

## On the Record

### Work-life balance is dead. Long live work-life balance!

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The Litigation and Trial blog [points out two sets](#) of [items](#) in the blawgosphere this past week about work-life balance. On the Law 21 blog, Jordan Furlong gives an extended eulogy for work-life balance, an erstwhile buzzword in the legal industry. As recently as last year, [we reported](#) that firms were “beefing up policies on parental leave, flexible hours and family expenses.” But Furlong says that now, all bets are off:

Firms change their working conditions as the talent market dictates. In a seller’s market like the one we’ve just had, they play nice; in a buyer’s market like this, they don’t. If almost every potential legal recruit said, “I’m not going to work at that firm — the demands are ridiculous and the benefits to my career aren’t nearly worth it,” and did so for several consecutive years, then you’d see the firm think about changing its business model. That didn’t even happen during the boom, and I doubt it’s going to happen now.

Furlong worries that “WLB will be relegated to the status of a mere generational quarrel during a freak economy,” which he says would be unproductive. It would be a shame if the death of work-life balance kept the industry from further expanding its examination of two major problems, he writes:

First, there’s the unspoken symbiosis between law schools and law firms — the former charge students huge amounts of money and provide little practical lawyer training, allowing the latter to hire low-skilled and heavily indebted graduates to fill virtually the only positions lucrative enough to pay off their loans. And secondly, billable-hour targets for associates at more than a few firms simply can’t be achieved without damage to one’s health or ethics, or both.

Denise Howell, writing in *The American Lawyer*, agrees that the concept of work-life balance is taking a hit from the hideous (my word, not hers) state of the legal market:

Gone are the days when firms needed to woo candidates with perks like a flexible career. Steady work and steady pay are the currency of the moment. Gone, too, are the days when employed lawyers might boldly decline work in the name of a saner and more balanced life. “No,” “Not now,” and “Too much” aren’t attitudes likely to engender goodwill in the next round of layoffs.

But, she says, attorneys seeking a balance between their practice and the rest of their lives may actually be a blessing in disguise for strapped law firms. Letting lawyers take reduced hours (and reduced pay) could spare firms from having to make layoffs, consultant Deborah Epstein Henry tells Howell. (Firms have told Henry that making these accommodations would not go far enough towards balancing the budget.) Job

candidates interviewing with big firms should also “present themselves as a low-cost option, willing to work a limited schedule off the standard pay scale,” Howell writes.

So there you have it: two writers agreeing that the halcyon days of lawyers unabashedly asking for work-life balance accommodations (if those days ever existed, which I sincerely doubt) are over. One, though, sees a path forward for balance-seekers in the current economy. What do you think?