

December 14, 2007, 8:05 am

Friday's Links: Redefining Success

By [MARCI ALBOHER](#)

As you probably know by now, I'm a big fan of stepping away from traditional models of work in favor of customized methods of defining success. Here are three concepts I like a lot:



Deborah Epstein Henry

1. In the current issue of *Diversity & The Bar Magazine*, Deborah Epstein Henry, the founder of [Flex-Time Lawyers](#), proposes a new way of tackling one of the biggest obstacles to lawyers' work/life satisfaction: the billable hour. [Ms. Henry's proposal](#) has a nice acronym, "F.A.C.T.S.," a handy thing if you're trying to advocate a new system for anything. But more important, it is well thought out. The idea is that a lawyer's workload, compensation and progress in a firm would hinge on decisions on how many hours the lawyer chooses to work and the way he or she wants to do that work. Some lawyers, like those on high-intensity deals, would work in a more 24/7 style (the "A," for "annualized," in F.A.C.T.S.). Others would choose more conventional hours (the "C"), and some would opt for a "shared hours" plan, which is a job share (the "S"). The system would allow lawyers to customize their schedules and career paths, but also allow firms to manage their people efficiently. Of course, lawyers could move between these styles of working at different stages of their careers. Bits of this have already been happening in law firms, and it has a lot in common with the [program being used](#) by the accounting firm Deloitte. But the more ideas of this kind are floated, the greater the chances for customizing individual career paths.

2. Who says moving forward always involves steps in a forward direction? We all know this is the case, but it's good to be reminded. [This article](#) from The Wall Street Journal online tells the stories of executives who took a step backward (or sideways) in pay or prestige on their way to an ultimate goal. And who's really the judge of backward anyway?

3. Of course, I wouldn't ever talk about redefining success without pointing to a good example of a [slash career](#) that appears to be working well. In this post on Damsels in Success, [Three Jobs, One Woman](#), Allison Kingsley explains why trading one high-powered job for three equally stimulating jobs (one of which is being a mother) works for her.

TAGS: [FLEXIBILITY](#), [LAWYERS](#), [PARENTS](#), [SUCCESS](#), [WORK/LIFE](#)

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12 comments so far...

• 1.

December 14th,
2007
[10:16 am](#)

Wish I had a dollar for every article like this one I have read over the last twenty years. However, since 50% of law students today are women perhaps some scheme like this might work as long as noone thinks that the respect, money, power or good cases will ride on anything but the A track.

— Posted by robsjack

• 2.

December 14th,
2007
[11:09 am](#)

It amazes me that this is a revolutionary idea—women are ace multitaskers—if we weren't, our society as we know it would come to a halt. Most women who work full-time do their jobs AND most likely the equivalent of 1-2 part-time jobs. I

don't understand why executives have a hard time formalizing on paper what already exists in the world around them.

— Posted by Nancy

• 3.

December 14th,
2007
11:20 am

There's theory....and then there's practice.

— Posted by Scott

• 4.

December 14th,
2007
11:54 am

Success is getting what you want...
Happiness is wanting what you've got.

— Posted by Lee Burkins

• 5.

December 14th,
2007
12:00 pm

Sure.. let's re-organize all of the firms for the convenience of the employees. As a client I am sure I will understand if my counsel is away on C level day off or if my docket gets shuttled to another B level associate. Dream on - service is about the customer not the poor associate.

— Posted by SteveR

• 6.

December 14th,
2007
12:09 pm

My wife and I have masters degrees and have both throttled our careers back so we can spend more time with our three year old and five year old children. My wife is an accountant and I am in sales in the technology industry. We both leave work by 4:00pm, beat rush hour home and have a lot of quality time with our children each day. Together we still pull in over \$200K per year. We max out our contributions to our 401Ks, contribute money to our childrens' college fund, and take two family vacations per year. The real keys to finding happiness in all of this is to enter the child rearing years with no debt, pay cash for everything (actually Amex so we can rack up Delta miles for our trips), and being comfortable having a boss who is younger than us. What can be more entertaining than watching a wet behind the ears punk boss run himself into the ground flying all over the countryside and yet having a lower standard of living than we do? Also, why live your life to meet other people's expectations when you can be perfectly happy taking the path less travelled?

— Posted by John

• 7.

December 14th,
2007
10:08 pm

The model put forth by DEH sounds so logical but I suspect if it was a business model that could really work, it would have been put into place a long time ago. The problem with this model, it seems to me, is that it doesn't guarantee that a firm will have enough people who want to be on the profit-producing, client-generating fast track. Nor does it allow for younger, cheaper new blood at the entry level. If experienced senior lawyers stay at a firm indefinitely without being on the fast/partner track, which I suspect many would do if they had that option, and there were no "up or out" system for them, the firm would have to bill clients at a high rate for their services, without the benefit of those people aspiring to bring in new business because their compensation isn't based on it, nor would the firm have room to bring in the relatively inexpensive junior associates. It would get clogged up with senior people who want "work/life balance," and while it

sounds nice for the lawyers, it just doesn't work for an equity-based firm. I'd love to hear DEH's response; perhaps I'm totally wrong.

— Posted by bbabbo

• 8.

December 15th,
2007
6:48 pm

I agree with you, John, and would like to add that we can either attempt to fuel our own contentment or prod along commerce and industry — but in some magical moments of paradox, we can receive the grace to do both.

— Posted by JS

• 9.

December 15th,
2007
11:24 pm

I posted about the FACTS program at Legal Blogwatch, here - http://legalblogwatch.typepad.com/legal_blog_watch/2007/12/just-the-facts.html. It's really a very well conceived idea and Henry deserves kudos for the thought that she's put into the idea. But what really differentiates Henry's proposal from traditional part time proposals is that it's aimed at all lawyers, not just women. And ironically, the egalitarian aspect of the proposal may present the most resistance. While firms may believe that it's OK for a mom-lawyer to work part time, I think that firms will be far less accepting of dads, or single male lawyers who would like to avail themselves of this kind of program.

— Posted by Carolyn Elephant

• 10.

December 17th,
2007
12:35 am

If top law firms want to attract the best lawyers and the best lawyers want law firms that provide flexible work schedules then I guess this is a match made in heaven. There is the obvious concern that performance will wane with this model as customer service and work become second priority to the lawyer's personal needs. However, if compensation, bonuses, and raises are tied to productivity and performance the employee's objectives should be well aligned with the firm's.

If this is really a flex-time approach and the firm is prepared to reward productivity instead of activity (i.e. number of hours worked), then I could stand behind it. I work for a Fortune 100 company and tired of the overemphasis on activity. When projects are behind schedule management's solution is to mandate overtime, suggesting more activity equates to more productivity. My suggestions didn't make it very far so I finally set up a web site to help express some of these concepts (and a few others) without the ire of management disrupting them:

www.workplacerant.com

— Posted by Aaron

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11.

December 17th,
2007
11:48 am

Of course employees would love more flexibility in planning their careers, but that kind of thing will of course only work if it makes sense from the bosses' point of view. Law firms have of course been resistant to change because they tend to be made up of professionally conservative people with a lot to lose (they occupy a privileged and comfortable place in society and the structure of the industry reflects and protects that).

BUT many big law firms are getting top-heavy, and reaching the limits of their abilities to balance the pressure to bring in new blood and then find places for the new blood to go later on. Extreme growth has been a solution over the past 30 years but it can't go on forever. So maybe this is something partners can get behind: still have a partnership track, but (here's the key) have other tracks as well. Why not promote lawyers on "flex-time" or "conventional time" schedule to the senior associate level? Bill clients ~\$500k a year for their work, pay them

~\$300k, and let the partners (who paid their dues with “A” schedules) pocket the difference.

On the other hand, culture is still a huge factor in this regard, and these conversations can be viewed as a thinly-veiled way to allow women to have their cake and eat it too. Men seems to be left out of the conversation. The fact is, even if firms instituted this on a structural level, there would be immense social pressure (from bosses, from other men, from women) for young men to try to compete on the “A” schedule. It could easily devolve into a tiered system divided mostly along gender lines. It would be nice for the women in that system, but when you look at from a broader perspective it might look like a step backwards, socially. Glass ceilings all over again.

— Posted by milo

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12.

December 19th,
2007
3:56 pm

SteveR #5,

I think the idea is that a client who needs a 24/7 lawyer will not be assigned to a part-time lawyer. Not all cases (projects, businesses, whatever) require the same level of intensity.

Providing that this restructure remains egalitarian, and does not devolve into a new glass ceiling for any worker - #11's concern - then I can see this as a boon for the firm, as well. Law students will direct themselves to a kind of law that fits their inclination, interest and commitment level; thus the firm has the best of each crop for each type of case, with minimal hassle.

However, I don't think it will catch on quickly. Group dynamics, including at the workplace, are quite tricky, and difficult to change. It can be done — it just takes a while.

— Posted by Carol