

Law Firms Offering More Flexible Schedules

By Jesse Greenspan

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-- With billable-hour pressures at an all-time high and with many attorneys upset about their work-life balance, law firms have slowly begun to offer more flexible schedules that allow for more time at home.

Working mothers have always been interested in flexibility, but it has increasingly become an issue for all lawyers, from recent law school graduates to baby boomers on the verge of retirement.

The boomers, for example, often want to phase into retirement by working part time for a few years rather than abruptly departing, according to Deborah Epstein Henry, president of Flex-Time Lawyers LLC, a consulting firm that advises law firms on work-life balance issues.

"The generational issues both from the boomers and from Gen Y are neutralizing the issue, so it's not just about a small group of stigmatized moms," Henry said.

"When I first started practicing there wasn't a lot of flexibility, and I think there is a recognition that there can be more accommodation to people's lives," added Barbara Wahl, chair of the litigation department at [Arent Fox](#) LLP. "Now that you can work at home at your computer, you don't have to come into the office to get a brief done."

Pat [Gillette](#), a partner at [Orrick Herrington & Sutcliffe](#) LLP who runs the Opt In Project, an initiative dedicated to finding ways to retain and advance women in the legal profession, said firms have to offer more flexible schedules because if they don't it will affect their bottom line.

She said the top attorneys at most firms are baby boomers, and that these firms can't afford to lose all of their higher-ups at once.

On the other end of the spectrum, new attorneys are more reluctant to put in so many hours because the partnership track has become longer and more difficult, according to Gillette.

"I think law firms have become much more business oriented," Gillette said. "They look at their bottom line more closely."

"There's all sorts of legal talent out there," Wahl added. "You don't want to lose somebody just because they decide that working part time for a few years is right for them."

Technology, such as high-speed Internet and the BlackBerry, has made it easier for attorneys to work outside the office. But it has also made them accessible to their clients 24 hours a day, seven days a week.

"There are a lot of thoughts that are running through the minds of law firms right now about how we address issues in China and not work until 3 in the morning," Gillette said.

Flexible schedules can take on various forms. At many law firms, for example, certain attorneys carry a full-time caseload but regularly work from home.

"This is not the person who comes in late one day because they took their kid to a doctor's appointment," Henry said.

"This is an increasing trend," she added. "There's a really exciting opportunity for law firms to capitalize on this because it does not affect the revenue line at all."

Other firms annualize their hours so that attorneys can take longer reprieves between matters.

"Let's say they bill all of their hours by November," Henry said. "Then they take off and have a great holiday season."

At still other firms, associates are offered a choice of full-time tracks, meaning some can choose to bill fewer hours in return for less pay.

"I think the concern going that route is that too many people were going to choose [fewer hours] and it was going to throw everything out of whack, but it hasn't worked out that way," said John Childers, a consultant at Hildebrandt International. "You've still got some men and women that sign up and are ready to work constantly."

Childers added that some firms are hiring more contract attorneys and of counsel so as not to pay everybody at "extremely high associate rates."

"On ramp, off ramp" policies, which allow mothers and other attorneys who take time off to more easily transition back into the work force, are also coming into vogue, according to Gillette.

"The traditional thing has been that they can't come back because they left," Gillette said.

Meanwhile, Henry has identified three firms that offer job shares, in which two lawyers share the same matters. One lawyer will work Monday to Wednesday, for example, while the second lawyer will work Thursday to Saturday.

"It enables people to be off call," Henry said.

At [White & Case](#) LLP, lawyers who want to go on a flexible schedule have to put together a business proposal and then sit down with people in their practice area and come to an agreement on it, according to Timm Whitney, director of attorney recruiting and professional development at the firm.

"We've had everything from reduced schedules to telecommuting to 'I'm going to work from home one day a week,'" Whitney said. "It's pretty much across the gamut."

Nonetheless, flexibility advocates agree that much work needs to be done.

Henry points out, for example, that although nearly all large firms have written reduced-hours policies, some have incredibly low usage rates.

"Stigma is probably the largest reason," Henry said. "They're afraid that it will impact their career success."

She added that some firms see flexible schedules as a threat to the corporate culture, and feel they will lose control over their employees.

Lawyers are also generally working more hours than ever, even if some of those hours are occurring from home.

Gillette said part of the problem is that there is often a lack of trust between partners and associates. Associates are suspicious that after putting in very long hours for years on end they will not make partner, and partners are suspicious that associates won't completely dedicate themselves to the firm if they are allowed to work a more flexible schedule, she said.

"Corporate America is far more advanced than law firms in thinking about these issues and finding ways to address them," Gillette said.

"It's mostly white men — and not to disparage white men, I'm married to one — but law firms are very risk averse," she added.