

Flex-time catches up with legal profession

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Patricia Mundy, 35, an associate in Sullivan & Worcester's Boston office, works a reduced schedule that includes one day a week at home, and Fridays off.

"It's about as good as it gets," said Mundy, who works in the firm's corporate department.

"With the technology we have today, it's kind of a no-brainer."

She has three children under age 5 and a fourth due in June.

"The day [working] at home is huge for me," said Mundy, who commutes an hour and a half to two hours each way to work. "I can spend morning hours with my kids, get them up and eat breakfast with them and still be working by 8:30."

Her three days in the office are long – usually 8:30 a.m. to 7:30 p.m., and sometimes later when her workload increases. But it's worth it, she said, especially given the Fridays off.

"It's the most important thing about working a part-time schedule – having a day that is for your family," she said.

With an increasing number of attorneys such as Mundy seeking more time for their families and themselves, flexible and part-time schedules are becoming increasingly acceptable, according to several experts.

And it's not just mothers with young children opting for flexible and reduced hours.

Although the vast majority of attorneys working flex-time hours are women, there is growing interest among both genders, as well as lawyers of a wide range of ages taking advantage of flexible arrangements.

Michael R. Humphrey, 40, a counsel in Bryan Cave's Kansas City, Mo. office, was recruited from the title insurance industry about 11 years ago.

"I was familiar with the typical large firm associate-to-partnership track, and frankly, because of personal priorities in my life I knew I was not the guy that was going to fit into that track," he said.

Humphrey, who focuses on commercial real estate and banking, usually works from 7:30 a.m. to 4 p.m. Monday through Friday. He is considered 90 percent full time.

Although he and his wife do not have children, they have aging parents with health issues. And Humphrey is deeply involved with his church.

"My personal priorities in a nutshell are God, family, church and work," he said.

Deborah Epstein Henry, head of Flex-Time Lawyers, a national work-life balance consulting firm with offices in Philadelphia and New York, said more and more attorneys want similar flexibility.

"The entire profession is facing these challenges on work-life issues, and the profession as a whole is seeking more flexibility," she said. "It's no longer an isolated, small group of people, and it's not just a working mom issue."

Ellen Ostrow, head of Lawyers Life Coach, a Silver Spring, Md. coaching firm, agreed.

"I think lawyers, like every other group of employees studied, are looking for flexibility in the workplace more than anything else. Certainly, in firms that are offering billable hour tiers with associated compensation tiers, you see people choosing fewer hours for less money."

Barriers remain

Despite growing interest in flex-time options, actual utilization remains low.

While most big law firms offer reduced-hour schedules, only 5.4 percent of attorneys nationwide worked part time in 2007, according to the National Association for Legal Career Professionals.

The biggest obstacle is attorneys' fears that their career prospects will be damaged by working less than full time.

A recent report by the New York State Bar Association's Special Committee on Balanced Lives in the Law found that unless there was a strong commitment from management, attorneys simply didn't take advantage of the policies.

Henry, who served as a consultant to the committee, explained: "Part time historically has been stigmatized as just sort of an exception for working moms, and until there is a wholesale buy-in that flexibility is something that all lawyers need, I really don't think there will be a way to get rid of that stigma."

Concerned about colleagues' and clients' reactions, Kimberly Herman, 38, an intellectual property lawyer and colleague of Mundy's at Sullivan & Worcester in Boston, kept her "part-time" status quiet.

After her first child was born seven years ago, she worked a reduced schedule that included three long days in the office and weekend work. She recently became a partner, and now works four days in the Boston office and at home on Fridays.

"I guess the secret to my success was really not letting people know I was working part time, even colleagues," she said. "It's not as though I wouldn't come forward, but I didn't need to publicize it. So, I actually made a decision I would try to make it appear, particularly with clients, as though I was working full time."

Henry suggests getting rid of the terms "part time" and "full time" entirely, and adopting a "targeted hours" concept. Working with their department chairs, attorneys would set their billable and non-billable anticipated hours based on their average hours over the prior two years, as well as the average hours for their department and seniority level.

'No repercussions'

There are some signs the flextime stigma is fading.

At Davis Polk & Wardwell, an international firm based in New York, the number of attorneys working reduced hours has increased from 24 to 36 since 2005, including men and women who chose to work reduced hours for a variety of reasons, not just child care. Two associates who had worked a substantial portion of their careers on a reduced schedule were promoted to partner.

"People are thinking much more creatively about their work and how they manage their lives," said Renee DeSantis, director of associate development.

"Even in our transactional areas, where five years ago it wasn't uncommon to hear people say, 'That won't work,' we have associates thinking more creatively, and saying, 'I'll work the 50 or 60 hours a week during this deal, but I'd like to take a break in between transactions,'" she said.

Magdalena Lorenz, 36, an associate in Davis Polk's New York office, joined the firm in 2004, and went on a flex-time schedule a year and a half ago.

She works three days in the credit group of the firm's corporate department in New York, and two days from her Victorian home in the Catskills, three hours north of the city.

"A lot of effort goes into making this work and making sure no one is inconvenienced," Lorenz said. "It does allow me to work from home two days a week, although occasionally I have to come to the office on a Friday or Monday."

At Bryan Cave, an international firm based in St. Louis, 39 attorneys – including seven partners – work reduced-hour schedules.

"We absolutely have seen an increase, and I think the reason for it is because we've had a number of people use it and there haven't been any repercussions," said Lori Johnson, the firm's director of human resources.

Lucinda Althausser, a counsel in Bryan Cave's St. Louis office, works five days a week in the office, usually from about 9 to 5.

"It definitely is a significant reduction in what otherwise might be expected," said Althausser, an intellectual property lawyer who has been working a flex schedule for 11 years.

Althausser was one of the first beneficiaries of the firm's current flex-time policy, which essentially requires that "you come up with a schedule that works for you and if it's okay with the people with whom you do most of your work, then it's fine with the firm," she said.

Key word is 'flex'

Attorneys working flexible schedules stress that the clients come first, and said they change their schedules when needed.

"The key word in flex-time arrangements is 'flex,'" Lorenz commented.

Lauren P. McKenna, 44, who is a partner with Fox Rothschild and has three children, works about eight to nine hours a day four days a week in the firm's Philadelphia office, and tries to work out of her home on the fifth day if necessary.

But McKenna, whose practice involves commercial and real estate-related litigation, said that her schedule varies, depending on what's going on at work.

"Obviously, if I have a trial, the expectation is I'm going to do what I need to do to handle the work," she said. "Sometimes, it does take some juggling between work and family commitments, but I've always looked at it from the standpoint that if I can be flexible when needed, then I can make a reduced schedule work for my firm and my practice."

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