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Key to the Future Is Change

By Deborah Epstein Henry

What follows is an excerpt from Deborah Epstein Henry's book, "*Law & Reorder: Legal Industry Solutions for Restructure, Retention, Promotion & Work/Life Balance*," published by the American Bar Association on Oct. 18, 2010. The excerpt is taken from two introductory chapters of her book entitled, "Why I Wrote this Book" and "Introduction: The Key to Understanding this Book."

In 1999, I e-mailed six women lawyers who were working reduced hours. The e-mail announced that I was starting a brown-bag lunch group for Philadelphia-area lawyers interested in work/life balance issues.... Within days of the e-mail invite, 150 lawyers e-mailed me back in response....

Soon to be incorporated as Flex-Time Lawyers LLC, the organization became a network where lawyers could derive support and career guidance as well as find clients, jobs, board placements, and even nannies. But it also became a vehicle for change.... Suddenly there was a forum to compare notes about challenges and successes, about which employers were receptive to creating progressive work/life policies, and about how these policies were being implemented.

Initially, it was exciting just to find and speak with like-minded lawyers facing the same challenges as I was. But it soon became clear that to effect change, we would need to show employers why changing was in their interest.

My mission became clear: competition as an instrument of change. Make work/life balance and women's issues a basis of competition among legal employers, like salary or pro bono work.... Given that law firms are so similarly structured and therefore easily comparable, the ability to create competition for female legal talent existed as long as there was a forum to share information and make it public.

That's where the press came in...National Public Radio decided to showcase a Flex-Time Lawyers LLC program and broadcast excerpts of interviews with me, my members, and the Chairman of my law firm on *Morning Edition*. The response was viral.... Within months, my inbox was inundated with "Dear Debbie" e-mails from lawyers all over the country. I now had not just 150 Philadelphia names in my address book, but a growing national listserve and dialogue among (today, about 10,000) lawyers.

Once the New York chapter was launched, the audience expanded.... A dialogue ensued between those seeking balance and employers interested in discovering whether work/life policies could benefit the bottom line. Also, the range of topics covered at the programs expanded to include the retention and promotion of women and new models of legal practice.

As the New York chapter became established, so did my consulting practice.... I started writing more, consulting to employers on their work/life and women's initiatives and their models of legal practice, and speaking nationally to legal employers. I also started giving talks at law schools, conferences, bar associations, and other venues.... The ideas I've shared in response to the thousands of "Dear Debbie" e-mails, the hundreds of programs where I've spoken, and the countless queries from lawyers, law firm management, corporate general counsels, and law students are what compelled me to write this book.

What began as a small grassroots movement of stigmatized working moms back in 1999 is now a

universal cry for change in the legal profession.... Technology has played an important role, giving lawyers more flexibility and challenging legal employers to reconsider how and where work gets done. Add to this the recession, increased client pressure to lower rates in order to deliver more value, outsourcing, and the threat to the traditional billable-hour structure, and the need for change has become clear.

I see today an unprecedented opportunity to empower...lawyers, to take charge of their careers, to improve the control they have over their lives, and to change how and where work gets done. I also believe that the time is ripe for employers to revamp their traditional models or invent new ones. I invite you to join me on a journey to redesign the legal workplace, to realign the interests of lawyers, clients, and legal employers, and to embrace a more hospitable, productive, and profitable environment for all.

...

A *reorder* of the legal profession requires fundamental changes to how legal employers are structured and how lawyers practice law. Hence the focus of this book.

The theme that runs through this book is *making the exception the rule*.... *The profession must move beyond the single traditional model for legal practice and embrace the exceptions to the rule-the array of successful new models that are being developed: 1. by legal employers to design their businesses; and, 2. by lawyers to design their career paths.* This is necessary (and inevitable) because...the status quo no longer serves the lawyers or clients for whom it was designed.

Part I of this book is directed to legal employers and why and how they should restructure. Part I starts with an exploration of the changes facing the legal industry, including the threat to the billable hour, the rise of new models of practice, the morphing of large law firms, and new talent management strategies. The focus then shifts to designing a woman- and work/life-friendly employer and why it is in an employer's financial interest.... Part I concludes with strategies to make flexible and reduced hours work, manipulate the billable hour to meet employer and lawyer needs, and use reduced hours and other alternatives to increase profitability....

Part II of this book is directed to lawyers and law students and provides advice on how to develop the skills needed to thrive in today's legal environment.... Part II starts with advice to lawyers and law students on productivity, work/life balance and transition issues.... The focus then shifts to issues specific to women. These concluding chapters provide advice on planning future success to become a leader, be mentored, be promoted, be fairly compensated, use effective networking and business development skills, and manage the gender and generational issues women lawyers may face.

You may ask: ...Why not just have Parts I and II be two separate books?

Many legal management books directed to legal employer representatives do not address the lawyer issues.... In restructuring the workplace, management, general counsel and employer representatives must understand the concerns and issues raised in Part II of this book because the management of today's talent pool must be integral to any employer's strategic plan.

Similarly, many legal "how to" books dispense advice to lawyers but ignore the management perspective and the economic challenges facing legal employers. However, a lawyer cannot thrive in today's legal environment without understanding the economic and managerial issues his or her employer is facing....

Making the exception the rule means reaching a point in the legal profession where "alternative" models become the new norm. And where the number of lawyers pursuing "alternative" career paths becomes so great that "alternative" becomes the new mainstream.

The future of the profession will be bright if lawyers, clients and employers break from their tradition of looking backward to guide the future-if they stop relying on precedent for ingenuity. The key to the future lies in embracing *reorder*.

Edited excerpt from Deborah Epstein Henry's "Law & Reorder: Legal Industry Solutions for Restructure,

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Deborah Epstein Henry is president of Flex-Time Lawyers LLC, a national consulting firm she founded in the late 1990s, advising law firm management, general counsels, lawyers, and professionals outside of law, as well as women lawyers, women professionals, and law student groups.

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