

## Law Firm Administration A Special Report

# Rethinking the Hours

New push on workplace flexibility aims to put life on the agenda, with no penalty.

BY PATTI GIGLIO

**G**abrielle Roth is a 40-year-old mother of two. She is also a partner in a D.C. law firm. Thanks to an alternative work schedule, Roth is able to manage both her family and her career, something that many lawyers find an impossible task. "I never felt like I had to choose," Roth says.

At Dickstein Shapiro Morin & Oshinsky, Roth is an intellectual property specialist practicing trademark law on a reduced work schedule. Before her children were born, she put in well over 2,000 billable hours a year. But since she began taking advantage of the firm's policy on part-time employment, she now works three-quarter time. Roth puts in traditional business hours Monday through Thursday and takes Fridays off.

"I am able to go on field trips or volunteer in my children's school," says Roth. "And I am typically home from work in time to help the kids with their homework."

Workplace flexibility not only works for Roth. It also works for her firm. At Dickstein Shapiro, a flexible workplace is considered a solid retention and recruitment tool.

"The fact that we have an alternative schedule policy and that we stick to it has made us a firm of choice, a more attractive option," says Michael Nannes, the firm's managing partner. "When you have policies that are flexible, you have the ability to offer clients better continuity because you retain attorneys who might otherwise have left or quit." Nannes has taken advantage of the firm's family-friendly environment to help manage family matters and believes that leadership by example is important to success. "It isn't just a policy," says Nannes. "If people in leadership roles are coaching soccer or driving car-pool, it has an influence on folks."

### WORKING AT HOME

Opportunities for lawyers who want to work part time are also expanding at Wilmer Cutler Pickering Hale and Dorr. Of 15 attorneys recently elected to partner in the D.C. office, two work

part time, including securities specialist Matt Chambers. A 46-year-old father of two, Chambers works three days in the office and two at home as needed. This year he expects to put in about 1,650 billable hours and says that last year he billed about 1,500.

"The clients understand that my schedule doesn't affect the work," says Chambers. "In fact, working at home probably improves productivity because no one comes to my door."

Wilmer's director of career development, Steve Armstrong, believes it makes sense to open the partnership door to good talent. "It isn't about the shape of the schedule, but the ability to serve our clients effectively."

Despite the potential benefits for both the attorney and the law firm, lawyers have been slow to take advantage of alternative schedules. According to the National Association for Law Placement, a full 96 percent of firms offered part-time options last year. But only about four out of every hundred attorneys actually worked reduced hours.

Joan Williams, director of the Program on WorkLife Law at American University's Washington College of Law and co-director of the Project on Attorney Retention, says the low usage rates can be attributed to the stigma and gradually increasing hours, known as "schedule creep," that often plague traditional part-time programs. Historically, it has been easier for attorneys to leave their firms than to work part time.

"We are losing a lot of our young people who are choosing to opt out of the legal profession," says Jack Keeney Jr., president of the D.C. Bar Association. "The pressure to meet minimum billable hours is creating a crisis for individuals and a problem for our profession nationwide."

The result is costly attrition. "The old-fashioned way of doing business actually costs law firms money," says Williams. "Industry estimates show that attrition-related costs can range from \$200,000 to \$500,000 every time a firm has to replace a second- or third-year associate."

"When organizations and their employees work together to find creative and flexible solutions, both win," says Chai Feldblum,

director of Workplace Flexibility 2010, an Alfred P. Sloan Foundation Initiative at Georgetown University Law Center. “Workplace flexibility is not simply the debate we so often hear over flex-time and comp-time. Workplace flexibility can refer to working full time and having flexible starting and ending times. It can refer to working reduced hours during the week or throughout the year. It can mean part-time employment or part-year work. Workplace flexibility can be the ability to exit and re-enter the work force over the course of one’s life. It can also enable people to work productively and to contribute to their communities as they age or experience disabilities and other health conditions.”

Workplace Flexibility 2010 is a D.C.-based campaign to support the development of a comprehensive national policy on workplace flexibility. “If workplace flexibility is to become the standard in American law firms and organizations across the country, it is going to require both voluntary employer-employee actions and public policy reform at the federal, state, and local level,” says Feldblum.

“There are many flexibility actions employers and employees can take on their own. But government at all levels can help support those actions by ensuring that our labor, employment, tax, and benefits laws correspond well to these new forms of working. Whether through establishing a coherent set of minimum employment standards, offering tax incentives, or simply reducing legal obstacles to flexibility, law and public policy can have a positive impact on workplace flexibility.”

In a new book, *Solving the Part-Time Puzzle: The Law Firm’s Guide to Balanced Hours*, Williams and co-author Cynthia Thomas Calvert offer a template to help firms set up nonstigmatized part-time policies. In addition to the decreased costs of replacing attorneys, the book shows how firms can improve their ability to attract top legal talent, increase client satisfaction, and enhance their business development. Williams and Calvert also address common workplace misconceptions, including the idea that part-time workers do not cover their overhead and that, if one attorney works part time, everyone will want to do it.

“A widespread fear is that an effective balanced-hours policy will open the floodgates and all attorneys will want to reduce their hours,” says Williams. “The truth is that usage rates typically top off between 7 and 11 percent and even firms with higher usage rates have remained highly profitable.”

The book offers methods for law firms to calculate the costs of unwanted attrition, and guidance on how to create effective part-time programs that will attract and retain the best talent. “We studied Washington, D.C., law firms and found not all part-time programs are created equal,” says Calvert, co-director of the Project for Attorney Retention and deputy director of the

Program on WorkLife Law. “We now know that high lawyer billables is not the sole path to firm profitability; you also need to be concerned about attorney retention. And just having a policy in your employee handbook isn’t going to get the job done.”

### THE RETENTION TEST

Williams developed the “PAR Usability Test” to help law firms gather and analyze objective data to determine if a firm’s part-time program is an effective retention tool. “When attorneys feel that they may be stigmatized if they reduce their hours or could end up working the same number of hours anyway, a part-time program may not only be failing to keep good attorneys. It may be driving disillusioned attorneys away.”

Dickstein Shapiro’s Nannes agrees. “Within the last six months we have had something like half a dozen associates who had left the firm, return,” he says. “At least some of them are coming back because of our family-friendly policy and attitude.”

Williams and Calvert call effective part-time programs “balanced hours,” in part to ease the negative connotation historically associated with the phrase “part-time work.” As they explain in their book, “balanced hours” programs differ from traditional part-time programs in that law firms’ business needs drive the program, attorneys who reduce their hours are not stigmatized, and workloads are managed to ensure success.

“The primary goal of a balanced-hours program is to enhance firm profitability,” says Calvert. “Individual attorneys reduce their hours only after they and their supervisors create a business plan that demonstrates how the work will get done and how clients’ needs will be met.”

A number of firms are working to improve their part-time programs, recent research by Williams and Calvert shows. More firms are promoting part-time associates to partner, more men are working part time, and the usage rate of part-time programs is slowly increasing. Stories from these firms show that valuable relationships with talented attorneys and important clients have been maintained through flexible scheduling.

For attorneys like Gabrielle Roth and Matt Chambers, part-time policies create a work structure that allows them to better manage demands at work and at home. “It has given me tremendous flexibility,” says Roth.

“Balanced hours and flexible scheduling are the new business imperatives for law firms,” says Williams.

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