

# Group to Promote Flexible Time

"For the times, they are a-changin'"  
—Bob Dylan

BY THOMAS ADCKOCK

**S**PEAKING ON behalf of today's ambitious young female associates, Deborah Epstein Henry suggests that a social and professional sea change has taken place in the American legal world.

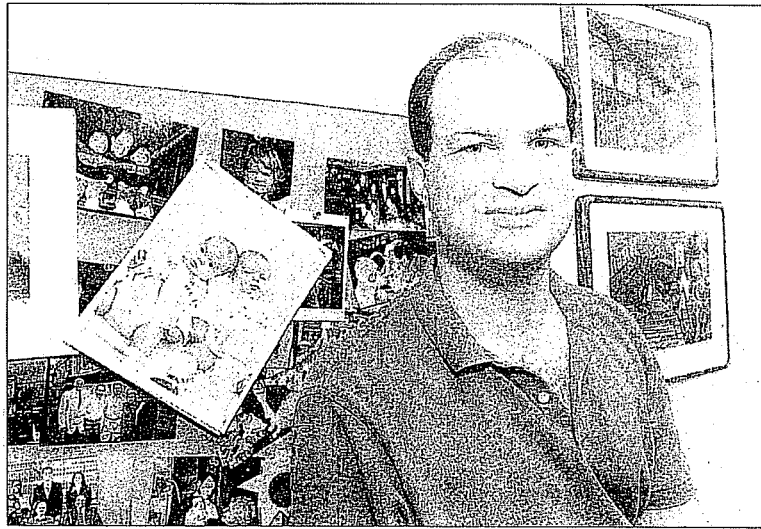
"Twenty years ago, we saw lawyers delay their child-bearing until they made partner," said Ms. Henry, 34, of counsel at Philadelphia's Schnader, Harrison, Segal & Lewis. "Then they spent the next four or five years in fertility treatment.

"No more!"  
Certainly not with Ms. Henry's organization growing like Topsy. Flex-Time Lawyers, a group she created three years ago to support attorneys working reduced time schedules, is about to expand from Philadelphia to New York.

Beginning Sept. 24, monthly luncheon meetings through 2002 are scheduled at four major Manhattan firms. (See accompanying sidebar for dates and locations.)

Ms. Henry, a native New Yorker and graduate of Brooklyn Law School who was an associate at Patterson Belknap Webb & Tyler before moving to Philadelphia, established Flex-Time Lawyers as a means of helping young attorneys balance their legal careers with personal responsibilities, and to smooth the way with employers.

The Flex-Time network is bound to attract women for the most part; of the 250 member lawyers in the Philadelphia group, Ms. Henry acknowledges that only two are men. But that, too, shall pass, according to at least two men at Cleary, Gottlieb, Steen & Hamilton.



PHOTOGRAPH BY RICK KOPFSTEIN

J.J. Gass, an attorney with Cleary, Gottlieb, Steen & Hamilton, worked part-time to spend time at home with his children.

Speaking on behalf of today's ambitious young male associates, Jonathan J. (J.J.) Gass suggested that men would increasingly do what he recently did himself — work at a reduced schedule for nearly three years in order to spend time at home following the birth of his twin daughters. Mr. Gass based his prediction on the swift acceptance of paternity leave by young lawyer dads.

"Nobody gives even a moment's thought to paternity leave nowadays. But when we first had it, you thought, 'Well, should I take it or not?'" said Mr. Gass, 35, a commercial litigation associate at Cleary Gottlieb. With reference to men putting in for reduced-time schedules, he added, "As more guys do it, it will become normal."

But still, knocking off for a month or so to be home with a newborn (or newborns) is one thing. For a male associate to ask a partner (almost always a man) for the domestic accommodation that women associates now commonly receive is quite another.

At many New York firms, a typical reduced-time or flexible-time schedule assures an associate (almost always a woman) of leaving the office early each day — and spending one day a week at home. Salaries are reduced accordingly.

Mr. Gass, who has returned to full-time status, remembered what it was like for him as a reduced-timer — at first.

"When you're the only one walking out at 5 or 6 o'clock and you know that everybody else is going to be there for another two or three hours, it takes a lot of faith in the equity of what you're doing to not feel guilty," he said. "Sometimes you worry what others are thinking as you walk out. But, really, they have no problems. You're projecting your own fears and worries on them."

"I didn't set out to be a pioneer, I was just doing what made sense for my family," said Mr. Gass, a graduate of the University of California, Berkeley, School of Law. "The real pioneers were the women in the late 1980s who really fought for having the opportunity for reduced hours."

"So by the time I was doing it, even when people sort of did a double take, there was a structure in place, and a policy," he said. "And there were women I could go to for advice."

Which is the first essential purpose of Ms. Henry's organization. Constant communication, she said, is critical to working a reduced-time schedule. Even after terms are negotiated and agreed to, associates must be scrupulous about keeping in touch

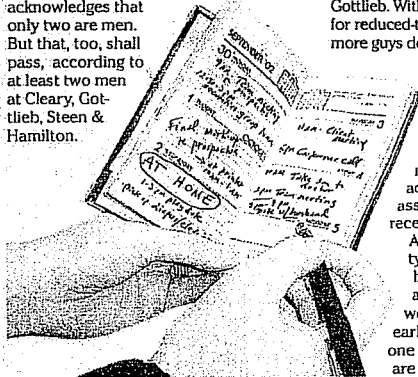
with colleagues and partners. It is valuable, too, for those working reduced schedules to share ideas with one another. Ms. Henry sees the second essential purpose of Flex-Time Lawyers as reminding employers of important benefits to being family-friendly:

- Attorney retention. "Associates start becoming profitable at mid-level and senior level, which is right about the time they're seeking reduced or flexible schedules," said Ms. Henry. "It's much more profitable for the firm to have 75 percent of me, let us say, than zero."

- Clients need lawyer continuity. Ms. Henry noted, and clients are often more progressive than law firms on the issue of reduced-time schedules.

- Reduced-time scheduling has become "emblematic of law firms being progressive on all sorts of issues, not just mothering," said Ms. Henry.

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## Flex-Time Lawyers Meet in New York

FLEX-TIME Lawyers was established three years ago in Philadelphia as a networking and career guidance organization for attorneys working reduced-time or flexible schedules. Its founder, Deborah Epstein Henry, 34, is of counsel with Philadelphia's Schnader Harrison Segal & Lewis. A native New Yorker and graduate of Brooklyn Law School, Ms. Henry is now set to expand Flex-Time Lawyers to her hometown.

A series of monthly meetings toward building a local affiliate of Flex-Time Lawyers will be held at Manhattan firms. Lawyers are invited to reserve attendance at these brown-bag luncheon sessions by telephoning Ms. Henry at (610) 658-0836.

Dates and locations of the New York meetings:

- **Tuesday, Sept. 24**  
Skadden, Arps, Slate, Meagher & Flom  
4 Times Square - 37th Floor
- **Thursday, Oct. 24**  
Chadbourne & Parke  
30 Rockefeller Plaza, 36th Floor
- **Monday, Nov. 18**  
Schulte Roth & Zabel  
919 Third Avenue
- **Monday, Dec. 16**  
Debevoise & Plimpton  
919 Third Avenue

Further information is available at Flex-Time's Web site, located at [www.flextimelawyers.com](http://www.flextimelawyers.com).



Deborah Epstein Henry

— Thomas Adcock

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Stephen H. Shalen, a Cleary Gottlieb partner and head of his firm's associates committee, is more than persuaded by Ms. Henry's cause. He expects to attend the inaugural meeting of the New York branch of Flex-Time Lawyers: a brown-bag luncheon in the 37th floor conference room of Skadden, Arps, Slate, Meagher & Flom on Sept. 24.

"From [the employer] perspective, there are a couple of reasons to be responsive to the needs and desires of people looking for alternative schedules," said Mr. Shalen. "It's the right thing to do, whether the reduced schedule is for child-rearing or health reasons or caring for an elderly family member — and it's in our own self-interest.

"You make long-term bets on associates. For many, a reduced-time schedule is not necessarily a long-term desire," he noted. "If somebody is going to be a lawyer for 35 years and comes to a period where they need a reduced schedule for a few years, you shouldn't focus on the short term."

#### **Firm Commitment**

Even with such understanding, Mary K. Marks said an associate must recognize the "huge commitment" of the firm in agreeing to a reduced schedule. Ms. Marks, 34, is a corporate associate in her ninth year at Schulte Roth & Zabel. She works a 60 percent schedule, spending only three days a week in her office.

"You need to be clear with the firm on what your expectations are, and what theirs are," said Ms. Marks, a graduate of Georgetown University Law Center. "Certain types of deals

work better on my reduced schedules, and certain ones don't. I don't do securities work anymore, for example, because that depends on the SEC's weekday schedule."

Theresa Trzaskoma, who has just returned to work at Sullivan & Cromwell after giving birth to her second child, said she is looking to the Flex-Time Lawyer meetings to reinforce her decision to seek "more flexibility" as a commercial litigation associate.

"When I returned to work after having my first child, I dove back into my regular schedule. It doesn't seem like that's going to work now with my second child," said Ms. Trzaskoma, 34, a graduate of the University of Texas School of Law. "Management recognizes that there's value to accommodating me, and making this work for me, but there's still a certain emotional component here. Lawyers have certain expectations of themselves. It's difficult to accept that you're no longer going to be 100 percent available to your job."

Elizabeth A. Chang, a third-year corporate associate at Cleary Gottlieb, said she has never felt marginalized or penalized "in any way" by working at an 80 percent schedule, which keeps her at home with her young son on Wednesdays.

"But I'm hooked into the office network by home computer," said Ms. Chang, 28, a Brooklyn Law School graduate. "I have voicemail and a fax machine at home. And in the near future, I'll have home access to our documents database.

"With very few exceptions, my colleagues have been respectful of my flex schedule. Clearly for me, this has been one of Cleary's strong suits. It wasn't the deciding factor [on joining the firm], but it's a policy that I certainly appreciate."