



207 Staffing Efficiencies in the 21st Century

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Faculty Biographies

James M. DiVirgilio

James M. DiVirgilio is general counsel of the litigation management and staff counsel claim legal group for St Paul Travelers and is based in Hartford, Connecticut. Mr. DiVirgilio has responsibility for the claim litigation management program for St Paul Travelers, which provides oversight on issues relating to counsel management, policy and procedure, measurement and quality management. He also has responsibility for St Paul Travelers staff counsel program which consists of 62 offices and approximately 650 attorneys and 1200 total employees who represent the company and its policyholders in litigation throughout the United States.

He is a member of the Defense Research Institute, International Association of Defense Counsel, ACC, ABA, and the State Bar Associations of Connecticut, Pennsylvania and New Jersey.

Mr. DiVirgilio received a B.S. from The Pennsylvania State University and his J.D. from Villanova University School of Law.

Robert C. Taylor

Robert C. Taylor is senior vice president and senior associate general counsel for SAFECO's property and casualty insurance companies in Seattle. His current responsibilities include supervision of 29 litigation staff offices around the country.

Mr. Taylor joined SAFECO as a trial lawyer and he has served as counsel, associate general counsel, and vice president. He has managed a group of corporate lawyers as well as outside counsel handling the company's litigation. He began his career as an associate of the Los Angeles firm of Tucker & Coddington, where he did primarily insurance defense trial work in the area of aviation and public utilities.

Mr. Taylor is an active member of the Washington and California Bar Associations. He is a member of ACC, where he is a member of the Executive Committee of the National Insurance Staff Counsel Committee and a past chair. He is also a member of the ABA and the Defense Research Institute.

He was recently appointed to the Washington State Bar committee for diversity. He has been a speaker at various seminars including the 1998 ACC Annual Meeting, where he spoke on "Providing Excellent Customer Service," the 2000 ACC Annual Meeting where he spoke on "States Under Siege," and the 2002 ACC Annual meeting where he spoke on "Managing Litigation in the Future."

Mr. Taylor received his B.A. from the University of California, Los Angeles and is a graduate of Loyola University School of Law in Los Angeles, California.

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Jim DiVirgilio
St. Paul Travelers Ins. Cos.

Bob Taylor
Safeco Ins. Cos.

October 17, 2006
Session 207 -- ACC Annual Meeting
Washington, D.C.

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Fundamental Question

Why do you have so many support staff?

Why don't you have more?

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What about you?

- Do you have a staffing model?
- Does it take all your needs into account?
 - Or just one aspect like secretarial support?
- Does it describe the value it provides?

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Current Models

- Discuss various models we have found.
 - Defense model
 - Plaintiff model
 - Transactional model

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Beyond Attorneys

- How specialized is your staff?
 - Secretaries
 - Paralegals
 - Others
- Do you have clear job distinctions?
- Does your compensation plan differentiate?
- How does it handle hybrid jobs?

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Segmentation & Overlap

- Do you have the right people doing the right tasks?
- Do you have an environment of trust?
 - Where paralegals are encouraged to take work off the attorney's desks?

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Secretaries

- Is a secretary today the same as 20 yrs ago?
- Has the PC made everyone a typist?
- What impact has it had on what secretaries do?
- What is a proper workload?

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Paralegals

- What should a paralegal do?
Check resources at NALA website
- Is a law clerk a substitute for a paralegal?
- If you bill your paralegals time does it change what they handle?

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Other Support Staff

- IT Support
- Receptionists
- Librarians
- File Clerks
- Law Clerks

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Temps & Outsourcing

- How and when do you use a temp?
- Have you used outside services
 - Permanently or occasionally?
 - In the U.S. or in another country?

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HR Issues

- Overtime for Non exempt workers
 - How are your paralegals classified under FLSA

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Critical Factors in Building a Model

- What factors drive your needs?
 - budget
 - jurisdictional requirements
 - matter type & complexity
 - volume
 - available labor pool
 - experience
 - training
 - technology

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Let's Build Your Model

- Break out into work groups
- A description of the work will be provided
- Each group should determine
 - Number of attorneys and staff required
 - The structure of the operation.
 - The cost of the model
 - Benefits and weaknesses of the model

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Ethics of Delegation

- Discuss impact of Model Rule 5.3
(Responsibilities Regarding Nonlawyer Assistants)
 - What can you delegate to a non lawyer?
 - What are “reasonable efforts” to assure that conduct is compatible with the lawyer’s professional obligations?
 - What happens if you don’t?

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Impact of Technology

- Can’t live with it: can’t live without it.

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Nuggets

- Set clear expectations for each position
- Encourage staff to constantly review the model and how it works
- Listen to what they have to say

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