Women’s Bar Association Of The District Of Columbia

Initiative On Advancement And Retention Of Women

Reporter’s Committee

Summary Of Proceedings

In Session I

“The Experts Present The Research”

January 6, 2006
Session I: The Experts Present the Research
Initiative on the Advancement and Retention of Women
Women’s Bar Association of the District of Columbia
January 6, 2006

On January 6, 2006, the Women’s Bar Association of the District of Columbia launched its four-session Initiative on the Advancement and Retention of Women. Session I of this four-session initiative, entitled “The Experts Present the Research” laid the foundation for the Initiative by addressing the current status of women lawyers in four segments.

First, Brande Stellings, Esq., Catalyst Senior Advisor, explored the divergence in career paths between male and female attorneys and challenged persistent myths erroneously believed to be the reason for this divergence.

Second, Joan Williams, Distinguished Professor of Law at Hastings Law School, drew from her extensive expertise on gender equity and experimental social psychology studies performed over the past three decades to document how implicit biases contribute to the glass ceiling.

Third, Dr. Ellen Ostrow used anecdotes from her extensive consulting practice to demonstrate how subtle biases affected individual women lawyers’ decisions to take leave their positions.

Fourth, Cynthia Calvert, Director of the Project on Attorney Retention, provided concrete guidance to law firms on how to increase the retention of all attorneys through flexible work environments.

Session I concluded with a witty luncheon presentation by Deborah Kelly, a partner and Executive Committee Member at Dickstein Shapiro Morin & Oshinsky, LLP, about her unconventional climb to the top of one of the District of Columbia’s leading law firms.

The Reporter’s Committee of the WBA Initiative has written summaries of each presentation. They are attached. These summaries should be reviewed by anyone preparing to attend a subsequent session.

- Reporter’s Committee for Session I:
  Linda Chanow, Esq., Wilmer Cutler Pickering Hale & Dorr (Chair)
  Jamie Abrams, Esq., Willkie Farr & Gallagher LLP
  Cecily Basker, Esq., Holland & Knight LLP
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Catalyst is a New York organization whose mission is to work with businesses and the professions to build inclusive environments and expand opportunities for women at work. Using Catalyst's research and other studies, Brande Stellings outlined the divergence between career paths for men and women attorneys. A number of myths are often used to explain that divergence, including the myths that women have not been in the pipeline long enough to rise to the senior ranks of the profession, that women are less ambitious than men, and that work-life balance is a women's issue adversely affecting their careers. The data available to Catalyst contradicts these myths and shows that most women leave law firms because of dissatisfaction with their advancement opportunities. With effort and analytical rigor, law firms can identify and improve the workplace factors that are causing women to leave. One particular challenge, however, is that most of the top barriers to women's advancement that are identified by women are not perceived as such by men.

A. **Introduction to Catalyst's Work**

1. Catalyst has 40 years of experience working with companies and firms to make changes for women through ground-breaking research, advisory services, and an annual award for innovative initiatives to advance women into leadership (given for the second time last year to a law firm).

2. Catalyst's 2001 Women in Law Study looked at experiences of women and men and asked why there was a lack of advancement of women in the legal profession. The study was based on over 1,400 responses from men and women graduates from five of the top law schools. Catalyst has also conducted research on the Canadian experience, which offers perspectives about flexibility and work-life balance issues. Catalyst's current research project focuses on issues of professional women of color and is due for release in Spring 2006.

B. **Demographic Framework: Divergence in Career Paths**

1. Women are almost 30% of practicing attorneys.
About 70% of new women and men attorneys start out in private practice. Over time, however, a divergence in career paths appears, as women leave private practice earlier than men. Even only a few years out of law school, there is almost a 10% difference in where men and women attorneys are practicing: 64% of women from the Class of 2000 are in private practice as compared to 73% of men. The differences remain pronounced for older classes: for law school classes from 1970 to 1999, 40% of women versus 50% of men are in private practice.

Significantly, more men in law firms are partners than women, while there is a greater representation of women in government and nonprofit sector.

C. **Myths & Realities**

1. People's theories about the reasons for these differences are affected by persistent stereotypes and myths. Three of the common myths are the "pipeline" myth, the "ambition" myth, and the "work-life balance" myth.

2. **The Pipeline Myth**

   a. *Myth:* women are under-represented in the senior ranks of the profession because women have not been in the pipeline very long; with time, women will rise to the top of the profession in equivalent proportion.

   b. In fact, women have been in the partnership pipeline for 20 years. Women started graduating from law school in numbers of 40% or more twenty years ago, in 1985. That figure would higher if only the top-tier law schools were measured. Now, some law school classes are over 50% women, and as a result, there is talk of the feminization of law.

   c. However, the proportion of women partners has remained low, and is actually static over the last 10 years. In 1996, 14.2% of partners were women, compared to 17.2% in 2005 – an improvement of only 3%. The numbers are not much better for women general counsel.
3. *The Ambition Myth*

a. The ambition myth is the idea that women don’t really want to work and are opting out to stay home with their kids.

b. In fact, women and men rate themselves in similar numbers as extremely or very ambitious, and they go to law school for the same reasons: intellectual challenge, financial stability, and professional credibility.

c. Women do leave their jobs at a higher rate than men, but not for the reasons that people expect. The top two reasons why women leave are (1) because their careers are not satisfying or enjoyable and (2) they feel stalled in their careers. Children as a reason ranks a distant third.

- Harvard Business Review published an article "Off-Ramps and On-Ramps" based on a study commissioned by the Center for Work/Life Policy. The study looked at 3,000 women with professional degrees and examined how many women were really opting out, for how long, and why. The study distinguished between "pull" factors (demands at home that pull women away from work) and "push" factors (factors or circumstances specific to the workplace that made women want to leave). It found that push factors predominated for women lawyers, although markedly not for women professionals as a whole. For women as a whole in the study, the primary factor was children. Only 6% of women in the study opted out because the workplace was too demanding.

- The study also showed that over 90% of women who take time off at some point in careers want to return to work, but over 90% of those women do not want to return to their previous employer.

d. Women are equally as willing as men to make tradeoffs if they feel that their careers are worth it, that they are getting recognition, and that they have opportunities for advancement.
e. Other research on women's ambition shows that women and men start off with the same level of ambition, but when women don't receive recognition or see opportunities for advancement, their ambition gets downsized.

f. A Catalyst case study shows that law firms really need to test their hypotheses about why women leave and approach these issues with analytical rigor.
   
   • A law firm hired Catalyst to identify reasons for turnover among women and strategize ways to advance or obtain women. The firm had a macho culture, with a perception that that women just can't hack it and want to go home and have children. Catalyst interviewed women who had left the firm over the past five years and found they had gone to work elsewhere, mainly to other firms (not to non-profits or in-house). Only 7% left to stay home with their children.

4. The Work-Life Balance Myth

a. Myth: that balancing work and personal family life is an issue just about women, or for families.

b. In fact, research has shown that the same numbers of men and women report having difficulty with the issue of balance: over 70% of both associates and partners reported conflict in this area. Significant numbers of men and women report this conflict even when they have no children. Balance is one of top three reasons cited by both women and men as to why they chose their current employer.

c. Yet the conflict over work-life balance adversely impacts women's careers more than men's. Both men and women agree that flexible work arrangements adversely affect advancement, but women make that tradeoff more frequently. Thirty-four percent of women, but only 9% of men, work part-time over their careers. Eighty percent of male partners had worked continuously full time over their careers, while 37% of women partners had. In other words, two-thirds of women partners had either worked part-time or taken time off, and 80% of men never have. The numbers show that
flexible work arrangements or part-time work may slow down a career but will not halt it. The impact on proportionate advancements is clear.

d. Women feel the burden of responsibilities disproportionately. Women lawyers are twice as likely as men to have a full-time working partner, which can lead to women shouldering more responsibility at home. One female associate interviewed by Catalyst said, "Women and men have different experiences period. Women don't have the same support network at home. If we were men doing these jobs, our 'wives' would stay at home. Men don't do all that – stay up to 2 am doing work, pack the lunches and get the kids off to school. There are far less expectations of what is expected of men."

e. This dynamic may shift over time. As more women take on the role of primary breadwinner, there may be more stay-at-home husbands, a phenomenon noticed among executive women in corporations. Generations X and Y also value work-life balance more than previous generations. Eighty-two percent of men aged 21-39 rated their top job component as having a work schedule which enables them to spend time with family.

f. Women are the miners' canary of the profession: the concerns women express are often perceived by increasing numbers of people in the profession, including men.

D. Why Women Leave: Dissatisfaction with Advancement Opportunities

1. Men and women are often equally satisfied with the work they get.

2. The largest difference in whether women will advance in their careers is their satisfaction with advancement opportunities. Women who stay at their firms are most satisfied with advancement opportunities, availability of mentors, management of their organization, professional development opportunities, and control over work. Women who leave are less satisfied with their advancement opportunities.

3. Access to advancement opportunities is more elusive for women.
E. **Perceived Barriers to Women's Advancement**

1. The top four barriers to women's advancement, identified by over 50% of women, are commitment to the personal/family, lack of client development experience, lack of mentoring opportunities, and exclusion from informal networks.

2. Men lawyers recognize that commitment to the personal/family is the top barrier to women's advancement, but data shows that men do not even see the other, more relationship-driven barriers. That itself is a barrier to women's advancement. Men in corporate law departments thought the top barrier, aside from family/personal life, was a pipeline issue. It is hard for men to understand the impact of the lack of women in significant leadership positions.

3. The unfortunate impact of the natural way men tend to socialize is that women are often excluded. Because there is often an ad hoc, informal approach to how work is distributed in law firms, who you know often determines whether you will be perceived as a star and whether you will get good assignments. This has an even greater disproportional impact on women by virtue of their fewer numbers at each higher rank in the workplace.
Behind the Numbers: Stereotyping, the Glass Ceiling and the Maternal Wall

Presented by
Joan C. Williams, Esq., Distinguished Professor of Law
Hastings Law School and
The Center for WorkLife Law
(Reporter’s Summary)

Joan Williams, Distinguished Professor of Law at Hastings Law School and Director of the Center for Work Life Law, drew from her extensive expertise on gender equity and experimental social psychology studies performed over the past three decades to document how implicit biases contribute to the glass ceiling. She demonstrated how uncorrected bias shapes law firm culture and lawyer interactions, both of which ultimately affect formal promotion and termination decisions. She discussed how, by identifying implicit bias, legal employers can correct those biases and create a culture that promotes the advancement and retention of women.

Professor Williams is known for her work in the law of gender equity. She has earned honors for integrating into the analysis the research on stereotyping from the social psychology literature. For example, she defined the term “unexamined bias” to more accurately refer to the forces at play in what was traditionally called “implicit bias.” Her term, now being adopted by social psychologists, connotes the common human tendency to correct bias that is recognized but to fail to correct what is not examined. The good news – recognition of bias is a key step to neutralizing its negative impact.

A. Implicit Bias.

1. Implicit Bias Is Unconscious Bias.

In contrast to the more commonly examined explicit intentional bias, implicit bias involves the way people interact unconsciously, i.e., associating executives with images of men.

2. Implicit Bias Is Correctable.

Implicit stereotypes are context-dependent and increased self-awareness reduces bias as does subliminal priming with words like “fairness” and “equality.” For instance, in a study of mock juries deciding a locker room fight in which the black/white and victim/defendant positions were randomized, jurors took care to check their instinctive
reactions in order to consciously achieve a fair result when they were aware of the race element, e.g. the only person of color was the defendant. In contrast, juries gave a biased result when race was invisible, e.g. in a mixed-race courtroom.


Traditionally, gender initiatives have focused on the impact of stereotyping in hiring decisions and evaluations. Experimental social psychology studies show that implicit biases in the culture and context of workplace interactions have an even greater impact on the glass ceiling. Implicit attitudes predict such things as friendliness, eye contact, body lean, speaking time, and number of smiles. Indeed, interviewers trained to mimic uncomfortable behavior elicit poorer performance from interviewees. Implicit biases can readily be found throughout office cultures. For instance, implicit biases play out in the 500 hallway encounters and interactions that precede promotion evaluations or termination meetings. Because formal decisions are based on the cumulative effect of these prior interactions and behaviors, these implicit biases serve to undermine the advancement of women.

B. Patterns of Stereotyping

Numerous patterns of stereotyping emerge from a review of more than 150 experimental social psychology studies ranging from the 1970s to 2005. First, the glass ceiling penalizes women through two distinct stereotyping patterns: patterns that make it harder for women to be perceived as competent, and patterns that penalize women for being too competent. Second, the maternal wall penalizes mothers, women who are perceived to be potential mothers, and fathers who take an active role in family care through a variety of patterns that are detailed below.

1. Glass Ceiling Patterns That Make It Harder for Women to be Perceived as Competent.
   - Gender bias in evaluations and rewards:
     o His success is attributed to internal factors, her success is attributed to external factors: “He’s skilled; she’s lucky.”
     o Men are given greater rewards for the same accomplishments. His accomplishments are
attributed to internal factors and therefore he deserves a greater reward; she just got lucky, so she deserves a less glorious reward.

0  Women's, but not men's, mistakes are remembered forever.

- **Recall bias:** Women are judged on their accomplishments, men on their potential (*i.e.*, "He's a nascent scholar, soon to blossom but she's not qualified. She lacks publications.").

- **Leniency bias:** Objective rules are applied rigidly and rigorously toward women, but flexibly toward men.

- **The superstar problem:** Women superstars may well fare better than men; women who are only excellent fall off the map in relation to men.

- **Tokenism issues:** Women are isolated and out of the loop.

- **Different standards for self-promotion:** She is a "shameless self-promoter"; he "knows his own worth."

- **Women rated as effective managers tended to be seen as having personality problems:** She's a (bitter, selfish) effective manager.

- **Women and leadership:** Similar behavior may be seen as evidence of leadership in men and may not be noticed in women or perceived negatively.

2. **Glass Ceiling Patterns that Penalize Women for Being Too Confident:**

- **Subgroup stereotypes:** Women who play stereotypically feminine roles are taken into the in-group, while other women are stigmatized.

- "He’s assertive, she’s aggressive or abrasive."

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• **Catch 22:** If women are not aggressive enough they have to do twice the work.

3. **Maternal Wall Patterns That Penalize Mothers, Women Who Are Perceived to be Potential Mothers, and Fathers Who Take an Active Role in Family Care:**

• **Jobs are designed around masculine patterns:** 95% of mothers aged 25-44 work less than 50 hours/week year round, jobs demanding more hours exclude 95% of moms.

• **Role incongruity or lack of fit:** Belief that a woman cannot function effectively as both a lawyer and a mother.

• **Prescriptive stereotyping:**

  o **Hostile:** Complaints of the “incompetence and laziness of women who are also working mothers.”

  o **Benevolent:** For example, two lawyers who were married and worked for different firms. After their firms merged, they had a baby. After the baby was born, she was sent home promptly at 5:30 every night. She had a baby to take care of. He was kept later. He had a family to support.

• **Attrition bias:** “Before I went part-time, when I wasn’t at my desk people assumed I was at a business meeting. Afterwards, they assumed I was home with my kids – even if I was with a client.”

• **Leniency bias:** “Before I went part-time, when I did not give people the turnaround they hoped for, they gave me the benefit of the doubt. All that ended when I went part-time. As a result, my performance evaluations fell, even though the quality of my work did not change.”

• **Negative competence assumptions:** A 2005 study found that “relative to other kinds of applicants, mothers were rated as less competent, less committed, less suitable for
hire, promotion, and management training, and deserving of lower salaries yet they are held to longer hours, higher performance and punctuality standards."

- Earlier studies associated housewives with the elderly, blind, "retarded," and disabled.

- "When I returned from maternity leave, I was given the work of a paralegal, and I wanted to say 'Look, I had a baby, not a lobotomy.'"

C. A New Approach to Advancement and Retention of Women

1. The traditional approach, of jumping from demography to vague prescriptions to do better, simply tells you there is a problem. It does not tell you what to do about it.

2. Our model is to target these very specific patterns of stereotyping and bias in order to bring this implicit bias, this unexamined bias, to the surface.

- It tells you really what not to do.

- And it needs to be combined with PAR’s prescriptions as to what to do, the best practices.
What the Women Say When the Men Aren’t Around
Presented by
Dr. Ellen Ostrow, LawyersLife Coach
(Reporter’s Summary)

Dr. Ellen Ostrow is the founder of Lawyers Life Coach LLC, a firm providing coaching and consultation to attorneys and law firms throughout the country on issues related to gender diversity, work/life balance, and strategic career management. Dr. Ostrow used narratives from her coaching practice to demonstrate how the attitudes and behaviors of partners managing attorneys can block women’s careers. For instance, women’s careers are blocked when they are:

- **Criticized for being too aggressive.** A senior associate with impeccable evaluations and a long history of wins for her clients was omitted from the victory memo even though she had written the bulk of the Supreme Court brief. When she brought this to the attention of the managing partner, she received a personal email from him scolding her for being a “prima donna.”

- **Not offered opportunities to do the kind of work necessary for advancement.** A senior associate who graduated in the top ten percent of her class from a top law school and has an advanced degree in science was continually assigned to case management for a single partner despite her numerous requests for substantive work. At the same time, the partner discussed substantive issues in her cases with a male associate and the pair frequently had lunch together. She later discovered that letters that she had written and the male associate had proofed went out with only his and the partner’s names and that the partner was delegating substantive work to the male associate.

- **Excluded from networks.** A junior partner who, after advising the senior relationship partner that she wanted to develop a relationship with a particular client, was excluded from meetings between the senior partner and the client.

- **Considered to be “not committed” because they work a reduced-hour schedule.** An eighth-year associate in a large firm had worked full-time with two children at home. She had never had anything but stellar evaluations. When she became pregnant with her third child, she told the

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partner that she wanted to slow down a bit, just temporarily, before ramps up again for partnership. She proposed a part-time arrangement, including telecommuting. The partner was outraged: “In the office, professionals are not distracted by other parts of life.” When she returned from her maternity leave at seventy-percent time, he gave her the first bad review in their eight years of working together.

- **Not mentored.** Senior male partner helped “protect” a female associate from a particularly obnoxious client instead of helping her to master the situation.

While it is true that many women feel the pull of non-work demands, they would not leave if they did not feel pushed out. Because of these underlying behaviors, flexible schedules grafted onto business as usual will not work. To retain more women, law firms must not only adopt fair and equitable part-time policies but also address the attitudes and behaviors of partners managing attorneys utilizing those policies. When women are told by partners that the gender initiatives within their firms are “really just PR” or by their firms’ diversity consultants that they had better look elsewhere if they want a workplace where equity truly exists, women do not view the part-time policies as meaningful options.

Instead, to achieve greater success in retaining their women lawyers, law firms must create an environment where women feel valued and have genuine opportunities to succeed. Partners can communicate that the firm values its women attorneys by:

- Inviting women to golf outings and attending the cultural events planned by women at the firm;

- Investing in women’s career development;

- Managing difficult clients by assuring clients of the firm’s absolute confidence in its attorneys;

- Inviting women’s participation at group meetings;

- Encouraging truly open discussion of behavior that makes women feel uncomfortable;

- Encouraging both men and women to talk openly about their lives outside of work; and
• Recognizing the contributions of part-time attorneys.

Women who feel valued will, in turn, experience less difficulty juggling work and family. Because they will have developed close relationships with the partners with whom they work, those partners will not doubt their commitment. The women will receive great assignments and exposure to clients and partners will not worry about whether the women are working at home or in the office because the partners will trust them as professionals.
Flexibility in Achieving: Men and Women
Presented by
Cynthia Calvert, Esq., Director, Project for Attorney Retention
(Reporter’s Summary)

The Project for Attorney Retention ("PAR") offers resources to help law firms understand the importance of flexibility in the law firm environment, analyze the effectiveness of existing part-time programs, and implement changes to ensure the success and retention of all attorneys.

PAR’s Background.

- Joan Williams and Cynthia Calvert founded PAR six years ago with a grant from the Sloan Foundation.

- PAR’s mission was to determine why there were so few women in the senior ranks of law firms. PAR talked to attorneys from across the spectrum in a variety of settings (e.g., focus groups, interviews, surveys).

- The complete results of PAR’s survey are available online at www.pardc.org. Participants are encouraged to review PAR’s findings before the next session.

The Results of PAR’s Research: The Need for Flexibility.

3. High Billable Hours Requirements Affect Retention of Male and Female Attorneys.

- Women feel pushed out of traditional law firm cultures by the billable hours requirements.

- Men in increasing numbers are feeling the same work/life conflict that women report, but men are not as vocal in expressing this concern. This phenomenon perpetuates the idea that work/life issues are women’s issues.

- PAR’s research is showing that this is more of a generational issue.

- Very few attorneys are actually working part-time (approximately 3%), relative to their professional peers (15-16% usage rate), despite the existence of policies in most medium and large size firms.

- Reasons for low usage rates, include:
  - Perceived stigmas relating to a part-time schedule.
  - Stigmas relating to performance levels.
  - Derailed partnership track.
  - Lower quality assignments.
  - "Schedule creep" - the tendency of part-time hours to creep up to full-time levels.
  - Part-time is often taken to mean part-committed.
  - Some view reduced hours as "professional suicide."

5. *Firms Need to Bridge the Communication Gap.*

- PAR identified a significant communication gap between management-level attorneys’ and associates’ perceptions of the part-time program.

- PAR’s report was intended to bridge that communication gap and offer best practices for law firms and professional service firms.

**PAR’s Recommended Best Practices for Part-Time Programs.**

6. *Adopt the Term “Balanced Hours” to Define Part-Time Schedules -- “Part-time” Has Become Too Stigmatized.*

- “Balanced hours” are reduced hours that are designed to meet the business needs of a law firm, while maintaining the attorney’s ability to work and develop professionally.
The term incorporates the active management of workloads, emphasizes client service, and promotes the values of the firm.

7. **Customize Your Balanced Hours Program.**

- Firms should take a holistic approach to balanced hours to ensure that the program meets its customized client service priorities.

- The program should ensure that employees can simultaneously manage their obligations outside of work and be productive and profitable team members.

8. **Quantify the Costs of Attrition.**

- While firms track revenue closely, they do not track attrition-related expenses.

- Attrition is expensive (see PAR’s cost worksheet for a detailed break down), averaging between $200,000 and $500,000 in economic costs to replace a second or third-year associate.

- There are also non-economic costs to consider, such as eroded client relationships, lost productivity, and low morale.

9. **Value Retention.**

- Breaking the cycle of attrition with women attorneys will improve retention and recruitment.

- Attorneys of all levels are reviewing part-time policies as part of their job search. Insider information about part-time policies at firms is available on PAR’s website: [http://www.pardc.org/TheScoop/](http://www.pardc.org/TheScoop/).

- Retaining attorneys will also improve client relationships by preserving institutional knowledge and continuing case momentum.
10. *Balanced Hours Programs Will Build Business.*

- This may seem counter-intuitive. One might think that reduced hours hurt the aggressive reputation of the firm.

- Clients are starting to understand these factors and their effects on attrition. Clients want to hire law firms with values similar to their own and will reward good work/life programs and good diversity programs.

- Many attorneys leave firms to go in-house and are in a position to give business.

**PAR’s Usability Test Will Help Firms Assess Their Part-Time Program and Offers Guidance for Improvement.**

11. *The Test.* Most firms are not recognizing all of the benefits described above. PAR’s Usability Test is a set of objective criteria that firms can use to evaluate their part-time programs.


- Gather firm records to break down the part-time program by gender, determine the median number of hours worked, and the length of time people use the program.

- The program is probably stigmatized if only women are using the program, or if only a small number of attorneys are using the program, or if attorneys are leaving pretty quickly.

- PAR’s Test also encourages firms to consider the assignments, promotion rates, comparative attrition rates, and other factors.


- Reward quality work, skills, judgment, client relationships, etc., rather than rewarding hours in the office.
• Eliminate stigmas by making attorneys feel valued.

• Leaders in the firm can make a difference by delivering the message that balanced hours are a business initiative of the firm and supported by all partners; it is not an accommodation.

• Some fear that a non-stigmatized program will lead to a situation wherein everyone wants to work part-time. Firms on track to using non-stigmatized programs, however, are experiencing only 7.8%-8% usage rates.

• Publicly praise the success of part-time attorneys.

• Make sure part-time attorneys are getting assignments as good as those given standard-hours attorneys.

• Offer mentoring.

• Respect the hours in which part-time employees are out of the office.

• Monitor employees’ development, making sure they have made the right contacts and have access to the right experiences.

• Partner compensation could take into consideration how well partners support the balanced-hours initiative.

• Seek media attention for successful balanced-hours program.

13. **Positive External Reactions.**

• Many firms wonder what the clients will think.

• In 2003, PAR studied work-life balance issues for in-house counsel ([http://www.parc.org/CorporateCounsel/](http://www.parc.org/CorporateCounsel/)). In-house counsel said that they supported part-time programs because they cut down on attrition.
• Many saw no difference in responsiveness, even documenting cases where part-time attorneys were more conscientious.
A Light-Hearted View From The Top
By featured luncheon speaker
Deborah P. Kelly, Executive Committee, Dickstein Shapiro Morin & Oshinsky
(Reporter’s Summary)

Deborah Kelly arrived at Dickstein Shapiro Morin & Oshinsky LLP (“Dickstein Shapiro”) as a first-year litigation associate pregnant with triplets. Based on the anecdotal evidence and the data presented throughout the first session, in many ways, it may have seemed unlikely to Kelly that she could stay and achieve the level of success that she has achieved today. She did, however, and today she is a partner at Dickstein Shapiro, a member of the Firm’s Executive Committee, general counsel to the firm, and head of the firm’s employment practice, as well as the mother of three. Kelly attributed her success to Dickstein Shapiro’s flexibility and their willingness to take a chance on her situation. She shared the following reflections.

Kelly and Dickstein Shapiro Achieved Success By Working Together.

- Other firms might have said “let’s forget about her.” Instead, Dickstein Shapiro worked with Kelly from the beginning.

- Kelly and Dickstein Shapiro originally agreed to a reduced-hours schedule, on an eighty percent basis, in the litigation practice, which involved working as a team member on the multiple cases going to trial.

- As the years passed, Kelly began to feel that her life was only as good as the cases that walked in the door. She wanted to get an employment practice off the ground. Dickstein Shapiro supported Kelly in this effort.

- This transition allowed Kelly to work a lot on fewer cases, rather than contributing a little bit to a lot of cases. That change in dynamic allowed her to better manage her time, her schedule, and her client relationships.

Overcoming the Obstacles

- At the outset, she had to overcome some resentment from others of her part-time arrangement and a perception that such an arrangement for
people with children was a “sweetheart deal.” (She suggested that they work fewer hours for less money as well.)

- To succeed, an attorney working a part-time schedule should not view it as a badge or implication of inferiority. Beware of the “sharks to blood” phenomenon.

- Think carefully about what you want to achieve in your career. Make your own individual choices. Not everybody – whether male or female – wants to be a law firm partner.

Suggestions for Success

- Firms should value and reward work that is quality and timely. These are the ultimate objectives in the client-service industry. “Face time” does nothing to further these objectives – it is pointless, if not poisonous.

- A policy that is just words on paper is not enough. Rather, the words have to be met with actual support. People have to be willing to use the policy to make it meaningful.

- Times are changing for men and women. Lawyers of both genders are trying hard to make changes in order to be with their families.

- Firms need to be open-minded when embarking upon new arrangements and alternative schedules.

- It is important to understand the reality of the profession in which we work. The practice of law is not easy for anyone, making partner is not easy for anyone. Be prepared to handle stress, regardless of your work arrangement.

- Both the firm managers and the individual lawyers must be flexible and realistic. Senior attorneys can help more junior attorneys understand what is realistic flexibility and what is a dream list, just as Kelly decided that trial work was not going to work for her.

- Give up delusions of perfect homes, hygiene, and hair.
• Stick with your sense of self-confidence.

• Learning to work with a lawyer who has a part-time arrangement requires training for the teammate or supervisor.

• There is a direct relationship between diversity and attention to individuals’ needs for flexibility in the workplace.

• Clients like Wal-Mart and Fannie Mae mean what they say. They need to see diversity if you want to see their business.