

Taylor's Perspective . . .

Reentry Programs Bring Talented Attorneys on Leave Back into the Fold

Please consider this: You're a senior partner or even a managing partner of a successful law firm and you've just seen one of your brightest young attorneys leave.

She had been with the firm for five years, and you've invested a lot of time in her: recruiting her for a summer associate program, assigning her complex tasks during that summer, wooing her to come back and join you and your partners as a junior associate, and spending countless hours training her in a complicated, demanding, and lucrative practice area, where she proved herself a quick study. What's more, in the last few years she's built a solid book of business for a mid-level associate.

Now she's pregnant and is taking a few years off from the profession to be a mother. You'd rather say, "See you later" than "Good-bye," but you know that the statistics indicate that she'll likely not come back despite her five years of success at the firm. If only you could do something to keep her in the fold.

OK, dear reader, you read the headline, so you that there is, in fact, something that firms can do to maintain relations with those attorneys who decide to take time off for maternity or paternity leave, elder care, or to craft that novel that the attorney has always threatened to write. Partnerships can create and implement reentry programs to provide

a smooth off-ramp from the firm and, more importantly, and even smoother on-ramp return so that the attorneys who have taken time off can come back to the firm as prepared as possible to take up where they left off.

Increasingly, law firms are doing just that. We suspected this to be the case because several sources have mentioned it but mostly because Robert Denney, a Wayne, PA-based consultant, recently listed this trend in his "What's Hot and What's Not" mid-year communiqué. Just to be clear, Denney's right: Reentry programs are hot. And that's great news. As Denney simply says, "It's an absolutely fantastic idea."

There are numbers to back this up. A collaborative effort between Flex-Time Lawyers and *Working Mothers* magazine has been tracking this. In 2007, only 16 percent of the 50 "best law firms for women" (as decided upon by this coalition) had such programs. In 2009, again among the top 50 female-friendly firms, 54 percent of those partnerships had adopted reentry initiatives. That's impressive growth.

In September, the two organizations will release their 2011 numbers, which may be lower, given the belt-tightening that law firms have performed since the recession took root. We hope that the numbers have risen and feel confident that, if they haven't, they will in the near future.

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Questions Answered

So what do these programs do? Lawyer and author Deborah Epstein Henry, who's also the founder and president of Law & Reorder, A Division of Flex-Time Lawyers, offers a comprehensive yet concise answer.

"With these programs law firms stay connected [with their departing attorneys] by doing several things," Henry says. "Firms pay for continuing legal education credits, maintain an active relationship with the lawyer for usually three years but sometimes as many as five, provide the lawyer with a mentor who keeps checking in, and offer a range of support services to the attorney when he or she is transitioning back to the firm, which is critical."

Some firms go further. "One component that some programs have that others don't is the ability to allow these lawyers to do some work on a contract basis," Henry says. "I find that, the more engaged through work that you can keep the lawyers, the greater likelihood that they'll return to practice and that the bond will be stronger with the firm."

So who started this progressive trend? You're guessing some San Francisco or Silicon Valley law firm, given that the partnerships in the Bay Area have a stellar record in promoting women attorneys, sometimes as high as to the managing-partner/chairman level, and implementing progressive work-life-balance policies and programs. Guess again.

It seems that the pioneer on this front, at least in terms of a firm's formalizing such a reentry program, is Skadden Arps; yes, that super-top-tier New York megafirm. Managing director Earle Yaffa tells us that the program, called Sidebar and launched in 2006, has been a success for both those attorneys who take the leave of absence and the firm itself.

"This really is a family-oriented program, which makes re-entry easier," Yaffa says. "The benefit for the attorney is that he's

able to keep a close interaction with the firm while he balances personal considerations. The advantage to the firm is that it allows us to keep contact with talented attorneys who may wish to continue their careers with us. For those who have taken advantage of it, it's been very helpful for them and for the firm."

Clearly, law firms can see the benefits that reentry efforts offer the collective whole. "Since we're really in a talent business, all of the efforts that we make to train our lawyers are essential," says Kayalan Marafiotti, a retired Skadden partner who helped spearhead Sidebar. "So to lose that talent because someone wants to take time for maternity leave or parenting or elder care or whatever that personal reason is for leaving the profession for awhile is, well, it hurts. To then not follow through and stay in touch and make it possible for those lawyers to return to the original nest is a tremendous loss. It isn't smart as a business matter, and it isn't smart as a human capital matter."

Of course several other firms have adopted these programs, including Debevoise & Plimpton and Fried Frank Harris Shriver & Jacobson, just to name two New York-based partnerships.

Did the legal profession come up with this? No. Give credit to the accounting industry. "Accountants crunch the numbers, and so they've been much more progressive at women's initiatives," Henry says. "Part of what they did was crunch the numbers in the 1980s and saw that about half of the students in accounting schools were women. They essentially said, 'We need to have a model that helps half of our professionals excel.'"

Change the Label and the Attitude

Now, there are those who say, sometimes disparagingly, that attorneys who work flex time or leave the profession and then come

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recognition that one's view of the marketplace may begin with history, but must end in the future. Not where the market has *been* in the demand and need for services, but where it is *going to be* tomorrow. Lawyers must reassess their own ability to shift the focus of thinking from the past to the future.

The structure of the professional firm itself must be re-examined as natural forces compel it to change. No longer is the traditional hierarchical structure of the professional firm adequate to the needs of the contemporary marketplace. The range of management skills needed to run the contemporary firm has outgrown traditional structures. Meanwhile, the partnership structure has tended not to make the best uses of management skills and perilously impedes the pace at which management decisions are made.

The professional firm must now be recognized for what it is: a structure to deal with the market it serves. It must recognize that it no longer exists for itself, but *as an instrument to get and sustain clients*. Us-and-them must become "we" and, as a necessary part

of that transformation, a competitive professional firm must be a marketing entity.

The tools of marketing are, of themselves, immutable. Except perhaps for the use of the Internet, nothing much has changed in generations. We still understand the need for fathoming the markets we serve and for implementing strategies to reach that market. The difficult lesson is that the value of the tools is not in themselves but in how persuasively they are used.

That is Professional Services Marketing 3.0. ■

—Bruce W. Marcus

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back are on "an alternative career path." But think about this: According to a 2010 study by the non-profit think tank The Center for Work-Life Policy, 31 percent of women lawyers leave the profession *independent of maternity leave* at some point in their careers. Henry says that those who refer to "alternative

career paths" in this regard ought to reconsider things and change their language.

"When approximately a third of women lawyers have a 'non-traditional career path,' part of what we need to do as a profession is stop calling it 'non-traditional,'" Henry says. "We have been saying this is an unconventional, circuitous career trajectory. But this is a very real career trajectory for almost a third of women lawyers. We need to look at it differently and label it differently." ■

—Steven T. Taylor