

The Changing Role of the Legal Secretary



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Executive Summary

This white paper outlines the issues surrounding the changing roles of the traditional legal secretary and offers a definitive role-based solution that can be applied across the entire legal community, resulting in a more efficient and successful workforce that can be recruited across firms.

There is a need for law firms to come together to define the varying responsibilities of the legal secretary. Since 2004, advances in technology have affected these positions, resulting in a need for new definitions of specific functions. If the legal community can collectively define those roles, the result will be a more effective and successful workforce that firms can recruit with ease.

Because technology has impacted the way in which firms conduct business, there has been a breakdown across the industry in how legal secretaries perform work. In her article, “The Changing Role of Legal Support Staff,” Cynthia Thomas, Founder of PLMC & Associates, stated the following:

“Recent advancements in technology used by law firms have blurred the lines between legal assistants/paralegals and legal secretaries. What were once two separate and distinct positions now overlap, and both jobs have changed significantly.” (Thomas n.d.)

Quickly evolving technological advancements have created a shift in work culture, including the type of work secretaries do. Attorneys are able to conduct much of their work without assistance, which leaves the secretarial team supporting more attorneys than ever. Further, the specific skill sets needed vary across firms, causing confusion and hiring problems during cross-recruiting.

The solution requires an understanding of the Traditional Legal Secretary (TLS) and the Legal Secretary of the Future (LSF). Whereas the former tends to be highly reliable with much more experience, the latter may be more highly educated and adaptable, and tends to commit to positions for only two to five years before moving on. This leaves hiring managers facing tough decisions during recruiting.

The solution proposed here is one that delineates specific roles based on skill sets of the secretarial force. Titles and roles include:

- Legal Secretary
- Legal Assistant
- Legal Administrative Assistant
- Pod Legal Secretary
- Legal Word Processor
- Workflow Coordinator

An industry-wide standard agreement regarding the definitions of these roles will result in a more effective workforce with better skills, leading to the overall success of firms and their employees.

Introduction

The ratio of legal secretaries to attorneys has changed dramatically since 2004. But the workload has not. At first glance, it appears as though fewer secretaries are required to conduct business. However, based on the “2017 Changing Role of the Legal Secretary Survey,” the real challenge is that technological advancements have had a major impact on the way attorneys operate — new applications and resources have given them more efficacy. Today, attorneys are more self-sufficient than ever and require less traditional skills from their legal secretaries. This has led to changes in the type of work firms require from legal secretaries, resulting in the need to define new roles.

In 2004, the average attorney-to-legal-secretary ratio was one-to-one, and occasionally two attorneys to one legal secretary. In 2016, the U.S. Bureau of Labor Statistics showed that there were 792,500 lawyer positions and only 191,200 legal secretary positions. This means that the ratio has increased to four to five attorneys to one legal secretary. Why did this happen, and what does this mean for law firms and their hiring practices?

According to a session on “Alternative Approaches to Secretarial Support” at the 2017 Association of Legal Administrators Annual Conference & Expo, Latham & Watkins launched a FAST program in fall of 2013. This program entailed hiring recent college graduates to be trained to support a First-Year Associate Team (FAST) made up of fall and summer associates.

When this happened, other large law firms began to look at creating their own alternative models for utilization of their legal secretarial staff. For instance, a major Los Angeles law firm sought solutions to the issues that were affecting company culture due to these impending changes. There had been a shift in the way their associates and partners were conducting business, which had resulted in the need for fewer secretaries. Although the workload had changed, there was still a need for the support of the secretarial team. Their legal secretaries were now paired with more attorneys than ever, and they wanted to discover a solution that would help them adapt to these changes.

TRADITIONAL LEGAL SECRETARY (TLS)

- A legal secretary with more than 10 years of experience working in a law firm or corporate legal department
- Someone who is most often reliable
- A person who is typically less technologically savvy
- Often less open to change

LEGAL SECRETARY OF THE FUTURE (LSF)

- A person with his or her bachelor’s degree, as well as possibly a paralegal certificate
- Someone who will likely only commit to a position for two to five years before moving on to something else
- A person with exceptional technology skills and adaptability, but who may require some training on follow-through and being proactive
- It will be important to the LSF to be constantly evolving as the technology continues to evolve

Background

In 2013, this major Los Angeles law firm needed help facilitating solutions to enable their legal secretaries to adapt to increased attorney pairings and to the potential new models that they would be piloting. It was important to the firm because the secretaries' work was still in high demand, as they are a major component to the firm's success. JHill Staffing Services spent several months researching the specific changes they expected, how those changes would impact the type of work secretaries were expected to do, and how they would execute that work.

Throughout the project, the firm focused on listening to the frustrations of various legal secretaries and providing them with the opportunity to offer feedback and suggest possible solutions. By allowing them to create their own solutions, they became more empowered around the changes affecting their careers, which led to less stress and anxiety. During change management, communication and training is key to the success of the firm; team cultures thrive when people are informed and companies are transparent.

This initial research revealed that the biggest changes facing law firms today — for associates as well as leadership — are technology-centric:

- Technology has changed the way firms conduct business, and they are searching for solutions to help them and their employees adapt in a quickly moving economy.
- Technological advancements have given attorneys the ability to execute most of their own work, therefore requiring fewer Traditional Legal Secretary roles.

For example, one managing partner of a boutique real estate firm in Los Angeles stated, "I no longer need my own secretary. I can use my own boilerplate forms to do most of my work."

This topic continued to gain momentum in the legal community, and shortly after the first firm program, JHill Staffing Services led a similar class for Legal Secretaries, Inc., where it discussed the previously stated issues as well as the following:

- When change happens, people feel left out.
- There can be fear that a person's current job is no longer safe.
- An individual's skills are becoming obsolete.

The secretaries in attendance felt the class had significance, as many could relate to the issues discussed. After the class, one individual said, "After your program, I can see why I've been terminated in several of my recent positions. I now have an action plan to be an indispensable resource where I work next." She landed a new position soon after that meeting and was with that firm for several years. The key to her success was determining what was missing and her willingness to adapt to change. She learned that she cannot alter her behavior until she first identifies what is missing.

"You need to give people a way to remain viable."

— Robert Cramer, Director of Human Resources, Irell & Manella

After this initial program, JHill Staffing was invited to facilitate a roundtable discussion among several law firms in Southern California. They wanted to determine how they could approach the changing role of the legal secretary in their respective firms. It started with a survey of law firms throughout Southern California to assess the current state of their secretarial teams.

The survey included the following questions:

1. What alternative models are firms piloting and/or testing with regard to secretary utilization?
2. What are the biggest challenges and/or obstacles with implementing or utilizing these pilot programs?
3. What benefits (if any) have been noted from using these new models?
4. If your firm has not implemented any new models, do you anticipate creating and implementing new models in the next three to five years? And if not, why?
5. What is the biggest change over the past three to five years in the way you are utilizing your legal secretaries?
6. What are your criteria for hiring legal secretaries?

One member of this roundtable survey shared that the biggest challenge for their firm was finding top quality secretaries at reasonable compensation, who have the skills for “tomorrow’s attorneys” but can still meet the needs of “yesterday’s attorneys.”

Upon completing the roundtable and reviewing the results of the survey, it quickly became apparent that there are two distinct types of legal secretarial candidates: The Traditional Legal Secretary (TLS) and the Legal Secretary of the Future (LSF).

- A **Traditional Legal Secretary (TLS)** is someone who has been a legal secretary for more than 10 years; who is loyal and reliable; but who does not necessarily have the strongest technical capabilities and/or the willingness to develop new skills.
- A **Legal Secretary of the Future (LSF)** is extremely tech-savvy; open to change (in fact, enjoys and prefers change); typically has a bachelor’s degree; and often possesses a paralegal certificate.

The downside of the LSF is that he or she could be less stable and not as likely to stay at one firm for more than two to three years. This leaves law firm management with a challenge.

Which type of legal secretarial candidate is better to hire: a TLS or a LSF? The answer is both — each law firm has a different style and culture. Throughout my study, one common denominator was that firms tend to utilize legal secretaries in different ways.

“One reason people resist change is because they focus on what they have to give up, instead of what they have to gain.”

— Rick Godwin

The second major issue is that there are two major challenges to the changing role of the legal secretary:

- The change in roles, and the need for new job titles and their respective job descriptions.
- Understanding the difference between the TLS and the LSF, and how each would fit into new roles.

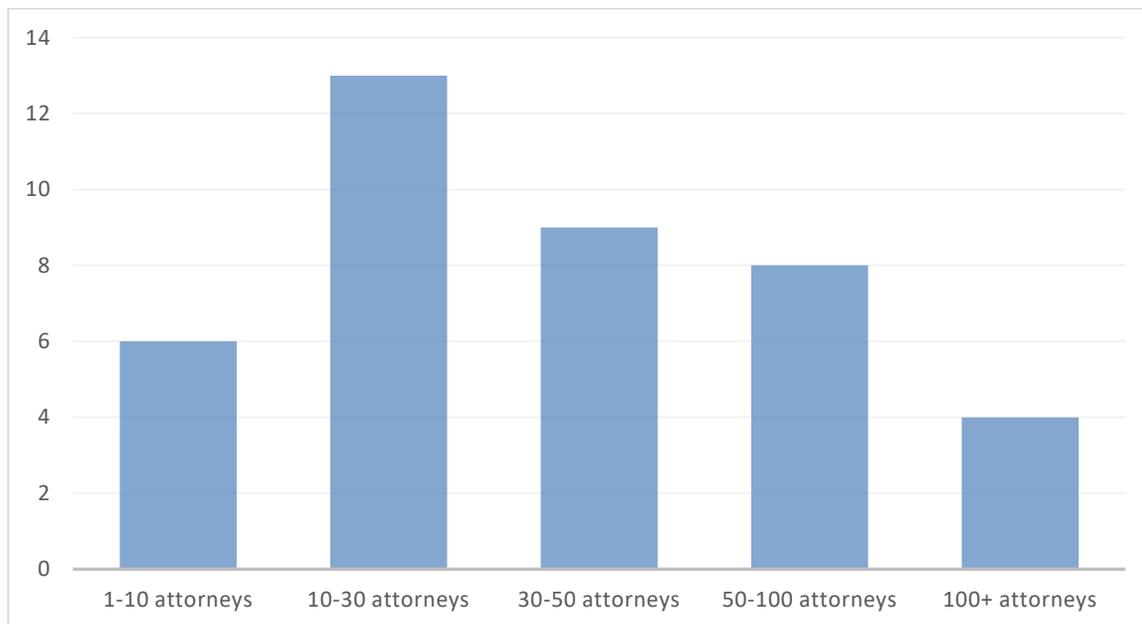
This study revealed a lack of agreement on how to define the new roles of the legal secretary, which is highly problematic when it comes to cross-firm recruiting efforts. For example, one firm might use its secretaries for traditional skills such as transcription, filings, booking meetings and answering phones, whereas another firm might utilize its secretaries for word processing and hybrid paralegal work.

It is not unusual for a firm to hire a recruit they believe to be highly capable, only to discover that the individual is lacking the skills that the firm needs for the position. Without highly defined roles, skills are not transferrable across firms.

“Traditionally, the terms *legal assistant* and *paralegal* were used interchangeably, with both referring to a nonlawyer legal support staff member who, after education and training, performed substantive legal tasks.”

— Cynthia Thomas

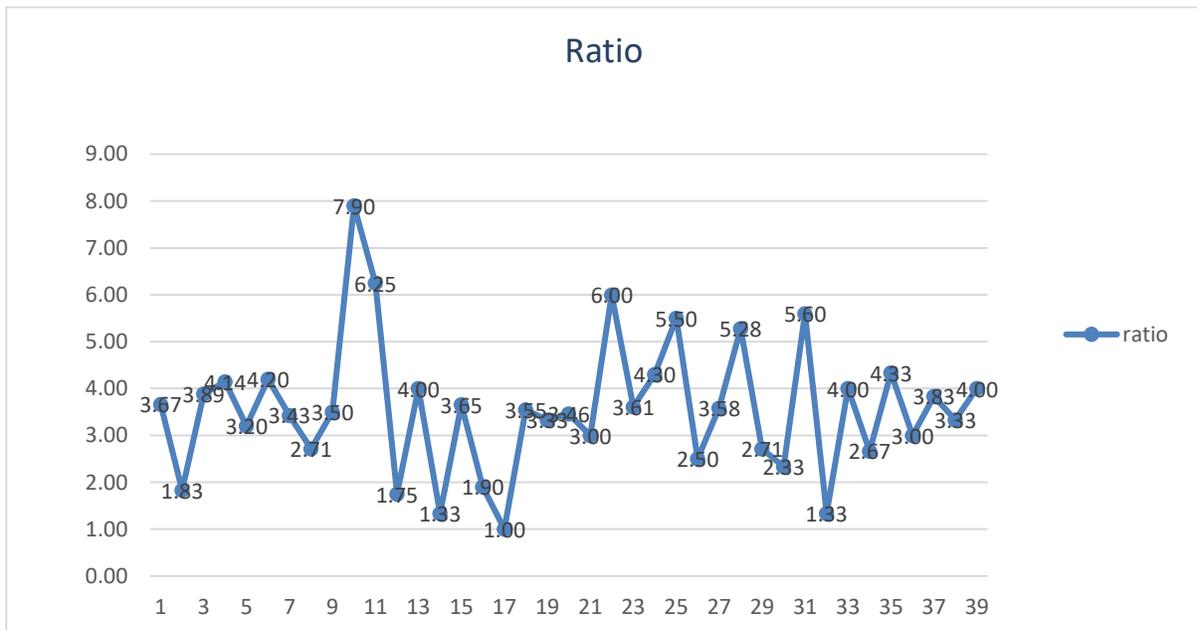
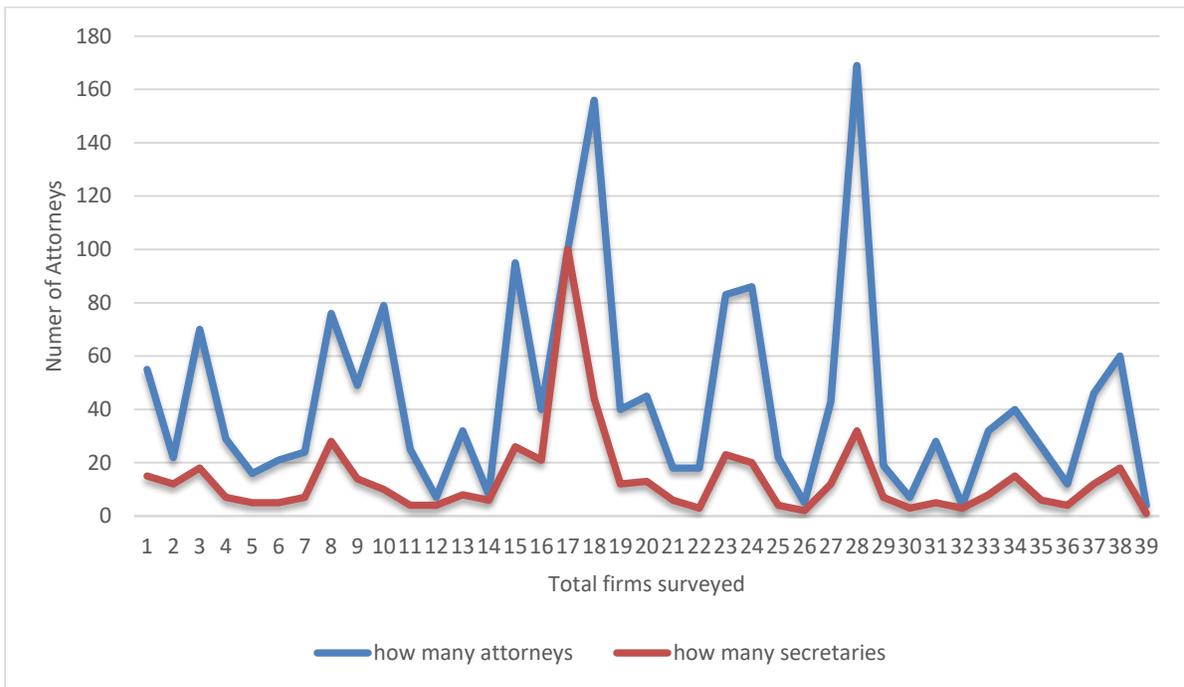
Firms Surveyed



2017 Changing Role of the Legal Secretary Survey (Hill, 2017)

In September 2017, a survey was provided to more than 100 law firms in California. Of the 39 law firms that participated, more than half had offices in California with between 10 and 50 attorneys.

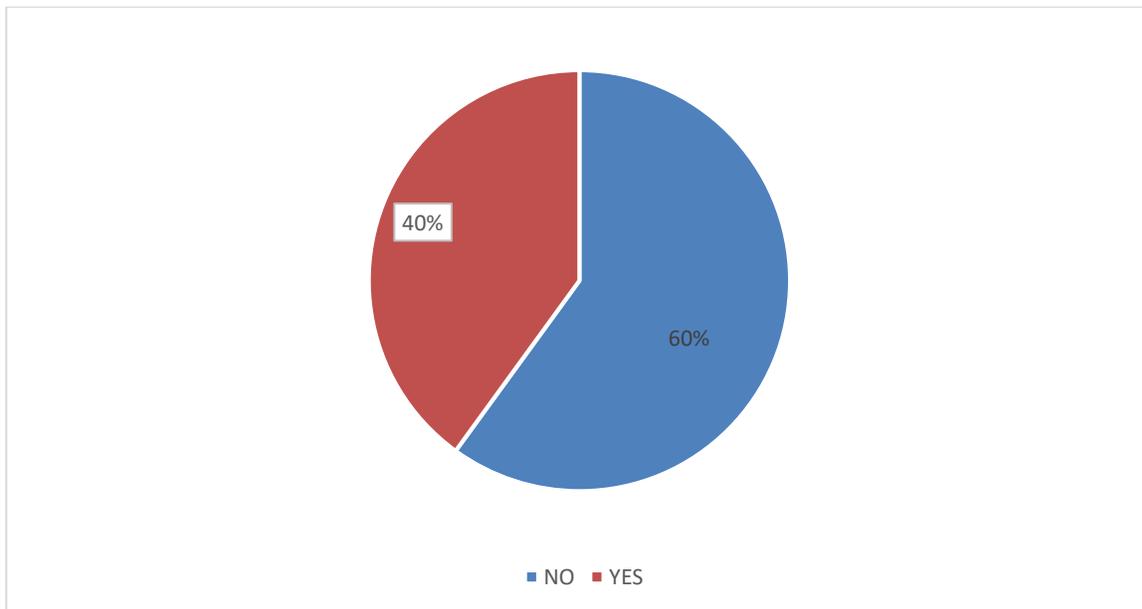
Attorney-to-Legal-Secretary Ratios at Firms Surveyed



2017 Changing Role of the Legal Secretary Survey (Hill, 2017)

The findings from the 2017 study were consistent with the numbers provided by the U.S. Bureau of Labor Statistics data from May 2016, showing an average ratio of between four and five attorneys to one legal secretary.

Percentage of Firms Using New Models



2017 Changing Role of the Legal Secretary Survey (Hill, 2017)

Types of New Models Being Utilized



2017 Changing Role of the Legal Secretary Survey (Hill, 2017)

At the time of the study, fewer than half of the firms surveyed were utilizing new models. Of the firms that were utilizing new models, the most common type of new model being utilized was the “Practice Group Team.”

Solution

Based on this research, to answer these problems, the industry must agree collectively on how to define each new role, and that by naming those roles and defining them, it will be easier to understand what skill sets are required for each.

Below are the suggested titles and the accompanying definition of each title:

Legal Secretary: Individuals who work in law firms and are supervised by a paralegal or attorney. The legal secretary is responsible for interacting with clients, court filings, dictation and other administrative support matters.

“Law firms need to begin to reclassify and create new job descriptions, duties and titles to better reflect the support staff’s actual responsibilities.”

— *Cynthia Thomas*

Legal Assistant: Individuals who have their paralegal certificates and divide their time equally between paralegal tasks, including researching and preparing discovery, and legal secretary tasks, up to and including filing, docketing and assisting their attorney in the practice of law. The legal assistant has an advanced understanding of the law and legal proceedings.

Legal Administrative Assistant: Individuals who support attorneys with administrative and clerical matters, including billing, scheduling meetings and travel, and answering phones.

Pod Legal Secretary: Individuals who belong to a pod or team or practice group of legal secretaries and are not specifically assigned to any one attorney. This pod or team may have one lead pod legal secretary called a **workflow coordinator** who manages and coordinates workflow among the other team or pod members.

Legal Word Processor: Individuals who compose, edit and format documents for attorneys in a law firm or corporate legal environment.

Workflow Coordinator: A lead legal secretary who has more than five years of prior legal secretarial experience working in a law firm and is responsible for coordinating the workflow of other legal secretaries.

The first step in embracing the changing role of the legal secretary is to create industry-wide agreed-upon definitions and implement them. Once the legal community can agree that the role of the legal secretary will continue to evolve and to work on defining these individual roles, the legal community will be in a better position to hire, train and retain top legal secretarial talent in the future.

ALA Code Set Defines the Roles

In 2014, ALA began developing a code set that could change the way the industry hires employees, evaluates efficiency and staffs back-office operations. The [ALA Uniform Process Based Management System \(UPBMS\)](#) is a set of codes developed to provide a standard framework for defining and classifying legal operations.

These codes provide a standard framework for legal operations to develop, implement and maintain successful management and operational strategies, and encourage the use of a common language and approach to legal support operations across the industry.

High-performing legal operations recognize the importance of effectively managing the diverse and increasingly specialized support services required to increase productivity, reduce risk, and improve the quality and value of their services.

The ALA UPBMS creates universally recognized standards that improve the understanding of how administrative and operational processes are identified, organized and performed within their organizations.

Titles can mean different things from firm to firm. As noted in the previous section, there are several types of legal secretaries with varying roles. The UPBMS codes have a number of potential applications — for example, to strengthen the hiring process. If law firms had a uniform definition of each role, they would potentially be able to create a more accurate job description for open positions, which could help firms attract the most qualified candidates.

With each new release, ALA looks to be able to further clarify each support staff member's role — and help law firms and other organizations better understand the value firms' legal teams provide.

To review and start to implement the UPBMS codes in your firm's job descriptions, access the latest UPBMS code set PDFs [here](#).

These codes and further job descriptions will be upcoming in a UPBMS-based Job Description Toolkit that ALA is compiling with the help of some members. We will be working to make this available to members as soon as it rolls out.

Further Education and Training

A primary element of the successful shift in the culture will be developing and implementing programs that highlight the benefits of working in the legal services industry in order to capture the interest of students and graduates. When people are planning their careers, there is an opportunity to capitalize on the advantages of beginning a career in a supporting role at a law firm or corporate legal department.

Over time, traditional secretarial training classes have gradually disappeared, while degree programs in paralegal services have flourished. It is imperative that the legal community comes together to further develop training programs for recent graduates. Specifically, firms should have specialized training programs for the first one to two weeks of employment. Regardless of the size of the firm, it should be noted that these first weeks are critical to the long-term success and growth of the individual.* While it might seem time-consuming, it is important to note that most conflict and staff turnover happen because of a lack of empowerment and proper onboarding when people are initially hired.

**Some larger firms have rolled out 6- to 18-month training programs, where their legal secretary trainees are exposed to all different areas of law as "floaters." Once trainees complete their full training, they are then assigned to an open desk.*

Recommendations for empowering your new team members during their first week:

- ✓ Create a buddy system. People need to feel connected and supported. Even if it is a small firm with no other support staff, the new hire should have a buddy or mentor who can answer questions and make the new team member feel welcome. In a smaller firm, this may be an attorney, whereas at a larger firm, peer-to-peer mentoring systems are recommended.
- ✓ During the first three days, the new hire should be offered a minimum of four hours of training with a senior staff member or trainer. This should be a basic introduction to the company's infrastructure, including training on systems, procedures, software programs and basic day-to-day functions.
- ✓ A clearly defined role and set of expectations for the job and responsibilities should be communicated within the first week. The quickest way to prevent confusion and unfulfilled expectations is to clearly state expectations, as well as deadlines and timetables.

Throughout the duration of the individual's employment, additional communication and training should be provided regularly to keep pace as these needs change over time.

Longevity

One of the biggest drawbacks of the Legal Secretary of the Future (LSF) is that he or she will likely only commit to the role for one to three years. There are many ways to incentivize LSFs to stay long-term, including offering clear career trajectories or opportunities to bill time and take on additional paralegal-oriented responsibilities as they grow with the firm.

Legal secretaries who possess paralegal certificates have the capacity to be billed out; however, most firms are unclear about the parameters. They do not know when it is appropriate to bill their time or what their rate should be.

When a firm is in the process of creating and defining these roles, the executive team should consider that the potential for billable time should be factored into compensation and discussed as an incentive to hire these types of candidates.

There are three key elements that will motivate an LSF and help keep that valuable staff member with the firm or company for a longer duration:

1. Financial compensation
2. Upward mobility/growth/training development
3. Acknowledgement and appreciation

Another model that some firms have implemented with success is hiring an LSF who only commits to a two-year contract, or until he or she moves on to law school or graduate school. In this case, both parties have clearly defined expectations that create a win-win situation for the law firm and the LSF.

Finally, whether you are hiring an LSF or a Traditional Legal Secretary (TLS), firms will need to anticipate the challenges that arise during the transitional period of changing/redefining roles.

People often resist what they do not understand. Therefore, the more transparent firms can be with their teams about anticipated changes and expectations, the easier the transition will be for everyone.

During the period of change, it is important to get your current legal secretarial team to buy in. The following is a list of recommendations that will help firms accomplish this goal:

- ✓ Give opportunities for feedback either via an open-door policy or an anonymous comments box in your office.
- ✓ When giving feedback, utilize empowering language such as “What worked was X” and “What I would love to see more of is Y.”
- ✓ When dealing with upset in the office, utilize keyword backtracking. Repeat back to the person what they are upset or frustrated about, clarify their frustration and ask for participation in coming to a solution.
- ✓ Get curious. Take a stance of curiosity when faced with pushback from attorneys or secretaries about the changes that are happening. Ask open-ended questions that encourage participation.
- ✓ Give individuals a chance to contribute. In midsize to larger firms, give people the opportunity to create teams that can be responsible for facilitating trainings for new staff members. People who have extra time on their hands can sometimes use that time to stir the pot if not given a higher goal or task to focus on. Giving people the opportunity to participate will help create buy-in into the new roles and programs.

Conclusion

As culture continues to shift with the speed of technology, the varying roles of the legal secretary must be distinctly defined in a manner that is agreed upon across the industry. Doing so will result in more effective skill sets, along with the respective roles. Further, this will lead to more effective cross-firm recruiting and overall success of firms and their employees, as well as secretarial teams that are more efficient and effective.

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