

Lightfoot Franklin's Eagan On COVID-19 And Competition

By Emma Cueto

Law360 (May 20, 2021, 3:33 PM EDT) -- As attorneys in New York and Los Angeles tentatively prepare to return to in-person offices and court hearings, Melody Eagan, managing partner of litigation boutique Lightfoot Franklin & White LLC in Birmingham, Alabama, navigated her firm's return to work in 2020. She spoke with Law360 Pulse about COVID-19 litigation, her plans for flexibility, and the trend of national firms interested in moving into Alabama.



Melody Eagan

For Lightfoot Franklin, navigating the pandemic came with the challenges that **affected many litigation boutiques**. However, Birmingham lifted its restrictions much sooner than other metropolitan areas, and courts have fortunately been able to find **enough jurors** to start holding trials again.

The firm has also increased its diversity and inclusion efforts and is seeking Mansfield certification.

Eagan talked about her thoughts on remote work, and whether national firms have set their sights on Birmingham. This interview has been edited for length and clarity.

What has the last year been like for you, as the managing partner at Lightfoot Franklin?

From a firm management perspective, it's been a challenging year, but it has been a successful year. Like most firms, we were able to, in March of last year, quickly turn to remote operations, and we

operated fully remotely for two or three months — we began coming back into the office after that. Thanks to technology though, we really were able to continue operations without really a hitch and remain productive and serve our clients. We have been back in the office for longer than what I think many metropolitan areas have been in the legal community. We're largely back in the office now at 100%.

And it has been a good year. We maintained productivity and had a successful year financially. And now that things are kicking back up in the litigation world, I anticipate that 2021 is going to be a good year as well.

A lot of people seem to be expecting a wave of COVID-19 litigation, one that doesn't seem to have hit yet. Are you looking out for such a wave?

I had anticipated that we would see more COVID litigation by now. And as you mentioned, we have not seen the surge in cases. And moreover, many states, including Alabama, have now passed laws giving immunity under certain conditions for employers for their COVID litigation. So we have not seen a surge.

We have had a few class actions that we have handled arising out of PPP early on and some landlord-tenant type of disputes, property disputes. But, from our perspective, we have not seen a large surge in COVID litigation yet. It will be interesting to see as we're coming out what I think is the other side of the pandemic, whether we do see that rise. But I'm not sure we're going to see the surge that everybody originally anticipated.

As you mentioned, Birmingham loosened restrictions much sooner than other parts of the country. What has that meant for the legal community there? How do things look almost a year after returning to work?

It does seem that Alabama did push along more toward having in-person hearings and trials faster than some venues or some states that I've heard of. In our community now, jury trials are occurring across the state. It seems over the last year perhaps case filings have been down. I think that there is a backlog of cases that have been somewhat stagnant in 2020, and we are seeing activity pick back up in courts setting cases for trial, which will push discovery along, more so than perhaps in 2020.

One trend that we are seeing — or I'm seeing as a firm managing partner — is more regional and national firms that seem to be expressing an interest in merging or acquisition of smaller firms or practice groups or small groups of attorneys to grow their footprint in the Southeast. We saw Dentons move in and merge with Sirote & Permutt, which was from here. And, it seems that I am getting more unsolicited inquiries on whether we would have an interest in that area. And so I anticipate that as we look into 2021 and 2022, we may begin seeing more regional and national firms opening offices in Birmingham and in the Southeast.

What is it, do you think, about Birmingham and the Southeast that is making national firms sit up and take notice?

I don't know if it's anything unique about Birmingham per se. I think that it is more as they are looking to expand their geographic footprint and expand in the Southeast that many have already opened up perhaps offices in Atlanta or larger metropolitan areas. And now they're moving to more mid-sized cities that have thriving legal markets like Birmingham. That's my impression.

Are you considering any of those opportunities?

At this point we're not. We're not exploring anything.

As more firms potentially move in, what are your thoughts then on standing out as a firm if you wind up with an influx of competition?

I mean, we are a litigation boutique, and I think that that first puts us in a unique position with the work that we do. We also have a number of clients that we represent on a national basis or on a regional basis. And so I feel like with the nature of our practice and our clients that we can stand up well, and that our business will not be as adversely impacted as perhaps a full-service firm might be, if a large national firm were to move in.

And in terms of having a niche, what are some areas where you feel Lightfoot excels? Where are you strong right now?

Well, you know, one of the things that we are very focused on is a strategy of thinking: How can we enhance our value to our clients? I think clients are looking to firms to be innovative and to use technology, to be more efficient, to collaborate with them. They want their law firms to understand their needs and their business and to be able to help them come up with creative solutions to their problems. And I think that that's something that we as a law firm have always been focused on. We recognize that not every client's needs are the same; not every client's desires are the same.

And so I think as a smaller litigation boutique, we have the ability to really collaborate and partner with our clients and really understand: What are their goals? And to think of innovative and collaborative ways to help them achieve their goals.

What trends are you seeing in the legal marketplace right now?

One thing we are seeing — and you read a lot about this, but we are seeing it — clients are in large part trying to do more in-house and also are using alternative legal service providers for work that was previously done by lawyers, and particularly younger lawyers. Things such as massive document reviews or even research, they are using other sources, other than associates in law firms.

Looking ahead, as someone who is back to the office ahead of a lot of other firms, what are you focused on for 2021 and beyond?

We are all back in the office, but I will say that we are seeing that lawyers and staff members have become used to working at some level remotely. I anticipate we'll be more flexible with remote work. Certainly not all the time; we're not going to be a remote firm. We're not going to have hoteling or things like that. But certainly I anticipate we'll be a little more flexible if someone wants to work from home a day or two a week. I anticipate that there will be some level of flexibility with that.

Although we are also very much emphasizing the need for us to be together and collaborate. I have talked to our younger lawyers about the importance of being present because of the ability to build relationships and that opportunities may be greater when, when you're face-to-face with partners, that you may have more impromptu training and mentoring and they have more success.

But thinking of the office and as we go into 2021 and 2022, the legal market is changing, as you know, more rapidly than I think ever before. We are in the process now, in this pivotal time of change, of doing a sustainability study with an outside firm to think about what, in the next three to five years, we as a firm need to do to improve our service to clients or to improve as a firm and to maintain our success.

--Editing by Orlando Lorenzo.