

THE NATIONAL LAW JOURNAL

MONDAY, DECEMBER 4, 2000

LIFE OF THE LAW *By Michael D. Goldhaber*

'Part time never works.' Discuss.

A THOROUGHLY MODERN woman, Lynley Ogilvie reduced her schedule as an associate at Latham & Watkins to devote more time to her in vitro fertilization. As a result of pay inflation, she makes more money working 70% this year than she made full time last year.

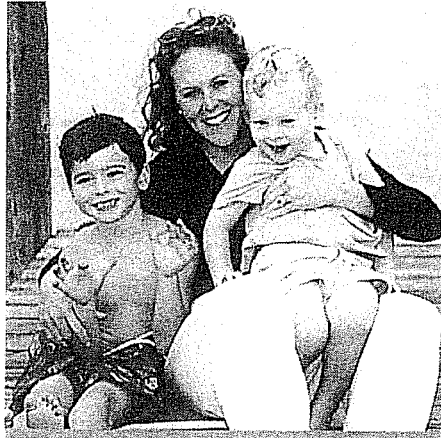
One might expect hordes of well-fed, red-eyed lawyers to jump at that deal. Yet the proportion of all NLJ 250 attorneys working part time has stayed steady at about 3%. Why?

One answer is cultural pressure, external and internal. "It's not easy for high achievers to ride with the brakes on," says Peggy Davenport, a part-time partner at Debevoise & Plimpton. At the same time, notes Hope Hammer of Duane, Morris & Heckscher, people increasingly ask new moms, "Are you going to stop working now?"

Deborah Henry of Schnader Harrison Segal & Lewis, who organizes a support group for Philadelphia flex-timers, sums up: "Part-time lawyers feel they're being judged for not being entirely committed to either work or home."

Another factor that holds down the number of part-timers is gender. Diaper-changing tables in men's rooms are seldom used—and men rarely go part-time. There's only one y-chromosome carrier in Ms. Henry's 150-strong support group.

For that matter, women who are not moms rarely go part time. To my surprise, the feeling among the Philadelphia flex-timers is that 3% of NLJ 250 lawyers is not such a low number. If the vast majority of the 3%



Part-timers 'feel they're being judged for not being entirely committed to either work or home.' —Deborah Henry

are young mothers, then that's quite a high proportion of the relevant subset. "It's almost an anomaly for a young mother to come back to work full time to be a litigator at a big firm," says Marianne Brown of Dilworth Paxson.

A separate theory holds that part time is underused because it "never works." In an NLJ poll of about 300 associates, 42% agreed with that statement. Part-timers say, "Nonsense."

It might be argued that part time is uneconomical for the firm or the lawyer. But both of those pitfalls can be avoided by redesigning the part-time agreement.

It might be argued that part-time law "doesn't work" because part-time lawyers work 40-hour weeks. But that's semantics. So long as a lawyer gets what she bargains for and works less than her peers, she's happy. Call her a reduced-schedule lawyer if you like.

The real core of the belief that part time "doesn't work" is the perception that part-timers fall off the partner track. I found an associate who felt overworked. She switched to a firm where she could work 1,800 hours and call it full time, even though she could have gone part time at her old elite firm for about the same money. She feared the stigma.

Yet the stigma is abating, and Lisa Jacobs is living proof.

Ms. Jacobs had her first child as an associate at Shearman & Sterling in the mid-'80s. When she asked for part time, she recalls, "Shearman said, 'Uh, no.'" She worked part time at Skadden, Arps, Slate, Meagher & Flom for seven years, but that firm at the time refused to make part-timers counsel, so she moved back to Shearman as a part-time counsel. This year, 18 years after her law school graduation, Ms. Jacobs made partner.

"When I went part time in 1986," Ms. Jacobs says, "I thought it was a career-ending decision. What Shearman is doing is [taking] that piece out of the calculation....I'm not window dressing."

Last year, the proportion of part-timers at Shearman edged up from 2.8% to 3.2%. That's far from "chang[ing] the way everyone looks at part time in a first-tier firm," as Shearman promised it would in February 1999, when it revamped its policy.

But who knows? If enough part-timers make partner, cynics might concede that part time works more often than never. Old myths die hard. **NJ**