

## Goodbye Economy, Hello Balance

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Among the concerns brought on by the failing economy, a healthy work/life balance for lawyers ranks down at the bottom of the list. Gone are the days when firms needed to woo candidates with perks like a flexible career. Steady work and steady pay are the currency of the moment. Gone, too, are the days when employed lawyers might boldly decline work in the name of a saner and more balanced life. "No," "Not now," and "Too much" aren't attitudes likely to engender goodwill in the next round of layoffs.

It's thus tempting to view balance as a fair-weather topic, brought up only when lawyers feel secure about their jobs and alternatives. And the weather is obviously anything but fair. Slashed compensation, deferred first-year start dates, dissolutions, and wholesale shutterings--the economy is making short work of the legal field's excesses (\$160,000 first-year salaries? How 2007). It's nothing short of depressing, and things seem likely to get worse before they get better. But even in a recession it's important not to shelve these policies completely.

It may seem counterintuitive, but flexibility and balance-oriented policies are tools that can help firms survive the conflagration. "Eat what you kill" is traditionally associated with the most cutthroat, internally competitive firms. A compensation system where one's career survival depends directly and constantly on the dollars one brings in the door has been seen--historically, anyway--as inflexible. But "eat what you kill" and "work/life balance" (with its "work less, make less" compensation system) share one goal: to pay lawyers only for work that enhances the bottom line. As a result, the two systems can live together very well. Layoffs cost firms, both financially (the lost investment in laid-off lawyers, and the premium often paid in ramping back up) and in terms of reputation (from "They're going under" to "Remember what they did to associates back in '09?"). When those costs are taken into account, scaling back lawyer hours starts to look better and better.

Deborah Epstein Henry, founder and president of consulting firm Flex-Time Lawyers, urges firms to open their eyes to the reality that, unlike layoffs, promoting reduced hours cuts costs now, prevents future recruiting and training expenses, engenders loyalty, improves morale, and quells the burnout and lack of productivity that may otherwise plague those left in a fragmented workplace.

Still, adopting flexible schedules remains an uphill battle at most firms. Henry is "having a lot of great conversations" on this topic, but her clients have yet to take the plunge into "balanomics," her term for the economic benefits of forgoing layoffs in favor of reduced

hours. Replacing layoffs with voluntary or mandatory hours reductions would start to generalize, institutionalize, and destigmatize work/life balance through the back door of economic exigency--or so the theory goes. Unfortunately, firms often tell Henry they do not think that substituting reduced hours for layoffs will be a sufficiently large-scale solution to the challenges they face.

Even if most firms reject the notion of letting lawyers stay on at reduced hours and compensation, the bad economy may be good for balance in other ways. Flexibility can be a selling point for job candidates, even if firms aren't convinced about the benefits of reduced hours instead of layoffs. Henry advises job seekers to embrace "different ways to work," because she believes they will have more success with large firms if they present themselves as a low-cost option, willing to work a limited schedule off the standard pay scale. "Firms have historically viewed flex schedules as administrative/fiscal headaches, and now the message is totally the opposite," agrees Julie-Tower Pierce, author of *Staying at Home, Staying in the Law*. "As firms become more interested in flexibility as a cost-savings strategy, hiring flexible job-seekers is a fresh learning experiment. In a matter of time, 'everyone' will be doing it--that is, trying to incorporate flexible work strategies to save money."

Maybe firms will see the merits of "balanomics" as the recession drags on. They may realize that flexibility is an attractive alternative to throwing money at lawyers, as they have in the past. And perhaps they will understand the need to emerge from the down economy with a credible claim to having a balance-friendly culture. Thus may the economy usher in what work/life balance proponents have long sought: a legal culture where the career paths of both genders routinely branch, and balance is a by-product, not a concession.

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