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THE QUEST FOR BALANCE

By Susan G. Manch

Everyone talks about finding a balance between work and life, but few success stories are heard. Law firms are increasingly under pressure to find better ways to support their attorneys' need for balance. Yet salary increases of 30 percent, clients demanding ever faster turnaround on work, a nonstop flow of new projects, and an associate work force hobbled by attrition are contributing to the pressure to work more and more hours.

Like most corporations in the United States, most firms have developed formal part-time policies that offer the option of a reduced billable-hour threshold in return for reduced pay, non-partner-track status, or both. In fact, the National Association for Law Placement reports that 93 percent of firms nationwide offer part-time policies to their attorneys. But the NALP also reports that only 2.6 percent of attorneys actually make use of such policies.

These figures suggest that the legal profession is significantly different than the professional work force as a whole. Bureau of Labor statistics for 1995 reported that among those employed in professional specialties, 14 percent of the work force was considered part time.

Why don't part-time policies work for lawyers? Is it the fault of firms, lawyer attitudes, or is it just the nature of the profession?

The Issue of Hours

There are no easy answers to these questions, but looking at the pace of work is a good place to start. In 1995, the Career Satisfaction Survey conducted by the ABA's Young Lawyer Division reported that only 21.6 percent of respondents billed more than 2,000 hours. The same survey conducted this year showed 37 percent of respondents billing more than 2,050 hours in 1999. The American Lawyer Partner Survey (1999) reported that the median work week for D.C. partners was 55 hours.

These significant increases will come as no surprise to working attorneys. They know they are working harder than ever before.

Most part-time policies outline billable-hours thresholds as a percent of the overall firm average, typically offering 75-80 percent of the average as a part-time objective, with a commensurate reduction in pay. With the increase in average billable hours worked, "part time" for attorneys often looks very much like full time to most other workers. The ABA Career Satisfaction Survey showed 46.8 percent of associates working more than 60 hours per week, meaning that a part-time schedule would be 40 to 48 hours each week.

Work and Its Rewards

There are many law firm partners today who feel some practice specialties do not lend themselves to part-time work. Large-scale litigation, project finance, and complex transactions are often cited as practice areas in which part-time schedules are almost impossible if the attorney hopes to build skills, satisfy clients, and get increasingly sophisticated work.

There is no question that certain practices have always provided attorneys with more workload control and flexibility, and those mentioned above are not among them. The result is that many attorneys have been forced to choose between professional success and satisfaction. Often, those who choose reduced schedules find themselves relegated to lower-level work. They also find their opportunities to advance similarly stymied.

A report by the Boston Bar Association's Task Force on Professional Challenges and Family Needs, "Facing the Grail: Confronting the Cost of Work-Family Imbalance," notes that firms have traditionally viewed an attorney's willingness to push aside all nonwork obligations as a symbol of commitment and sign of merit. Attorneys who aspire to partnership believe that taking a part-time option will have a negative impact on their chances for advancement. The report continues, "[Associates] evaluate themselves and each other with respect to their bonuses, the size and financial status of their cases, and errant comments in the hall made by influential partners. . . . Several partners noted that what would have been viewed as "doing fine" 10 years ago may be viewed as "marginal" or "barely productive" or "non-performing" now.

The Role of Gender

There is a tendency to immediately think of women when considering the work-life balance issue, but men are just as likely to be dissatisfied with the allotment of time between work and the rest of their lives. Yet women do bear disproportionate effects because they usually have primary responsibility for child care. Women lawyers are judged not only on their professional skills and their ability to satisfy clients, but also on the quality of their perceived parenting skills.

In a recent discussion with a senior associate, she told me a partner had taken her aside at the end of a grueling project that had kept everyone working into the wee hours of the night to suggest that she might not be appropriately committed to her new baby. As shocking as this may sound, most women know that even if older partners are politically correct enough not to say it, they are probably thinking it. Women partners often have to endure the ridicule of their choices by their juniors, whether they have devoted their attention to their careers or to their families.

A recent NALP study, "Beyond the Bidding Wars," reported statistics that showed that attrition among female mid-level associates is 4 percent to 6 percent higher than that of male midlevels. Though today women often represent more than 50 percent of their entering associate class, the 1998 National Law Journal 250 Survey reported that only 15 percent of large-firm partners were women. Some believe that for part-time policies to work, the attitudes of the lawyers will have to change.

What Works?

The Boston Bar Association Task Force reported on best practices found in the accounting and consulting firms. In the early to mid-1990s, most of the major accounting firms experienced the same problems of attrition and dissatisfaction among their employees. Their solution, which effectively reduced attrition and enhanced employee satisfaction, was anchored by a multi-faceted work-family initiative that included compressed work weeks, reduced work weeks or work loads, periodic schedule reductions, and telecommuting.

Specifically, Ernst & Young offers employees comprehensive information to workers seeking options, including the professional biographies of others in the firm who have taken advantage of these options. They have also experimented with innovative case-staffing strategies and made significant use of telecommuting. Deloitte & Touche has developed a workshop that helps employees understand and appreciate the work-life issues that affect both men and women, and encourages them to discuss their challenges. Accounting firms have also led the way in training supervisors in the best ways to provide leadership on these issues to their teams.

Some law firms have also implemented successful practices that assist their attorneys in their quest for balance. Support or discussion groups in which attorneys share strategies and challenges have been well-received. Also, firms that offer alternative paths to professional success such as nonequity partnership, counsel status, or administrative positions for lawyers are finding it easier to keep their attorneys. Some firms have successfully found ways to support job sharing among attorneys, allowing two individuals to effectively share one position. Many firms offer evening or back-up child care to help attorneys and staff cope with tough schedules. Providing laptop computers, cell phones, home computer networking capabilities, and other communication devices have allowed many firms to provide employees with the flexibility to make their own decisions on how, when, and where work is accomplished.

It appears that the nature of the work, the desire to succeed, and pre-existing attitudes are conspiring to keep work-life balance out of reach for many. But there continues to be a demand to find new strategies to make it possible. Restructuring staffing patterns, adjusting attitudes, creating new paths to professional growth, and providing practical guidance and advice to those in search of balance are strategies that have been working well in law firms. The payoff for the firms is higher morale and less attrition.

In the end, it will be up to each individual attorney to make it work for him- or herself. Every time one attorney is able to achieve the desired balance, it becomes easier for the next to reach the same goal.

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