



Today's increasingly tech savvy lawyers are seeking specialized support such as graphic design, high-level proofreading, and advanced word processing skills, and are relying less on their secretaries for administrative duties. At the same time, remote work is allowing lawyers to shift their working hours to times that work for them and their clients, resulting in more after-hours support needs.

This is where the changes raise a tougher challenge for firms. Lawyers began experiencing the impact of skill deficiencies in their secretarial support or the impact of needing after-hours support when their assigned support was not available.

But this was already a problem in administrative support. The lawyer-secretary function as a relationship has been eroding for years. For a decade or more, administrative support staff have been challenged with providing increasingly technical and advanced support to attorneys.

Meanwhile, the lawyer-to-secretary ratio is expected to double to 13-1, and remote work is challenging

firms' abilities to monitor, manage, and train staff. Legal secretaries are an aging (and well-compensated) pool of existing support staff, 20-40% of whom are expected to retire in the next five years and their replacements are becoming hard to find, with many candidates not suited with the specialized skill set needed in a modern law practice.

Because they either do not have capable support or do not have available support, almost half (47%)<sup>4</sup> of lawyers have reported burnout from a heavier workload during the pandemic and have noted longer working hours caused, in part, by increased administrative duties.

Junior- and mid-level associates are the most affected (67%), citing heavier workloads and work-related responsibilities causing a decline in their well-being.<sup>5</sup>

Many of these administrative duties can and should be taken on by a more cost-effective resource, but instead, the current administrative model has shifted these duties to associates, and firms are beginning to see the impact.

## Administrative Support is Broken. Here's What to Do.

Law firms must take the opportunity to restructure, realign, retool, and rethink their administrative support models. To do so, some leading edge, AmLaw 100 firms are starting by reducing their secretary positions and beginning to reinvent it: Fish & Richardson<sup>6</sup> announced the elimination of its litigation secretary role; Morgan Lewis offered a buyout package to all of its legal secretaries nationwide; Fox Rothschild offered 300 support staff separation packages as part of a practice-specific support model<sup>7</sup>; and Reed Smith reduced its secretarial personnel and aim to retrain its remaining secretarial staff into an executive assistant role.<sup>8</sup>

Many of these firms are able to eliminate these roles because they have created practice-specific support who provide more legal expertise than a traditional secretary, centralized their administrative support in-house by separating its main administrative functions into pools, or have outsourced their main support functions to a service provider who provides expertise in a variety of support services.

In general, these are the three prevailing models firms are leveraging to reinvent their administrative support: decentralized, centralized (insourced), and centralized (outsourced). We provide more on these below.



4. "ANALYSIS: Attorney Burnout Abating, But Not Extinguished". 2022. News.Bloomberglaw.Com. <https://news.bloomberglaw.com/bloomberg-law-analysis/analysis-attorney-burnout-abating-but-not-extinguished/>. 5. "ANALYSIS: Survey Finds Lawyer Burnout Rising, Well-Being Falling". 2022. News.Bloomberglaw.Com. <https://news.bloomberglaw.com/business-and-practice/analysis-survey-finds-lawyer-burnout-rising-well-being-falling?context=article-related>. 6. "Staff Layoffs At Fish & Richardson As Secretary Roles 'Transition' | The American Lawyer". 2022. The American Lawyer. <https://www.law.com/americanlawyer/2022/09/19/staff-layoffs-at-fish-richardson-as-secretary-roles-transition/>. 7. "Fox Rothschild Offers Separation Package To 300 Support Staff Amid Firmwide Realignment | The Legal Intelligencer". 2022. The Legal Intelligencer. <https://www.law.com/thelegalintelligencer/2021/06/17/fox-rothschild-offers-separation-package-to-300-support-staff-amid-firmwide-realignment/>. 8. "How Legal Secretarial Roles Are Evolving In Big Law | Law.Com International". 2022. Law.Com International. <https://www.law.com/international-edition/2021/09/07/how-legal-secretarial-roles-are-evolving-in-big-law?region=/international-edition/region/latin-america/>.

## Modifying the Traditional Support Model (Decentralized)

Some firms have taken the approach to transform traditional support roles into new roles with narrowly focused duties, which allows firms to offer targeted support to attorneys without providing much disruption to the way the firm is currently operating. However, with this method, many lawyers are still relying on local support, which creates uneven utilization (e.g., New York staff are 85% utilized and Los Angeles are 45% utilized) rather than utilizing the full administrative staff of the firm. Additionally, because the staff are highly specialized, many administrative tasks are still left to lawyers.

### Pros:

- Easier to implement
- Firms can retain many existing staff
- Increased utilization of technology
- More advanced support for attorneys

### Cons

- Siloed offices result in uneven utilization of staff
- Lawyers do not have a single point of contact for support
- Work can be passed around due to uninteresting work or lack of capacity
- Staff are still expected to be proficient in a wide range of tasks
- Limited availability after hours

## Inourced Model (Centralized)

Some firms have created “pods” or “teams” within their offices to support specialized functions (i.e., billing support, word processing, and other pools of staff fulfilling a narrow group of tasks) within the firm, some have moved administrative functions to “centers of excellence” or “operations centers” in lower cost real estate and labor markets, and some are embracing a fully remote team allowing them to recruit across the nation.

This model allows firms to utilize their firmwide support staff to function as one to support the firm’s entire legal staff. Staffing can also be staggered to provide more coverage after hours without reducing its support during normal office hours. Firms can designate coordinators to distribute work received throughout the firm to better allocate work and increase staff utilization. This model still gives the firm full control over the operation of the department.

### Pros:

- Increasing efficiencies by centralizing and distributing work based on operator skill set and available resources
- Improves end-user satisfaction through more skilled resources
- Improves access to resources for end users
- Allows firms to further increase attorney-to-secretary ratios while providing lawyers with the support they need
- Provides a single contact point for end users

### Cons

- Firm retains management and benefit costs for staff
- Requires transferring, hiring, and training staff
- Firm responsible for developing new workflows and processes



### Outsourced Model (Centralized)

Some firms have decided to partner with a service provider who is experienced in providing administrative support services. Service providers typically customize each solution based on firm culture, preference, or needs, but the two most common solutions are:

- Providing virtual support from an off-site service provider facility
- Service provider staff providing onsite support at a firm facility

This takes the onus of managing and training support staff off the firm's plate and provides all the efficiency and utilization benefits of an insourced model. It also provides a management structure that reports directly into the firm with contractual obligations to meet service level agreements related to end-user satisfaction, productivity, and maintaining a highly skilled team.

#### Pros:

- Increased utilization of firm staff
- Provides a single point of service for lawyers
- Further reduced costs for real estate and labor
- Allows firms to benefit from best practices learned from the service provider's industry experience
- Provides access to service provider's training
- Some service providers offer "on-demand" services that allow after hours support on an as-needed basis

#### Cons:

- Firm loses insight into the department
- Some lawyers are hesitant to use outsourced personnel

## How to Decide Which Path is Best for Your Firm

***The best time to start measuring what your support staff are doing was 20 years ago. The second best time is now.***

Firms can start by measuring the effectiveness of their in-house operation and benchmark it against what an outsourcing provider may offer.

Measuring productivity and task tracking for non-lawyer staff is critical to right-sizing your support staff as well as managing them in a hybrid environment. Having this data then allows firms to make informed decisions regarding the number of staff, the alignment of staff, and the allocation of tasks.

The easiest way to collect this data is putting in place a workflow management tool, such as those offered by BigHand or ServiceNow, to evaluate and track what your staff are doing so that you can adjust as the post-COVID dust settles—identifying the practices requiring the most support and what types of support they are utilizing so the firm can tailor solutions to meet lawyers' needs. The biggest benefit of implementing these software platforms is that they allow ongoing monitoring so that firms can adjust staff according to overall workflow trends.

For firms that want immediate data to act on, there are survey and analysis tools, such as RevelationLegal, that use a questionnaire to provide a one-time look at what staff and lawyers are doing to allow a data-driven approach based on where things are today. While a survey tool provides firms with the immediate results for data that the firm was not tracking previously, these

tools are not a substitute for a workflow management and tracking tool that allows long-term monitoring and optimization of your staff.

Without properly evaluating and measuring, it is nearly impossible to determine if support staff are being utilized by their assigned lawyers, if they are working on billable tasks that would be better allocated to a different role or vice versa, or if they do not have enough work. Additionally, although the firm's goal is to increase the effectiveness of administrative support, firms also need to track what non-billable tasks their attorneys are working on to identify support gaps that cut into their billable hours, extend their days, and/or lead to exhaustion. With this data, you can begin investigating why attorneys are completing these tasks instead of administrative staff or why billable tasks are being assigned to administrative staff.



# Act on the Data Using the Mattern Method®: The Four Rs

## **Retool**

Firms need insight into their workflows and oversight over the work assigned to support staff to ensure that it is being distributed and completed effectively. Establishing best practices, structured work distribution, and implementing a tracking tool for ongoing monitoring is critical.

In addition to ensuring the work goes to the right place, firms need to ensure their support staff have the right skills. Unlike lawyers, support staff do not typically receive ongoing training and evaluation of their skill sets in relation to the demands or evolution of their positions. Using the data the firm collects, the firm has the information needed to identify the tasks delegated to support staff, what staff are completing what tasks, and receive lawyer feedback on the tasks completed to help firms evaluate and identify training needs of its staff to get the most out of its talent.

With the right talent, firms can better utilize new technology it invested in during the pandemic<sup>9</sup> to allow even more efficient completion of tasks by automating many of the manual processes still utilized by traditional secretarial support.

## **Rethink**

Support staff are responsible for a variety of tasks, including calendar management, travel arrangements, email management, transcription, document formatting, PDF conversion, printing, photocopying, time entry, and more. Due to high ratios of lawyer to support staff, support staff face a high volume of tasks with competing deadlines that are often difficult to manage, prioritize, and complete efficiently. This can not only make the position undesirable to qualified personnel, but also reduce lawyer utilization of support staff due to delayed turnaround or inaccurate work.

Though firms still need a presence in the office for client-facing tasks, the days of 20-year lawyer-secretary relationships are long gone.<sup>10</sup> In today's workplace, lawyers require different support. In today's digital world, virtual meeting software, such as Zoom, Teams, WebEx make it possible to collaborate in real time, VPNs and Dual Authentication make it possible to ensure security of firm data while also providing all firm employees with access to firm applications on the firm's network, and digital mail solutions (and generally less paper), makes it easier to provide support and accomplish these tasks from anywhere.

## **Restructure & Realign**

Seventy-seven percent (77%) of firms have lawyers working outside of standard office hours, creating a need for increased after-hours support and new ways to allocate work. To maximize the benefit of support staff, lawyers need to know who and where to go for support as well as when they can get it.<sup>11</sup>

More than half of law firm staff do not believe work is submitted effectively and 35% do not believe that it is distributed evenly. Seventy-three percent (73%) of support staff note that they move work internally at least once per week with 50% doing so because of workload/capacity and 20% because the work was incorrectly allocated. In addition, BigHand reported that less interesting work is often passed from assistant to assistant without any justification.<sup>12</sup>

Three quarters of firms have already restructured or created support teams, a third of firms have increased their reliance on outsourcing, and a third are looking to outsource their support functions.<sup>13</sup>



9. Technology adoption overall was the second highest YoY expense for law firms in the years of the pandemic (second only to recruiting) 10. <https://www.bighand.com/en-us/resources/whitepapers/the-legal-resource-management-report/> 11. <https://www.bighand.com/en-us/resources/whitepapers/the-legal-resource-management-report/> 12. "Legal Support Staff Survey" 2019. BigHand 13. <https://www.bighand.com/en-us/resources/whitepapers/the-legal-workflow-management-report/>

## Finding the Right Solution

There is no one-size-fits-all approach. Each firm is different and each practice and lawyer also come with their own unique needs and approach to their work. Each firm needs to ask questions about its culture, attorneys, and the working environment they want to foster:

- Are you able to effectively manage, train, and schedule support staff in each office?
- Do you need to hire support staff in all your offices? In the most expensive and most competitive markets?
- Do you need assigned support for each lawyer?
- Do you need a single role supporting all the administrative tasks for your firm?
- How are your assignments allocated?
- What is the utilization of support staff in each office? Each practice group?

More and more firms are recognizing that they should stop thinking of administrative support in terms of ratios and instead think of administrative support as an all-inclusive solution for the firm. Due to the increased

specialization of many functions carried out by traditional legal secretaries—legal research, document/word processing, graphic design, presentation creation, proofreading, billing support, and database management—it is becoming nearly impossible to find candidates who possess all of these skills.



## Which is Right for your Firm?

This is an opportunity to re-think a broken support system and make a significant impact. The needs of attorneys have drastically changed during the past 10 years and even more over the past two. Secretaries are not completing the same tasks they did before and lawyers are demanding more specialized support for their practices. This is the moment for change.

Firms should initiate change with a data-driven approach. This is the first step to innovating and modernizing a new administrative support model that works. Firms also need to engage their legal staff to ensure that their needs are considered and that the solution fits in with the culture of the firm. Focus groups, surveys, and observation on-site in firm offices are the keys to determining how to tailor your support staff for your firm.

Where firms do not have the administrative expertise, industry knowledge, or time to evaluate data and make these changes, bringing in an unbiased consultant to

evaluate the operation is one way to find the solution that works best for the culture. Consultants work closely with your firm, speak with your administration, lawyers, and support staff to evaluate their needs and any problems they are experiencing with the existing model. Consultants can also advise firms on what workflow tool to use to create the best workflows, what data to measure, and how to use that data to continually improve its operation. They also bring industry knowledge of best practices, knowledge of the best software to increase efficiency, current market rates, and can provide a targeted RFP if your firm decides to investigate the market for any services.

In the end, the most important thing is to get it right. Firms have the momentum for this change now and it is critical to develop a strategy and solution based on hard data that will result in lawyer buy-in. As the evolution of hybrid accelerates across the market, we are excited to be part of what the future will bring.

