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Sisters In Law

Variations on the Full-time Gig

By: Lisa G. Sherman, Esq.

Most high achieving Sisters admit that it's difficult, if not impossible, to ride with brakes on. Because most of us can't do anything in moderation, we don't feel like we can do a good job if we work anything less than full-time (or at least less than our fellow associates). And while many of us change this mindset after having kiddies, our options to do anything less than full-time (at least outside of the inhouse counsel/government route) are somewhat limited.

In theory, you would think that in professions where you bill your time, it should be easy to reduce your hours by practicing part-time (working fewer than 70-hour weeks) or flex-time (working variable hours at times that are most convenient for you), or by job sharing (sharing your 70-hour weeks with a co-worker) because the firm can simply prorate your compensation based on your hours.

In reality, however, it's not such a simple equation. Because, for many of us, this issue is pivotal to our decision about whether or not to reenter the Sisterhood of practicing law. Indulge us as we discuss this issue.

From the law firm's perspective, embracing a fully disclosed formal flexible work arrangement policy (as opposed to secretive ad hoc policies which are all too common these days) is a good thing for several reasons:

Cost Savings. According to a recent study,¹ a firm loses approximately \$200,000 in training and recruiting costs when it loses a second year associate. Imagine the cost when it loses a midlevel associate, the time at which many of us try to conceive and coincidentally, finally becomes profitable to the firm. Some firms take the position that it costs more to hire part-time associates because the firm must pay the costs for a part-timer's overhead (i.e., your insurance, office or secretary) as that of a full-time revenue generating machine. In contrast, we believe that the correct analysis is not to compare the cost of a full-time associate to a part-time associate, but to compare the cost of losing a full-time associate altogether versus the de minimus extra overhead, if any, associated with allowing the full-time associate to cut down to part-time hours.²

Client Relationships. Most clients who typically have more progressive human resources policies than law firms want to hire firms that share their work philosophy.³ Moreover, with nearly 50% of in-house attorneys being women, law firms can only benefit if they are able to retain senior women who are only willing to work on a reduced schedule. Most clients would prefer to continue their relationship with a part-time associate they have been working with for eight years than pay the costs to get a new full-time associate up-to-speed on their business.

Recruiting and PR. The existence of a formal flexible work policy is emblematic of a progressive firm, which gives law school Sister recruits the warm fuzzies. Just look at the positive press that Arnold & Porter and Morrison & Foerster received when they were the first two law firms in history to appear on the 100 Best

Places for Working Mothers list published by Working Mother.⁴ Flexible work schedules may also be helpful in minimizing female attrition rates — statistics that most large firms hide from recruits like the Holy Grail.

Despite all these benefits, there are still hurdles that part-time attorneys face:

Client Demands. Many clients expect (and pay for) round the clock services. Moreover, if a deal is closing or a trial is set on your hallowed day-off, you will be expected to forego The Wiggles concert.

Stigma. Many of us believe that there is a stigma associated with part-time work — that people will think that we can't really be committed if we don't give 200% of ourselves. We believe that this stigma will be overcome in time, as part-time Sisters prove that they can do the work just as well (and perhaps even more efficiently) than their full-time brethren.

Advancement. Although in the past, many of us were cast aside on the mommy-track once we went part-time, many big firms are now offering full equity partnership opportunities to part-timers. It may take a little longer to get there, but most Sisters report that having the extra time to spend with their children is worth it. Part-time Sisters who have overcome such barriers report that they made themselves invaluable to either the firm or a specific client.

In order to thrive in this line of work as a part-time or flex-time attorney, there are two words that define success: accessibility and reactivity. If you can be reached and can react in a timely manner to a client's requests, even on your time out of the office, it shouldn't matter whether or not you are in the office at any given time. With our virtual law on the go devices — e-mail, cell phones, faxes, laptops and Blackberries — at our disposal, doing the part-time gig should be easier and more accepted than ever.

Lastly, if you have a part-time deal that is working out, go public and become an evangelist for the system! It is only in this way, or at the very least, we can perhaps claim that you can have it all.

Lisa Sherman is a former Nevada Lawyer, currently practicing labor and employment law in Los Angeles. This article is based on her new book, Sisters-in-Law, an uncensored guide for women practicing law in the real world.

Endnotes

1. Williams, Joan and Cynthia Thomas Calvert, *Balanced Hours: Effective Part-Time Policies for Washington Law Firms*, The Project for Attorney Retention (2002).
2. Eldridge, Lisa Carney and Deborah Epstein Henry, *Cashing in on Part-Time*, *The Benchers* (America Inns of Court publication, March/April 2003).
3. Id.
4. Susan Mandel, *Firms and Family*, *American Bar Association Journal*, September 2003.