

Acceptance growing for part-time lawyers

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A Philadelphia attorney with young children sent an e-mail to 15 friends to develop an impromptu support group for part-time lawyers. Invite anyone who might be interested, she added.

About 150 people showed up.

That's when Deborah Epstein Henry knew she had hit a nerve.

The company founded after that 1999 meeting, Flex-Time Lawyers LLC, has since expanded into New York City and counts a mailing list of more than 1,200.

"This is the first opportunity for a forum to compare notes on a given subject across the city," Henry said. "Before this group, each attorney who wanted to go part time felt like she was reinventing the wheel. From that hour and a half meeting, people know how their firm stacks up and what successes are out there."



HENRY

Lawyers pay \$100 to join for a series of networking lunches throughout the city. Henry works for Schnader Harrison Segal & Lewis LLP, but has developed a flexible schedule where she still bills 40 hours a week at varying office hours. She also runs Flex-Time Lawyers with two interns.

What makes the group remarkable is that it reaches out to lawyers, one of the most reluctant professions to embrace flexible schedules.

Professional stigma, billing structure and the mantra of dedication to client and firm dissuade private practice attorneys from working part time, even though most firms offer the option, according to the National Association for Law Placement, a trade group that tracks legal employment.

Indeed, almost one out of eight professionals works part time, according to the federal Bureau of Labor Statistics. Contrast that with one of 25 for lawyers.

The numbers are creeping up, however — 4.1 percent in 2003, up from 2.9 percent five years ago.

With the growing percentage is growing acceptance, and career goals, like partnership and plum assignments, are not always casualties of going part time.

Lisa Sandler was a partner at Christie, Pabarae, Mortensen and Young, a professional corporation, when she became pregnant. She asked to cut back to 1,600 billable hours a year instead of the 2,000 usually required for associates and partners.

When she returned from maternity leave, most of her cases came back to her.

"The type of work that I get is the same. The amount of cases hasn't changed, but my ability to delegate has," said Sandler, who litigates complex commercial and high-end insurance cases.

She is now one of three part-time partners, all women with children. This is the third firm she's worked with but the only one where lawyers worked part time.

Sandler agrees there is pressure against working shorter hours, but for her that pressure was self-generated.

After returning to work, she chafed under the feeling that she was under a microscope, and that her every move was analyzed.

"Then one of my bosses stopped by and said, 'I haven't seen you in a few days (because your door has been shut). You make

such good use of your time here that I hate to disturb you.' It made my day," she said.

After that comment, she quit worrying.

She has heard of firms that take a sterner approach to part time and of clients who refuse to work with part-time attorneys, but she hasn't experienced that.

If her colleagues had refused to let her go part time, she would have gone to another firm.

Many women attorneys have faced that choice and left.

The Women's Bar Association of Massachusetts conducted a survey in 2000 examining part-time work and how it affected the firm.

Almost 40 percent of attorneys in that survey who left their firm between 1996 and 1998 reported that reduced-hours arrangements affected their decision. Thirty percent had never worked part time. Forty-three percent reported that their substantive work assignments were affected because of their part-time status.

"Other industries are much more advanced," said Henry, specifically pointing to large accounting firms that have a similar billing structure. "At accounting firms, they understand the cost of losing employees."

Deloitte & Touche USA LLP, in particular, examined why it hired men and women at an equal rate but lost much of its female talent along the way. The firm was surprised to learn that women weren't leaving Deloitte to stay home. They were leaving to work at companies with a better work/family balance.

Since it started its Initiative for the Retention and Advancement of Women in 1993, Deloitte now has the highest percentage, 17, of women partners, principals and directors in the Big Four professional service firms. "We've come a long way, considering that in 1991, only four of the 50 newly admitted partners were women," Deloitte reports on its Web site.

Change comes at a dignified pace in legal circles. One attorney mentioned that when she interned 10 years ago, she wasn't allowed to wear pants in court.

That slow reaction time is one theory for law firms' low percentage. Another is the perception that a person working part time has only a part-time interest in her career.

Even after a generation of part time in professions?

Oh yes, said Joan C. Williams, professor of law and director of WorkLife Law at American University's Washington College of Law.

"The tremendous stigma associated with part-time employment ... is still there," Williams said. There is the formal stigma, like losing partner track. "Then there is the informal stigma. Businesswomen are rated high in competence. Housewives are rated low, next to the mentally disabled."

Sarah Bouchard, a labor and employment attorney with Morgan, Lewis & Bockius LLP, recently made partner. She is returning to full time after two years at 80 percent time.

When she came to the firm nine years ago, no one worked part time.

Now there are several part-timers. Her firm was willing to let her go part time as soon as her daughter was born. For Bouchard, that day came when Rachel was 4, and old enough to ask heart-pricking questions like "When is Mommy coming home?"

Now that she has made partner, she is

See FLEXTIME, Page 20

Flexitime: Part time gains standing

FROM PAGE 16

returning to full time.

At Morgan Lewis, 29 percent of the female rising partners during the past five years worked part time. In its Philadelphia office, 7 percent of its 250 associates and partners are part time, up from 4 percent in 1999.

Saul Ewing LLP started a part-time initiative last month by examining the best practices at other firms, managing partner Stephen Aichele said.

Increasing the number of part-time workers can get tricky, he said. Schedules have to be managed, and senior attorneys need to be more involved in case assignments.

Aichele chuckled though when asked about how flexible schedules affect retention. Saul Ewing is part of an informal group called the Law Firm Forum.

One forum member has the employment practices of Genghis Khan, he said. They chew up lawyers and hire new ones.

Another firm in the group is on the leading edge of work/life balance issues. The other five firms fall in between.

The turnover rate for all of them is between 20 and 21 percent.

"We do it because we think it makes us better, and a lot of being better is thinking you're better," he said. "It's the smart business thing to do, it's the right thing to do, and it makes us feel better about ourselves." •