

THE BALANCE BEAM

A Newsletter for Members of New York *Flex-Time Lawyers LLC*
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The Nitty-Gritty of How and Why to Make Part-Time Work

By Deborah Epstein Henry



If you have worked flexible or reduced hours or have considered doing so, you have likely agonized about whether working part-time is worth it. You may have also asked what are the best ways to make a part-time arrangement successful. In this article, I focus on the “hows” and “whys” of making part-time work.

In 2003, despite part-time being offered in 96% of the national law offices surveyed, only 4.1% of lawyers nationally assumed a part-time status, according to the National Association of Law Placement. The most common reasons I have heard against working part-time include: stigma; stress of juggling; continued unpredictability in schedule; continued long hours; reduced salary; working more hours than you negotiated; not getting paid for excess hours; detours to advancement; lack of partnership opportunities; less exciting and less high profile work; experiences and opportunities lost; continued need to always be on call; isolation; lack of camaraderie; colleague resentment; skepticism from colleagues about commitment; feeling marginalized; lack of support from management; perception problems; lack of job security; difficulty

delineating lines between work and home; difficulty with client relations; difficulty keeping current with changes in substantive law; self-imposed pressures to be an over-achiever; overpaying in child care; feeling compromised at work and home; having no time for yourself or outside interests; feeling out of the loop as a result of missing impromptu meetings or discussions; feeling unconnected to stay-at-home moms; risking the loss of benefits; and, tension with your spouse about roles and responsibilities.

After reading this long list of risks associated with working part-time (and adding possibly a few more of your own), you are probably back to agonizing about whether part-time is really worth it. However, there are numerous benefits to working part-time. Over the years, the most common benefits I have heard include: getting the best of both worlds; flexibility – the luxury of switching around days and working from home to maximize time with the kids; reducing pressure and stress; having a salary; feeling more in control; gaining more involvement in your kids’ daily lives; keeping your foot in the door; keeping your brain active; camaraderie with colleagues; feeling independent and accomplished; opportunities to pursue other interests; more humane schedule; more time to focus on fewer cases and be a better lawyer; less self-imposed expectations; more time for business development, e.g., through the community; serving as

a role model; doing something for you; opportunity to enjoy work more with fewer assignments; and, effecting change by redefining the model of a lawyer.

Interestingly, a lot of the benefits to working part-time for some are detriments to others. This demonstrates the point that much of work/life balance and satisfaction in work/life choices is the result of adjusted expectations and having a positive yet realistic outlook. For the remaining part of the article, I will focus on ways to minimize the risks and maximize the benefits of working part-time to improve your work arrangement. Although certain suggestions pertain exclusively to law firm lawyers, most of the suggestions are universally applicable. Additionally, many of the examples provided are about parenting because the overwhelming number of members are working mothers. However, the principles discussed are much broader and apply to lawyers seeking work/life balance for reasons other than parenting.

Figuring Out Your Priorities:

- Before knowing what is the best work arrangement, you need to first outline your work and home priorities, expectations and limits. When you do this, you need to also remember that this is a process that changes as your kids get older and as your individual demands of yourself and family change.
- The question you need to ask yourself is: why you are working part-time (or hoping to transition to work part-time) and what are your priorities in working part-

time? Is it being with your kids more and managing your family's life better? Is having the opportunity to advance important? Are you working because you need the money -- so this is not a choice? Do you work to seek personal and professional satisfaction and a sense of accomplishment? It is likely that you are working as a result of some combination of the above factors. If so, it is important to assess where you are in the range of reasons to work: wanting to advance; doing a good job but not necessarily striving for advancement; staying in the game and keeping your foot in the order to maintain future opportunities; or, collecting a paycheck.

Maximizing the Benefits, At Home:

- After you have figured out your priorities, review your responsibilities at home and work. Make a list of responsibilities that you currently have where your role is non-essential.
- Make another list of responsibilities that you no longer want to partake in and make a decision to eliminate those commitments from your life.
- Keep these parameters in mind as new opportunities arise and continue to make the same assessments in the future about whether to partake in each new activity.
- Once you have a sense of the responsibilities that need to be

- attended to at work and home, see where you can delegate to alleviate the pressure on you to perform.
- Establish routines and rituals to protect the time at home from work. For example, if you commit to be involved in your children's school or community on certain days (with the understanding that you may not be able to always be there when work emergencies arise), it is less likely that you will let work encroach on those days.
 - Create buffers to better delineate lines between home and work. For example, think twice before giving out your cell phone to colleagues and clients. Perhaps it would make more sense, if you have a reliable assistant, to give her your number in case of an emergency. With e-mail and voicemail access on your days out of the office, that is likely to be sufficient.
 - Use technology to your advantage, not disadvantage. With the advent of Blackberries, cell phones, etc., there is an increased expectation of immediate responsiveness and accessibility. Understand your employer's reasonable expectation of responsiveness and place self-imposed limitations on checking into the office based on what is reasonable.
 - Become involved in an outside organization(s) of interest and assume a leadership role. Your involvement in an organization(s) of interest will provide you with potential networking opportunities.
- Let go of some control. Be willing to delegate to your spouse and nanny where you can to give you more time to focus on your priorities.
 - Develop a support system at home, for example, of your spouse, nanny, back-up babysitters, family members and friends that can help out when crises arise.
 - If you can afford to, secure full-time child care coverage to alleviate the stress when you are inevitably required to switch your days around or work on days when you are scheduled to be outside the office.
 - Be clear and communicative to your spouse and nanny about what your schedule involves and how you plan to share responsibilities.
 - It is very helpful, to the extent possible, to plan ahead and be proactive by not waiting for a triggering event or crisis to force you to handle a situation. For example, anticipate and plan for the inevitable problems that arise when the kids are sick, the nanny is unreliable or the kids are on extended school vacations.
 - When you are feeling frustrated that your schedule is not working, remind yourself of your priorities and try a re-alignment. See if you can get things back to where you want them to be. If you are in a crisis at home or work that prevents you from being where you want to be for a period of time, accept it as the nature of legal practice and

parenting. However, if you always feel you are in crisis mode and this is not a way you want to live, then assess what is creating the crisis and see if you can change the trigger.

- Redefine success for yourself. This may be a different model than your employer uses or different from what you initially conceived of as successful when you graduated law school. Your redefinition of success should be based on the priorities you have established for yourself that are manageable and enable you to achieve greater satisfaction in the choices you are making at this stage of your working life.

Maximizing the Benefits, At Work:

- Be an advocate for yourself. As lawyers, we are trained to be advocates but we often forget to advocate our needs with our colleagues.
- If you are just starting out on a part-time schedule, develop a work plan or proposal for your employer that outlines your schedule and how you plan to manage your caseload on a reduced schedule.
- When your part-time arrangement is initially discussed or during your annual review, address salary to ensure you are under the same pay structure as your full-time colleagues, pro rata.
- Educate and broadcast the business case for part-time arrangements and the positive impact that such arrangements

have on the promotion and retention of women, in particular.

- Develop relationships with senior management and lawyers in your department who can support you and advocate on your behalf.
- Nurture relationships with those who support you and build alliances with colleagues, acknowledging that you will not win everyone over.
- Try to develop relationships and work with many different colleagues in different practice areas or departments. This will ideally enhance your job security by drawing support from a broader network. It will also enable you to learn and benefit from lawyers with different knowledge and work styles.
- Show colleagues through your conduct that you are still committed and a team player.
- Conduct the same level of professionalism, responsiveness and accessibility with your colleagues as you would your clients.
- Demonstrate your value by delivering top-notch work, meeting deadlines and being responsive to clients and colleagues. The better your work product and contribution to your employer, the greater your employer's interest in retaining and accommodating you.
- Approach your flex-time arrangement as one of mutual flexibility. If your work expectation is flexibility rather than predictability, you will be able to manage disappointment better and have a more realistic expectation of job satisfaction.

- Be clear and communicative about your accessibility and responsiveness (based on your employer's reasonable expectation of you) so that your colleagues and clients have a clear understanding of how to work best with you.
 - Communicate with your assistant and be clear to her about how you can be reached when you are outside the office. Also, provide your assistant with clear instructions (consistent with your employer's reasonable expectation of you) about what to tell colleagues and clients when you are out of the office.
 - Maximize your visibility by attendance at, for example, departmental meetings and well-attended internal events. You can also maximize your "presence" by keeping in touch through voicemail, e-mail and regular mail.
 - Consider ways to improve your efficiency, for example, by delegating more to your assistant.
 - If you are senior enough, delegate to a multitude of persons so that you are able to rely on different persons for varying tasks and so that you are not vulnerable if the one person you rely on happens to leave your place of employment.
 - Be deliberate in choosing visible, non-billable ways to contribute to your firm in areas that you enjoy. For example, if you like or want to work on business development or recruiting, you can volunteer to focus on those areas which are important to the firm.
- Be systematic and plan ahead for the non-billable contributions you make to your Firm. For example, if you participate in recruiting for the summer program, perhaps schedule one recruiting lunch per week with two summer associates and another colleague. It is a way to meet summer associates and catch up with colleagues in the process.
 - Make your work interests known. For example, be outspoken about the types of cases or types of experiences you are interested in gaining. This will improve your likelihood of being staffed on cases that are in line with your professional development.
 - Where possible, be selective about how you are staffed on cases. For example, if advancement is a priority for you, try to be staffed on at least one high profile case to maintain contact with the lawyers in your firm working on such cases and gain the experience necessary to advance.
 - Assume a leadership role in your place of employment in an area you are very knowledgeable or passionate about. Become the point person on the subject so that you can be a resource and authority for your colleagues.
 - Pay attention to how work is flowing when you are outside the office. By ensuring that work continues to circulate when you are outside the office, you are making sure that there are no delays due to your schedule. It also shows your colleagues that

- you are still “present” even when not physically there.
- Develop a reputation for helping colleagues out in a pinch so that when you need to call on someone for help, they are happy to oblige.
 - When you need coverage in the office, try to arrange for coverage by other flex-time lawyers, where possible, or lawyers for whom you would provide reciprocal support.
 - As your needs change, the onus is on you to continue to develop creative solutions and proposals to make the part-time work arrangement a mutually beneficial one.
 - As you work with different colleagues and as others with whom you work undergo changes in their lives, you will need to continue to manage perceived expectations about your work/life choices.
 - Keep track of your results and successes so that you have proof of your contributions at year’s end. At your annual review or the equivalent, prepare a brief memo and communicate and distribute it to those reviewing you, highlighting your accomplishments and value to your employer for that year.

Ultimately, the nitty-gritty ways to make part-time work are tools for lawyers to gain greater control over their lives. Lawyers working flexible and reduced schedules who establish their priorities and maximize the benefits of their part-time schedule at home and work will achieve greater work/life satisfaction.

Resources

What follows are some helpful recent resources addressing the issues that arise with flex- and reduced work schedules for lawyers.

- ✓ A Joint Study by the Georgia Association for Women Lawyers, Atlanta Bar Association Women in the Profession Committee, and the Georgia Commission on Women, “It’s About Time: Part-Time Policies and Practices in Atlanta Law Firms,” <http://www.gawl.org/gawl/docs/Its%20About%20TimeFinal.pdf> (2004).
- ✓ National Association of Law Placement press release and chart summarizing the availability and use of part-time schedules in law firms, http://www.nalp.org/press/p_t2003.htm and, <http://www.nalp.org/nalpresearch/pt03summ.htm> (2003).
- ✓ Series of articles from *Corporate Counsel* summarizing its in-house counsel quality of life survey, <http://www.law.com/servlet/ContentServer?pagename=OpenMarket/Xcelerate/Preview&c=LawArticle&cid=1069170407667> (2003).
- ✓ The Project for Attorney Retention Corporate Counsel Project, “Better on Balance? The Corporate Counsel Work/Life Report,” <http://www.pardc.org/Publications/BetterOnBalance.pdf> (2003).

- ✓ An executive summary by Catalyst, "Women in Law: Making the Case," <http://womenlaw.stanford.edu/law.inside.fixed.pdf> (2001).

The New York Wrap-Up

Flex-Time Lawyers LLC

completed its second season in New York. It held ten meetings during the September 2003 – June 2004 season. Meetings were hosted by Wachtell; Bernstein; Cravath; Milbank; Paul, Weiss; Proskauer; Simpson; Weil; Stroock; and Kaye Scholer.

Below are the guest speakers from the second season.

- Dianne F. Lob, Senior Portfolio Manager and Halley Love, Vice President of Bernstein Investment Research and Management. Dianne and Halley discussed financial planning and college saving plans in turbulent times.
- Ellen Galinsky, President and Co-Founder of Families and Work Institute and author of *Ask the Children: The Breakthrough Study That Reveals How to Succeed at Work and Parenting*. Ellen discussed succeeding in work and family in a time-crunched world.
- Janet Hanson, founder of Milestone Capital Management, and 85 Broads – a "Best Practices" global network of women professionals - discussed her ingredients for success.

- Nancy Gardner, Executive Vice President and General Counsel of Reuters America Inc.; Renie Yoshida Grohl, Senior Vice President and Deputy General Counsel of Fannie Mae; Mary Kennard, Vice President and General Counsel of American University; and, Hillary Smith, Senior Vice President and General Counsel of DoubleClick Inc. discussed work/life balance and diversity in-house.

In its second season, the New York ***Flex-Time Lawyers LLC*** mailing list grew to over 750. Membership is comprised of law firm, in-house, solo practitioner, and non-profit lawyers as well as legal recruiters, legal administrators, accountants, lawyers seeking to re-enter the job force, and others looking for a work/life resource in the law. Press coverage for the second season included *The New York Times*, *ABA Journal*, *Pittsburgh Post-Gazette* and *Big Apple Parent*. ***Flex-Time Lawyers LLC*** continues to collaborate with the press as a means to dispel misconceptions about part-time lawyers, educate management and employers, share information to effect change, and spread the word to prospective members.

Upcoming Meetings

Date: Wednesday, September 8, 2004, 12:30 p.m.

Location: Kirkland & Ellis LLP, Citigroup Center, 153 East 53rd Street (at Lexington Avenue), 50th Floor, Conference Room 50A, New York, NY.

Topic: Flexibility Throughout A Law Firm: A Case Study.

**Date: Thursday, October 7, 2004,
12:30 p.m.**

**Location: Brown Raysman Millstein
Felder & Steiner LLP, 900 Third
Avenue, New York, NY.**

**Topic: Time Management &
Work/Life Balance in a 24/7 World.**

**Date: Monday, November 15, 2004,
12:30 p.m.**

**Location: Davis Polk & Wardwell,
450 Lexington Avenue, New York, NY.**

Guest: Ann Crittenden.

Flexible Recruiting

With ***Flex-Time Lawyers LLC*** beginning its third season in New York, employers are increasingly using the organization as a job resource when looking for candidates to work a flexible or reduced schedule.

If you are a lawyer interested in finding a new position, feel free to e-mail your resume to dehenry@flextimelawyers.com with a brief description of the position you are interested in seeking. If an employer contacts ***Flex-Time Lawyers LLC*** and your credentials match the employer description, ***Flex-Time Lawyers LLC*** will contact you to make the potential match.

If you are an employer seeking a flexible or reduced schedule lawyer, e-mail a job description to dehenry@flextimelawyers.com and you will receive a response with further details about finding the right candidate.

Flexible Feedback

Flex-Time Lawyers LLC members should feel free to give feedback about the meetings and suggestions for improvement. This may include topic, speaker or format suggestions as well as any other constructive input. E-mail your comments and suggestions to: dehenry@flextimelawyers.com

Thank you for your interest and support of ***Flex-Time Lawyers LLC***. Enjoy the rest of the summer. I look forward to seeing you back on September 8.

Published by Deborah Epstein Henry, ***Flex-Time Lawyers LLC***, 209 Wister Road, Ardmore, PA 19003, (610) 658-0836, dehenry@flextimelawyers.com, www.flextimelawyers.com.

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