



THE BALANCE BEAM

A Newsletter for Members of New York
Flex-Time Lawyers LLC 2006 – 2007 Season

Why a Best Law Firms for Women List?

By Deborah Epstein Henry



Introduction

In 2006, I met with Working Mother Media to propose conducting a national survey on work/life and women's issues at law firms and to create a list of the best law firms for women. My motivation was simple: use competition as an instrument of change. In the eight years of running **Flex-Time Lawyers LLC**, my mission has been to make work/life balance and women's issues a basis of competition among law firms as historically had been the case for salary or pro bono work. To further that mission, I wanted to partner with *Working Mother*, a magazine that had created competition in corporate America for 21 years through its groundbreaking annual survey and list of the 100 Best Companies for Working Mothers.

As an advocate for women and work/life balance, I had some

reservations. What if our efforts backfire? The legal profession is so far behind other professions with respect to advancing and retaining women and creating a work/life friendly environment. Should we be celebrating firms when there is so much more work to be done? The list would be based only on those firms that chose to apply so what if it is incomplete? Would women inside the winning firms suffer because the list might encourage bragging rights or create complacency? The demands of the profession are so great that it is unmanageable for so many women, even when firms are well intentioned and have the right policies in place. Also, women have different experiences at firms and what may be a thriving environment for some may be inhospitable to others.

As I brainstormed with *Working Mother*, these concerns were outweighed by the long term benefits of running a survey and developing a list that I believe will help overcome obstacles for women lawyers. The ultimate objective of the survey and list is to invigorate a dialogue, measure where we are, arm firms with information to change, and create competition and a compulsion among firms to raise the bar of what makes a best law firm for women.

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I have watched as the numbers of women partners at law firms, the numbers of women leaders at law firms, the numbers of women rainmakers, the numbers of women working flexibly and the numbers of women advancing while working flexibly, remain exceedingly low and stagnant. It is long overdue to create a baseline for law firms not only to let them know where they stand today but, more importantly, to help them improve their future standing. Many firms are poised to start devoting significant attention and resources to improve their retention and promotion of women. However, they do not even know their strengths and weaknesses or where to start.

In September 2006, **Flex-Time Lawyers LLC** and *Working Mother* announced the Best Law Firms for Women initiative and began inviting firms with 50 or more lawyers to register to participate in the free survey through national e-mail blasts and press releases. In November 2006, those firms that registered for the survey received an invitation to access the survey. The applicant pool was self selected and many eligible firms did not participate in the 2007 survey for a variety of reasons. Firms had until February 2007 to submit the completed survey online in order to be eligible for consideration for the Best Law Firms for Women list.

The survey methodology was based on the 21-year old *Working Mother* 100 Best Companies for Working Mothers annual survey. The survey had approximately 500 questions and firms responded based on their statistics for all United States offices. The survey had six main sections including: workforce profile (concentration of women at the different levels); benefits and compensation;

parental leave and related benefits and policies; child care; flexibility; and, retention and advancement of women. Within these sections, the survey's exploration of work/life and women's issues was exhaustive and addressed subjects including: female representation at all levels of the law firm; benefits; compensation; parental leave; child care; flex-time; reduced hours; re-entry; billable hours; workplace culture; vacation; partnership and advancement; presence and leadership in committees and departments; mentoring; business development and networking; women's initiatives; training; and, best practices. The survey was completed by employer representatives who reported on their representation of women and their policies, programs and usage rates.

Surveys were scored based on an algorithm that gave different weight to specific survey sections and questions. The 50 winning firms were the top scoring firms generated in response to the applied algorithm. In April 2007, all participating firms received announcements of their results and confidential free scorecards, indicating where they ranked against all applicants in the six main sections of the survey. In August 2007, *Working Mother* published the list of the 50 winning firms and two accompanying articles about the survey. Participating firms have been invited to purchase confidential benchmarking reports for an extensive statistical analysis of their rankings on nearly all questions in the survey as compared to the 50 winning firms, to firms of comparable size and to firms in the same region.

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Why the Best Law Firms for Women Initiative is Important?

After conducting the inaugural national survey of the Best Law Firms for Women and releasing the list of 50 winning firms with *Working Mother*, I can share with you why the Best Law Firms for Women initiative is so important.

1. Competition as an Instrument of Change.

When a top law firm raises its first-year salary and that salary gets published in a city's legal publication, within a week, that firm's top 10 competitors match the raise. I believe the same principle applies for work/life balance and women's issues. Given that law firms are so similarly structured and therefore easily comparable, the ability to create competition to retain and promote female legal talent exists as long as there is a forum to share information and make it public.

Law firm management increasingly understands that being progressive on work/life balance and women's issues is a way to gain a competitive edge. Partners at law firms want to know what their top competitors are doing with respect to work/life and women, what the progressive firms are doing, and what they need to do to stay competitive. As they see movement from their competitors, they know they need to make their moves accordingly.

The Best Law Firms for Women survey raises the competition to another level. To encourage participation in the survey, firms were assured that if they registered for the survey and did not complete it, their registration was confidential. Additionally, the identity of the applicant law firms, other than those that made the Best Law Firms for

Women list, was kept confidential so there was no risk in applying. We chose not to rank the firms, once again, to maximize firms' interest in participation and eliminate risk. Instead, we listed the winning firms in alphabetical order.

We explained that the winning firms would be celebrated through a variety of public venues: an awards event; the press, the **Flex-Time Lawyers LLC** national distribution list; and the nearly 3 million *Working Mother* readers. Additionally, we informed firms of the targeted notifications and mailings we would send to general counsels, law school administration and law students. With in-house legal departments increasingly using diversity as a criterion for selecting outside counsel, this was no doubt a compelling factor for some firms. Additionally, with graduating classes comprised of approximately 50% women, recruiting was a powerful force motivating firms to participate.

The overwhelming law firm response to the survey demonstrates the power of competition. In our first year, over 200 law firms registered nationally with about 90 firms completing the survey. Given the extensive reports in the press and buzz about the 2007 survey results, we are confident that this competition will drive participation to a new level for the 2008 survey.

2. What Gets Measured Gets Done.

Participating firms are now positioned to acquire the national benchmarking data they need to improve the status of women in their firms. All participating law firms received a free confidential scorecard that indicates their ranking in each of the six key areas of the survey, compared to all applicants. Also, law firms have

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been invited to purchase benchmarking reports which provide an in-depth statistical analysis of each firm's confidential rankings in nearly all of the questions in the survey. Each firm's statistics are compared against three critical qualifiers: 1. the 50 winning firms; 2. firms in their region; and, 3. firms of comparable size.

Benchmarking analysis also includes a consultation to discuss the results and provide insights into what they mean for the firm. This comparative data is the information firms need to improve their understanding, programs, policies and numbers.

3. Information is Power.

The approximate 500 question survey elicited some information that has never been reported on before. In September 2007, we published a summary of the work/life and women trends we identified from the winning firms. This information has created new knowledge in the profession with an impact far exceeding those of the participating firms. For example, the summary reported on re-entry and what percentage of the participating firms are developing programming to address women who leave the profession and want to return, after being full-time caregivers. Firms want to know whether they are behind the curve in their programs and policies. Without management having access to this type of information, they are less likely to self initiate to make change.

Additionally, information is power to those change-agent lawyers within firms who need these statistics to build a compelling case of why internal change is necessary. Information provides an opportunity to start these often uncomfortable conversations at law firms and to demonstrate through an

objective standard whether firms are measuring up. Many of the questions in the survey were designed to educate, in addition to eliciting information. For example, firms reported that questions relating to how reduced hour lawyers were compensated and promoted is causing them to reconsider the equity of their policies. Other firms indicated that they are using the survey questions as a blueprint to frame their programs and policies for women and see where they have gaps. Still other firms reported that reading about certain programs has made them consider whether to develop them. For example, one firm is considering putting mentoring circles into place after reading a question relating to them and discussing it internally. Many firms, whether they ultimately completed the survey or not, reported that the survey got the conversation going and triggered discussions about next steps to improve the firms' standing.

The increased visibility and press that a survey of this magnitude brings to work/life and women's issues in the legal profession also moves the needle. For example, the press has reported on best practices of the winning firms and why many of the firms made the list. These programs and policies are now being considered by competitor firms and can now be implemented or tailored to apply to other firms.

4. Women Law Students as a Pressure Point.

The Best Law Firms for Women list will empower women law students to make informed decisions, select women-friendly firms and motivate firms to improve their policies and statistics. I used to see women law students as an untapped competitive pressure point.

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That's why in 2006, I proposed to the New York City Bar Committee on Women in the Profession to partner with **Flex-Time Lawyers LLC** to host a citywide women law student forum and develop a guide to select, create and ensure a woman-friendly employer. In September 2006, attendees of the New York City law student forum left with "The Cheat Sheet," outlining indicia of a woman-friendly employer in questions relating to statistical representation, workplace flexibility, mentoring, leadership, networking and business development, and partnership and advancement.

Developing the Best Law Firms for Women list is in furtherance of "The Cheat Sheet," the 2006 guide released by **Flex-Time Lawyers LLC** and the New York City Bar, Women in the Profession Committee (<http://www.flextimelawyers.com/pdf/art3.pdf>). Organizing women law students around work/life and women's issues is a means to capitalize on their power in numbers and shape how law firms and other legal employers re-focus their women-friendly efforts and programs. We have collaborated with women law student networks nationally to circulate the Best Law Firms for Women list and we have sent copies of *Working Mother* magazine and the list to administration at the top 100 law schools. It is also not coincidental that the list was released the week before on-campus interviewing season. We believe the list will gain momentum to become the ultimate recruiting tool for women law students, thereby becoming a significant vehicle for change.

5. Change is Contagious.

In deciding the eligibility requirements for survey participation, we made the cut off for firms with 50

lawyers or more. *Working Mother*, in surveying companies ranging in size from about 700 to 35,000 employees has experience controlling for size as a variable. Therefore, we felt comfortable comparing smaller firms to those with thousands of lawyers. However, we chose not to include in the survey in-house legal departments, government offices, not-for-profit employers and smaller firms. We felt that the competitive and benchmarking value would be compromised by bringing in these different employment venues. That being said, we anticipate the reverberating impact in other parts of the profession to be significant. The trends and programs unearthed from the survey can serve as significant catalysts for policy change.

Improved work/life policies and programs to benefit women will also benefit men. The Best Law Firms for Women survey focused on women because of the significant gender gap in the profession. Despite women comprising nearly 50% of law school graduates in the last 15 years, women attorneys only make up 16% of equity partners, according to a 2006 NAWL survey. Yet, the Best Law Firms for Women survey still included many questions about men. For example, there were questions about paternity leave and male usage rates of flexible and reduced hour policies. Findings about men were reported in the summary of trends with the goal of improving work/life balance for all lawyers.

6. There is No Time for Complacency.

For the winning firms, there is no time to rest on their laurels. August 14, 2007, was the release date for the 2007 Best Law Firms for Women list. It was also the opening registration day for the

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2008 survey. Many firms that did not participate last year have registered to participate in 2008. We enjoyed celebrating the 2007 winning firms at an awards event in New York in September 2007. However, soon, the next question will be, who made the list of the 2008 Best Law Firms for Women?

Deborah Epstein Henry is the Founder and President of Flex-Time Lawyers LLC, a national consulting firm advising law firms, corporations and lawyers on work/life balance and the retention and promotion of women attorneys. Flex-Time Lawyers LLC also provides national speaking engagements, recruiting services and hosts a membership organization with chapters and regular programs in New York and Philadelphia. In a partnership with Working Mother, Flex-Time Lawyers LLC conducts an annual national survey and list of the Best Law Firms for Women. For more information, please visit www.flextimelawyers.com.

RESOURCES

What follows are recent sources on work/life and women's issues for lawyers.

- ✓ Deborah Epstein Henry, *Diversity & the Bar*, "Facing the FACTS: Introducing Work/Life Choices for All Firm Lawyers Within the Billable Hour Model," <http://www.flextimelawyers.com/pdf/art10.pdf> (November/December 2007).
- ✓ The National Association of Women Lawyers, "National Survey on Retention and Promotion of Women in Law Firms," http://www.abanet.org/nawl/docs/FINAL_survey_report_11-14-07.pdf (November 2007).
- ✓ Mona Harrington, Ann Bookman, Joan C. Williams, Cynthia Thomas Calvert & Holly English, "Advancing Women in the Profession: Action Plans for Women's Bar Associations," http://web.mit.edu/workplacecenter/docs/advncwomen_10-07.pdf (October 2007).
- ✓ Deborah Epstein Henry, *Diversity & the Bar*, "Prevailing Principles to Make Reduced Hour Schedules Succeed," <http://www.flextimelawyers.com/pdf/art9.pdf> (September/October 2007).
- ✓ 2007 Working Mother & Flex-Time Lawyers Best Law Firms for Women, "Trends Identified from National Survey," <http://www.flextimelawyers.com/best/trends.pdf> (September 24, 2007).
- ✓ New York City Bar, Committee on Women in the Profession, "Parental Leave Policies and Practices for Attorneys," http://www.nycbar.org/pdf/report/Parental_Leave_Report.pdf (August 2007).
- ✓ Deborah Epstein Henry, *Diversity & the Bar*, "Stepping Into Your Shoes: It's Time for Job Shares in Law Firms," <http://www.flextimelawyers.com/pdf/art7.pdf> (July/August 2007).

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- ✓ Deborah Epstein Henry, *Diversity & the Bar*, “Business Development in a 24/7 World,” <http://www.flextimelawyers.com/pdf/art6.pdf> (May/June 2007).
- ✓ Patricia K. Gillette, Lori Lynn Phillips & Anne Mercogliano, *Heller Ehrman LLP*, “Opt-In Project Report,” <http://www.hellerehrman.com/docs/en/The%20Opt%20In%20Report.pdf> (May 31, 2007).
- ✓ Deborah Epstein Henry, *National Association of Women Lawyers Journal*, “Getting Back: The Path for Lawyers to Return to Practice,” <http://www.flextimelawyers.com/pdf/art8.pdf> (Spring 2007).
- ✓ Mona Harrington & Helen Hsi, *MIT Workplace Center*, “Women Lawyers and Obstacles to Leadership,” http://web.mit.edu/workplacecenter/docs/law-report_4-07.pdf (Spring 2007).
- ✓ Deborah Epstein Henry, *Diversity & the Bar*, “The Business Case for Flexibility: Why Flexible and Reduced Hours are in a Legal Employer’s Financial Interest,” <http://www.flextimelawyers.com/pdf/art4.pdf> (March/April 2007).
- ✓ Deborah Epstein Henry, *Diversity & the Bar*, “Comeback Lawyers: A Look at Why Re-Entry is a Hot Work/Life Balance Topic,” <http://www.mcca.com/index.cfm?fuseaction=page.viewpage&pageid=1220> (January/February 2007).

- ✓ Flex-Time Lawyers LLC & the New York City Bar, Committee on Women in the Profession, “The Cheat Sheet,” <http://www.flextimelawyers.com/pdf/art3.pdf> (September 2006).

THE NEW YORK WRAP-UP

Flex-Time Lawyers LLC completed its fifth season in New York.¹ Meetings were hosted by Skadden, Arps, Slate, Meagher & Flom LLP; Orrick, Herrington & Sutcliffe LLP; Simpson Thacher & Bartlett LLP; Sidley Austin LLP; White & Case LLP; Debevoise & Plimpton; and, Kramer Levin Naftalis & Frankel LLP. What follows are the topics we covered in the 2006 – 2007 season.

- Comeback Lawyers: Strategies for Re-Entry into the Legal Profession.
- Best Parental Leave Policies & Practices for New York’s Legal Employers.
- “The Cheat Sheet”: The Ultimate Guide to Selecting, Creating and Ensuring a Woman-Friendly Employer.
- Winning Women’s Initiatives.
- “Extreme Jobs: The Dangerous Allure of the 70-Hour Workweek.”
- “What Makes a Best Law Firm for Women?”
- Mommy Wars & Queen Bees.

¹ Flex-Time Lawyers LLC was founded in Philadelphia in 1999 and the Philadelphia chapter has completed its eighth season.

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In its fifth season, the New York **Flex-Time Lawyers LLC** mailing list grew to nearly 2000. Membership is comprised of law firm, in-house, solo practitioner, and non-profit lawyers as well as legal recruiters, legal administrators, lawyers seeking to re-enter the job force, and others looking for a resource or work/life and women's issues in the law. Press coverage for the fifth season included, among others, *The New York Times*, *New York Law Journal*, *The Boston Globe*, *The Philadelphia Inquirer*, *Los Angeles Times*, *Newsday*, *The Legal Intelligencer*, *The San Francisco Recorder*, *Pittsburgh Post-Gazette*, *The Daily Report*, *Law.com*, *ABA Journal E-Report*, *MBA Lawyers Journal* and *Massachusetts Lawyers Weekly*. **Flex-Time Lawyers LLC** continues to collaborate with the press as a means to dispel misconceptions about women lawyers and lawyers seeking work/life balance, educate management and employers, share information to effect change, and spread the word to prospective members.

UPCOMING MEETING

Date: Thursday, January 10, 2008,
12:30 p.m.

Location: Cravath, Swaine & Moore
LLP.

Topic: Engaging Men as Champions
for Women.

FLEX-TIME RECRUITING

With **Flex-Time Lawyers LLC** in its sixth 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, please update your online

profile on www.flextimelawyers.com and be sure to indicate your interest in receiving recruiting announcements and your preferred e-mail address. Also, you may e-mail recruiting@flextimelawyers.com and include in the subject line of the e-mail your name and "seeking employment position." Be sure to also include with the e-mail your resume and a brief description of the position you are seeking. **Flex-Time Lawyers LLC** will keep your information on file and contact you if there is an employment opportunity that meets your credentials and interest.

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

FLEX-TIME INQUIRY

The latest initiative of **Flex-Time Lawyers LLC** is the introduction of a new work/life methodology called FACTS that gives work/life choices to all law firm lawyers within the billable hour. FACTS stands for Fixed, Annualized, Core, Targeted and Shared Hours and the language and methodology are explained in an article released in November/December 2007 entitled "Facing the FACTS: Introducing Work/Life Choices for All Firm Lawyers Within the Billable Hour Model," <http://www.flextimelawyers.com/pdf/art10.pdf>. If you know of any law firms implementing alternative billing models for their lawyers or if you know of examples of law firm lawyers working annualized hours or job shares, please e-mail me and let me know at dehenry@flextimelawyers.com.



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FLEX-TIME FEEDBACK

Flex-Time Lawyers LLC welcomes feedback about its programs and overall suggestions for improvement. E-mail your comments and suggestions to dehenry@flextimelawyers.com.

Thank you for your continued interest and support of **Flex-Time Lawyers LLC**. I look forward to seeing you back on January 10, 2008.

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