

# WORKING MOTHER

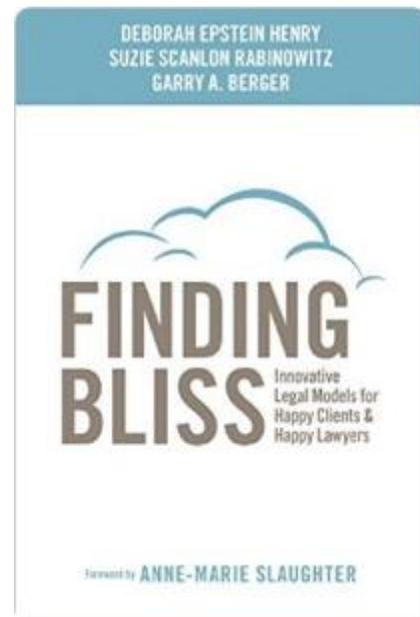
## Finding Bliss

Innovative Legal Models for Happy Clients & Happy Lawyers

What follows below is an excerpt from the Flexibility chapter of *Finding Bliss: Innovative Legal Models for Happy Clients & Happy Lawyers* (American Bar Association, 2015). *Finding Bliss* provides creative and disruptive solutions to how traditional and new model firms can more effectively deliver legal services and align the skills of the legal talent pool to better meet clients' needs. *Finding Bliss* explores seven key themes to improve legal practice and client service, including: innovation; value; predictability and trust; flexibility; talent development; diversity and inclusion; and, relationship building.

*Finding Bliss* was co-authored by [Deborah Epstein Henry](#), Suzie Scanlon Rabinowitz and Garry A. Berger. Debbie is an internationally recognized expert, consultant and public speaker on the future of the legal profession, new legal models, women and work/life balance. Suzie recently launched SRD Legal Group which is a women owned virtual law firm and she has been Of Counsel at Berger Legal LLC for more than a decade. Garry is a pioneer in the legal services industry, having founded in 2002 Berger Legal LLC, an innovative virtual law firm serving Fortune 500 clients as well as small to mid-size companies. The three co-authors are also co-founders of Bliss Lawyers, a new legal model that hires exceptional lawyers to work on temporary engagements at in-house legal departments and law firms. Bliss Lawyers also provides temp to perm engagements as well as direct hire placements. Bliss Lawyers draws from a national network of nearly 20,000 lawyers and operates from a virtual platform, allowing the company to pass considerable cost savings to its clients while providing generous pay packages to its employees. Bliss Lawyers is a certified majority women-owned business.

In *Finding Bliss*, the co-authors present the new reality facing law students, lawyers, clients, law schools, and law firms today. The co-authors' goal in *Finding Bliss* is to inspire readers to break out of traditional roles and thinking. Readers are encouraged to be bold and creative to help ensure both professional and personal success, and in turn, readers' happiness. For more information, please visit [www.blisslawyers.com](http://www.blisslawyers.com).



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## Introduction

Where lawyers are concerned, flexibility can mean many things. For years, flexibility has been viewed as an accommodation from the employer's perspective, with the associated connotation that lawyers who sought flexibility somehow embodied a lack of seriousness or commitment to the profession. When we look more closely, however, we see that flexibility is a means to create a win win for both the employer and the lawyer. The flexibility that we will explore here is not about reduced commitment on the part of

individual lawyers or increased accommodation on behalf of their employers. For employers, flexibility affords distinct advantages as a business driver when it is aligned with being agile and creating

business efficiencies. For individual lawyers, flexibility can create opportunities to adjust career directions based on individual and employer needs.

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## Flexibility For Lawyers

Historically, the notion of flexibility as it relates to individuals has been raised within the context of work/life balance. . . . The stigma around lawyers seeking flexibility is that these lawyers presumably lack commitment or want an accommodation that will inconvenience their company or firm. These notions of flexibility often still exist and we believe the concept of flexibility needs to be reframed. Instead, the focus needs to be on why and how incorporating more flexibility into every workplace is in the best interests collectively of clients, law firms, and lawyers. Indeed, flexibility is not just the future of work—it is its present as well.

It has been a long time since any business, legal or otherwise, has operated on a nine-to-five clock. When employers have lawyers who are used to working flexibly, it is typically much easier for them to take a call at midnight with a client or partner who is working in a different time zone across the world. This is just one example of how working flexibly is in fact being responsive to market demand. Additionally, while we have discussed many billable hour evils, one luxury of the billable hour is that the firm generates the same revenue from lawyers whenever and wherever they bill. While the billable hour is still the dominant means of billing clients, law firms can and should use the billable hour as an asset for their lawyers to gain more control of their day, all the while not impacting the economic model.

As an expert on work/life balance, Debbie encourages firms to capitalize on the benefits of flexibility. . . . Firms could increase their lawyers' productivity if they were more confident in their lawyers' ability to manage their time and if they provided some helpful parameters, including training on best practices, to make sure that business needs are met. When employers give lawyers flexibility in how they structure their day, these lawyers gain greater satisfaction in their lives, which feeds their efficiency, work quality, and loyalty.

Importantly, as we explore alternative scheduling, note that working flexibly is not the same as working reduced hours; many lawyers are willing to work full-time hours provided they have control in the ways in which they work. Working flexibly also does not always mean working from home. For example, Generation Y lawyers (those born between approximately 1980 and 2000), who represent the first generation that was raised on technology, view technology as a way of life. To not access the innovations of technology for these lawyers seems to them counter-intuitive and counter-productive. As a result of this exposure, many Gen Y lawyers have an expectation that flexibility will be part of their employers' work methodology. . . . Even within an office space, . . . Gen Y is looking for ways to work differently afforded by technology—it is about having a different mindset of how work should be performed and in turn, how the best work product will be produced.

This does not mean that flexibility is without its challenges. Debbie discovered this when she served as a consultant to the New York State Bar Association, during which she conducted a facilitation with partners from some of the large firms in New York who were in charge of associate issues. One of the partners' concerns was that Gen Y lawyers were asking for more mentoring and support—but they did not want to be in the office to receive it. These partners were trained and built bonds with their colleagues by spending nights and weekends reviewing documents together in the office or at the printer. Even though the partners who participated in the New York Bar facilitation were well-intentioned and wanted to encourage their Gen Y lawyers to express their needs, they were at the same time confused about how to provide feedback and a sense of community without actually being together.

Law firm partners are not alone in the flexibility predicament. Yahoo CEO Marissa Mayer triggered a national debate on this when she announced a ban on working from home in 2013. . . . The irony of a technology company issuing a statement of this sort was not lost on many. What the ensuing debate demonstrated, however, is that flexibility, like most things, requires a balance. There is no notable evidence that demonstrates that a conventional work week, with all employees on site is the magic that produces the best work at the best price. Yet, that does not diminish the value of face time and having colleagues work together during part of a traditional work week. Such in-person contact facilitates impromptu discussions and personal connections that help solidify trust as well as ingenuity in a working relationship. Thus, we believe the answer here is to both ensure that employees can gather together, share ideas organically, and build camaraderie, while giving employees the ability to work flexibly and individually to increase satisfaction and productivity. Taken together, these measures will contribute to the overall bottom line.

While pursuing flexibility has its challenges, the risks associated with being inflexible are not ones that the legal profession can afford. Take Suzie's experience for example. Suzie set out to become a large law firm partner. She worked for two top New York City law firms and, while she enjoyed the challenges presented in the actual work, she found the demands inconsistent with her family life. When the lifestyle became unsustainable, Suzie left the profession for five years. The flexible nature of a virtual law firm environment is what brought her back to practice. More than ten years later, Suzie has found a way to practice law at a high level on her own terms. . . . Had a virtual law firm platform not been available to Suzie, she may never have returned to practice. Suzie is not alone among women. Thirty-one percent of women lawyers leave the profession, independent of maternity leave.<sup>[i]</sup> With women comprising 45–50 percent of enrolled law school classes for almost 30 years<sup>[ii]</sup>, the profession can no longer operate without maximizing the potential of all of its talent pool, whether these lawyers' paths are linear or not.

The issues around individual lawyer flexibility, however, are no longer specific to women. According to the National Association of Law Placement, in 2013, 30 percent of the lawyers who worked reduced hours were men.<sup>[iii]</sup> Additionally, the Working Mother & Flex-Time Lawyers LLC Best Law Firms for Women annual survey found from the aggregated data of their 50 winning firms, that at each level of seniority, male lawyers were greater users of full-time flexibility than female lawyers.<sup>[iv]</sup> Increased flexibility was certainly one of the prevailing reasons why Garry started his own law firm. And while Garry started his firm to achieve his own personal and professional goals, he has been gratified to see how flexibility has helped the 15 lawyers who work with him to achieve their personal and professional goals too.

## Conclusion

Individual lawyers who are flexible in their work methods are the ones who will ultimately succeed, given that the flexibility will enable them to meet the 24/7 demands of practice as well as their needs to balance the professional and personal demands on their time. . . . While law firms struggle with this challenge, we see that new legal models have found a way to align the marketplace and individual lawyers' desire for flexibility with an employer's need for profitability and efficiency. Perhaps the best way to capture this mutually beneficial flexibility solution is in the word agility. Indeed, the future of legal practice is ultimately about the agility of legal service providers to respond to and anticipate the needs of their clients as well as the agility of individual lawyers to respond to and anticipate the staffing needs of their employers.

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<sup>[i]</sup> Sylvia Ann Hewlett, Diana Forster, Laura Sherbin, Peggy Shiller & Karen Sumberg, "Off-Ramps and On-Ramps Revisited," Center for Work-Life Policy (2009): 8.

<sup>[ii]</sup> "First Year and Total J.D. Enrollment by Gender, 1947-2011," The American Bar Association, last modified 2012,

[http://www.americanbar.org/content/dam/aba/administrative/legaleducation\\_and\\_admissions\\_to\\_the\\_bar/statisticsjd\\_enrollment\\_1yr\\_total\\_gender.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/legaleducation_and_admissions_to_the_bar/statisticsjd_enrollment_1yr_total_gender.authcheckdam.pdf).

[iii] NALP, “Rate of Part-time Work Among Lawyers Drops for Third Year in 2013, Especially Among Women, But Most Working Part-time are Women,” last modified February 27, 2014, <http://www.nalp.org/parttimepressreilmarch2014>.

[iv] “Best Law Firms for Women 2013, Executive Summary,” Working Mother & Flex-Time Lawyers LLC, last modified 2013, <http://www.flextimelawyers.com/best/exsum13.pdf>.