



Work-Life Balance Scale Tipping in Work's Favor

The Legal Intelligencer

By Gina Passarella

November 03, 2008

Work-life balance discussions, once so prevalent among firm management and young lawyers alike, have been overshadowed by the current economic environment. But have the initiatives been completely relegated to the back burner?

Some say yes. The economic downturn could be bridging the gap between Generation X and the baby boomers, with both sides focusing more on office time and billable hours.

But others see the slowdown as an opportunity to bolster flex-scheduling or telecommuting programs.

A *Miami Herald* article from last week, titled "Many Working Harder to Hold Onto Their Jobs," said a lot of work-life balance programs are a "thing of the past" because just having a job has become more important than having a flexible one.

In the legal profession, standards for performance reviews are getting tougher and being applied more stringently. That means more attorneys are putting an emphasis on face time, billing hours and proving their worth.

Cherry Hill, N.J.-based consultant Joel Rose said he was surprised to hear from clients about how attorneys have responded to the economic downturn.

He said he expected firms to freeze salaries, give more modest bonuses or extend the partnership track, which he said they are doing, but it was the attitude shift of the associates and junior partners that surprised him.

Rose handled two retreats for two different clients earlier this year, and one of the big concerns for the partners at these firms was how to handle concerns of the upcoming generation when it came to work-life balance. When Rose checked back with those clients recently, the story had changed.

The leadership of these firms, each from a different part of the country, said associates are working longer hours and asking for more work from partners to help ensure they hold onto their job.

"Associates are trying to present themselves to partners as individuals who are really concerned about being busy as opposed to the quality of life issues that had been addressed," Rose said.

While firms had been heavily focused on work-life initiatives in order to attract and retain associates, Rose said some of his clients are finding that the attorneys themselves are realizing quality of life concerns won't matter if they don't have a job at all.

"To the extent they already cut flex-time deals, they want to live up to it, but they are thinking twice about doing this more," Rose said of law firm management.

Get Creative

Deborah Epstein Henry, founder of consulting firm Flex-Time Lawyers, said the down economy creates a "tremendous opportunity" for firms to experiment with flexible or reduced-hour scheduling.

Firms run into problems by reducing headcount, because when the market picks up, they will have a deficit of attorneys. And the image inspired by layoffs can often haunt firms for years, Henry said. That combination, she said, is a mandate for firms to get creative.

Rather than laying off attorneys, firms can give talented lawyers the chance to work on a reduced schedule with a commensurate reduction in pay. That allows the lawyers to easily pick back up when the economy turns and creates a sense of loyalty between the attorney and the firm.

Many firms are scared about using reduced scheduling too often, but Henry said now is the time to test the waters. Now that hours are slower, it's a "no-risk proposition," she said, because the salary gets lowered, too.

Corporate America has done a good job of redistributing talent in a downturn, recognizing the value of certain employees, Henry said, adding that law firms need to do a better job of that process.

Many of Henry's clients, particularly in New York, are starting annualized salary plans. Similar to reduced scheduling, attorneys might work only 60 to 80 percent of their time, but they aren't working every week. They might work full-time, around-the-clock on a project and then take two months off before being reassigned to another matter.

Catherine "Kit" Chaskin, a partner in Reed Smith's Chicago office, is chairwoman of the firm's women's career advancement initiative. She said the challenge to keep talented women in a good market is that they are constantly being recruited, and in a bad market they may become bored or disaffected.

At Reed Smith, Chaskin said there has been a renewed interest in work-life balance programs. In general, a downtime — as long as it doesn't last too long — can be a nice reprieve, she said. Partners more often take associates to lunch or stop in offices to chat.

Some practices will be busy during the downturn, not reducing hours, she said.

"But let's assume that M&A is slow," Chaskin said. "It would make sense for a woman in M&A, if she was ever going to cut back, now would be the time and the firm would probably appreciate it from a fiscal point of view."

Chaskin said the business case for these policies should never be the driver, but, instead, retention should be the goal. It's important for firms and attorneys to look at these initiatives through a long-term view. She said they need to realize that, for the short amount of time a person works reduced scheduling, it is worth it in the long run to retain quality attorneys. •