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Law Firms Aim for a More ‘Balanced’ Approach

For law firms, the ability to recruit and retain the most skilled lawyers and support staff may have a direct bearing on client service and, ultimately, on profitability. One issue that dramatically affects a law office’s ability to attract – and especially retain – top performers is work-life balance. This is particularly true in the case of attorneys, who continue to face expectations of working unusually long hours, often over a sustained period of years.

In many law offices, legal administrators play an integral role in helping their firms develop, promote and monitor the success of work-life programs. And in a profession that experiences fairly high and costly attrition, especially among young associates, more firms recognize that helping employees to achieve a healthy balance between work and family or other personal demands is simply good business.

A study by the Boston Bar Association and cited in Robert Half Legal’s *Future Law Office* report found that 43 percent of new associates resign from their firms within the first three years. In addition, it is often estimated that it costs \$200,000 to \$500,000 to replace a second-year associate, a level at which attorneys aren’t generally considered to be financially profitable to their firms. This begs the question: How much does it cost to lose a more experienced associate who is producing significant revenue? This segment of attorneys – who may be working toward partnership while also experiencing an increase in family responsibilities – is probably also the one that firms are most at risk of losing if they cannot offer alternative approaches to work.

Part-Time Schedules

To address attrition and related problems, the use of part-time schedules and other forms of work flexibility by law firms is growing. According to a 2007 survey by the Association for Legal Career Professionals (NALP), most large law firms (98 percent) allow part-time schedules.

Still, only 5.4 percent of attorneys overall work part time, and about 75 percent of those opting for reduced hours are women, according to the NALP survey. Workforce experts focused on the field of law cite two primary reasons why more attorneys do not take advantage of part-time schedules: stigma and “schedule creep.” Lawyers – as well as professionals in other industries – have often found that opting for reduced work hours can mean being diverted from partnership tracks or receiving less desirable projects. Another problem is “schedule creep,” where part-time work expectations gradually climb back to full-time levels.

In addition, greater institutional and operational support for work-life policies may be needed to improve their acceptance. If attorneys feel there is a stigma attached to working

reduced hours or opting for a career path that does not lead to partnership, programs will either be underused or, worse, talented attorneys will leave because they find it impossible to reconcile the demands of their professional and private lives.

Success Factors

Legal administrators are ideally positioned to help their firms work through some of these common problems and fine-tune their work-life policies. Although every employer must develop programs that reflect its individual culture and needs, the most successful ones typically include some of the following features:

- ***Customized career options designed to meet specific attorney, client and firm needs.*** One such methodology called FACTS – which stands for Fixed, Annualized, Core, Targeted and Shared Hours – is garnering attention in the legal community. Advanced by Deborah Epstein Henry, founder of Flex-Time Lawyers LLC, FACTS offers a framework by which lawyers select a target number of billable hours then customize their work approach by choosing how, when and where work is performed.

An “annualized” approach, for instance, might involve bursts of high-intensity, 24/7-style work followed by lulls, while other attorneys might opt for a job share arrangement or “core” hours (blocks of key hours mapped out for work, though not necessarily traditional ones). Although many firms won’t have such an intricately designed system, successful programs typically allow for some individual customization of schedules and career paths while maintaining consistency and efficiency in how people are managed.

- ***Broad application of policies.*** Flexible work policies should be available to all employees, not just women or parents. This approach recognizes that individuals may have reasons other than family responsibilities for wanting to achieve better work-life balance. In communicating policies, employers can improve acceptance by emphasizing the business case for these programs, rather than leaving the impression that they’re an accommodation for certain employees.
- ***Monitoring and support.*** Work-life programs need ongoing support to be successful. This involves continuous education and communication about flexibility options, including having key individuals within the firm voice support for alternative work arrangements. A follow-up process with participants is also needed to ensure program effectiveness and gauge satisfaction with policies.

Challenges for Law Firms

With their traditional focus on billable hours, partnership requirements and an office-centric culture, law firms may face some unique obstacles in implementing successful work-life programs. Legal administrators can play a valuable role, however, in raising awareness within their firms that concepts such as success and commitment are not synonymous with the highest revenues and long hours. Employee and client satisfaction and a firm’s ability to attract and retain talented, high-performing attorneys are other important measures of success.