

Taylor's Perspective ...

A Key Conversation About Today's Dynamic Workplace

Well, Debbie Epstein Henry is doing it again. I can't think of anyone who has pushed for the positive transformation of the legal workplace more than Epstein Henry, who helps guide lawyers and law firm leaders, as well as other professionals, in ways to create a new, better, and more fulfilling life-work balance and on-the-job culture.

The well-respected and widely acclaimed consultant and principal of DEH Consultants, author, speaker, interviewer-extraordinaire, and a force for change within the legal community for more than 20 years is continuing to keep her finger on the pulse on the profession, and more broadly, the workplace in general. This time Epstein Henry has organized and will host "Culture, Flexibility & the Future Workplace," the latest event in her two-decades-long DEH Speaker Series.

If ever there was a time for further exploration of this ever-evolving topic, it's now as the pandemic continues to wind down (knock on wood) and some employers, including law firm leaders, try to bring back old-school, pre-pandemic work environment policies, and protocols.

Many of these decisionmakers even reject—sometimes indignantly—any form whatsoever of hybrid, in-person/remote-working arrangements: "You WILL come into the office five days a week." At law firms,

these are often senior partners who might truly see the value of mentoring and training associates but they want those young lawyers down the hall so if a teaching moment arises they can engage in an in-person, eye-to-eye interaction. In their view, a hybrid environment would impede that type of mentoring, and this concerns them.

Epstein Henry is concerned that those attitudes and subsequent policies, driven by financial concerns, might prevail. But she knows they don't have to, as the pandemic demonstrated. In a 2021 book edited by Alex Davies entitled *The Post-Pandemic Law Firm*, she contributed a chapter called "A happy, profitable law firm—no, really." In it, she addresses this issue.

"The crux of my worry is that heightened law firm expenses will further erode law firm culture and create an ever more intense focus on delivering maximum billable hours at the expense of the quality of lawyers' lives," she writes. "My worry is compounded by disappointment. It looks like law firms have already forgotten the valuable learnings we gained from the lockdowns. Those learnings, in essence, are that firms can be profitable and productive while also being flexible and giving lawyers more control in the way they work."

Indeed, profitability and flexibility can co-exist. And, in most professions, including

private legal practice and in-house legal counseling, the hybrid work environment in all its various manifestations is here to stay—at least until something else comes along.

The Right Guests

During the hour-long event, Epstein Henry will serve as discussion leader as she asks workplace-related questions to two experts, Cali Williams Yost, flexibility strategist, futurist, author, and CEO who founded the Flex+Strategy Group; and Hayagreeva “Huggy” Rao, professor, Stanford Graduate School of Business, and best-selling co-author of *Scaling Up Excellence*. It will take place Thursday, December 1, from 12:30 to 1:30 pm EST, by live & recorded webcast, and it’s co-hosted by the law firm DLA Piper. (For more, visit <https://www.debbieepsteinhenry.com/speaker-series/>.)

Epstein Henry believes this is an excellent opportunity for managing partners, CEOs, and other leaders to listen and learn about cutting-edge ideas that can help generate and maintain a happy and productive workplace culture.

“It’s important,” she says, “that employers, including law firms and legal departments, get more guidance about how to structure the workplace in such a way that it creates community, a strong sense of culture, and connection. And one that gives lawyers and staff the opportunity to work in an environment that’s more flexible and conducive to their responsibilities inside the office but also outside of it.”

It’s no secret that lawyers (and other professionals) learned during the COVID lockdowns and beyond that they can be just as or more productive working from home. Many attorneys—perhaps especially those mid-level associates who understood

the leverage they’ve had in the legal talent wars—have been, in essence, demanding very flexible working conditions. But as the situation evolves and these attorneys agree and adjust to hybrid workplaces, they have concerns.

“For the lawyers, one big issue is not resenting the way the flexibility is structured because some employers are allowing department heads to determine when lawyers should be in the office,” Epstein Henry says. “Often it’s not done in a systematic way, one in which many are calling ‘anchor days’ where everyone comes into the office on Monday, Tuesday, and Thursday, for example. If you don’t have this established, you might have lawyers making long commutes to come into the office only to find that not many colleagues also came in.”

She intends to address this during the discussion with her knowledgeable guests because it’s vital that the anchor days result in very productive days. Otherwise, she says, it could breed resentment for the lawyers who make the long, difficult haul into work, pay for parking and/or other commuting expenses, and endure additional hassles without receiving the benefits of the in-person workday.

Another, related topic that the panelists will likely explore is cultural integration in the context of the hybrid work world. “The real challenge is: How do you convey culture online, particularly for people who are new at a firm and haven’t had the institutional opportunity to be integrated into the culture in person,” Epstein Henry says.

“We hope to offer some expedited ways on how to do that with less in-person time,” she adds. “How can we make those cultural connections? Is it through the substantive billable work and client service? Or is it through community activity, social action, a commitment to ESG (environmental, social, and governance) issues, and pro bono work? Or is it a combination?”

During its 20-year run, the Speaker Series has been very well-received. Clearly, Epstein Henry is the driving force in helping spread the word about a range of topics from women in the legal profession to the various mental health issues that, at some point, virtually all lawyers experience. But, ever-humble, she redirects credit to her many guest speakers:

It's about the people I bring in who address the issues and challenges that employers, law firms and legal departments are facing. My model is to ask questions and, if I'm successful at what I'm doing, they're the questions that audiences want to hear answers

to – the issues that are on everyone's mind. I consider the current pressing issues we're all grappling with and then try to find the experts to answer those questions.

I have no doubt that the issues raised in “Culture, Flexibility & the Future Workplace” are some of today's most pressing hot-button concerns and that Cali Williams Yost and Huggie Rao are well-equipped to offer insight into those matters—that is, with Debbie Epstein Henry serving as the conductor of the conversation. ■

—Steven T. Taylor

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