

Taylor's Perspective . . .

## Well-Written New Book Calls for a "Reorder" of the Legal Workplace

It's not exactly front page news that during the recession many law firms cut budgets and pulled back their efforts to advance diversity and work/life balance programs. They did so either because they had to or simply because they could under the sheltering excuse of our economic demise.

It's also no secret that there were those professionals in the industry who didn't let the economy slow down their push for equal protection and opportunity for minorities and women in private practice. Consultant and author Deborah Epstein Henry has been a leader on this front before the recession, during the recession, and in this current turbulent period of fledgling recovery.

As the founder and president of Law and Reorder, A Division of Flextime Lawyers, Henry has been advocating for years for change in the way law firms treat their attorneys. As a nationally recognized expert on issues including workplace restructuring, talent management, work/life balance, and the retention and promotion of lawyers—particularly female lawyers—as well as a former practicing litigator, Henry is a qualified and authoritative voice to encourage law firm leaders to restructure, rethink, and, indeed, reorder their operations.

The author has taken a two-pronged approach toward this effort. First, she's written *Law & Reorder, Legal Industry Solutions for Restructure, Retention, Promotion &*

*Work/Life Balance*. Second, she's coupled her clear, concise, and well-crafted prose with a book tour that's generating quite a buzz.

Let's take a look at *Law & Reorder*. Any book about the legal profession that's endorsed by Thomas Sager, general counsel at DuPont, is worth our attention, and we think yours, too. In the book's foreword, Sager writes what is essentially a call to action. Sager believes that there is no turning back the clock on changing the law firm work environment. The shifts that the industry must continue to undergo are "profound and permanent" and require law firms, corporate legal departments, lawyers, and law students to collaborate in a spirit of "trust, transparency and engagement."

Such creative solutions, writes Sager, "will of necessity force a far deeper understanding of the workplace, its pace and flow, and how best to motivate and inspire the current and future talent pool that is more willing than ever to actively participate but strives for work/life balance and new ways to work."

Sager's observation offers a launch pad for Henry to lay out her well-researched and engaging case for change.

### Navigating a Mutable Path

Henry has organized *Law & Reorder* in two parts. The first centers on the need for law

firms and other legal employers to come up with solutions to the morphing professional landscape and to respond intelligently and effectively to current challenges, among them the threat to the billable hour, the continuous mutating of large law firms, client demand for value and consistency, the growth of new practice models, and the formation of “women-friendly” employers. In the second part of the book, Henry gives lawyers and law students a detailed roadmap to help them navigate the always-dynamic legal market.

Throughout the first section, Henry offers well-formed assertions backed by compelling research. Consider the author’s urging that merit-based systems be shaped to be bias-free so as to give women, people of color, and reduced-hour lawyers an opportunity to benefit from them. “The evaluation system should not be—or perceived as being—discriminatory,” she writes. Yet, citing a 2007 *Wall Street Journal* article, she notes: “Under the lockstep promotion model, 28 percent of white women and 14 percent of women of color, but less than 3 percent of white men, reported being denied promotion opportunities due to gender.”

But where Henry’s writing proves most successful is in Part II, where the author offers real-life advice to attorneys looking for alternative arrangements. For attorneys facing maternity or paternity leave, for example, she urges an approach that emphasizes preparation in conjunction with the employer. Several months before taking leave, a lawyer should initiate what Henry refers to as the “parental leave sit down,” a meeting with the employer to discuss methods to ensure a smooth transition to and from the leave.

Henry also offers a “punch list” of topics that should be discussed to help ensure a smooth transition, including who will “babysit” the attorney’s matters during the leave; how will clients be informed of the leave; crafting an effective transition memo; whether the employer offers subsidized child-care; the lawyer’s availability while on leave;

and the possibility of the attorney’s returning to work on a reduced-hours schedule. [For more about Henry’s efforts in this regard, see the August issue of *Of Counsel*, “Reentry Programs Bring Talented Attorneys on Leave Back into the Fold,” p.3.]

## Out of Many, One

Henry is also conducting an innovative national tour to talk about the issues raised in *Law & Reorder*, with stops this fall scheduled for New Jersey, Kentucky, and other markets. One of the author’s stated reasons for writing the book is to bring alignment among the interests of three groups: the law firm, the client, and the individual lawyer. This lack of alignment, Henry argues, has created “a failure” in the functioning of the profession. She hopes to bring more unity to the interests of all three groups, while maximizing profitability, performance, and satisfaction.

This might be where Henry’s efforts differ from most work/life advocates’ efforts, and we know there have been many. That is, she’s making a splash and fostering lively discussion with her numerous book tour stops in most major cities from Boston to San Francisco, all the while bringing people together in every city. The author’s intention is to promote the book, of course, but beyond that to start “a national conversation” on the future of the profession. In these appearances, Henry conducts panel discussions with local industry leaders and key stakeholders, sparking discussions among a wide array of luminaries, including noted general counsel from major corporations, law firm chairmen, national media figures, and law school deans.

And all of this deserves our hearty support. What’s more, *Law & Reorder* is a book that merits attention, and more importantly, its recommendations call for immediate implementation. ■

—Steven T. Taylor