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Deborah Henry, shown with sons Oliver, Spencer and Theo, is an advocate for flexible lawyering.

## SHS grad leads charge to balance career and family

By ILENE NECHAMKIN

Fourteen months into her first job out of Brooklyn Law School, Deborah Epstein Henry had her first child, flouting the tacit rules of generations of women lawyers who'd shelved family matters in the name of profession.

Henry, a member of the Scarsdale High School Class of 1985 and graduate of Yale College and Brooklyn Law School says, "I've always been somebody who bases personal choices on what works for me. I'd never use a career model."

Henry, then 27 and clerking for Jacob Mishler, a federal district judge in Long Island, knows her decision was unusual, so unconventional, in fact, that lawyers visiting the judge's

chambers consistently assumed she was a secretary. "They couldn't believe I was so young, pregnant and a law clerk," she says.

She broke the mold again, when she secured a full-time position with Patterson Belknap Webb & Tyler, a large New York City law firm. Always an early riser, Henry arranged to come in early, and leave in time to spend several hours with her child in the evening. Law offices generally get into gear around 9:30 or 10; Henry, a first-year associate, was at her desk by 7.

These days, Henry, now 34, and the mother of three — a chronology undreamed of by attorneys of a bygone age — continues to challenge convention, but on a larger, institu-

tional scale. The founder and president of Flextime Lawyers, a support and networking group for attorneys with alternative work hours or considering such schedules, Henry insists on facing the issue once eschewed by feminists: balancing career and family, living and being taken seriously in both realms. "I want to have a presence in and out of my home," Henry says.

**Desperately seeking colleagues**

Henry remained at Patterson Belknap almost a year, when a job offer for her husband Gordon relocated the family to Philadelphia: she was pregnant with her second son. "I took advantage of a hot lateral market."

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# SHS grad becomes an agent of change in traditional law firms

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she says, "and the presumption, at least in Philadelphia, that New York lawyers are really competent."

Schneider Harbison Segal & Lewis, a large firm, agreed to hire her for a 75 percent schedule, an arrangement that has satisfied Henry for the past five years. "I have an enormous amount of flexibility," she says. For example, she often does not work Fridays — but if there's a scheduled deposition or hearing, she shows up. Otherwise, she's able to be with her children, and maintain a level of involvement significantly higher than "just showing up at their school plays."

Even so, Henry admits, "I feel like a misfit, pulled in both directions at once," rejected by both the domestic and professional worlds. Full-time attorneys were "distasteful," doubting her professional commitment, whether she was wasting the many years spent in school. And full-time, stay-at-home mothers questioned the presence of a full-time nanny in her home, with insinuations along the lines of "Well, if you want to hire someone else to raise your children . . ."

Henry left lonely and isolated and began meeting the three other part-time litigators in her firm for an occasional lunch. They'd discuss the problems of part-timers, and "what worked and what didn't work for them," and how they evaded the usual professional pitfalls, resented by colleagues, checking in at home too frequently.

She waited more: In 1999, after "a very gradual brainstorm," she e-mailed six part-time attorneys, asking them bring their friends to a brown bag lunch at her firm. Eighteen lawyers showed up. The group began meeting monthly, and within 18 months, had swelled to 150 members. By its second anniversary, 250 Philadelphia attorneys regularly attended Flextime meetings. "That shows me there was a tremendous need," Henry says.

The range in members is "vast." Henry says, everyone from partners to attorneys who have been in practice three years. There are full-time mothers thinking of returning to the work force, "really miserable," full-time attorneys considering a reduced schedule, legal recruiters looking for attorneys eager to change positions and law firm administrators. Every large law firm in Philadelphia is represented. "Our largest base is the large law firms," she says, "frankly because they're easier to find, easier to reach."

There are a few unmarried women who are part-time musicians and athletes and one disabled man.

Slipshod, network, change: "Our mission is to empower lawyers who work flexible or reduced hours," she explains. She schedules guest speakers, compiles directories, identifies issues and sends out a newsletter. A New York City group has just been launched, and, if it's successful, Henry plans to expand Flextime Lawyers to Boston and Washington, D.C.

The group "empowers" lawyers, Henry says. The monthly meetings allow for "ad-hoc networking." The group is able to "dialogue and debate," and feel connected to other part-timers, resented by colleagues, checking in at group therapy you'll ever find," she says.

And Flextime has become a way to change and improve the work/life balance. One part-time associate — the first at her firm — drafted a part-time partnership agreement, gathering information about the arrangement at other firms at meetings.

Or a member might ask about maternity leave policies, comparing her firm's policy to others. "If it turns out that if, of 22 of the largest firms here is the only one that gives eight weeks, and everybody else gives 12, she can use that information and go back to her firm."

When the Philadelphia Bar Association created a model policy for alternative work schedules, its drafters attended a Flextime meeting for comments.

Henry also participated in collaborative meetings with large firm management, Henry says, in which she tried to educate the heads about part-time workers.

Although Flextime's focus is "not solely women's issues," and Henry encourages men to join, "the reality is, it is. We argue that part-time work is not a 'special arrangement' — they're getting paid less hours — that it's in the employer's economic interest to offer it." Law firms lose about \$250,000 when a second-year associate quits, she says, and many women would remain on board if alternative schedules are offered. "Part-time) has to be mutually beneficial to make it work," Henry says.

Some problems, though, with part-time lawyering are intrinsic. "There's no one, single replacement, someone at the exact same level of knowledge or competency who can step in, so you're never completely off," she explains. "And there's an expectation, that when you're working full-time, you're working a 60-hour week.

Henry wants to "minimize resentment among colleagues," counseling her members not to casually ask someone at the office to fill in when they're out, and maintaining a sort of "minimal intrusion" of the home when they're at the office.

For Henry, the practice of law can't be an either/or proposition, either full-time or nothing. "I can't ever see myself not working," she explains. "I need to try to contribute something beyond the home." Her three sons are now 6, 12, 4 and 15 months. "I think I have struck the balance most comfortable for me. I contribute to the world, and I take an active role in my kids' lives."

New York, New York

Tuesday lunchtime finds Henry on the 37th floor of a midtown office building, kicking off the New York branch of Flextime. Among the attorneys signing in is a 30-ish man. "My wife, who's also an attorney, and I just had our first baby six weeks ago," he tells the inquirer. "Now we have to figure out what to do."

Shortly after 12:30, Henry goes to the podium. "Let's get started," she says, calling the room to order. "There are a lot of billable hours in this room." She reviews the history of the Flextime, her personal experience.

Henry says she has perceived the need for Flextime in New York to be "really tremendous." New York lawyers, she says, are expected "to earn the money you're paid." New York is not as progressive about alternative scheduling, she says, as Philadelphia, and "we need to start focusing on this issue."

Henry elicits an enormous rill from the audience when she acknowledges that many of them are very secretive about their schedules. "A lot of the e-mail says, 'I've got an ad hoc arrangement going, and let me not go public because at least I get to see my kid at night.'"

She asks them to "go public," to help other lawyers coming up and to bring about some sort of institutional change. She tells them that part-time has become "combattant" with progressive, post-fair-recruiting, public relations and

attracting some clients. She reviews the cost of joining Flextime, the \$100 annual dues get you meetings, a newsletter and a directory, "obviously not a get-rich-quick scheme" for its founder, and urges employees of large firms to put the membership fee in for reimbursement as a business development expense.

## Questions

And then Henry opens the floor to questions from the audience.

A woman explains she is a "fixed hour corporate" attorney, with a negotiated arrangement, but doesn't want to be an associate forever. "How do you get considered for advancement?" she asks. Henry advises "networking inside the office."

Another woman, a former big firm attorney, and small firm attorney, says she has started her own firm. "Are there any there solo practitioners out here?" she asks.

An hourly contract attorney interested in changing jobs asks about a survey of salaries and hourly rates in New York. Henry says she's not going to take the time, and invites the woman to attend meetings and compile her own data.

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## Flextime in New York

Flextime meetings are never scheduled for Fridays. Henry explains, a day most part-timers spend at home, and booked in conference rooms of law firms. "It's easier to attend the meeting if it's just down the hall," she says, "and it sends law firm management a message."

Here's a schedule of upcoming meetings for the New York group: Thursday, Oct. 24, Chubbounce & Park, 30 Rockefeller Plaza, 36th floor.

Monday, Nov. 18, Schulte Roth & Zabel, 919 Third Ave.

Monday, Dec. 16, DeRose & Plimpton, 919 Third Ave.

For more information, the number to call is (646) 658-0836 or e-mail dchenry@flextimeattorneys.com. The organization's Web site is www.flextimeattorneys.com.