



Tipping the Scales

IN FAVOR OF A BALANCED WORKPLACE

By Hannah Hayes

*D*uring the 1980s, as the number of professional women in the workforce increased, companies fashioned “family friendly” workplaces that allegedly accommodated the working mother. In the 1990s, work/life balance entered the lexicon of many professionals and began popping up on websites and in the marketing tools of recruiters. Today, people continue to seek that elusive “balance” between work and life, and, for many in the legal profession, the demands of being a lawyer seem to be at odds with their personal lives.

In the meantime, law firms are also feeling the weight of the unbalanced scales in the form of attrition. When the bright, young hopefuls hired fresh from law school begin looking elsewhere because they can’t envision a future at the pace demanded by their workplace, law firms suffer. Turnover costs money and makes clients unhappy. Over and above the cost of replacing and retraining an experienced attorney is the issue of potential new recruits who are vocal

about a workplace where “balance” is part of the company culture.

Is the legal profession at odds with the concept of having a balanced life?

Perhaps the problem is the metaphor, suggests Peter Kalis, a partner at Kirkpatrick & Lockhart Nicholson Graham LLP (K&LNG) in New York City. “The scale and balance create this either/or notion that paralyzes analysis of the issue,” Kalis says. “Work for most people is a very important part of life—it’s not an alternative to life; life embraces work.”

Kalis is chairman of the management committee at K&LNG, which began 2006 with a balanced hours program. Like many management teams in the legal community, they felt increasing frustration over the apparent “disconnect” between organizational goals, client service, and what they should reasonably expect from their attorney workforce.

“We decided to take a different approach, which is to think of the possibility of an integration of one’s

professional and personal dimension,” Kalis says. “The question is whether we as employers are going to fortify the other aspect of the lives of our lawyers or continue to be at war with it.”

K&LNG hired Jeannine Rupp, an organizational sociologist who is now the director of Professional and Personal Life Integration, an innovative program designed to incorporate telecommuting, flexible hours, and variable workloads for individuals. “We’re trying to move away from the zero sum game—it’s about having flexibility,” Rupp says.

Closing the Gender Gap

Several years ago, a study on women in law reported that 75 percent of women surveyed said they felt their commitment to family and personal life hindered their advancement. Many firms looked at the number of women who become partners and began incorporating part-time policies. However, the structure of most law firms, where advancement and

bonuses are based on billable hours, forced people to make a choice between advancing their careers and balancing their lives.

“When we first looked at work/life balance issues in the late 1990s, it was largely perceived as a ‘mommy’ issue,” says Cynthia Thomas Calvert, co-director of the Project for Attorney Retention and co-author of *Solving the Part-Time Puzzle: The Law Firm’s Guide to Balanced Hours*.

“People who were reducing their hours were put on the mommy track—they were taken off committees; they didn’t get good clients.”

However, Calvert says, more recent studies indicate that just as many men are unhappy with long hours and unbalanced loads. “This isn’t a woman’s issue—men as well as women want to have work/life balance, but women are just much more vocal about their reasons for leaving, and it has perpetuated this idea.”

Calvert also points out that it’s not just parents who are becoming more and more disgruntled with work-loads. “We’ve talked to aging baby boomers and partners who felt they had given 20 to 25 years of their life to their careers and it was time to cut back.”

“Many firms are coming to the conclusion that they’re having a tough time keeping women,” says Joan Williams, a professor at University of California Hastings College of Law and author of several books on work/family issues. “You don’t have to be a rocket scientist to see that, but what they don’t see is that they’re having a hard time keeping men. There is increasing documentation that men don’t want to work 60-hour weeks, so it’s really a *worker* problem.”

According to Williams, who co-authored *Solving the Part-Time Puzzle* with Calvert, many firms are baffled. “They wonder ‘what more can we do? We have a part-time program, but you can’t make people use it.’ We have to explain why people are reluc-

tant to use them because of the stigma attached and the schedule creep, where the hours creep up to full time, causing people to leave.”

The Mommy Track Stigma

Deborah Epstein Henry joined a Philadelphia firm as a part-time commercial litigator in 1997 and felt isolated. The change from full-time New York commercial litigator to part-time status in a small Philadelphia firm was “overwhelming.” Despite her firm’s support of her arrangement, she was keenly aware of the perception that part-time lawyers are not as committed to their careers.

Henry circulated an e-mail to six female colleagues she knew who were also part time, suggesting they

Recent studies indicate that just as many men are unhappy with long hours and unbalanced loads as women are.

start a brown bag forum to discuss the stigma she felt in her new role. She encouraged them to invite others, but had no idea the response would be so huge.

By the next day, she had 150 e-mails from part-time lawyers wanting to participate. Today, Flex-Time Lawyers LLC has a membership of 1,600 lawyers in the Philadelphia area, and last year Henry helped establish a chapter in New York.

“The biggest misconception is that there’s a lack of commitment from part-time lawyers,” says Henry, who now runs Flex-Time Lawyers full time and is a consultant to law firms wanting to improve their policies. “There’s also a question of the caliber of lawyer you are—there’s also

a very macho notion in the field that if you’re not living and breathing the law 24/7, you’re not much of a lawyer.”

Epstein has seen the growth of her consulting business along with an increase in the membership of Flex-Time Lawyers. “Employers are seeing that if their competitors have better numbers when it comes to retaining and promoting women, they have to make certain changes.”

Americans on average work 350 more hours per year—nearly nine working weeks—than Europeans do, according to United Nations labor statistics. But that’s changing, says another law firm consultant based in Minneapolis. “There’s a new generation growing up that isn’t willing to make those sacrifices,” says Cheryl Leitschuh. “And the older generation is starting to look at this. Senior partners are seeing they don’t have a succession plan in place and they can’t retire. If you can’t retain people, you can’t retire.”

Blueprint for Change

Megan Glasheen, managing partner at Reno and Cavanaugh PLLC in Washington, D.C., which represents housing authorities across the country, decided early in her career that she wanted a life beyond law practice. “I am passionate about my job, but I’m passionate about books and other things, too.” Like many young lawyers today, she set about defining her job to achieve balance as best she could. While Glasheen was successful, she saw many others were not and were leaving the job they loved. “People were leaving because they either felt overwhelmed or they felt like they couldn’t envision a career here, feeling so overwhelmed.”

Reno & Cavanaugh stopped that ebb by establishing a steering committee to review management approaches. Glasheen was able to put into practice firmwide the tools she learned trying to balance her own life. In addition to concentrating on the equitable distribution of work-

A Balanced Life: Is Your Firm Up to PAR?

The Project for Attorney Retention (PAR) has developed a test for firms to analyze their reduced-hours policy. “We’ve had numbers of firms take the usability test and ended up adopting parts of our model policy,” says Joan Williams, co-author of *Solving the Part-Time Puzzle: The Law Firm’s Guide to Balanced Hours*. Below is a summary of the steps recommended as a starting point.

Look at the participants.

Analyze the percentage of attorneys who are participating in your firm’s program. Are most of them women? Is access to the program limited to a handful of high-achieving performers, or is it available to everyone? A low usage rate is a strong indicator that the firm needs to work at making the option desirable to everyone.

Analyze your data.

Many firms contend that short-term part-time policies are adequate for most attorneys’ needs. Because many lawyers work 60-hour weeks on a normal schedule, a part-time schedule may still be considered full time by non-law firm standards, making a policy ineffective and not usable. Similarly, if the median duration of balanced-hours schedules is short—a few months to a year—this is probably not an effective retention tool.

Monitor schedule creep.

One of the primary reasons people give up on part-time programs and leave law firms is schedule creep. However, it is fairly simple to document the number of hours part-time lawyers are actually working.

Compare assignments before and after working reduced hours.

Another reason cited for not participating in reduced-hours programs or leaving a firm is the lack of quality assignments that stymies professional development. Look at the billing records to compare work assignments. If too much rote work and too little client contact are evident, a policy is likely ineffective and unusable.

Check promotion rates.

Many attorneys fear that reduced-hours work will end all hope of making partner. Compare the promotion rates of balanced-hours attorneys with those on standard schedules. A persistent imbalance may indicate that balanced-hours attorneys are being penalized.

Examine attrition rates.

Given the intense demand for reduced hours, if the attrition rate among attorneys working reduced hours is significantly higher than for other groups, this may signal problems with the existing balanced-hours policy.

Adapted from the Project for Attorney Retention’s Usability Test. For more information, visit www.pardc.org.

load, the firm works in teams to allow more flexibility among individuals.

The steering committee also monitors work flow to see what can be redistributed or compensates individuals who are working particularly long hours during any given period. “Sometimes things do get out of balance, and you have to acknowledge that and see what you can do to compensate people,” Glasheen says. For example, one team that worked particularly long hours to close a deal on a holiday weekend was rewarded with gift certificates to a bed and breakfast and encouraged to take time off.

This year, the steering commit-

tee at Reno & Cavanaugh is asking each member to consider what their personal goals are outside of work when developing their work plan. “Everyone wants to feel that their life is important whether it involves children or not,” Glasheen says. “It’s not just a woman’s issue. I think our attorneys really feel that we are invested in them and we care about their development in a holistic way.”

The international firm of Fulbright & Jaworski has maintained a part-time program since the early 1990s. In 2003, an ad hoc committee on women and diversity made several recommendations to enhance the advancement of women in the firm,

including a modified hours program. The new program gave proportionate credit and bonuses for hours worked, which helped ensure that choosing to work a part-time schedule could keep one on the partnership track. The modified hours program requires participants to reapply every 48 months, but as long as client needs are met, people are free to reapply.

The firm went a step above that and actively promoted the new policy. “It’s very important to us that it’s part of the firm’s culture, and that there is no stigma attached,” says Mary Dietz, co-coordinator of the program. Dietz has traveled to most of the firm’s domestic offices and given presentations on the program.

K&LNG’s Rupp agrees that addressing the misconceptions and assumptions that come with “modified hours” is key to a successful program. At K&LNG, they also broadened the scope of their part-time program. “Spillover and schedule creep are big concerns, and if there’s not as much operational support, it puts a lot of onus on the attorney. The idea is to look at the individual and not insist on a one-size-fits-all schedule.”

Motivation to keep good attorneys is also driving the change. “We have retained excellent talent and good lawyers who are happy to be here,” Dietz says.

Lisa Carney Eldridge was pleased when her Philadelphia firm allowed her to work part time after the birth of her first child. But when the short-term policy didn’t seem to fit the needs of many in the firm, they developed a long-term policy. Eldridge became the first person to be elected partner while working a reduced-hours schedule.

Good Business Sense

The demand for diversity and client needs is also driving the change. “It’s not just about the interface between lawyer and employer,” says Kalis of K&LNG. “Clients are

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affected by a lack of continuity in staffing and by turnovers, and even though it's clichéd, people who have more fulfilled lives and lives in which they are in command tend to be more vocationally effective.”

The Project for Attorney Retention (PAR) estimates the cost of replacing a third-year associate averages \$200,000, depending on the bonus structure. Allowing that same attorney to work an 80 percent schedule will still bring in more money than a new lawyer with a lower billable hour fee will. PAR not only

quantifies the cost of this lack of balance, but it also has implemented a step-by-step approach to resolving the problem. (See sidebar on page 6.)


While women have been the impetus for change, the transition from “family friendly” to “integrated lifestyle” may shift that focus away from gender.

“It’s not that other people don’t want to change, but they have to sacrifice a lot,” says Jessica DeGroot, founder and director of ThirdPath Institute, a nonprofit organization that works with individuals and companies on work/life issues.

“Parents are the ones who have been willing to put their careers on the line for this issue.”

At Arnold & Porter LLP, which has had a sabbatical and part-time program since the 1960s, it’s “an evolutionary process,” says former Managing Partner Jim Sandman, one of 20 attorneys participating in the Redesigning Leadership Initiative begun by the ThirdPath Institute. While it’s a challenge in large firms to have a consistent approach, “there’s more open acceptance that making time for other things in your life doesn’t mean you’re unprofessional and

not committed. You can be a great lawyer and absolutely committed to clients and still make time for other things in your life.”

“It’s becoming a front-burner issue for firms,” says Calvert, who adds that pressure from clients who don’t like attrition and want to see women and minorities advance is further pushing the change. “It has to be if they want to recruit the best and the brightest and in order to be competitive, they simply have to offer more work/life balance.” 

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