



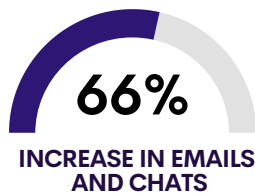
TELEWORK ENHANCES THE ADMINISTRATION OF JUSTICE

In 2021, over **700 AUSAs** responded to an NAAUSA outreach survey regarding telework flexibility, with **nearly half of respondents serving for over a decade**. While the AUSAs described difficulties, including access to technology and privacy concerns, **the overwhelming majority were in favor of at least two days of teleworking per week to improve workplace productivity, create a positive work-life balance, and increase job satisfaction**. This desire aligns with private sector best practices realizing that the future of work and the effective administration of justice involves telework.

Acknowledging in-person work will also be necessary, **every AUSA should have the option to telework at least two days a week** when not in conflict with their job duties. Through the pandemic, AUSAs proved effectively able to telework. Maintaining telework flexibility post-pandemic **aligns with private sector best practices, enables the recruitment and retention of qualified personnel, increases productivity, and provides cost savings to fund improvements to telework infrastructure**.

TELEWORK: A NECESSARY ELEMENT OF THE FUTURE OF WORK

Research from a California based organizational improvement company found a surge in productivity while teleworking:



London Business School conducted research on telework productivity during COVID-19 also found **employees were drawn into large meetings 12% less, and spent 9% more time interacting with customers and external partners**. Further, Stanford Professor Nicholas Bloom noted **employee attrition decreased by 50% among the teleworkers** during a two year study. In his research, Bloom found employees took shorter breaks, had fewer sick days, and took less time off.

Ultimately, the Office of Personnel and Management reported to Congress that **telework capabilities saved the federal government \$180 million** in fiscal year 2020.

THE INCONSISTENCIES

While some U.S. Attorney Offices allow significant telework flexibility, others offer little to none. **The patchwork of telework flexibility policies results in dramatically different and sometimes arbitrary access to a work-life balance provincial to individual U.S. Attorney preferences.**

"I am far more efficient from home and more likely to stay at the USAO with the option of telework."

AUSA, Central District of California

"I worked in the private sector for 14 years before coming to the USAO. In private practice, no one cared where you were as long as the work got done. I never understood why USAO treats work like shifts at GM, punching a clock and sitting at a desk."

AUSA, Eastern District of Pennsylvania

THE PRIVATE SECTOR EMBRACES TELEWORK POST-PANDEMIC

Based on the benefits of providing workplace flexibility, many private sector law firms have embraced some form of remote work into the future. A [Bloomberg Law assessment](#) of the 100 largest firms in the U.S. by gross revenue found **three-quarters of firms** plan to allow some form of **outside-the-office work post-pandemic**.



The legal industry is enjoying **its most competitive talent market in decades**, and attorneys who feel pressured or are required to work in person **will look for alternative opportunities**. Failure to embrace flexible work arrangements, such as telework, will **hinder the Department's mission of ensuring the fair and impartial administration of justice by preventing qualified attorneys from entering public service**.

"I spoke to an associate who told me that she's otherwise happy at her job, but her main reason for seeking a new role is that she is *being bullied* into going in four days a week."

Kate Reder Sheikh, Partner at Legal Recruiting Firm Major Lindsey & Africa

CULTIVATING A DIVERSE, INCLUSIVE, & ACCESSIBLE WORKFORCE

The [American Bar Association](#) has [observed](#) that allowing **remote work has been particularly impactful for people with disabilities** as a hybrid schedule allows these individuals to be more productive, focused, and comfortable in their workplace. In the same vein, the American Constitution Society, among others, has [argued](#) keeping **telework options open as offices reopen is necessary for increasing accessibility** and making the legal profession less exclusionary.

For the next generation of attorneys, as a recent survey from legal recruiter [Major, Lindsey & Africa](#) [found](#), **most lawyers from the incoming generation are looking for an opportunity to work remotely or on a hybrid schedule**.

"The eliminated commute and eliminated time 'getting ready' for work—especially for women whose expectations for physical appearance require much more time and effort—contribute to more time to get my work done."

AUSA, Eastern District of Arkansas

TELEWORK POLICY WILL AID ADMINISTRATION AND DEPARTMENT PRIORITIES

While **some U.S. Attorney Offices allow significant telework flexibility, some offer little to none**. The patchwork of telework policies results in dramatically different work experiences and outcomes.



NAAUSA urges the Department to look to private sector best practices and adopt a uniform, baseline approach to telework that permits AUSAs to telework at least two days a week, indeed this approach may also benefit attorneys across the Department of Justice. All AUSAs, and attorneys across the Department of Justice, should have access to workplace flexibilities that enhance their productivity and encourage them to remain and thrive in their important roles.

While the COVID-19 pandemic is an evolving and dynamic situation, the last two years have demonstrated AUSAs' capability to utilize telework to perform their duties. It is our hope that NAAUSA can partner with the Department as telework and reentry plans evolve to ensure the continuous, just, and effective administration of justice aided by telework flexibility.

"Sometimes the IT side of things can be a challenge, but the answer is more funding for IT infrastructure—not making AUSAs return."

AUSA, Central District of California

"All categories of civil cases continue to move forward in litigation, with hearings and depositions taking place in-person and remotely. Written discovery continues unabated, as does motion practice. AUSAs and supervisors have been readily available through email, phone call, text and/or IM. Our Office's Civil Division has achieved phenomenal results while Civil AUSAs have worked from home for the last year and a half."

AUSA, Central District of California

"I realize that when we need to be in court, we need to be present in the office, but there is *definitely* a place for telework. I anticipate, however, that after COVID, my office will permit only *minimum* telework opportunities and insist that AUSAs *must* be in the office during the majority of business hours. *Discussions* about the possibility for more *telework* opportunity *going forward* have *not been encouraging*."

AUSA, Western District of Tennessee

"While I marked that I telework two days a week, we get very pressured by management *NOT* to *telework* at all. In fact, some of my fellow AUSAs have been told blatantly that they are not allowed to telework."

AUSA, Southern District of West Virginia

"Trying a case during COVID certainly presented its challenges yet I was able to overcome them. We still frequently have in person court but working on the numerous compassionate release and First Step Act motions could be done while teleworking."

AUSA, Central District of California

"Attorneys and support staff know that they need to come in if something requires it, but our productivity has increased while teleworking. In fact, we have routinely demonstrated we can do so successfully and without compromising our duties to the public."

AUSA, Eastern District of Texas

