

## Work InBalance

By Deborah  
Epstein Henry

### Stepping Into Your Shoes: It's Time for Job Shares in Law Firms

*This column is the fourth of six articles that will be written this year about the balancing and juggling act that we all experience as busy lawyers trying to keep our work and personal lives in order and balance. It is our hope that this series of articles will spark a meaningful dialogue and assist our readers with managing their busy lives.*



Deborah Epstein Henry

**T**he greatest source of work/life dissatisfaction for law firm lawyers is lack of predictability and control. In a comparison of the 2003 Quality of Life Survey and *The American Lawyer's* annual report, *Corporate Counsel* found that even though in-house lawyers are increasingly working close to law firm lawyer hours, the former reported greater work/life satisfaction. The increased satisfaction was attributable to in-house lawyers' greater control over their schedules.<sup>1</sup>

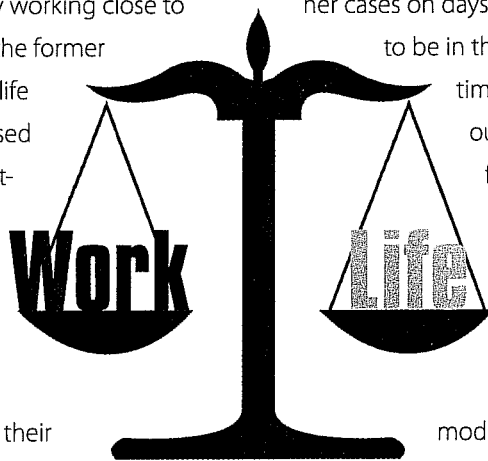
Like all lawyers, reduced-hour lawyers face unpredictability in their practice as a result of globalization, time-sensitive deadlines, technology, and demands of the court, clients, colleagues, and adversaries. However, reduced-hour lawyers face greater work/life dissatisfaction not only because of the nature of the practice of law, but also because of assumptions about how reduced-hour arrangements can work within the billable-hour model. Reduced-hour schedules have worked best in law firms when these lawyers are staffed on proportionately

fewer matters but are still responsible for their matters 100 percent of the time. If such schedules are structured properly, the law firm's needs are still met and clients and colleagues are not negatively affected because the reduced-time lawyer is still accountable for her cases on days when she is not scheduled

to be in the office. In turn, the reduced-time lawyer has flexibility to be outside the office, and ideally faces fewer crises because she's staffed on proportionally fewer matters. However, she is never "off call."

Lawyers crave the traditional medical practice model in which one doctor in the practice literally steps into the

other doctor's shoes and handles the patients while the other doctor is "off call." Although the doctor is sometimes pulled away from her personal life at odd hours, those are times when she is "on call" and has been forewarned that work might interrupt her personal life. She is also able to plan and avoid many conflicts by arranging for coverage and switching "call" hours. If stepping into a doctor's shoes has become an accepted practice to deal with



patients' lives, it certainly is long overdue as a means to handle clients' legal problems.

## **Introducing the Job Share to Law Firms**

The law firm job share<sup>2</sup> enables two attorneys to share one position. This model has worked well for in-house legal department, not-for-profit, and government lawyers as well as numerous other professionals. It is a way to enable lawyers seeking reduced hours to gain predictability, control, and greater work/life satisfaction while meeting the increased law firm demands for 24/7 availability.

A job share team functions as if one member physically stepped into the other's shoes midweek, taking over the workload. This arrangement minimizes many of the reduced-hour pitfalls, including continued schedule unpredictability; the need to always be available; working more hours than were negotiated; not getting paid for excess hours; difficulty delineating lines between work and home; and overpaying for child care.<sup>3</sup> Ideally, the job share will also minimize the problem of reduced-hour lawyers not being given the plum assignments and gaining necessary experience. With the job share team covering the office full-time, management concerns about responsiveness and accessibility, or lawyer concerns that their schedules will not be honored, should be minimized.

## **Proposing a Law Firm Job Share**

Potential members of the job share team should find each other first and then prepare a proposal. Job share teams usually work best when the participants know each other and have worked together successfully in the past. It is critical for the members of the team to have compatible work styles and organizational skills and similar ways of resolving legal dilemmas. Sometimes the job share proposal may be even stronger if the team members have related but complementary skills, demonstrating that the team could bring more to the job than just one person could. The proposal should explain how the team plans to do the work without having a negative impact on colleagues and clients. It should also explain why the arrangement is in the firm's economic interest.<sup>4</sup> Once the job share is granted, the evaluation process will be ongoing. The law firm job share is a novelty and therefore the team will be under constant scrutiny to see how they will make it work.

Job share seekers should highlight that employers will benefit from the double coverage. If a personal conflict, sick day, vacation or emergency arises, often the two attorneys will be able to switch their schedules around to cover for each other. If a work emergency requires weekend coverage, the team could either split the weekend or alternate handling

such crises. The law firm and clients will also benefit from having two heads working on a case or deal rather than one.

## **Making a Job Share Work in the Law Firm Context**

When a job share team is assigned to a new matter, both team members may attend the first client meeting; after that, there is seldom a reason to meet jointly with clients. Clients do not necessarily need to be informed of the job share arrangement. Usually, it is enough to tell the client that either team member is available to discuss the matter and that they will keep each other informed of developments. The client should never be asked about what transpired at a meeting or during a call. The objective in this relationship is that anyone can contact either team member and receive the same information and end product.

The reviews of job share team members should be performed together and the individuals are typically advanced as a team. If one member has a specific performance issue, it should be handled separately and the other team member should be notified.

Law firm job share lawyers would work best at a 60-percent schedule,<sup>5</sup> with each team member in the office three days per week. One lawyer usually works Monday through Wednesday and the other Wednesday through

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Friday. Wednesday is an important overlap day in the office to transition, brainstorm, and take part in meetings or conference calls. The job share team needs to communicate through regular transition e-mails, notes, and phone calls. Technology can help make the transition seamless. To enable each team member to maximize the opportunity to be "off call" when not in the office, they can share email and voice-mail accounts so that both are "up to speed" and no time is lost waiting for the other member to check in while outside the office. If accounts are shared, job share team members should be given private email and voice-mail accounts, if requested.<sup>6</sup>

To ensure the job share's success, leadership support is needed at the management and supervisory partner levels. Training of the supervisory and job share lawyers is also needed, as well as an overall education of the firm's lawyers to explain why supporting job shares and other work/life options is in the firm's financial interest.

### **Finding the Best Venues for Law Firm Job Shares**

Successful job shares require that lawyers communicate so that each member of the team knows what the other is doing and no colleagues or

clients are negatively affected by the arrangement. The biggest challenge to law firm job shares is that neither the client nor the firm wants to pay more to keep two lawyers apprised of the same information. Thus, the best venue to implement law firm job shares is on cases staffed with a team of lawyers who already have to keep each other informed. For example, in a large case staffed with a partner, two midlevel associates who would job share, and a junior associate, the job sharing team would communicate to each other just as they would to their other colleagues.

The governing principles concerning whether the client should pay for the communication costs would be the same as with a full-time lawyer. One job share team member's time would be billed whenever the client would otherwise be billed for team updates and meetings. However, the client should not be billed for any time it takes to get one team member up to date. That time, which should be minimized wherever possible, should be absorbed by the job share lawyers. It can be minimized by having both team members parse out their work and complete the projects to avoid relearning or redoing any projects or taking them over midstream. If the job share team has complementary strengths, the projects may be divided up accordingly. Also, the client manager needs to be vigilant when reviewing bills to ensure that the client is not being billed for any duplication of work or extra communication.

Another ripe venue to start law firm job shares is in small departments where lawyers are frequently and informally covering for each other. For example, in family law, real estate, and trusts and estates departments, colleagues often step in for each other on small matters. In these departments, colleagues also are more inclined to keep each other informed of their matters. Lawyers working reduced hours in these departments are already often asked to work complementary days so that coverage throughout the week is available.

### **Envisioning the Future Impact of Law Firm Job Shares**

Implementing job shares in law firms will improve the quality of life for all law firm lawyers. Creating an infrastructure for lawyers to step into one another's shoes will enable lawyers to plan for and take vacations and arrange for coverage while they are away. Lawyers taking parental leave also will benefit from the job share model to arrange for extended coverage in the office.

The notion of shared roles can have a reverberating impact in other contexts. For example, women lawyers sometimes shy away from leadership roles at law firms, often because of time pressures; they may be more inclined to assume leadership positions if these roles can be shared.

If law firm salaries continue to climb rapidly and the expectation of

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increased hours accompanies the rise, more law firm lawyers may entertain the job share as a viable alternative to gain predictability, control, and more time for life outside of work. However, the challenges of ensuring that the arrangement is successful and the reduced salaries associated should minimize law firm management's "floodgates" concern. **DB**

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*LLC, which advises lawyers and legal employers about work/life balance and the retention and promotion of women. Please visit [www.flextimelawyers.com](http://www.flextimelawyers.com).*

*To suggest future column topics, please email Deborah Epstein Henry at [dehenry@flextimelawyers.com](mailto:dehenry@flextimelawyers.com) and include Work InBalance in the subject line.*

### NOTES

1. Eriq Gardner, "Picking up the Pace," *Corporate Counsel* (Nov. 20, 2003).
2. The author would like to thank Janet B. Hunt for her thoughtful feedback on the novel idea of introducing job shares to law firms.
3. It remains to be seen whether job share arrangements will also resolve additional pitfalls, including stigma, marginalization, colleague resentment, lack of support from management, and detours to advancement and partnership.
4. See Deborah Epstein Henry, "The Busi-

ness Case for Flexibility: Why Flexible and Reduced Hours Are in a Legal Employer's Financial Interest," *Diversity & the Bar* (Mar./Apr. 2007).

5. Law firms can handle benefits payments for job share lawyers as they do for their other reduced-hour lawyers.

6. Alternatively, the job share member outside the office would need to check in regularly and forward inquiries to ensure that work continues to flow while she is outside the office. This approach would not maximize the potential benefit of the job share. Another option is to inform all clients and colleagues to email both members of the team and the team member in the office would respond. Team members would need to change their voice-mail messages during the week to alert callers to call their team member when they are outside the office. This method is more cumbersome and it is recommended that the first suggestion of shared accounts be adopted.

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