



ATTORNEY SEARCH

by Laura Rusche

### Law Firms and Part-Time Attorneys—They Really *Can* Go Hand in Hand

We've all heard a story like this: a motivated, highly successful (generally female) associate at a top-tier law firm earns a reputation for being the "go-to" associate in her department, earns rave reviews for her work, and is on the fast track to partnership. Then she has a baby, takes a maternity leave, and returns to work full-time, convinced she can balance it all. However, shortly thereafter, reality sets in—she realizes that balancing a successful career while raising a child is practically impossible to achieve.

So she takes advantage of her law firm's part-time policy and reduces her total annual billable-hour requirement. Suddenly everything changes. She is removed from the firm committees on which she sat, soon discovers that certain partners no longer want to work with her because she (allegedly) cannot travel, and finds that the quality of the work she is given has dropped drastically. Worst of all, she quickly learns that partnership, once just about guaranteed, moves farther and farther from reality. The associate may tough it out for a year or two or maybe even longer, but eventually she will realize that as a second-class citizen, she is better off staying home or seeking in-house work.

Thankfully, this is no longer the norm. Many law firms have instituted part-time policies, commonly referred to as "flexible work arrangements," that allow attorneys to reduce their hours and better manage their personal lives while remaining on track for partnership. Moreover, these arrangements provide significant benefits to the firms.

#### Why Flexible Work Arrangements Have Traditionally Failed

The traditional attitude among law firm attorneys has been that the practice of law is not set up for part-time schedules. Clients expect their counsel to be available 24 hours a day, seven days a week. Partners expect the same from their associates.

Moreover, many attorneys believe that a truly successful attorney should be able to do it all— work long hours, take care of family, maintain an active social life, and manage the pressure of all of these demands. As for those who fail to achieve this balance, there is no one to blame but the individual attorney.

Law firms have traditionally focused on the costs of part-time attorneys. After all, the common notion is that part-time lawyers cost as much as full-time lawyers in terms of malpractice insurance, healthcare benefits, and office space, but they bring in less revenue than their full-time counterparts.

### **Part-Time Policies Are Here to Stay**

Lawyers are now questioning the above justifications for requiring full-time lawyers at all costs. The truth is, flexible work arrangements are becoming more and more attractive to a wide variety of attorneys, regardless of age, gender, or parental status. This is due in large part to the growing number of dual-career couples, increased responsibility to care for elderly family members, desire to explore personal interests, and desire to have more quality time with children and family.

As a result of this change in attitude, law firms are recognizing that they are not going to be able to retain talent and maintain a competitive advantage without the implementation of successful flexible work arrangements. Such policies are tantamount to decreasing the attrition of talented, hardworking attorneys, especially women of childbearing age.

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Moreover, law firms are learning that while clients want their attorneys to be available to them, they largely support rather than disapprove of flexible work arrangements. Once they have put in the time to locate talented and competent counsel and develop strong relationships with their attorneys, many clients do not want their lawyers to leave their firms.

Firms are also realizing that the cost of losing talented attorneys is much greater than the additional overhead costs that come with part-time lawyers. Replacing talent is time-consuming and forces the firm's attorneys to take time away from the practice of law to recruit and interview attorneys. Moreover, the damage to client relationships can be irreparable if attorneys with great relationships with clients leave the firm.

### **Flexible Work Arrangements Come in All Shapes and Sizes**

While the traditional view is that a flexible work arrangement involves a simple reduction of hours, many firms have been creative in developing arrangements that assist their attorneys with achieving work-life balance. For example, in addition to working a reduced work week, many flexible work arrangements can involve taking time off between assignments, job sharing, or working full-time in fewer than five days per week. Additionally, thanks to cell phones, email, laptop computers, and voicemail, many firms now permit their attorneys to telecommute on a regular basis.

### **The Benefits to the Law Firm**

Not only do these arrangements benefit individual attorneys and assist them with achieving some degree of life balance, but these policies also have distinct advantages for law firms. In addition to the increased retention of talented and successful attorneys, successful flexible work arrangement policies enhance the success of recruiting and diversity efforts and attract a diverse pool of talented attorneys. Law students (50% of whom are currently women) are keenly aware of which firms are willing to accommodate the various demands of attorneys and are largely attracted to those that make concerted efforts to do so. Flexible work arrangements also boost loyalty and collegiality among the firm's attorneys and may even enhance the overall image of the law firm in the community.

## The Key to a Successful Flexible Work Arrangement

The choice to participate in a flexible work arrangement is a tough one and should not be taken lightly. There are several factors to consider when deciding whether to go part-time at your current firm or when evaluating a firm based on its flexible work arrangement policy. Each of these factors is considered below.

- 1. Look for a formal, written policy.** Some firms claim to have flexible work arrangements but, when pressed about it, admit that there are no formal guidelines. This is a clear (and dangerous) indication that the firm is not committed to creating a successful, organized arrangement for its attorneys. On the other hand, some firms are so committed to flexible work arrangements that they proudly advertise the percentages of attorneys who take advantage of their policies and describe their policies in detail on their websites. If the firm does not have any such information on its website, find out if there is a formal policy in existence.
- 2. Determine the effect of reduced hours on the partnership track.** For obvious reasons, this is a significant concern for many associates contemplating participation in a flexible work arrangement. While we have all heard of individuals who went part-time and were immediately derailed from the partnership tracks they were once so securely on, many firms are now instituting policies that prevent this derailment. Firms have realized that attorneys on reduced-hour schedules should be meeting the same performance standards and billable and nonbillable requirements set for those working full-time, albeit at a slower rate. Therefore, the firm may choose to modify the time frame in which the associate can expect to achieve partnership, but utilizing a flexible work arrangement should not, in and of itself, derail an attorney from achieving partnership.
- 3. Find out if other attorneys in the firm have used the policy successfully.** While this may take some time and investigation, it is imperative to find out if other attorneys in the law firm have taken advantage of the flexible work arrangement and done so successfully. Even if a firm has a clear, written policy, it is useless if the firm is unable to apply it to its attorneys with success. If possible, speak to the individuals using the policy to find out the quality of the projects to which they are assigned, their ability to maintain reduced-hours schedules, and the obstacles they have run into while participating in alternative work arrangements.
- 4. Determine the firm's expectations and the process for measuring the success of the arrangement.** Before agreeing to a flexible work arrangement, make sure you have a clear understanding of the expectations placed on you by the firm. If you work certain days and not others, what will the firm's expectations be if and when court appearances or other work-related meetings arise on days you are not scheduled to be in the office? Is there someone in particular who can "cover" for you if such meetings or court appearances occur during times you are not available? What is the total number of hours you are expected to be in the office per week? What about the number of hours you are expected to bill in an average week?
- 5. Consider the impact on compensation.** When agreeing to a reduced-hours schedule or other form of flexible work arrangement, there may be a percent reduction in salary. However, some firms may also eliminate the opportunity to earn an hours-based and/or merit-based bonus at the end of the year, which may significantly affect your overall compensation. In such a case, it is imperative to determine at the outset if and how the firm will compensate you if your hours are significantly higher than the minimum required of you according to the flexible work arrangement (i.e., will you earn a per-hour rate for every hour above the required minimum?).

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6. **Be flexible.** When deciding to go part-time, try to be as flexible as possible. Be willing to come in on days you would otherwise be out of the office if the work demands it, and recognize that because the law is a client-driven profession, unexpected things arise that may require you to alter your schedule.
7. **Be assertive.** While being flexible is important, it is also important to be assertive and to set limits regarding what you are willing to do. It is solely up to you to protect your schedule and to ensure that you are able to maintain the reduced workload. Moreover, you may need to be assertive in order to ensure that you continue to get the same level of quality projects that you received prior to going part-time.

For most, if not all, of us, our careers are extremely important. We have worked long, hard hours to achieve success, and our desire to maintain a healthy personal life should not force us to give up our jobs. Thankfully, law firms are recognizing that balance can be achieved if well-thought-out flexible work arrangements are created and implemented. But it is up to us as attorneys to make sure we find firms that are committed to the success of such arrangements. Fortunately, there are more and more flexible firms out there!