, copy, scan)
- Canon Pixma iP110v
- Buy on line NOW and have shipped to home of staff in need



69

69

Multifunction versus separate scanner & printer
For immediate home/remote use consider size of home office area



Less money versus longer life & better performance

70

Portable Postage & Label Printer

DYMO Label Printer & Digital Scale - \$218
 DYMO 450 Twin Turbo (no scale) - \$135




71

Portable Optical Drive/DVD

- Smaller & lighter = no drive
- External USB DVD player/recorder external drive = \$30




72

▶ Cell phones aren't the best option 

▶ **Hosted Voice Over Internet Protocol (VoIP)** is a GREAT option

Laptop + Plantronics Savi Office W730



73

You Must Have A Web Meeting Service


- GoToMeeting 
- WebEx MeetMeNow 
- Adobe Connect 
- Microsoft Teams 
- Join.Me 
- Zoom 

<https://www.affinityconsulting.com/comparewebmeetings/>


74

▶ **Better Webcams** (super high demand right now so prices are high)

- ▶ Logitech C920 HD – list price \$80
- ▶ Logitech C930e – list price \$130
- ▶ Logitech Brio Ultra Pro – list price \$199



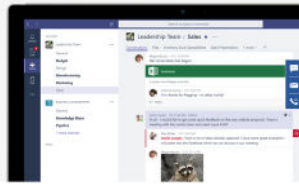
▶ **Complete portable video conferencing system – Logitech Group Video Conference bundle – list \$1,300**



75

Instant Messaging Can Be Very Important

Instant messaging with Microsoft Teams



Keep the team connected no matter where work takes you with Microsoft Teams

76

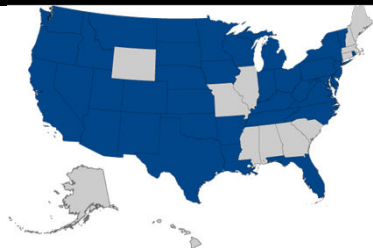
Professional Answering Service

To find options, web search the phrase **virtual receptionist**
(For some small firms simpler approaches may be preferable for COVID)



77

Blue States Authorized eNotary and/or Online Notary



78

Digital Signatures Are Legal But Not Generally For Wills

- DocuSign: www.docusign.com
- RightSignature: (our favorite) www.rightsignature.com
- Even if you cannot use for wills consider for retainer agreements and other documents
- You can easily add this service NOW to your repertoire

79

79

▶ Laptop, tablet & phone encryption

- ▶ Windows 10 Pro – BitLocker
- ▶ Mac – FileVault



▶ Email encryption – for example rmail.com



▶ Home router encryption – WPA2 or WPA3 (not ok to use WEP) & change your default admin password

▶ VPN service – for example NordVPN



80

Encrypted Flash Drives

- Kingston DataTraveler 4000
- Aegis Secure Key
- CMS Secure Vault FIPS



81

81

Encrypted External Drives

- Lenovo ThinkPad USB 3.0 Secure Hard Drive
- Aegis Padlock
- iStorage 3 TB encrypted hard drive



82

Enable Two Factor Authentication (2FA)

Requires 2 authentication factors to verify identity

- Knowledge factors – something you know
- Possession factors – ID card, security token or smartphone
- Inherence factors - biometrics

83

Required Policies

- Internet use
- Social media
- Document retention
- Secure password – 12 characters, mixed case, at least 1 number & 1 symbol
- Disaster recovery plan
- Mobile security

84

If Using Home Devices

- Make sure antivirus up to date
- Operating system updates have been installed
- Other family members should not have access
- Make sure WiFi is secure

85

If You've Resisted, It's Time To Embrace The Cloud

Software as a Service (SaaS)



Infrastructure as a Service (IaaS)
aka "hosted servers"



86

Cloud Examples

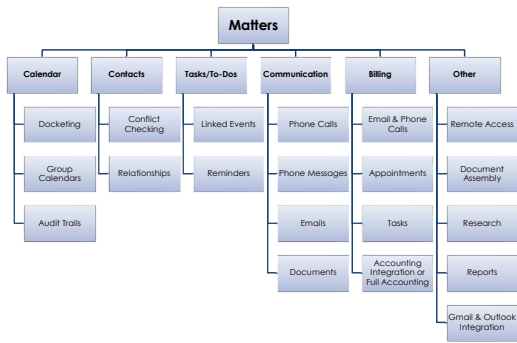
- Email
- Dropbox/Box/OneDrive/Google Drive
- ShareFile
- QuickBooks Online or Xero
- Web-based case management
- Web-based accounting
- Office 365 or G Suite
- Carbonite or Mozy online backup
- Hosted servers
- Electronic case filing

87

Consider Cloud Case Management & Accounting



88



89

Templates Are Critical

[MUTUAL] CONFIDENTIALITY AND NON-DISCLOSURE AGREEMENT

Opening Commentary. If the agreement is one way, then we define the Discloser and Recipient in the opening paragraph. If the agreement is mutual, then we do not need to define or abbreviate our party names, because they will only be specified four times – in the opening, in the notice section, in the signature, and in the jinder.

This [mutual] confidentiality and non-disclosure agreement is dated [Month Day, Year] and is between [_____] identify type of entity] [Delete if Mutual ("Discloser")], and [_____] identify type of entity] [Delete if Mutual ("Recipient")].

Background Commentary. The idea here is that if we have a mutual agreement, we are going to establish a setup where either party could be a discloser or a recipient depending on who discloses the information and who receives the information. If it is a one way agreement then we define discloser and recipient in the opening.

The parties wish to explore a business opportunity of mutual interest involving [describe what is going on: sale of business, product development, consulting arrangement, joint venture, etc.] ("Business Opportunity"). [USE THIS LANGUAGE FOR A ONE-WAY AGREEMENT: In connection with the Business Opportunity, Discloser may disclose to Recipient, and Recipient may have access to, certain information that Discloser desires Recipient to treat as confidential. Recipient agrees to the terms herein in order to induce Discloser to disclose the information.] [USE THIS LANGUAGE FOR A MUTUAL AGREEMENT: In connection with the Business Opportunity, each party may disclose to the other, and each party may have access to, certain information that the party disclosing ("Discloser") desires the receiving party ("Recipient") to treat as confidential. Each of the parties may be considered a Discloser in one instance and a Recipient in another instance, based upon which party is provided or obtaining information. The parties are entering into this agreement in order to induce one another to disclose confidential information to enable them to explore the Business Opportunity.]

90

Word Processor Automation

**CONFIDENTIAL RETIREMENT AGREEMENT
AND GENERAL RELEASE**

This confidential retirement agreement and general release is between the University of Higher Education and [redacted] University and [redacted] to conclude their employer-employee relationship in an amicable manner and agree as follows:

1. Retirement date. Mr. [redacted] voluntarily retires from his position as [redacted] effective ("retirement date"). Mr. [redacted] shall continue to perform his duties as a faculty member in good faith until [redacted]. After his retirement date, neither party has any obligation to the other, except as described below.
2. Payment in exchange for promises. University shall provide the following compensation and benefits to Mr. [redacted] (all of which may not otherwise be due to him) in exchange for his promises and subject to the conditions in this agreement.
3. No other payments due. Mr. [redacted] confirms that no other payments are due and owing to him.

91

Document Assembly Software Could Save The Day

- ▶ Works with Microsoft Word
- ▶ You use **your** documents
- ▶ Answer questions
- ▶ Software does the heavy lifting

92

Document Assembly Software Options

Players:

- ▶ HotDocs - www.hotdocs.com
- ▶ Contract Express - www.contractexpress.com
- ▶ XpressDox - www.xpressdox.com
- ▶ TheFormTool - www.theformtool.com
- ▶ Rapidocs - www.rapidocs.com
- ▶ Pathagoras - www.pathagoras.com
- ▶ ActiveDocs - www.activedocs.com
- ▶ Smokeball - www.smokeball.com








93

Amazing Speech Recognition

Dragon Professional Individual v15



Andrea 351924 Speech Recognition Mic



94

Dragon Anywhere

Dragon Anywhere, available on Android and iOS

Dictate documents of any length, easily edit and adjust formatting and quickly share them on the most popular cloud-sharing services directly from your iOS or Android smartphone or tablet. (Available in US and Canada)

<p>1 week free trial <small>Cancel anytime. \$15/mo subscription begins at end of trial.</small></p> <p>\$0</p> <p>Get it now</p>	<p>1 month <small>Retail every month</small></p> <p>\$14.99</p> <p>Get it now</p>	<p>12 months <small>Save 17%. Retail once a year. Best value.</small></p> <p>\$149.99</p> <p>Get it now</p>	<p>For groups <small>For workgroups or enterprise</small></p> <p>Contact us</p>
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<http://tinyurl.com/jyculq6>

95

Home Workspace Short List

- Paper & electronic files must be secure
- It's worth getting another docking station, monitors, keyboard & mouse for home
- If you're used to dual/triple monitors at the office, you'll need them for home [but some of us do NOT like multiple monitor when using gotomypc, etc. to remote into an office desktop]
- Might be time to upgrade your internet access at home

96

Conclusion and Additional Information

Continue to Improve your Remote Work Capabilities and Automate Your Office

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Conclusion

- Every practitioner can take steps to enhance remote work capabilities in the current COVID environment.
- Find out what works for your and your firm, what can be done now while you are facing challenges, what can be done when your office/firm gets limited ability to reopen, and what should be done long term.




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