

Bad Economy: A Boon for Women Lawyers?

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We visited the Pierre Hotel in Manhattan Tuesday for an event marking the 2009 edition of [Working Mother magazine's "50 Best Law Firms for Women."](#) Hosted by the magazine and [Flex-Time Lawyers](#), the event brought together women law firm partners from around the country and an impressive list of general counsel (including Allstate's Michele Coleman Mayes, DuPont's Thomas Sager, Verizon's Randal S. Milch, Prudential Financial's Susan Blount, Dow Corning's Sue McDonnell, and MasterCard's Eileen Simon).

It was a celebratory affair, affirming the progress that's been made on the work/life balance front, while looking at the road ahead. It's a valuable initiative, for sure, but the event left us feeling a bit deflated.

For starters, we were surprised by the firms not in attendance (and not on this year's list). They included: [Arnold & Porter](#); [Cravath, Swaine & Moore](#); [Cleary Gottlieb Steen & Hamilton](#); [Bingham McCutchen](#); [Skadden, Arps, Slate, Meagher & Flom](#); and [Sullivan & Cromwell](#). Each of these firms made the list in 2008.

We reached out to several of the absentees to ask why they were missing in action this year; we heard back from three. Arnold & Porter declined to comment. Cleary said it will get back to us. Bingham, through firm spokesperson Claire Papanastasiou, said the magazine changed its criteria this year, and that the firm likely "lost points" in its application when it left some questions unanswered for confidentiality reasons. (The application asks firms for information about flexibility, compensation, retention and other policies. See more about the application process [here](#).)

We asked Flex-Time Lawyers founder Deborah Epstein Henry about the missing firms. Did they decline to participate? Or did they simply fail to make the cut? Henry, who's been collaborating with *Working Mother* on this project for three years, declined to detail which firms did or did not apply for the 2009 initiative. She did say that the applicant pool this year (105 firms) dropped a bit from last year (115 firms).

Given the decrease in applicants and the absence of the premier firms named above, we're a bit skeptical about a key message delivered at Tuesday's event: that the economic downturn is a blessing in disguise for women. During a roundtable session, Henry and other participants argued that firms, faced with the economic pressures wrought by the financial crisis, might finally institutionalize part-time or reduced-time lawyers, thus making those arrangements more acceptable. *Working Mother* also emphasized this idea in its August/September 2009 issue (which carries the list): "For working-mom lawyers, who've long sought more flexibility, this may be just the moment they've been waiting for Already, our winning firms have more lawyers working reduced hours (8 percent versus 5 percent nationwide)."

It's a good thought. And we, too, have questioned what the recession might mean for women lawyers, among others. We expected law firms to reconsider so much of their "business as usual," especially once the full force of the financial crisis hit late last year. But nearly a year later, we're still wondering whether law firms are on the brink of revolutionizing the workplace, or whether the status quo reigns. We're not convinced that more lawyers working reduced schedules signals meaningful change.

Another important idea raised by the event's organizers and participants is that clients could be enlisted as white knights to promote so-called women's issues. Indeed, the in-house lawyers at Tuesday's gathering agreed that companies are way ahead of law firms in offering employees flexible working arrangements. As MasterCard senior associate general counsel Eileen Simon said, "there's not much face time required."

The hope was expressed that general counsel and in-house legal departments will push law firms to step up their efforts on this front, just as they have on diversity. That would also benefit clients, argued Henry, because clients suffer when firms lose valuable midlevel or senior associates for work/life balance reasons. But as several GCs pointed out, that disruption, particularly if it's not a partner departure (and most women who leave firms are not partners), is not really that devastating. DuPont's Sager said, "it's not a problem when it's an individual lawyer." Verizon's Milch echoed that point. When a midlevel lawyer leaves, "it's not so much a disruption," said Milch. "Firms are good at making sure that transitions are executed flawlessly."

Moreover, while the GCs were sympathetic to the work/life balance problem in law firms, we didn't get the impression that they were about to go to the mat on the issue. "It's hard for me to envision telling a law firm how to organize itself," said Milch. At best, he added, he would tell partners not to use clients as the pretext for keeping a rigid, traditional workplace model.

So, what's the upshot of all this?

It's optimistic to believe that most large law firms are rethinking the work/life balance equation during these hard times. Frankly, most firms today are focused on survival and on a need to bring in more business -- they are not, it seems, focusing on the larger questions of the meaning of work and job satisfaction.

From where we sit, covering women in the profession for almost a decade, we don't see a revolution on the horizon. That said, increasingly -- albeit slowly -- some women have been able to stake out a viable career while fashioning their own flex-time arrangements. It's not a revolution, but a steady trickle.