

Executive Summary

Women lawyers place enormous value on flexible work schedules. Firms that support such schedules reap benefits in the form of higher retention, increased profitability, and improved morale. In turn, the legal profession—and, on a broader level, society—experiences benefits in the form of part-time lawyers who are better situated to devote time to activities that make lawyers better citizens.

These core conclusions emerged from the survey responses of 37 Atlanta-area law firms, representing more than 7,000 lawyers, and 167 individual attorneys—consisting of women and men, associates and partners, part-time and full-time lawyers, and retired and active attorneys. The part-time participants in this Study had an average age of 37 years and an average level of full-time legal experience of 7 years before they went part-time.

“It’s About Time” presents the first comprehensive study of part-time policies and practices among Atlanta-area law firms, and it evaluates important ramifications—for individuals, firms, and the profession—of the finding that women, a growing majority in the law, truly value the opportunity to work part-time while continuing to advance their legal careers.

Key results from this Study include the following highlights:

• Women lawyers now comprise about one-third of law firm lawyers in Atlanta. At the current rate of growth, women will make up 50% of Atlanta law firm lawyers within 10 years.

• A noticeable gender gap in attrition persisted during the 3 years in this Study, from 1999 through 2001. The average annual attrition rate among women lawyers ranged from 15% to 19%, whereas it ranged from only 11% to 12% for men.

• Ninety percent of part-timers said their schedule affected their decision to stay with their firms, making it more desirable to remain at the firm.

• Most full-time lawyers (aggregating men and women together) who recently left a law firm did not leave for more money; they left for better schedules. Only 22% reported that they left for “more money” in contrast to 33% who left because they “wanted fewer hours” and 19% who “wanted a different schedule.”

As the highlights above suggest, this Study revealed that there are numerous benefits to firms that encourage and support equitable part-time schedules, among them:

• *Improved retention.*

• *Greater profitability.*

• *More diversity in firm leadership positions.*

• *Increased integrity for the legal profession.*

For firms, the single most important finding of this Study is that women will continue to walk away from law firms (as profitable mid-level and senior associates) at

high attrition rates until they find a work schedule that makes sense for their lives. Relatedly, the responses also debunked a common myth that part-time schedules are unprofitable. Although many firms figure overhead costs into their assessments of part-time profitability, few also consider the costs of attrition. Firms that assessed both found that part-time is profitable. Moreover, many part-timers' responses revealed a largely untapped source of greater profits: part-timers often wished their arrangements provided incentives to bring in business.

Additionally, firms' partnerships would likely see greater numbers of women with more equitable part-time arrangements. One-third of surveyed law firms do not permit part-time attorneys to advance to partnership. In those firms, part-time lawyers (who are mostly women) are not considered for partnership—regardless of their performance and their seniority. A law firm without a flexible partnership track both drives a disproportionate number of women out of the workplace and leaves the women who choose to stay in the firm with less hope of achieving real power. In contrast, firms with part-time partnership tracks benefit in the form of improved retention, diverse viewpoints, and a wider range of role models and mentors, not to mention increased business prospects.

Finally, preserving the integrity of the legal profession is the most important incentive to promote flexible work schedules and partnership tracks. On average, part-time respondents reported that they work about 1400 hours annually, which is about 28 hours a week for a 50-week year. Years ago, 1400 hours of work was considered a full-time schedule. The American Bar Association itself in its 1962 handbook noted that, given a lawyer's civic, administrative, and other nonbillable matters, there were only about 1300 billable hours in a year. The contemporary model of emphasizing much greater billing has prompted widespread calls for reform due to the negative consequences for pro bono work and the incentives for fraud, among other disadvantages. Lawyers on part-time schedules can address some of these complaints—they can devote more time to activities that make lawyers good citizens.

In addition to highlighting benefits that firms stand to gain from implementing part-time policies, this Study helped pinpoint problem areas for which recommendations are provided. For example, only about one-third of firms reported having written part-time policies. Yet even at these firms, attorneys often learned of firms' policies by word of mouth or approaching their supervisors. And in spite of written policies, many attorneys reported that firm management failed to assist them with the implementation of their arrangements. Many law firm practices create or perpetuate the belief that a part-time arrangement is a special accommodation for mothers rather than a legitimate career choice for any attorney. Ad hoc implementation, secrecy about part-time "deals" with individual lawyers, inadequate monitoring of part-time arrangements, and the failure to assure consideration for partnership are among the practices that clearly stigmatize these arrangements—and the lawyers who enter into them.

Although part-time attorneys generally reported that they were satisfied with their schedules and felt loyal to their law firms, they were dissatisfied with their opportunities for advancement and the "environmental static" that accompanied their part-time arrangements. For example, respondents indicated that some partners refused to work with or vote to advance part-time associates and some peers disrespected or resented part-time attorneys.

These results suggested several recommendations for firms wishing to achieve the benefits of effective part-time policies:

Develop and communicate written policies that serve as guidelines; avoid ad hoc arrangements.

Ensure that compensation, bonuses, and opportunities for advancement for part-timers are proportional to those of their full-time counterparts.

Encourage a firm culture that supports flexible work schedules as a legitimate choice for any attorney.

The bottom line is that flexible schedules and paths to partnership are crucial to increasing the number of women leaders in law firms. The opportunity to work and advance to partnership on a reduced-hours schedule is about fairness, it's about long-range profit making, it's about the integrity of the legal profession, and it's about our devotion to our families and communities.

Isn't it About Time?

Section III

Introduction

Members of the Georgia Association for Women Lawyers ("GAWL") and the Atlanta Bar Association Women in the Profession Committee ("WIP") resoundingly called for and supported this Study. GAWL, WIP, and the Georgia Commission on Women funded this Study.

A major impetus for this Study was a call to action by the Commission on Women in the Profession of the American Bar Association (the "Commission"), which has published numerous reports on the dearth of women leaders in the law. In 2001, the Commission urged employers and professional organizations like GAWL and WIP to study women's progress in the legal profession.² From the Commission's admonition that "what isn't measured isn't done," this Study was born.³

To produce "It's About Time," GAWL and WIP surveyed three categories of respondents in the summer of 2002: (1) Atlanta-area law firms with ten or more attorneys ("Survey I"); (2) law-firm lawyers with part-time experience during the three previous years ("Survey II"); and (3) Atlanta-area lawyers who had left a law firm during the three previous years ("Survey III").

GAWL and WIP developed a confidential questionnaire for each category of respondent.⁴ The questionnaires defined "part-time" to mean a reduced work schedule for reduced pay.⁵ Thirty-seven law firms, representing more than 7000 lawyers, responded to Survey I, including 11 of the top 12 revenue-producing law firms in Atlanta.⁶ Additionally, 69 individual attorneys responded to Survey II and 98 responded to Survey III, many writing lengthy and heartfelt comments about their experiences. They were associates and partners, part-time and full-time, and retired and active attorneys. About three-fourths of the respondents were women, while one-fourth were men.

Part IV of this report presents the data from this Study, organized into topics of interest to law firms, practicing lawyers, and law students interested in law firm practice. Part V analyzes the results while examining discussions of the results of studies and reports from other geographical areas about part-time law practice, and includes a reprint of a model part-time policy. Part VII presents a unique feature of this Study: the authors developed 3 case studies that examine the responses of particular law firms and their current and former employees. Part VIII presents a table displaying biographical data collected from the participating law firms about their attorneys. It documents the gender shift and other trends in the practice of law that are discussed in the report. Part IX describes the authors' methodology and the demographics of the participants. The questionnaire forms used in this Study are available through GAWL and WIP and may be found at www.gawl.org and www.atlantabar.org.

The Commission published a sample policy for alternative work schedules as an Appendix to *Balanced Lives* in 2001. The policy is available at <http://www.abanet.org/women/balancedlives.html>.

5. Model Policy: Washington, D.C. Project For Attorney Retention

PAR created a "usability" test for law firms to evaluate the effectiveness of their part-time programs, focusing on usage rate by sex, hours worked, duration of arrangements, schedule creep, and comparisons of work assignments, promotion rates and attrition rates.¹⁰⁵

In its recommendations for successful implementation, PAR focuses on two principles: (1) proportionality; and (2) flexibility and fairness.¹⁰⁶ "Proportionality" refers to offering proportional benefits, bonuses, work assignments, billable hours and advancement opportunities. PAR's second principle of "flexibility and fairness" includes recommendations for universal availability (including for new hires), tailoring to meet individual needs and flexibility in duration.

Additional recommendations by PAR include management understanding and support, effective publication of part-time policies, sensitivity training (to the economics of attrition and overcoming negative assumptions about part-time), appropriate planning by both the attorney and the firm, elimination of schedule creep, effective monitoring and cultural adaptation and stigma elimination.

PAR published a model balanced hours policy as an Appendix to its *Balanced Hours* report in 2001. The policy is available at http://www.pardc.org/final_report.html and is reprinted here with permission.

MODEL BALANCED HOURS POLICY

Introduction: Our Firm's strength is derived from its diverse and deeply talented group of attorneys. As a firm, we are committed to maintaining and promoting our diversity and talent. A key way for us to demonstrate our commitment is to recognize that our attorneys have responsibilities and interests outside the Firm that need to be supported and that these responsibilities and interests will affect our attorneys' work schedules.

Balanced hours schedules are available to our attorneys as one way of supporting their lives outside the office. (Similar schedules are available for staff, as set out in the staff manual.) Balanced hours schedules are individually tailored reduced hours schedules designed to meet the needs of the attorney and the needs of the Firm and its clients. Requests for balanced hours schedules will be considered in light of the business needs of the Firm and the Firm's clients, and will be granted whenever possible. The Firm believes that balanced hours schedules should not affect an attorney's professional development or ability to provide professional service to the Firm, clients, the bar, and the community.

This policy sets forth the procedure for proposing a balanced hours schedule, and the general guidelines applicable to balanced hours schedules. Questions about the policy or its application should be directed to the Balanced Hours Coordinator.

Expectations: The Firm expects all of its attorneys to provide professional and prompt service to clients. It also expects all of its attorneys to provide pro bono services in accordance with the Firm's policy, continue their legal education, engage in business development, participate in bar activities, and share in Firm administrative and managerial duties. Balanced hours attorneys should anticipate and meet these expectations.

Flexibility: Meeting client needs often requires flexibility in scheduling, and all attorneys are expected to be flexible in their scheduling when necessary. The Firm will not expect balanced hours attorneys to work in their off-hours on a regular basis, but it may be necessary from time to time for a balanced hours attorney to come into the office or work from another location when not scheduled to do so. When this happens, every

effort will be made to provide the attorney compensatory time off within the same pay period as the non-scheduled work. If it is not possible for the attorney to take compensatory time off, the attorney will be compensated in accordance with the compensation guidelines of this policy.

Availability and Duration: Balanced hours schedules are available to all attorneys, assuming an acceptable proposal is made. There is no minimum length of time that an attorney must work full-time before a balanced hours request will be considered. The Firm recognizes that attorneys' schedules will change over time, and understands that balanced hours attorneys may wish to return to standard hours schedules or to stay on balanced hours indefinitely. Changes will be accommodated, again assuming an acceptable proposal is made. There is no minimum or maximum length of time an attorney may work a balanced hours schedule.

Schedules: Balanced hours schedules are to be tailored to meet the individual needs of attorneys. The schedules may include fewer hours per week, month, or year. [The Firm finds that beneficial continuity of service to clients generally requires attorneys to work at least 50% of a standard hours schedule, but proposals to work less than 50% will be considered.]

The schedules should be described in terms of percentage of a standard hours schedule, which for these purposes is defined as [1800] billable hours and [400] non-billable hours. [Note: for firms without billable or other hourly requirements, the standard schedule can be determined by averaging the attorney's own work hours over a several-year period or over his or her entire career with the firm.] Balanced hours schedules are to include both billable and non-billable time in proportion to the billable and non-billable hours the attorneys worked when on standard schedules. (For new hires, the Balanced Hours Coordinator will suggest a ratio based on a typical attorney's experience at the Firm.)

Balanced Hours Proposals: An attorney wishing to work a balanced hours schedule should first explore the types of balanced hours schedules worked by other attorneys in the Firm and elsewhere, and determine what type of schedule would best suit their individual needs. Information about balanced hours schedules is kept by the Balanced Hours Coordinator and is available on the Firm's intranet. The attorney should work with the Balanced Hours Coordinator to complete the pre-proposal questionnaire, which covers topics such as how the attorney will accomplish his or her work and how the attorney will be available for emergencies, and draft the proposal. Draft proposals should be reviewed by the Balanced Hours Coordinator and submitted to the attorney's supervising attorney(s) and practice head. The supervising attorney(s) and practice head will be asked to consider various factors relating to how work will be performed under the proposed balanced hours schedule. The Firm anticipates that if the supervising attorney(s) and/or practice head have objections to the proposal, they will discuss the objections and suggest revisions to the attorney. The practice head will forward it, with his or her recommendation as to approval, to the Management Committee for final consideration.

Compensation: Associates and counsel working balanced hours schedules will be compensated proportionally to standard hours attorneys of their same class year. For example, an associate working 80% of a standard hours schedule will earn 80% of the standard hours salary for an associate in her same class. [Associates and counsel working less than 50% of a standard schedule may be compensated on an hourly basis, if the Balanced Hours Coordinator and their practice heads determine that hourly compensation is more feasible.]

Partners will be compensated in accordance with the recommendations of the Compensation Committee, which will determine the partner share of a balanced hours attorney as if the attorney were working a standard schedule and then adjust the share amount to reflect the proportion of hours worked. Compensation based on business origination credits will be paid at full rates, and not adjusted proportionally.

Balanced hours attorneys remain eligible for bonuses, which will be awarded in proportion with the attorneys' schedules. For bonuses based on the number of hours over target worked, balanced hours attorneys will receive bonuses based on the number of hours over their balanced hours schedule worked.

Benefits: Balanced hours attorneys remain eligible for the same benefits as standard hours attorneys[, except that attorneys working less than 50% or less than 25 hours per week are ineligible for medical, dental, life, and disability insurance as stated in the Firm's policies]. [Balanced hours attorneys are eligible for the same benefits as standard hours attorneys, prorated to reflect the proportion of a standard schedule the balanced hours attorney is working. For example, if a balanced hours attorney works 80% of a standard schedule, the firm will pay 80% of the premium for his or her health, dental, life and disability insurance and the balanced hour attorney will be responsible for the remainder of the premium.]

Technology: The Firm provides all attorneys with an annual stipend for use in purchasing work-related technology. The stipend may be used for such things as cellular telephones and service, Blackberries, fax machines, second phone lines, and computers. Balanced hours attorneys are urged to consider their needs for communicating with the office and with clients when deciding how to use their stipend. At a minimum, a fax machine and cellular telephone should be purchased. If additional stipend amounts are needed, the Firm will consider advancing the additional amounts against the next year's stipend.

Assignments: Balanced hours attorneys will receive the same types of assignments as standard hours attorneys, adjusted to take work hours into account. Balanced hours attorneys will not receive a disproportionate amount of routine work. The Balanced Hours Coordinator will review the type of work done by balanced hours attorneys to ensure compliance with this guideline.

Partnership Track: The Firm evaluates its associates and counsel regularly to ensure they are performing at a level that makes them eligible for partnership. Factors considered include, but are not limited to, quality of work, quality of relationships with clients and colleagues, skill development, and ability to attract new business. Working a balanced hours schedule does not change the evaluation process or the factors considered, and balanced hours associates and counsel remain eligible for partnership. Working a balanced hours schedule may extend the time at which an attorney is considered for partnership, depending on the proportion of standard hours worked and the duration of the balanced hours schedule. For example, an associate who works a standard schedule for six years and an 80% of standard schedule for two years is likely to be considered with other associates of his class, but an associate who works a 60% schedule for six years will likely find his partnership track extended by two or more years.

Periodic Review: The success of each balanced hours schedule will be reviewed with the attorney, Balanced Hours Coordinator, and the attorney's supervisor(s) every three [six] months. If changes to the schedule are necessary, they will be made in writing. In addition to the six-month reviews, the attorney and his or her supervisor(s) are encouraged to communicate with each other and/or the Balanced Hours Coordinator on an ongoing basis about issues that arise regarding the schedule. The Balanced Hours Coordinator will review the hours worked by balanced hours attorneys and will address consistent excessive hours with the attorney and the attorney's supervisor(s) on an ongoing basis.

Section VI

Conclusion

As the number of women in law firms grows, it is increasingly critical that firms provide part-time options for all attorneys. Flexible and fair written policies that are communicated to attorneys are an important first step in creating a firm culture that supports part-time arrangements and maximizes the success of those arrangements. Firms that adopt such policies stand to benefit in the form of greater profitability, improved retention, and greater diversity in firm leadership positions. Moreover, the legal profession and society as a whole benefit from part-time arrangements because they allow attorneys to fulfill their commitments to their firms, families, and communities. It's about time.



Section VII

Three Case Studies

The candor of most of the survey participants has permitted the authors to match up part-time and departing respondents with their corresponding firms, and to prepare three "Case Studies" of the effectiveness of the part-time policies and practices in large firms in Atlanta. These three case studies are intended to compare and contrast firms' survey responses with the views of their respective part-timers and/or the perceptions of departing full-timers. Each firm's policy and implementation thereof is evaluated based on the recommendations for effective part-time policies by PAR and the ABA listed in Part V.B. "Best Practices" above.

The three firms in these Case Studies all fall in the "large firm" category; all have written policies (one of which is currently under revision); and all indicated that their policies serve as "rough guidelines" when deciding whether to approve a particular part-time arrangement. This is where the similarities end. The first case study matches up a firm, its part-timers and lawyers who left. The second focuses on a firm and its part-timers, and the third offers the viewpoint of lawyers who left on their former firm's culture and policies regarding part-time.