

LEGAL MANAGEMENT

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LEGAL INDUSTRY/BUSINESS MANAGEMENT

The Legal Industry Enters the Gig Economy Age

Could your firm or legal department benefit from temporary, part-time or freelance employees?

Two in five organizations expect to increase their contingent workforce use by 2020, according to EY [research](#); the legal industry, too, appears to be increasing its use of nonpermanent workers.



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One in seven lawyers said their law firm or legal department plan to outsource more legal matters to attorneys on a contract or retainer basis in a 2018 Robert Half Legal [survey](#).

Fifty-eight percent of law firms currently use part-time lawyers, and 58 percent employ contract lawyers, according to Altman Weil's :

Firms in Transition [survey](#). Moreover, many are finding it's a better arrangement — the effectiveness rate of those staffing structures increased from 2017 to 2018.

In addition to law firms bringing in temps for a defined time to handle overflow work or cover for someone who's on medical leave, some are now turning to contingent workers to boost efficiency, according to Shannon Adams, Vice President at legal consulting and talent service provider Special Counsel.

"With large organizations, getting headcount approval could take several months; if a paralegal retires, oftentimes, business leaders are required to prove a business case for why they should be replaced," Adams says. "Hiring cycles can be between a month to six to seven months. We're seeing an uptick in companies bringing in interim talent to fill gaps on a contingency basis while a new hire is selected."

THE BENEFITS OF TEMPORARY ASSISTANCE

Hiring contingent help can offer firms a number of operational advantages, ranging from cost savings to allowing project teams to quickly ramp up and down.

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With a number of candidates available for contingent roles — including lawyers and staff members who are in-between full

jobs, attorneys who are exiting Big Law, ones who want a red schedule as they approach retirement, and other industry me if your organization is considering utilizing nonpermanent w the following considerations can help you ensure the arrange ends up being as effective as possible.

Determining who does the work. Michael Downey, Managing Member at Downey Law Group LLC, a two-attorney firm in St tends to favor using attorneys for projects because he says the difference compared to a paralegal isn't that different — pote as minor as \$10–\$15 an hour, totaling \$3,000 for a 200-hour p engagement.

“They’re going to have generally more of the skills I’m likely t there are certain things paralegals can’t do. Lots, for example have research or writing experience that an attorney would,” “Theoretically, an attorney can do anything we need to have

Adams recommends firms and in-house departments examine specific work that contingent help will be performing.

A client initially thought it needed a team of Los Angeles-basi attorneys with entertainment law and licensing expertise to r contracts for a project — at a cost another staffing agency ha estimated would be \$200 per hour. So they approached Speci Counsel for a second opinion, and the company suggested usi who had some understanding of entertainment contracts, bu necessarily all specialists.

“Our project team was a mix of paralegals and licensed attorr varying levels, who cost these folks close to \$70 an hour,” Ada “Once we’re able to uncover what the job is that needs to ge sometimes we say yes, a paralegal would be the person to ex work, or it doesn’t matter if it’s a paralegal or JD.”

Structuring the arrangement. Downey advises letting contingent workers know when they'll be starting and how long they'll be needed. "In that way, they'll be readily available and there won't be surprises at the end."

Firms and legal departments may be able to treat the project as a trial to see if temporary employees might be a good permanent fit.

"Having a 90-day employment period is nice because if [after time] someone isn't satisfying expectations, you can go your separate ways," Downey says. "If the person works out, you can say, 'Let's keep the person longer.'"

Thomas J. Simeone, Partner at Simeone & Miller, LLP, five-attorney firm in Washington, D.C., has used part-time and temporary help since founding his firm in 2002.

College students initially provided flexible assistance, without added cost of providing benefits. The firm has since hired other college and law students, a part-time attorney and freelancer on its website and promote a scholarship the firm is offering.

"It's really important to spend time onboarding people well so they can provide the maximum benefit and don't spend a lot of time doing something you didn't need."

Simeone has found some responsibilities — such as handling firm communication with clients — generally aren't well-suited to employees who aren't full-time.

"You can't give a part-timer vital daily tasks; they have to fit in the times they're there," he says. "[And] they're not always able to respond to people, which makes communication a little more difficult. Having one paralegal oversee people [can help] allocate time between tasks. [Then you can] say, 'Talk to Linda,' and she'll say, 'Do those things,' or 'Work for Paul today.'"

Dedicating time to onboarding. The biggest pushback Special hears from clients about using contingent help is that training takes too long, according to Adams. She says they feel that by the time they get trained, the project will be over or the person the contingent worker is filling in for will be back.

Although, particularly in the midst of a project extensive onboarding may necessitate bringing on nonpermanent employees, taking time away from that work can seem counterproductive. But Downey says that it actually improves project outcomes.

"It's really important to spend time onboarding people well so they can provide the maximum benefit and don't spend a lot of time on something you didn't need," he says. "[It can be helpful] to provide them with short written summaries of the key people and data that they can look back at as a reference if they see things they think are important."

Proactively protecting privileged information. For contingent workers to effectively help with things like document review, attorneys need to provide information about a case. Although, some firms view that as a confidentiality concern.

"Usually you have to provide them with enough information about the case if you want them to do well — a case summary, here's the title, caption number, the pending basic allegations," Downey says. "The biggest thing with temporary attorneys is you don't want to have a conflict coming in, and you don't want someone who"

worked with your side of the case to go to the other side.”

While it might not be realistic to craft an extremely detailed noncompete arrangement for a temporary engagement, firm likely want some protection to ensure related information isn't disclosed, according to Downey.

“The confidentiality agreement doesn't need to be complicated; it's really good to have something in writing,” he says. “If you have an agreement that says, ‘I have been retained by X law firm to work on this project, and I agree to keep information during the retention confidential as permitted by law,’ in [some states, can offer a certain level of protection].”

Paying attention to ethics. Downey, who has taught legal ethics at Washington University in St. Louis, says his firm is careful to always be very transparent with clients about what the firm charges and how it pays any non-long-term employees who work on their matter.

“One of the big things some firms don't realize is they should be using temporary attorneys as a way to get improper profits,” he says. “People say, ‘I hear you can pay employees X and charge clients times X, and you don't have to tell the client.’ That's not true.”

NONPERMANENT WORKERS' ADDITIONAL IMPACT

In addition to expense and operational efficiency benefits, contract workers may also be able to help firms and legal departments improve their current employees' level of job satisfaction.

A labor and employment law firm Special Counsel works with clients who have investigated their high overtime costs. Adams says that the firm discovered it was spending far too much to have work that could be produced externally at a third of the cost handled by internal staff members who, due to experience, were paid above-market salaries.

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“In turn, the firm realized its employees were stressed and go more often because they were working so many hours,” she s not only a financial value to a firm to take work off people’s p also is good for the culture of the organization to give very te very valued employees a breather.”

Clients may also experience positive effects. “Client service ca first thing out the window; maybe people aren’t as quick to r to emails or return calls,” Adams says. “If contingent workers some of the work from those people, they’re now more avail: which is a more delightful experience for clients. That’s what retain your market share — happy clients don’t leave; they sta give you more work.”

Hiring contingent workers isn’t an automatic fix for every firm department, or every business problem. The system may not b fit in scenarios where having turnover on a project or role wo mean institutional knowledge was lost, Adams says. Furtherm areas with high demand for certain skills, finding temporary c time help for a reasonable cost may be challenging.

However, in today’s post-recession legal services market, that be an issue for a number of firms and in-house legal departm according to Downey.

“The economy has been tough,” he says. “A lot of law school graduates own a firm that’s not that busy, or have free time c

family situation where they're not able to work full-time. The plenty of people around who are happy to have decent employment for decent pay." ■

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