

The AmLaw Daily

Business Case for Work/Life Balance--Really?

Vivia Chen

November 3, 2010

Why do I feel that the discourse about work/life balance is taking on the tempo of pep rallies and religious revivals? There's a subtle pressure not to ask too many thorny questions or challenge the sacred cows that drive the work/life balance discussion.

I sensed that recently when I attended a luncheon at Skadden Arps featuring New York Times reporter Lisa Belkin and Flex-Time founder Deborah Epstein Henry, who's promoting her new book, *Law & Reorder*. Though billed as a Q&A session, there were no hard-hitting questions here. Instead, it was more like a You-Go-Girl chat between chums who work the same circuit.

Nothing wrong with a bit of boosterism, of course. (Henry credited Belkin's article, "[The Opt-Out Revolution](#)," with helping her kick-start her business as a work/life consultant, while Belkin noted Henry's leadership role on the balance issue in the legal arena.)

But my beef with those who have taken on the work/life balance mantle is that they tend to put a rosy (shall we say "pink"?) gloss over some fundamental issues. If only people will follow the path, they seem to be saying, everything will fall into place.

Again and again, we hear from Henry--and others in the field--that the business case for flextime and part-time work is pretty much a slam-dunk. In fact, it's become popular to argue that the economic downturn has been a blessing in disguise for those seeking balance.

Because of the recession, "clients are demanding different billing systems," said Henry. As a result, she added, firms are reexamining the hourly rate structure and becoming more focused on efficiency and productivity. And guess what? Lawyers who work flextime and part-time can be more efficient and productive. What's more, she added, firms are experiencing a talent drain because many don't want to work the brutal hours of a traditional law firm. "Generation Y wants to work differently, and they are saying that in a gender-neutral way," she said. Bingo--the convergence of business, client, and individual lawyer interests!

I'm sure Henry worked hard on this book, but I have problems with her underlying assumptions. Why am I not convinced that firms are hurting for talent to fill their partnership ranks? From my vantage point, there seems to be a steady supply of able lawyers who would gladly bill 80 hours a week, plus give blood, for the privilege of being a big-firm partner. And are clients really pushing firms to be more accommodating about work/life balance measures?

I asked Henry these sticky questions during the event. Her response: "The client is the biggest driver of change." She added, "The client support for the book has been overwhelming," noting

that she's gotten endorsements from the general counsel of such companies as General Electric, Wal-Mart, and Verizon.

Nice list, but do those endorsements translate into real change in the way law firms operate? Will a company really drop an effective law firm because it doesn't like the firm's work/life balance policy? Do clients really want to get involve in their law firms' management?

Articulate and amazingly at-ease in front of a crowd (she could give Greta Van Susteren a run for her money), Henry did offer one piece of advice that I thought trumped everything else: "Be entrepreneurial. Create your own career path. Be effective at self-promotion."

In other words: Don't wait for that miracle in the legal profession. Make your own deal.

Readers, am I too cynical?

Posted by Vivia Chen at 02:30:38 PM in [Home/Work](#)

Comments

It was with great interest that I read this post as it raises valid concerns about the future of the legal industry. And that's what I told the audience of nearly 200 attendees at Skadden, Arps when Vivia posed her questions to me on Monday at the NY launch of my book, *Law & Reorder*.

While I am optimistic about the changes facing the industry, I'm not naïve. Had Vivia read the book that I gave her, she would know that the theme of my book is not that we have arrived but rather that we need to make the exception the rule - that there are pioneers in the profession who have created solutions for new legal models and career paths that need to be adopted to become the new mainstream. My conclusions are based on a career of working with law firms, in-house legal departments, lawyers and law students and my book is steeped in endnotes and entirely fact based and data driven.

Perhaps it was Vivia's own biases that led her to only depict the conversation to be a "pink" one. The book and Monday's discussion focused not only on capitalizing on the strengths of the talent pool but also on other drivers and solutions for change including technology, the recession, outsourcing, alterative fees, alternative legal models, and increased client pressure to lower rates and deliver value and predictability.

The endorsements for *Law & Reorder* by 25 legal and other industry leaders including the general counsels of DuPont, Verizon, General Electric, Wal-Mart, Allstate Insurance, CIGNA, and the Association of Corporate Counsel, as well as managing partners, law school deans, leaders of bar and women's associations, legal industry experts, and career and work/life experts, cannot be dismissed as happenstance. Their testimonials that can be found here, <http://www.lawandreorder.com/test.asp>, reflect irrefutable support for change, not just on work/life balance and women's issues, but also for structural change and solutions for employers, clients and lawyers that are the focal point of my book.

I think the better question for Vivia is not whether she is too cynical. My question would have been: Is it better to be a mouthpiece for the status quo or be part of the solution?

Posted by: [Deborah Epstein Henry](#) | [November 4, 2010 at 07:34 AM](#)