

Finding ways to balance work and family, while keeping on the partner track

CARYN TAMBER
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Jessica E. Morrison was about to quit her job.

After her first son, Hunter, was born in 2004, Morrison had gone back to work as a litigation associate at McGuireWoods LLP. But when Mikey was born in September 2006, she panicked at the thought of hopping back on the partnership track.

"How am I going to do this with two kids?" she remembers thinking in February 2007. "I can barely hold it together with one."

Recruiting challenge

Morrison's dilemma repeats all the time at law firms all over the country. Lawyers — often, but not exclusively, women lawyers — can struggle with balancing work and family. That goes double for those with more than one child, said University of Maryland School of Law professor Paula Monopoli, who studies gender and the law.

Often, women lawyers leave firm life for government or in-house counsel work; some leave the practice of law altogether. Though law schools churn out around the same number of male and female attorneys, fewer than 20 percent of law firm partners are women.



"From everything I hear, it's tough, it's just hard" to balance caring for children with working at a law firm, said Dana L. Morris, assistant dean for career development at Maryland Law.

Morris said both female and male students, especially those who marry other lawyers, ask firms recruiting on campus about their leave policies and alternative schedule options.

David Anderson, chief operating officer of Lerch, Early & Brewer Chartered, said his firm needs to be able to offer those students flexibility. The firm has noticed that the students it is interested in hiring, the ones at the top of their class, tend to be women, he said.

Firms are wise to accommodate lawyers with families because, for each attorney who leaves, a firm can spend between 150 and 200 percent of the attorney's salary hiring and training a replacement, said Linda Bray Chanow, director of research at the Washington, D.C.-based Project for Attorney Retention.

"Any successful company or firm recognizes that its staff and its lawyers are really the key to success and, if we can treat them in a dignified manner, with respect and compassion, then we will reap the rewards many times over," said Gary Eidelman, vice managing partner of Saul Ewing LLP's Baltimore office.

Even with a supportive law firm, though, it is a struggle to balance firm and family, Eidelman said.

"Some people, candidly, manage it better than others," he said.

What firms are doing

In order to both keep the family-minded attorneys they already have and attract law students increasingly concerned with what has been termed "work-life balance," firms are beefing up policies on parental leave, flexible hours and family expenses. Chatter at associate gossip Web sites like Above the Law often centers as much on which big firm has started offering 18 weeks' paid maternity leave as on the firm's salary.

A survey of Maryland firms by The Daily Record shows that almost all respondents offer attorneys the opportunity to work part-time. The majority of the firms have had at least one lawyer work part-time in the last five years. (*See the end of this story for the full survey results*)

Sometimes, moving to part-time work means accepting an of counsel or staff attorney designation.

That's what Jessica Morrison, the McGuireWoods lawyer, decided to do.

When she went to talk to her supervisor, Baltimore litigation practice head Ava E. Lias-Booker, about quitting, Lias-Booker suggested that Morrison stay but work fewer hours. After discussing “every kind of creative arrangement under the sun,” they decided that Morrison would become a staff attorney, she said.

She now works part-time, mostly from home, anywhere from 10 to 90 hours a month.

There was “some little bit of concern by everyone of a stigma associated with the staff attorney label,” Morrison said. “I personally just didn’t care about the label.”

She said she expected to get stuck with “grunt work” such as document review but has been pleasantly surprised.

“I’ve actually had two trials in the year-and-a-half I’ve been doing this,” Morrison said. “It blows my mind.”

It has not always been easy, but it is working, she said.

Not everyone who shifts to part-time work is as lucky as Morrison, Monopoli, of UM’s law school, said.

“[Partners] see mommy track when they see reduced hours,” Monopoli said. “It’s assumed that [part-time lawyers] don’t want to travel. They’re not even asked.”

Monopoli said staff attorney and of counsel arrangements are a mixed blessing. Stepping off the partner track can help keep a talented woman at her firm, but it does not help gender equality among those who control the firm, she said.

Going part-time does not have to mean giving up being an associate or partner. At McGuireWoods, for example, lawyers returning from parental leave — that’s mothers and fathers — automatically get a six-month reduction in their billable-hour requirement.

It is even possible these days to make partner while working part-time, Monopoli said.

Michelle Dickinson, a DLA Piper US LLP litigator, made non-equity partner on schedule this year, even though she has worked 80 percent of a full schedule since she returned from maternity leave after her 6-year-old daughter, Hayley, was born. She believes she is still on track to make equity partner.

"Today I'm home having a pool party for my kids, and tonight I'll be working on a memo, and tomorrow I'll get up and go into the office, and Friday I'll take my daughter to a doctor's appointment," Dickinson said last Tuesday. "I'm a mommy litigator, but I get the good cases and I get great opportunities."

Schedule creep and other problems

Dickinson has been able to avoid a minefield of part-time work: schedule creep.

A lawyer may agree to work 80 percent of her hours for proportionally less pay but find herself billing as much as a full-time lawyer for a fifth less money, the Project for Attorney Retention's Chanow said.

Dickinson said she has seen schedule creep among friends at other firms but has been able to bill 1,600 hours consistently.

"You're billing 1,800 and then you're billing 2,000 hours and you're getting paid 80 percent and your family is wondering where you are," Dickinson said.

One way to combat schedules that slowly creep up to full-time is to have a "balanced hours coordinator" to make sure lawyers are working only as much as they are paid to work, Chanow said.

Even with an assurance that part-time work will not gradually turn into full-time work, it's not the answer for everyone. For litigators, it's tough and sometimes impossible.

Saul Ewing associate Francie Spahn, who has two children, said she is able to balance work and family thanks to organizational skills, a supportive partner and an understanding firm, but she said part-time work is not for her.

"I don't think there's such thing as a part-time attorney," Spahn said. "If a client needs something, I'm there, wherever I am. That's the joy of the BlackBerry."

Amy B. Heinrich, a litigation partner at Goodell, Devries, Leech & Dann LLP, spent three years working a three- or four-day schedule in the 1990s, when her children were young. The trouble was that, in litigation, "the work drives the hours," she said.

"You can't leave the courtroom at 3 to pick up your kids because the judge is not going to understand and it's not going to be in your client's interest to do it," Heinrich said.

There is a similar problem with another benefit offered by a few Maryland firms, the compressed workweek. Compression involves working the same number of hours per week over fewer days.

But a lawyer may not be able to tell clients that he is only available Monday through Thursday, Monopoli said. If a client needs help on a Friday, the lawyer must be there, she said.

Chanow said there is another problem with compression: It may work for the traditional 40-hour workweek, but few law firm types actually work that little. Fitting 60 billable hours into just four workdays is a stretch.

Flex-time and flexible leave

More popular than compression among Maryland firms are telecommuting and flextime, benefits offered by the majority of survey respondents.

Flextime involves shifting the work schedule away from the traditional 9 a.m. to 5 p.m., sometimes to more closely match the school day.

Another benefit popular among Maryland firms is paid maternity leave, offered by all survey respondents.

Spahn, the Saul Ewing litigator, said she was relieved to find that her firm was flexible when it came to maternity leave. She said she was 10 weeks into her 12-week leave with her first son, five years ago, when she realized that she wanted a little more time.

She told her department head that she was willing to come back on time but would love additional paid leave. Without missing a beat, he asked, "All right, will another month do?" And so she had four full months of paid leave.

Paternity policies

Many firms in Maryland also offer extended unpaid maternity leave. Far fewer firms offer paid or extended unpaid paternity leave.

Of the five respondents who offer paid paternity leave as a matter of course, four are mega-firms with offices in markets like New York and Washington, D.C., where four to six weeks of paid leave for new fathers has become standard. The fifth is Gordon, Feinblatt, Rothman, Hoffberger & Hollander LLC.

Gordon Feinblatt is also one of four respondents to offer extended unpaid paternity leave; the other three are mega-firms.

It's the paradox of life at a big firm: though large firms may require associates to bill more hours and thus have less time for family, they often offer the most flexibility for lawyers with children. Bigger firms have more leeway to move employees around to cover for someone working part-time out on leave, Monopoli said.

Anderson, of Lerch, Early & Brewer, said firms the size of his cannot be as flexible because their associates have more client contact than do associates at big firms.

But some smaller firms, such as Gordon Feinblatt and Franklin & Prokopik PC, say their size actually makes them more nimble and more able to work out leave and alternative schedules for employees.

Monopoli said even when the benefits offered to mothers are made available to fathers, there is a stigma surrounding men taking leave. She said some people think that a man who takes leave or adjusts his schedule to care for his children cannot be serious about his career.

Unless men see male partners taking advantage of family-friendly policies, they may not feel comfortable doing so themselves, she said.

McGuireWoods real estate lawyer Dan Hannah switched from associate to staff attorney just a few weeks ago in order to care for his six-month-old son, Ryan, when his wife returned to her full-time job with the National Labor Relations Board. He works two to three hours a day, after his wife comes home in the evening.

"I knew I wanted to spend more time with my son than I would be able to as an associate," he said.

But Hannah said he "didn't think it would be possible" to go part-time because he had never seen a man do it. He did see Jessica Morrison make it work, which was encouraging, he said.

Avoiding a backlash

While most firms still don't offer comparable policies for fathers as for mothers, Chanow suggested that firms should go even further and extend their policies to all lawyers. Those without children might have reason to ask for leave or flexible schedules, she said.

"We really strongly counsel them to make it available for any reason as long as it's consistent with the firm's business needs," Chanow said. "We've just seen too many instances where there's such great backlash."

Everyone at law firms, parent or not, struggles to find time for a personal life, she said. Non-parents will resent a policy that gives flexibility only to those with children.

In the end, although it is good that law firms are enacting policies to make continuing to practice a viable option for those with outside commitments, it may not be enough, Monopoli said. That's obvious by an estimate drawn up by Chanow's Project for Attorney Retention, Monopoli said. The organization found that, at the current pace, women will not make up half of law firm partners until 2115.

"What's going to have to change is the structure of the practice," she said. "We've always viewed it as a 24/7 proposition. If that continues to be the mode, even with all of these innovations, which are very important, you're not going to see a whole lot of change very quickly."

The balance changes

Morrison said she has learned something about balance in her time as a parent and a lawyer. Though people talk about work-life balance as a goal to achieve, it is really something that Morrison feels she has reached during a moment here and a moment there.

"I've never really known what [balance] meant, and I've kind of discovered through this process that it means different things at different times," Morrison said. "Balance isn't this ultimate state that you reach."