STILL BETTER ON BALANCE?

WORK|LIFE BALANCE IN-HOUSE

THE PROJECT *for*
ATTORNEY RETENTION

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The Project for Attorney Retention

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PAR Corporate Counsel Survey

Introduction

In 2003, the Project for Attorney Retention released a report on work-life balance among corporate counsel. *Better on Balance? The Corporate Counsel Work-Life Report* documented attorneys' work-life experiences as in-house counsel at a time when the economy was healthy and work in corporate law departments was an increasingly popular option for attorneys in search of a better work-life balance. The 2003 study focused on the extent to which the quality of life in-house was better than in law firms and found that while some corporate law departments do provide a better quality of life, flexibility stigma and structural constraints on how work is organized in-house limited the amount of flexibility attorneys were able to exercise.

The 2003 study described three models of law departments, which are corroborated by this year's findings:

In the Dominant Model (referred to as the Corporate Model in 2003), attorneys may put in 10-hour days, but typically were home in time for dinner each evening, generally did not work on weekends, and took their scheduled vacations.

In the **Law Firm Model**, in-house attorneys found work demands similar to those of law firms – long hours, interrupted vacations, and the like. Legal departments fitting this model also tended to place higher value on "face time."

Legal departments that fit the **Balance-Supportive Model** actively supported attorneys' work-life balance by providing policies that created a more flexible work structure. These departments encouraged the use of alternate work schedules and attorneys' careers were not compromised by flexible schedules.

Highlights of the 2011 Survey Findings

- *Better on balance.* Over three-fourths of respondents believed in-house jobs offered better work-life balance than law firms. Respondents were motivated to take their first in-house job because they were drawn to the work and wanted to be more involved in business matters. They also wanted to escape the billable hour. Gaining control over work hours was a compelling reason motivating attorneys to go in-house.

- *Dominant model still predominates.* The dominant model in-house, both in 2003 and 2011, is a 50-hour-week full-time schedule in which attorneys typically can get home most nights for dinner and take a planned vacation without having to worry about last-minute cancellations due to a work crisis. Typically, they did maintain regular contact with the office during their vacations.

- *Better on balance, but….* In-house departments were far less likely than law firms to have work-life policies or programs. About one-third of respondents indicated their in-house departments offer no policies to support work-life balance, while nearly all

law firms do provide for such policies.[1] Moreover, work-life policies in common use are modest in scope — flexible start-stop times and ad hoc telecommuting are the only work-life policies commonly used. In addition, over one-third of women in-house have taken paid leave.

- *Part-time is harder to get in-house than in law firms.* While 98% of NALP-member law firms provide part-time policies, only 35% of legal departments represented by survey respondents had any work-life policies available.

- *Compressed workweeks, virtually unknown in law firms, exist in-house.* PAR's best information is that compressed workweeks are extremely rare in law firms. However, 8% of in-house attorneys have utilized this schedule at their current company.

- *Face time is important.* Face time remains important in-house. In-house lawyers typically feel the need to be on site to ensure that their clients consult them before making business decisions. However, respondents whose companies have work-life policies report less emphasis on face time.

- *Widespread interest exists in part-time, telecommuting and compressed workweeks.* Among respondents without access to work-life policies, fully 83% said that access to telecommuting would be helpful to them, while nearly half of respondents said that compressing their workweeks would be helpful. One in five indicated that part-time work would be helpful to them.

- *Flexibility stigma is alive and well.* Part-time work, job sharing and results-only work environments were seen as likely to trigger career detriments. Some of the policies named as most desirable also were named as most career-compromising. Topping the list was part-time work: although 21% of attorneys believed part-time work would be most helpful, only 12% actually used this policy, which was rated as the most career-compromising policy.

- *Departments with work-life programs have higher employee satisfaction and lower turnover.* In-house departments that offer work-life programs typically are better places to work even in ways unrelated to work-life balance. Lawyers in departments that offer work-life programs are more satisfied, less likely to say that they plan to leave their employers, and more likely to feel supported by management and co-workers than lawyers in departments that offer no work-life policies. Clearly, work-life policies benefit employee and employer alike.

- *Key message for women:* In-house departments headed by women are more likely to be better environments for women. About a third of respondents worked in departments headed by women. Departments with a woman general counsel had a greater proportion of women attorneys and a higher percentage of women in management roles. That said, these generalizations only indicate trends. Obviously, the climate of any given department will depend in the individuals involved, not just on the gender of the general counsel.

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[1] According to the latest survey of NALP member firms, 98% of firms offer part-time.

Findings

Survey Respondents

A total of 429 respondents who were currently employed as in-house attorneys responded to the survey. The majority of respondents (70%) were female. While gender differences and similarities in responses are explored later in the report, readers should bear in mind the gender imbalance of the respondent sample as the results are interpreted.

The majority of respondents (80%) identified themselves as Caucasian/White; 13% identified as Asian/Asian American; 7% as African American/Black, 4% as Hispanic/Latino, 2% Native American/Alaskan; 1% Native Hawaiian or Pacific Islander, and 1% Other.[2] More information about the survey respondents is available in the Appendix.

Three Models of Legal Departments

The 2003 study described three models of law departments, which are further explored and corroborated by the survey data.

The Law Firm Model which describes just under 30% of respondents' experiences, includes legal departments that place demands on attorneys that are similar to those of law firms – long hours, interrupted vacations, and the like. Legal departments fitting this model also tended to place higher value in "face time."

The Dominant Model (referred to as the Corporate Model in the 2003 report) describes roughly 40% of respondents' work environments, where attorneys may put in 10-hour days, but typically work 50 or fewer hours per week, and are able to take planned vacations.

A subset of the Dominant Model is legal departments that fit the **Balance-Supportive Model.** These departments actively support attorneys' work-life balance by providing for policies that create a more flexible work structure, and prioritizing work-life by highlighting their work-life policies and/or programs in recruitment efforts, and leveraging the policies/programs as retention tools. This model describes 14% of respondents' work environments and is further characterized by attorneys' perception that their management is at least "somewhat" supportive of their work-life needs.

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[2] Percentages do not total one hundred percent (100%), as respondents were able to select more than one race/ethnic category, and some respondents declined to identify their race/ethnicity.

Better Balance Is the Rule

Over three-fourths of respondents (78%) reported that they feel better able to balance work and non-work responsibilities in-house than at a law firm. This sentiment was stronger among attorneys who had actually had prior law firm experience, as illustrated below: 78% of attorneys with law firm experience felt this way, as did 68% of respondents without law firm experience.

Figure 1.   Work-life balance in-house

Had prior law firm experience: 78% | 14% | 7% | 1%
No prior law firm experience: 68% | 11% | 5% | 16%

0% — 25% — 50% — 75% — 100%

- I think I am better able to balance work and non-work responsibilities as in-house counsel
- I think my ability to balance work and non-work responsibilities as in-house counsel is about the same as attorneys at law firms
- I think I am less able to balance work and non-work responsibilities as in-house counsel as compared to attorneys at law firms
- Don't know

Had prior law firm experience N=296; No prior firm experience N=19

Figure 2.   Work-life balance in-house by availability of work-life policies

WL policies not available: 69% | 15% | 12% | 4%
WL policies available: 83% | 12% | 4% | 1%

0% — 25% — 50% — 75% — 100%

- I think I am better able to balance work and non-work responsibilities as in-house counsel
- I think my ability to balance work and non-work responsibilities as in-house counsel is about the same as attorneys at law firms
- I think I am less able to balance work and non-work responsibilities as in-house counsel as compared to attorneys at law firms
- Don't know

Work-life policies available N=213; Work-life policies not available N=119

In addition, as illustrated in Figure 2 above, in-house attorneys who had access to work-life policies felt significantly better able to balance work and non-work responsibilities in-house as compared to in a law firm. By a substantial margin, our findings confirmed the conventional wisdom that in-house was better on balance than in law firms.

However, Many In-House Departments Lack Work-Life Programs

Approximately two-thirds (65%) of respondents reported their companies had workplace programs to promote work-life balance. Yet a surprising 35% of respondents reported that their companies lacked such programs. The larger the legal department, the more likely respondents were to report the existence of work-life policies programs.

In comparison, a 2003 report by the American Bar Association estimates that 95% of law firms offered part-time schedules.[3] In addition, a 2012 press release from the National Association for Law Placement (NALP) reports that nearly all NALP-member law firms (98%) allowed part-time schedules.[4]

Figure 3.   Does your company have workplace programs in place that promote work-life balance?

No
35%

Yes
65%

N=352
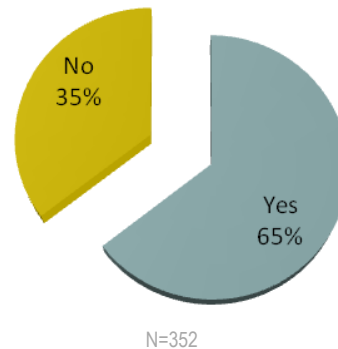
The Dominant Model of Corporate Legal Departments

Respondents typically worked 50-hour weeks, had some flexibility in when they started and stopped work, and could occasionally work from home on an ad hoc basis. Face time was valued and important, yet attorneys typically did not have to worry about last-minute vacation cancellations due to a work crisis— although they did have to check into work regularly during vacations. Both today and in 2003, this was the dominant model among in-house legal departments.
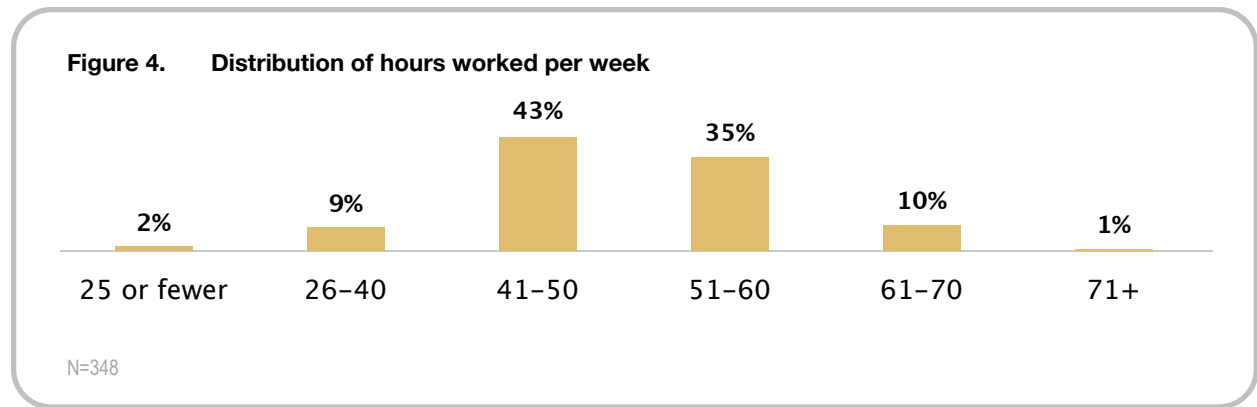
What is a Full-Time Schedule?

The median number of hours worked was 50, but schedules varied considerably. Slightly over half (55%) of respondents averaged 50 or fewer hours a week. While slightly under half (45%) worked over 50 hours a week, roughly a quarter of respondents (26%) reported working 60 or more hours a week. Eleven percent (11%) reported they worked over 60 hours a week. (See Figure 4.) Thus, although the dominant model was to work 50 or fewer hours per week, lawyers should not be misled into assuming this is true of all in-house departments.

As PAR found in 2003, some departments had a strong tradition of constant availability, similar to that in many law firms. Indeed, one attorney from the 2003 study said her department was run by an "old fashioned" male attorney who valued face time and frequently scheduled meetings on weekends. However, given the high billable hours requirements of some law firms, working the standard in-house schedule may look like a part-time schedule to many big law firm lawyers.

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[3] Bogas, Kathleen L. and Laura C. Fentonmiller. 2003. "Law Firms as Model Employers." Section of Labor and Employment Law 2003 Annual Meeting.

[4] National Association for Law Placement Press Release, January 19, 2012. "Part-time Work Among Lawyers Declined for First Time in 17 Years – Most Working Part-Time Continue to be Women."

Figure 4.   Distribution of hours worked per week

		43%	35%		
2%	9%			10%	1%
25 or fewer	26–40	41–50	51–60	61–70	71+

N=348

The more senior the attorney, the more hours worked per week.[5] This finding may suggest that younger generations of attorneys are less willing to work the long hours that their more senior colleagues work, or that as one becomes more senior, greater responsibilities make for longer hours.

Attorneys who typically worked more than 50 hours each week were significantly less satisfied with their ability to balance their work and non-work lives as compared to attorneys who worked 50 or fewer hours. In general, the more hours worked, the less satisfied respondents were with their ability to balance work and non-work responsibilities.[6] Satisfaction with work-life balance increased incrementally as hours worked per week decreased.

On average, attorneys who worked 25 or fewer hours per week rated their satisfaction with work-life balance at 3.62 on a 4-point scale, compared to those who worked 71+ hours, who rated their satisfaction at 2.00. Attorneys who worked over 50 hours per week rated their work-life satisfaction at 2.69, while those who worked up to 50 hours per week rated their satisfaction at 3.41.

Face Time is Important

Respondents tended to perceive face time as extremely important to maintaining relationships and perceptions of commitment and productivity at work. Most respondents agreed that being physically present in the office:

- was necessary to maintain relationships in their job (49% agreed; 28% strongly agreed)
- was important with regard to perceptions of commitment (42% agreed; 39% strongly agreed)
- was important with regard to perceptions of productivity (41% agreed; 35% strongly agreed)
- improved performance reviews (49% agreed; 23% strongly agreed)

Most respondents (57%) either disagreed (45%) or strongly disagreed (12%) that "as long as the work gets done, it doesn't matter if I am in the office." This emphasis on face time may have been one reason the survey reflected little interest in a Results-Oriented Work Environment (ROWE). ROWE, originally invented at Best Buy, sends the message that work will be judged on results alone, and can be done anywhere and at

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[5] Pearson's correlation coefficient r=0.12 and 0.18, respectively; p<0.05

[6] r=-0.41; p<0.01

any time. ROWE has been highly effective at increasing both productivity and worker satisfaction at Best Buy.[7]

Some legal departments have stronger face time cultures than law firms do. As noted in PAR's 2003 study, in-house attorneys often believed they needed to be on-site to ensure that clients would consult them in real time before business decisions were made. This sentiment was also expressed in the focus groups for this study. Many in-house attorneys expressed concern that if they were not physically available to their clients down the hall for a consult, their client would act anyway, without the benefit of legal advice. In addition, to the extent that some law departments did not have objective measures to evaluate attorney productivity, such as the use of billable hours in law firms, face time may have become a proxy for productivity.

Attorneys whose companies had work-life policies reported less emphasis on face time. That is, they more strongly *disagreed* that being physically present in the office was important to:

- perceptions of commitment to work[8]
- perceptions of productivity[9]
- performance reviews[10]

They were also more likely to agree that as long as the work got done, it didn't matter if they were in the office.[11]

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[7] Moen, Phyllis, Erin L. Kelly, Rachelle Hill. 2011. "Does Enhancing Work-Time Control and Flexibility Reduce Turnover? A Naturally Occurring Experiment." *Social Problems*, 58:1, 69-98. It should be noted here that to PAR's knowledge, the Best Buy legal department has not yet adopted the ROWE program.

[8] 20% of those who have work-life policies disagree or strongly disagree that being physically present in the office is important, compared to 17% of those without policies.

[9] 27% of those with work-life policies disagree or strongly disagree that being physically present in the office is important to perceptions of productivity, compared to 18% who don't have policies.

[10] 30% of those with work-life policies disagree or strongly disagree that being physically present in the office is important for performance reviews compared to 23% who don't have policies.

[11] 45% of respondents with work-life policies agree or strongly agree that as long as the work gets done, it doesn't matter if they are in the office, compared to 40% without policies.

Ability to Take Vacations

Respondents were asked to indicate the extent to which they were able to take vacations. Almost two-thirds (60%) said that typically, they could take a planned vacation, as indicated in Table 1, but that they maintained regular contact during vacations.

Table 1.   Ability to take vacations

Which of the following statements best characterizes your experiences with vacation time?					
My vacation plans are frequently cancelled due to work	My vacation plans are occasionally cancelled due to work	I can take a planned vacation, but I maintain regular contact	I can take a planned vacation and I can be reached if needed	I can take a planned vacation without worrying about having to check in	Total
8	24	211	85	23	351
2%	7%	60%	24%	7%	100%

Figure 5 below depicts the same data presented by whether or not the respondent's legal department had work-life policies. As illustrated by the lighter shades in the figure, a greater proportion of those with access to work-life policies were able to disengage from work while they were on their vacation. Only 1% of in-house counsel whose employers provided work-life policies, and only 4% of attorneys whose employers did not, frequently had to cancel vacations due to work. Anecdotal evidence suggests that canceled vacations may be more common in law firms.

Figure 5.   Continuum of ability to take vacations by access to work-life policies

No work-life policies: N=125; Access to work-life policies: N=226.
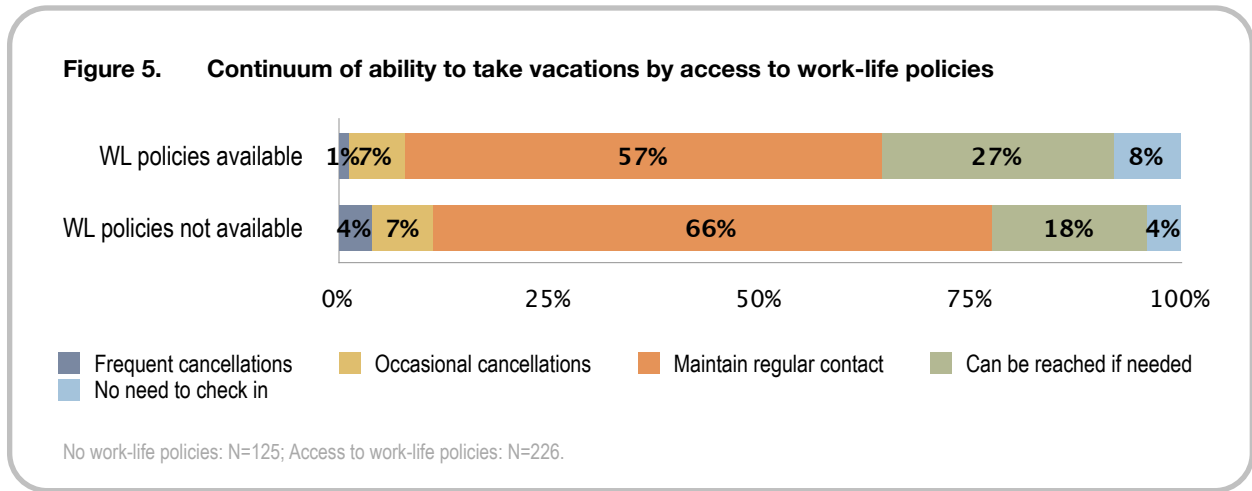
Although vacations were rarely canceled, respondents typically did have to check in at work. As illustrated above, 8% of attorneys with access to work-life policies compared to 4% of those without, could take a vacation without having to check in at all. A statement expressed by an in-house attorney at one of the focus groups for this study poignantly illustrated this expectation: *"We joke at [our company], vacation means, 'Where are you working from this week?'"*

Respondents were also given the opportunity to write in open-ended responses to this question. Of the 32 write-in responses, only 2 were statements about their ability to truly take vacations: *"I check in with work, but I am not expected to do so unless it is a lengthy vacation." "I can be reached if needed, but rarely will my boss interrupt my vacation*." Most of the comments were about limitations of respondents' vacations.

These quotes are representative of the general sentiments expressed: *"It's increasingly hard to unplug due to work demands." "I never take all my allowed vacation." "I don't feel able to take vacations of more than two days away from work*." Echoing the statement above from one of the focus groups, *"I don't really disengage while on 'vacation' – I simply work remotely*."

Taken together, these findings paint a portrait of the typical legal department as one in which attorneys work 50 hours a week and they maintain a presence in the office, as face time is perceived to be important and necessary for them to be effective and to be perceived as committed and productive in their jobs. Perhaps due in part to the importance placed on face time, few in-house attorneys are able to take a planned vacation without having to check into the office at all. More typically, planned vacations can be taken, but regular contact with work is expected and maintained. However, in-house attorneys with access to work-life policies tended to emphasize face time less and also appeared better able to disconnect from work while on vacations.

What Work-Life Programs Do In-House Attorneys Use?

Respondents whose companies had work-life programs were asked to identify which programs they had used, in any capacity, formal or informal.

Table 2.   Work-life policies used

Answer Options	Response Percent	Response Count
Telecommuting – formal and/or ad hoc	64%	136
Flexible start-stop times	61%	131
Part-time work	12%	26
Gradual return from maternity leave	10%	22
Compressed workweek (e.g., 10 hours per day/4 days per week)	8%	18
Back-up care service	4%	8
Results-only work environment (ROWE)	3%	6
On-site care (for elders and/or children)	2%	4
Parent/caregiver groups	2%	4
Job sharing	1%	3
Subsidized care (for elders and/or children)	1%	3
Back-up nursing service	0	0
I have never made use of any of my company's work-life policies	17%	37

N=214; Note: Respondents were asked to select all policies that they have used, so percentages will not add to 100.

The only work-life policies in common use were flexible start and stop times, ad hoc telecommuting, and formal leave policies. The workplace flexibility policy most in evidence was telecommuting. Roughly two-thirds (64%) of respondents had taken advantage of their employers' telecommuting policies. In addition, 61% of respondents had taken advantage of workplace policies that provided for flexible start and stop times.

While these numbers suggest widespread use of work-life policies, very few professionals do not have the privilege of some flexibility regarding when they start and stop work. Being able to telecommute every once in a while is also a privilege extended to most high-level professional employees. The survey findings

therefore indicated that the most frequently used policies were the low-hanging fruit of work-life policies. This finding is reinforced by the fact that most respondents who telecommuted did so on an ad hoc rather than a formal basis.

When the responses about telecommuting were disaggregated into ad hoc or formal telecommuting, we found that three-fourths were using this policy on a casual, ad hoc basis, as illustrated below.

Figure 6.   Proportion of formal and ad hoc telecommuting

Telecommuting
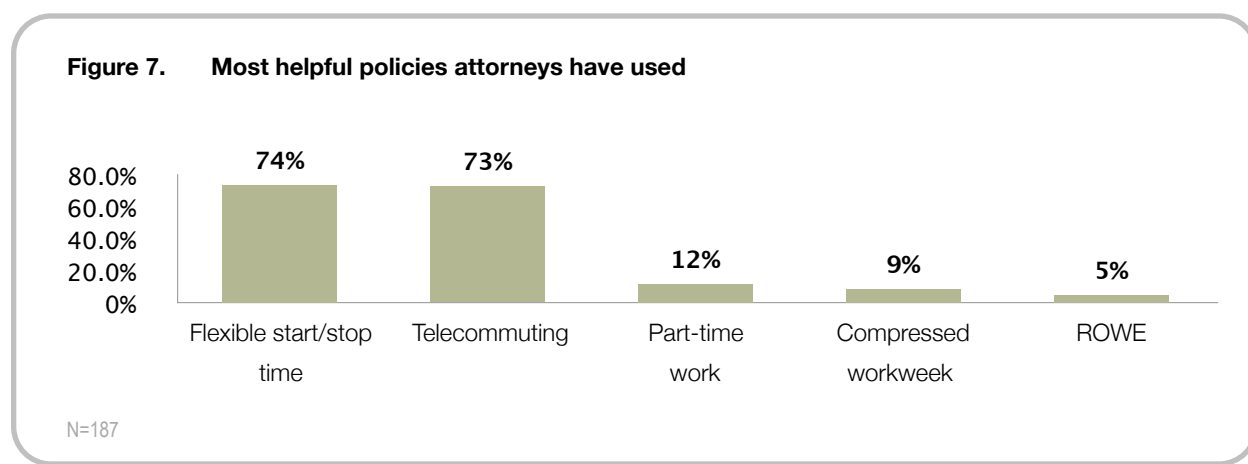N=136

Formal = 25%

Ad hoc = 75%
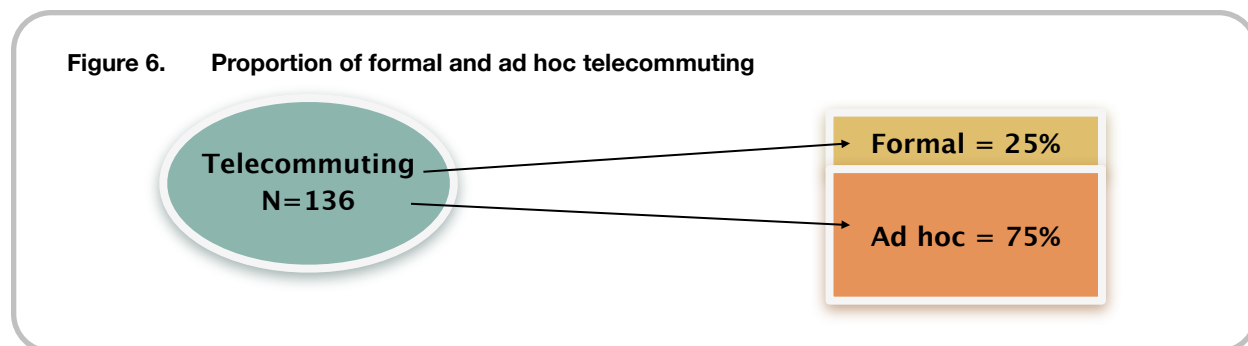
Survey responses indicated very little formal policy use among those whose companies provide for them. Aside from formal telecommuting, which 16% of respondents used, the most frequently used formal flexible work policy was part-time work, which was used by only 12% of respondents. Indeed, a greater proportion of respondents have never made use of *any* of their company's work-life policies (17%).

Although a relatively small proportion of respondents (8%) reported working compressed workweeks, this practice is all but unknown in law firms. Thus, while attorneys might have an easier time finding part-time work in law firms, given that over one-third of in-house attorneys have no access to work-life policies, while nearly all law firms (98%) have part-time policies,[12] working compressed workweeks may be more available in-house than in firms.

Respondents also were asked to select up to 3 programs that they found to be *most helpful* to them in balancing the demands of work and family/personal life. Excluding paid leaves, the top 5 most helpful policies are listed below:

Figure 7.   Most helpful policies attorneys have used

	74%	73%	12%	9%	5%
80.0% 60.0% 40.0% 20.0% 0%	Flexible start/stop time	Telecommuting	Part-time work	Compressed workweek	ROWE

N=187

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[12] National Association for Law Placement Press Release, *supra* note 4.

Clearly, flexible start-stop times and telecommuting were most helpful to the majority of respondents who had used work-life policies, which mirrors the finding that these were the most commonly used policies. In addition, worth noting is that 12% of respondents worked part-time and the same percentage reported that part-time was a helpful policy. Moreover, nearly the same percentage of respondents (9%) reported that compressed workweeks were helpful as had actually worked them (8%).

Paid leave policies are also standard fare in professional benefits packages. While they may have provided some welcome relief for immediate, short-term needs, they do little to change how work is accomplished, organized, and managed. Of the formal paid leave policies listed, survey results indicated that one-third of women respondents had taken advantage of maternal disability leave for childbirth, and 21% of respondents had taken paid volunteer days.

Table 3.   Use of paid leave policies

Answer Options	Response Percent	Response Count
Paid parental leave for use by fathers, mothers and adoptive parents	13%	28
Paid maternal disability leave for childbirth	25%	54
Paid volunteer days	21%	44
Paid school visitation time	4%	9

N=214; Note: Respondents were asked to select all policies that they have used.

Would if They Could: Policies that *Would Be* Used

Respondents who did not have access to policies supporting work-life balance were asked to rate on a 4-point scale how likely they would be to use each listed policy if they had access to it. They also were asked to identify policies they believed would be most helpful to them. Findings suggest there was greater *interest* in flexible work schedules than there was likelihood of using them.

Likelihood of Policy Use

Respondents who indicated that they did not have access to policies supporting work-life balance were asked to rate on a 4-point scale how likely they would be to use each listed policy if they were to have access to it (1=Very unlikely; 2=Somewhat unlikely; 3=Somewhat likely; 4=Very likely). The results are shown below.

Figure 8.   Likelihood of policy use

Policy	Value
Flexible start/stop times	3.52
Ad hoc telecommuting	3.48
Paid volunteer days	3.06
Compressed workweek	2.94
Formal telecommuting	2.93
Paid school visitation time	2.82
Results-only work environment (ROWE)	2.58
Subsidized care (for elders and/or children)	2.54
Back-up care service	2.41
Paid parental leave	2.35
On-site care (for elders and/or children)	2.23
Gradual return from maternity leave	2.16
Paid maternal disability leave for childbirth	2.14
Part-time work	2.02
Parent/caregiver groups	2.00
Back-up nursing service	1.99
Job sharing	1.64

1.00	2.00	3.00	4.00
Very Unlikely	Unlikely	Very likely	Likely

N=123

Least likely to be used:

Attorneys whose employers lacked work-life policies said they were least likely to job share or work part-time. Sixty-five percent indicated they were "very unlikely" to job share, and 50% indicated they were "very unlikely" to work part-time.

Although respondents were less likely to use part-time than other types of flexible work policies, approximately one-third said they would be "somewhat likely" (13%) or "very likely" (19%) to do so. Moreover, among those who expressed a desire to work part-time, part-time work ranked as relatively helpful, immediately after flexible start-stop times and telecommuting. These findings suggest that access to part-time schedules was a fairly high priority for those attorneys who want them.

Most likely to be used:

Not surprisingly, respondents indicated they would be most likely to use the low-hanging fruit policies that did little to change how work was accomplished, organized, and managed (flexible start and stop times and ad hoc telecommuting). Sixty-nine percent of respondents indicated they were "very likely" to use flexible start-stop times, and 60% were "very likely" to use ad hoc telecommuting. Ninety percent (90%) of respondents said they would be very or somewhat likely to use those policies. Only about 10% of respondents indicated they were unlikely to use these policies.

More surprising was that 41% of respondents said they were "very likely," and nearly three-quarters (72%) said they were either "somewhat" or "very likely" to compress their workweeks if they were allowed to do so. About two-thirds of respondents said they were either "likely" or "very likely" to use formal telecommuting and paid school visitation time. Thus, substantial demand exists for work-life policies that go beyond the low-hanging fruit.


Figure 9.   Distribution of top 5 responses to likelihood of policy use
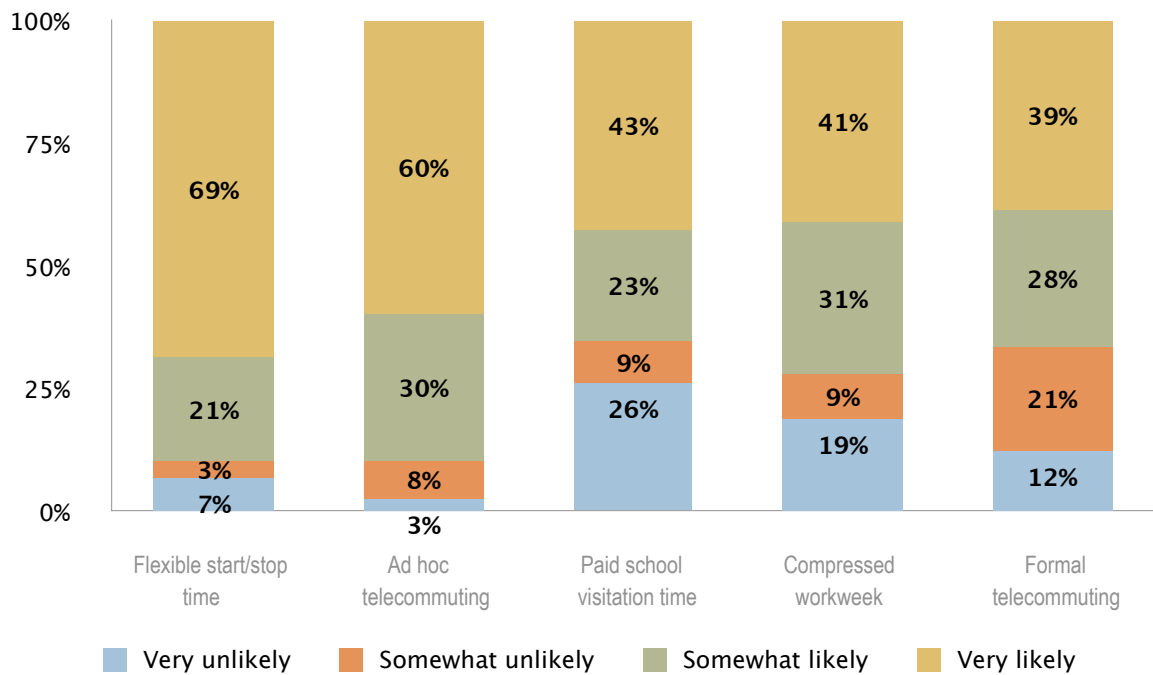
N=122

Policies that *Would be* Most Helpful

In-house attorneys who lacked work-life policies also were asked to select up to 3 policies they felt *would* be most helpful to them. The top 10 most frequently selected policies are shown below.

Figure 10.   Policies that would be most helpful among attorneys without access to work-life policies

N=119
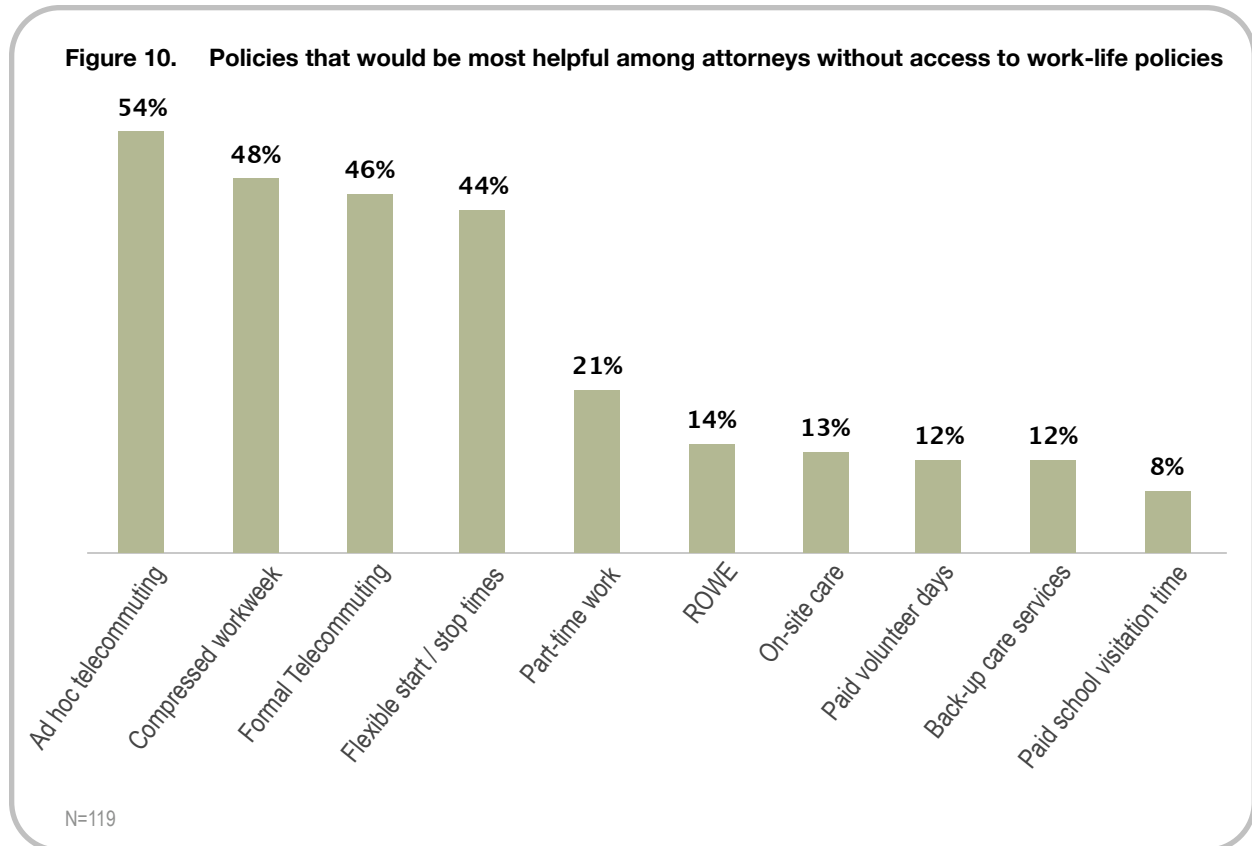
Telecommuting was clearly seen as helpful in achieving work-life balance. Fully *83%* of respondents working for employers who lacked work-life policies indicated that either ad hoc or formal telecommuting would be helpful to them.

Equally striking was that nearly half of respondents felt that compressed workweeks would be helpful to them, yet only 8% of respondents with access to work-life policies compressed their workweeks. Similarly, while 21% of attorneys working for employers who lacked work-life policies believed that part-time work would help them, only 12% of attorneys who had access to policies actually worked part-time.

These findings suggest there is greater interest in, than actual use of, flexible work options, as well as greater interest in flexible work options than there is *likelihood* of using them.

Flexibility Stigma

The findings that in-house lawyers would like to have access to certain policies, but the usage rates are low, implicate flexibility stigma: the belief, and often the reality, that actually using work-life policies carries negative career consequences.

The survey further inquired about the extent to which they perceived the use of each policy would compromise career advancement (1=Not at all compromising; 2=Only slightly; 3=Somewhat; 4=A great deal), whether or not they had used them. The figure below shows the average ratings of career compromise for each policy, in order of greatest to least career compromising.

Figure 11. Career compromise associated with work-life policies

Policy	Rating
Part-time work	3.44
Job sharing	3.36
Results-only work environment (ROWE)	3.31
Formal telecommuting	2.73
Compressed workweek	2.62
Paid school visitation time	2.19
Gradual return from maternity leave	2.16
Back-up nursing service	2.09
Back-up care service	2.07
Subsidized care (for elders and/or children)	2.05
Parent/caregiver groups	2.05
On-site care (for elders and/or children)	2.05
Ad hoc telecommuting	2.02
Paid parental leave	1.99
Flexible start/stop times	1.88
Paid maternal disability leave for childbirth	1.87
Paid volunteer days	1.85

1.00	2.00	3.00	4.00
Not at all	Only slightly	Somewhat	A great deal

N-336

The responses summarized in Figure 11 above suggest that part-time work, job sharing, and ROWE are seen as somewhat or very likely to trigger flexibility stigma. As noted above, this helps explain why respondents felt part-time would be helpful to them, but also said they would be unlikely to use it. The findings about ROWE are striking because ROWE was specifically designed to eliminate flexibility stigma through sustained efforts at changing the workplace culture. The respondents' wariness may reflect a lack of understanding of ROWE or a disbelief in its effectiveness at eliminating career detriments.

Job sharing was ranked as the second most career-compromising policy. It was not surprising that it regularly appeared on the bottom of lists of policies used or perceived as helpful. Indeed, some open-ended comments about how respondents would use policies (whether or not they have actually used them) express this fear explicitly: *"I would only use if I had a newborn baby out of necessity - otherwise I would not use due to the difficultly in maintaining relationships and good reviews." "Don't use - concern re stigma of using them."*

Formal telecommuting and compressed workweeks were seen as somewhere between "slightly" and "somewhat" likely to trigger career detriments. This provided some insight into why our respondents were

more likely to use ad hoc than formal telecommuting. Among the flexibility policies that substantially changed workplace norms, compressed workweeks were seen as least likely to trigger serious career detriments, which may help explain the high demand for them, and points to a potential policy to highlight and/or incorporate into existing policies designed to support work-life balance.

Among the least career-compromising were two policies – ad hoc telecommuting and flexible start-stop times – that were also identified as among the most frequently used and among the most helpful among those whose employers provided programs to support work-life balance. Among those without access to such policies, ad hoc telecommuting and flexible start-stop times also topped the lists of policies most likely to be used, and most potentially helpful. This indicated that ad hoc telecommuting and flexible start-stop times are "the basics" in terms of work-life policy provisions. Employers that lack these policies should take note that they are behind the curve.

Also interesting was that paid parental leave was seen as only slightly compromising. However, women perceived paid parental leave as more career-compromising than men.[13] When asked to rate on a scale of 1 ("not at all") to 4 ("a great deal"), the extent to which paid parental leave would compromise one's career advancement, women provided an average rating of 2.09, compared to men's 1.74.

Disclosure of Non-Work Responsibilities

Where flexibility stigma exists, lawyers often are reluctant to disclose non-work commitments and responsibilities. Respondents were asked to indicate how much they disclosed to their internal clients, coworkers, and/or outside counsel with respect to their non-work lives. Overall, the most common response was that non-work commitments were disclosed on a case-by-case basis (47%). Only 29% openly disclosed non-work responsibilities; 22% generally let clients and colleagues know they had a life outside of work, but were not forthcoming with specifics, and 3% tried to completely hide commitments.
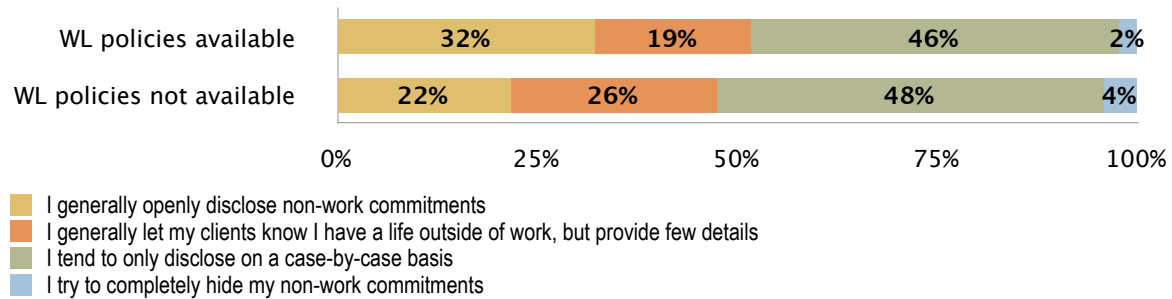
Of the 10 respondents who completely hid their non-work lives, half simply preferred to keep personal life separate from work, while three respondents feared they would be perceived as less committed if clients and/or coworkers were made aware of their non-work lives.

Men and women were equally likely to disclose or withhold information about non-work responsibilities from others: 30% of men and 28% of women indicate they openly disclose; 4% of men and 3% of women try to completely hide their non-work commitments.

When responses were disaggregated by whether or not employer-provided work-life policies were available, we found that attorneys who had access to work-life policies were more likely to openly disclose their non-work commitments to clients and coworkers: 22% of attorneys without access to work-life policies openly disclosed, compared to 32% of attorneys with access to work-life policies who did so.

From these results, it appears that workplaces that provide work-life policies create a more supportive culture around work-life issues in which attorneys may be less likely to feel a need to hide their non-work lives.

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[13] The reader is reminded here that 70% of survey respondents were women.

Figure 12.   Disclosure of non-work commitments

WL policies available: 32% | 19% | 46% | 2%
WL policies not available: 22% | 26% | 48% | 4%

- I generally openly disclose non-work commitments
- I generally let my clients know I have a life outside of work, but provide few details
- I tend to only disclose on a case-by-case basis
- I try to completely hide my non-work commitments

N=337

Mixed Messages or Missed Opportunities?

Despite all the positive effects of work-life policies, about one-fifth (21%) of respondents whose employers provide work-life policies said that their workplace does not make the availability of policies widely known (N=48). Moreover, over one-third of respondents (34%) indicated that the policies are not promoted as recruitment tools (N=74), and over one-quarter (28%) indicated that these policies are not promoted as retention tools (N=61).

These figures represent either mixed messages or missed opportunities. Although employers had work-life policies in place, the fact that these policies are not made widely known and are not promoted as recruitment and retention tools may suggest that employees are discouraged from taking advantage of work-life programs due to flexibility stigma. Another possibility is that employers have these policies in place, but are not effectively leveraging these policies as recruitment and retention tools. Whether the issue is mixed messages or missed opportunities, room for improvement clearly exists.
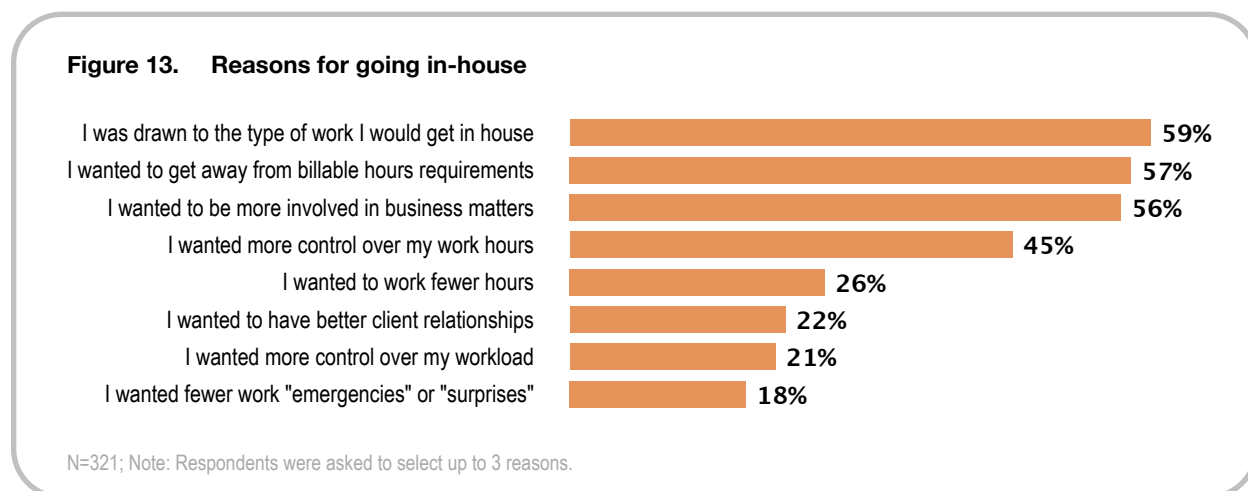
Use of work-life policies was mildly correlated with management support (r=0.20; p<0.05) such that the more policies one had used, the more they felt supported by management. It may have been the case that those who perceived greater management support were more likely to take advantage of work-life policies, or that the more one was able to rely on such policies, the more they felt supported.

Reasons for Going In-House

Nearly all respondents (94%) had previously worked in a law firm prior to practicing in-house. When asked to identify among a list of reasons they took their first in-house position, the top reasons were:

- I was drawn to the type of work I would get in-house: 59%
- I wanted to get away from billable hours requirements: 57%
- I wanted to be more involved in business matters: 56%
- I wanted more control over my work hours: 45%

Thus, the decision to move in-house often reflected both pushes and pulls. The desire for more control over work hours, and the desire to escape the billable hour were pushes toward in-house jobs, while the desire to do the type of work in-house attorneys do and the desire to be more involved in business matters were significant pulls towards an in-house career. The desire for better work-life balance appeared to play a major role in decisions to go in-house, although the desire to work fewer hours was much less important than the desire for control over work hours, as shown in the figure below.

Figure 13.   Reasons for going in-house

Reason	
I was drawn to the type of work I would get in house	59%
I wanted to get away from billable hours requirements	57%
I wanted to be more involved in business matters	56%
I wanted more control over my work hours	45%
I wanted to work fewer hours	26%
I wanted to have better client relationships	22%
I wanted more control over my workload	21%
I wanted fewer work "emergencies" or "surprises"	18%

N=321; Note: Respondents were asked to select up to 3 reasons.

The small minority of respondents who had never worked in a law firm reported somewhat different reasons for going in-house. They were much more likely than former law firm attorneys to report that they wanted more control over their work hours (65% versus 43%). They were more likely than former law firm attorneys to be drawn to the type of work available in-house (75% versus 58%) and less likely (20% versus 59%) to be fleeing the billable hour.

Table 4.   Reasons for taking first in-house job by prior law firm experience

Reason for going in-house	Prior Law Firm Experience?		Total
	Yes	No	
I wanted to get away from billable hours requirements	59%	20%	57%
I was drawn to the type of work I would get in-house	58%	75%	59%
I wanted to be more involved in business matters	57%	55%	56%
I wanted more control over my work hours	43%	65%	45%
I wanted more control over my workload	20%	25%	21%
I wanted to work fewer hours	27%	15%	26%
I wanted to have better client relationships	22%	20%	22%
I wanted fewer work "emergencies" or "surprises"	18%	15%	18%
N	299	20	319

Note: Respondents were asked to select up to 3 reasons.

Reasons for Taking Current In-House Position

Respondents had worked between 1 and 12 different firms or companies over the courses of their careers, including their current job (median=3; N=353). When asked to identify from a list of reasons for taking their *current* in-house job, over two-thirds (69%) indicated they were drawn to the work, as shown in the table below.

Table 5.   **Reasons for taking current in-house job**

Reasons for current in-house job	Prior Law Firm Experience		Total
	Yes	No	
I was drawn to the type of work I would get in-house	68%	84%	69%
I wanted to be more involved in business matters	53%	68%	54%
I wanted to get away from billable hours requirements	39%	21%	37%
I wanted more control over my work hours	35%	42%	36%
I wanted more control over my workload	19%	26%	20%
I wanted to have better client relationships	20%	5%	19%
I wanted to work fewer hours	19%	0%	17%
I wanted fewer work "emergencies" or "surprises"	12%	11%	12%
N	280	19	299

Note: Respondents were asked to select up to 3 reasons.

Attorneys without prior law firm experience clearly were motivated to take their *current* in-house position by simply being drawn to the work (84%) – a strong motivation as well for attorneys with prior law firm experience (68%). The second strongest motivation was the desire to be more involved in business matters, again stronger among attorneys without prior law firm experience (68%) than among attorneys with such prior experience (53%). The third strongest motivation cited was the desire to get away from billable hours requirements. Nearly 40% of attorneys with prior law firm experience reported this as a motivation, nearly twice the rate as among attorneys without law firm experience.

The desire for work-life balance affected our respondents' decisions to take their current in-house jobs. Control over work hours also played a major role in respondents' decisions, with over one-third (35%) of respondents with prior law firm experience and 42% of respondents without reporting this motivation. Again, respondents were much less likely to report wanting to work fewer hours than they were to express a desire for greater control over their work hours, although 19% of attorneys with prior law firm experience reported this motivation for taking their current in-house job and 26% of attorneys without prior firm experience selected this as a motivation.

Work-Life Policies Increase Employee Satisfaction

An important message for lawyers is that in-house departments with work-life programs in place typically are seen as better places to work, even in ways unrelated to work-life balance. As compared to attorneys whose companies did not have work-life programs, attorneys whose companies provide policies that promote work-life balance:

- Perceived their company's executive management as significantly more supportive of employees' work-life needs than attorneys whose companies did not provide such policies.
- Perceived their clients, coworkers, and/or outside counsel as more supportive of their non-work commitments/responsibilities
- Felt their ability to balance work and non-work commitments was better than that of their law firm peers.
- Were more satisfied with professional development opportunities available at their company.
- Were less likely to express an intent to leave their company within the next 1 to 5 years.

Satisfaction with Work-Life Balance

Attorneys whose employers provided work-life policies, not surprisingly, reported significantly greater satisfaction with work-life balance. On a scale of 1-4 (1=I am very dissatisfied with my current work-life balance; 2=somewhat dissatisfied; 3=somewhat satisfied; 4=very satisfied), attorneys with access to work-life policies rated satisfaction an average of 3.15, while those without such access rated satisfaction an average of 2.94.[14]

The number of work-life policies used was also mildly correlated with satisfaction with work-life balance; the more work-life policies used, the greater the level of work-life satisfaction reported.[15] Lastly, the more satisfied one was with their ability to balance work-life needs, the more supportive they perceived their executive management to be.[16]

Supportive Work Environment

Overall, half of respondents perceived clients, coworkers, and outside counsel as "very supportive" of non-work commitments. Forty-four percent of respondents felt they were "somewhat supportive," and a minority (6%) perceived their clients, coworkers, and outside counsel to be either "somewhat" or "very unsupportive."

In contrast, only 29% of respondents considered their company's executive management "very supportive" of employees' work-life needs.

When responses were examined by the availability of work-life policies, it was clear that in-house attorneys who had access to work-life policies perceived their clients and colleagues, as well as their executive
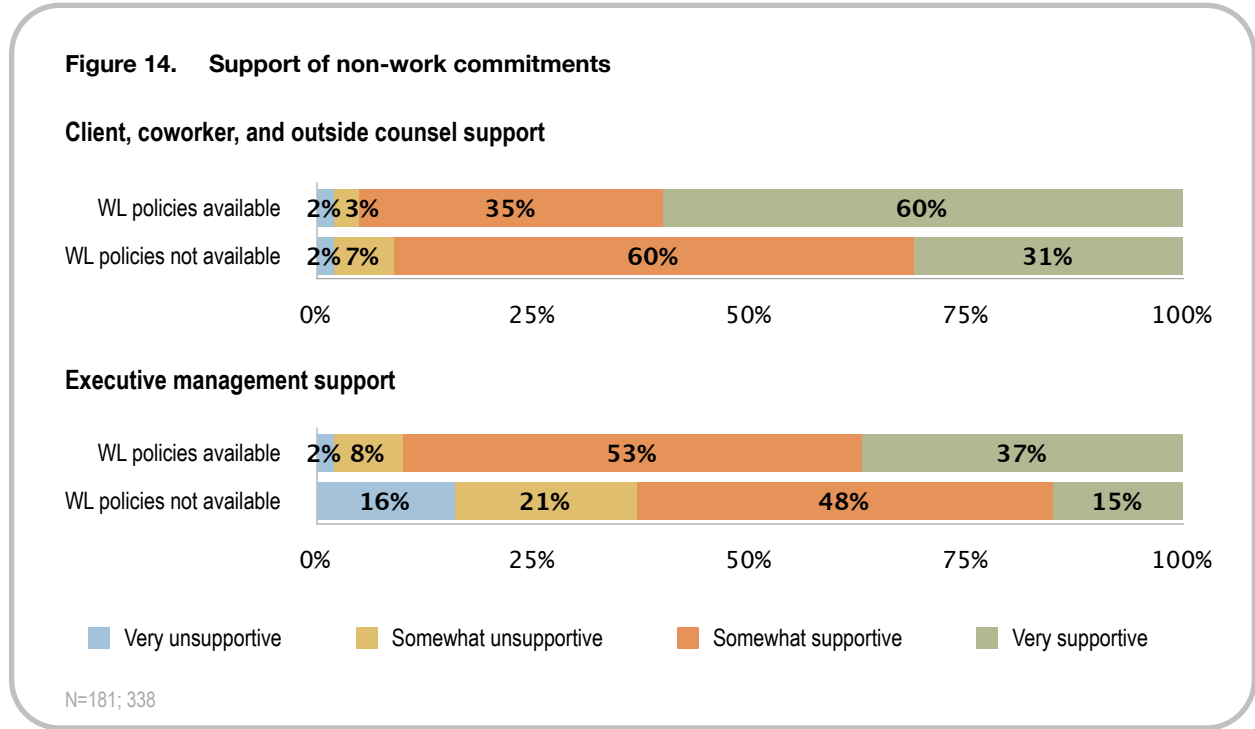
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[14] This difference was statistically significant ($p<0.05$).

[15] Pearson r=0.24; $p<0.05$.

[16] Pearson r=0.39; $p<0.01$.

management, as considerably more supportive of their commitments outside of work than their counterparts without access to work-life policies did.

As illustrated in the figure below, just about double the proportion of attorneys with access to work-life policies felt their clients and colleagues to be "very supportive" relative to attorneys who lacked access to work-life policies. More than double the proportion of attorneys with access to work-life policies felt their executive management was "very supportive" as compared to in-house attorneys whose employers did not provide work-life policies.

Figure 14.   Support of non-work commitments

Client, coworker, and outside counsel support

Executive management support

Very unsupportive   Somewhat unsupportive   Somewhat supportive   Very supportive

N=181; 338

Career Development

Most in-house attorneys (71%) indicated they had access to professional development opportunities. Overall, 43% of respondents were "somewhat satisfied" with professional development opportunities available to them.

However, when results were disaggregated by access to employer-provided work-life programs, we found that attorneys whose companies provided work-life policies were significantly more satisfied with their professional development opportunities.[17]

Table 6. **Satisfaction with professional development opportunities**

	Work-Life policies available?		Total
	Yes	No	
Very satisfied	**23%**	**16%**	**20%**
Somewhat satisfied	48%	33%	43%
Somewhat dissatisfied	20%	36%	26%
Very dissatisfied	9%	14%	11%
N	215	118	333

Succession Planning

Most in-house attorneys (68%) did not have formal succession planning. In order to advance from their current position,

- 58% would have to wait for attorneys in positions above theirs to leave
- 39% would have to perform well for a period of time
- 35% would have to leave their current company
- 35% would have to move into the business side of the company
- 18% would have to move to a different practice area
- 13% would have to relocate

However, as shown in the following table, attorneys whose companies provided work-life policies were more likely to have formal succession planning: 43% compared to 14%. Conversely, 57% of attorneys whose companies provided work-life policies did not have formal succession planning for attorneys, as compared to 86% of attorneys without access to work-life policies.

Table 7. **Succession planning by access to work-life policies**

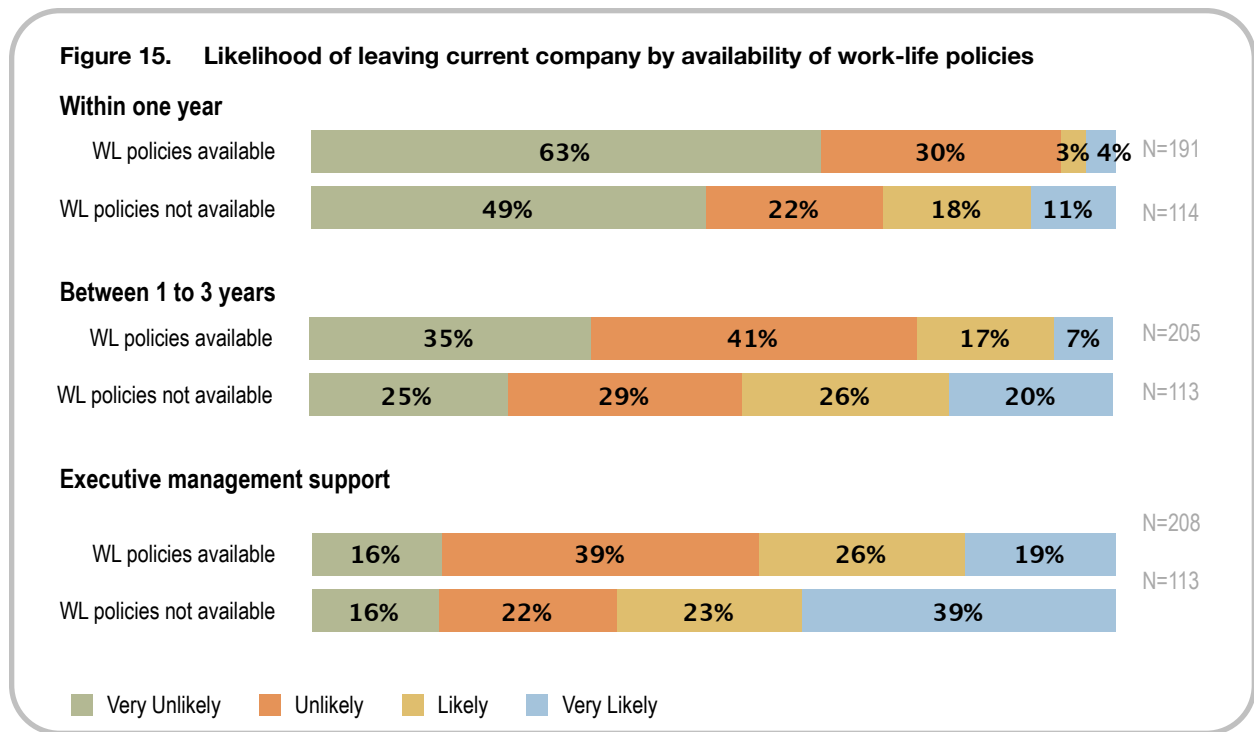|		Does your company have workplace programs in place that promote work-life balance?		Total
		Yes	No	
Does the legal department in your company have formal succession planning for attorneys?	Yes	92	17	109
		43%	**14%**	33%
	No	124	102	226
		57%	**86%**	68%
Total		216	119	335
		100%	100%	100%

Turnover Intentions

Respondents were asked to rate the likelihood of their leaving their current company within the next year, within the next 1 to 3 years, and in the next 3 to 5 years. Responses indicated that turnover intentions

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[17] t=-3.28; p<0.01.

increased over the years, such that while only 6% indicated they were "very likely" to leave their current employer within the next year, 26% indicated they were "very likely" to do so within the next 3 to 5 years.

Importantly, the greater the level of an attorney's satisfaction with their current ability to balance work and non-work commitments, the less likely they were to express an intention to leave their current company within a year, within 1 to 3 years, and within 3 to 5 years.[18]

As illustrated in the series below, a considerably smaller proportion of attorneys whose companies provided work-life policies indicated they were "likely" or "very likely" to leave their current employer, as compared to attorneys whose companies did not have work-life programs. For example, only seven percent of attorneys whose legal departments provided policies felt "likely" or "very likely" to leave their employer within one year, as compared to 29% of attorneys whose companies did not have work-life programs.

Figure 15.   Likelihood of leaving current company by availability of work-life policies

Within one year

	Very Unlikely	Unlikely	Likely	Very Likely	
WL policies available	63%	30%	3%	4%	N=191
WL policies not available	49%	22%	18%	11%	N=114

Between 1 to 3 years

WL policies available	35%	41%	17%	7%	N=205
WL policies not available	25%	29%	26%	20%	N=113

Executive management support

					N=208
WL policies available	16%	39%	26%	19%	N=113
WL policies not available	16%	22%	23%	39%	

Legend: ▇ Very Unlikely   ▇ Unlikely   ▇ Likely   ▇ Very Likely

The Landscape for Women In-House Attorneys

Women continue to bear primary responsibly for household labor and, as a consequence, tended to rely more heavily than men did on employer-provided work-life policies. Thus, employers who wish to retain their skilled female attorneys are advised to ensure the provision of policies that support work-life balance.

Women who are considering a move in-house may want to consider that the gender of the General Counsel affected the proportion of women attorneys in legal departments. A greater proportion of women attorneys were found in legal departments headed by women General Counsel.   Additionally, a greater proportion of women attorneys were in managerial roles in legal departments headed by female GCs.

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[18] Pearson's r=0.20, r=0.21, r=0.15, respectively; all p<0.01.

Demographics of Legal Departments

Approximately two-thirds (67%) of the sample's legal departments were headed by a male General Counsel. The majority of GCs (86%) were identified as Caucasian. About 60% of the legal departments represented in the sample were headed by a Caucasian male GC.

Legal departments headed by women General Counsel had a greater proportion of women attorneys in their departments than those headed by male GCs, as illustrated by the figure below.

Figure 16.   Proportion female attorneys by gender of General Counsel

Male General Counsel N=225; Female General Counsel N=112
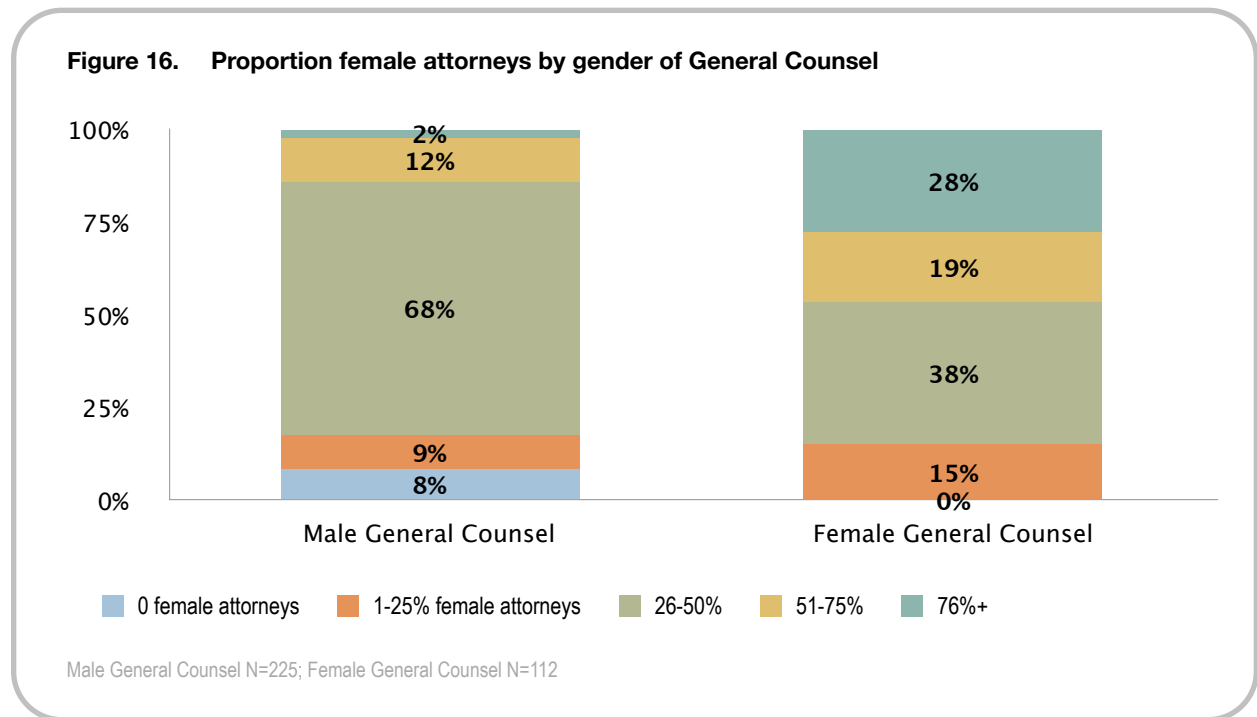
In legal departments headed by a male General Counsel, 8% contain no female attorneys. In no legal departments that were headed by a female General Counsel was this the case. In departments headed by women GCs, 28% were staffed by greater than 75% women attorneys. In only 2% of departments lead by a male GC was there greater than 75% representation of women attorneys.

Even more compelling was the contrast between the proportions of female attorneys in managerial roles in departments headed by a male as compared to a female General Counsel. As shown in the figure below, in 20% of legal departments led by male GCs, there were no women attorneys in managerial roles. There were no female GC-led legal departments that lacked women attorneys in management positions.

Conversely, in over one-third of legal departments headed by a female General Counsel, greater than 75% of the managerial roles were occupied by women, as compared to only one male GC-headed department that consisted of greater than 75% female attorneys in managerial roles.

Figure 17.   Proportion female attorneys in managerial roles by gender of General Counsel
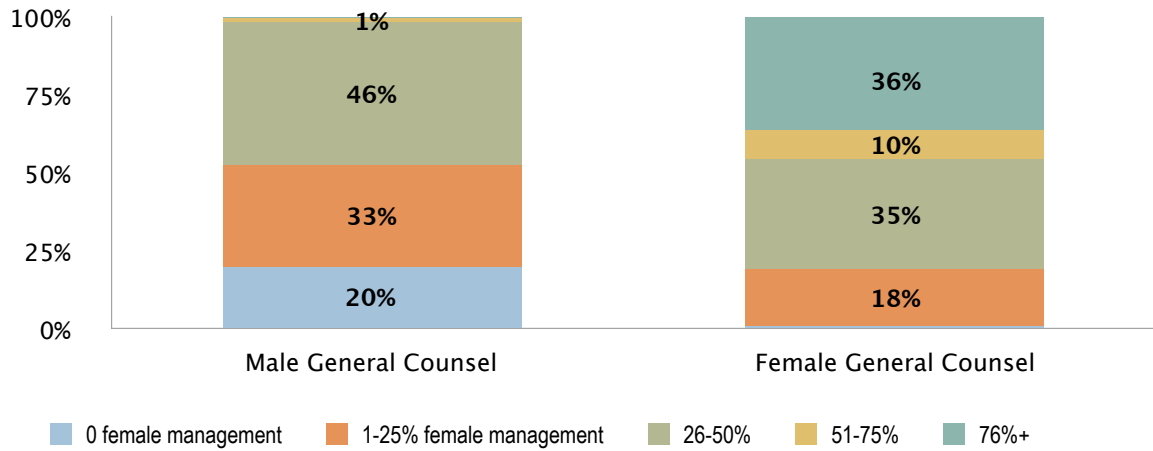
Male General Counsel N=226; Female General Counsel N=105

However, the gender composition of the legal department did not necessarily mean that the department would be supportive of work-life balance, as attorneys' access to employer-provided work-life policies was found to be affected by neither the percentage of female attorneys in their legal department, nor the percentage of managerial roles in their legal department that were occupied by female attorneys, nor the gender of the company's General Counsel.

Gender, Work and Family

Although women respondents were more likely to be single and childless relative to their male counterparts, those with partners tended to bear the lion's share of domestic labor. Given the persistence of a gendered division of labor, employers who wish to retain valued women would be wise to ensure the provision of policies to support work-life balance.

Household Division of Labor

Men respondents were significantly more likely than women to have children: 88% of men compared to 75% of women have had children.[19] This comes as small wonder when we find that men tended to say their partners had greater responsibility for child care tasks than women did.

Respondents who were married, joined by civil union, or in cohabiting relationships were asked about their household division of labor on child care, elder care, and housework tasks by identifying whether they themselves were mostly responsible for the task in their household, whether it was shared equally between themselves and their partners, or if their partner was mostly responsible for the task.

As illustrated in the figures that follow, women identified themselves as having greater responsibility for child care, elder care, and housework than men did. On average, men rated themselves as between "My partner is

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[19] Chi-square =6.48; p<0.01

mostly responsibly for this task" and "My partner and I share this task about equally" on all 3 tasks, while women rated between the latter and "I am mostly responsible for this task" across all 3 tasks.[20]

Figure 18.   Household division of labor by gender

Child Care

Women	13%	54%	33%	N=140
Men	66%	31%	3%	N=70

Housework

Women	13%	50%	37%	N=185
Men	48%	46%	6%	N=87

Elder care

Women	21%	31%	49%	N=39
Men	50%	33%	17%	N=18

■ My partner is mostly responsible for this task   ■ My partner and I share this task equally   ■ I am mostly responsible for this task
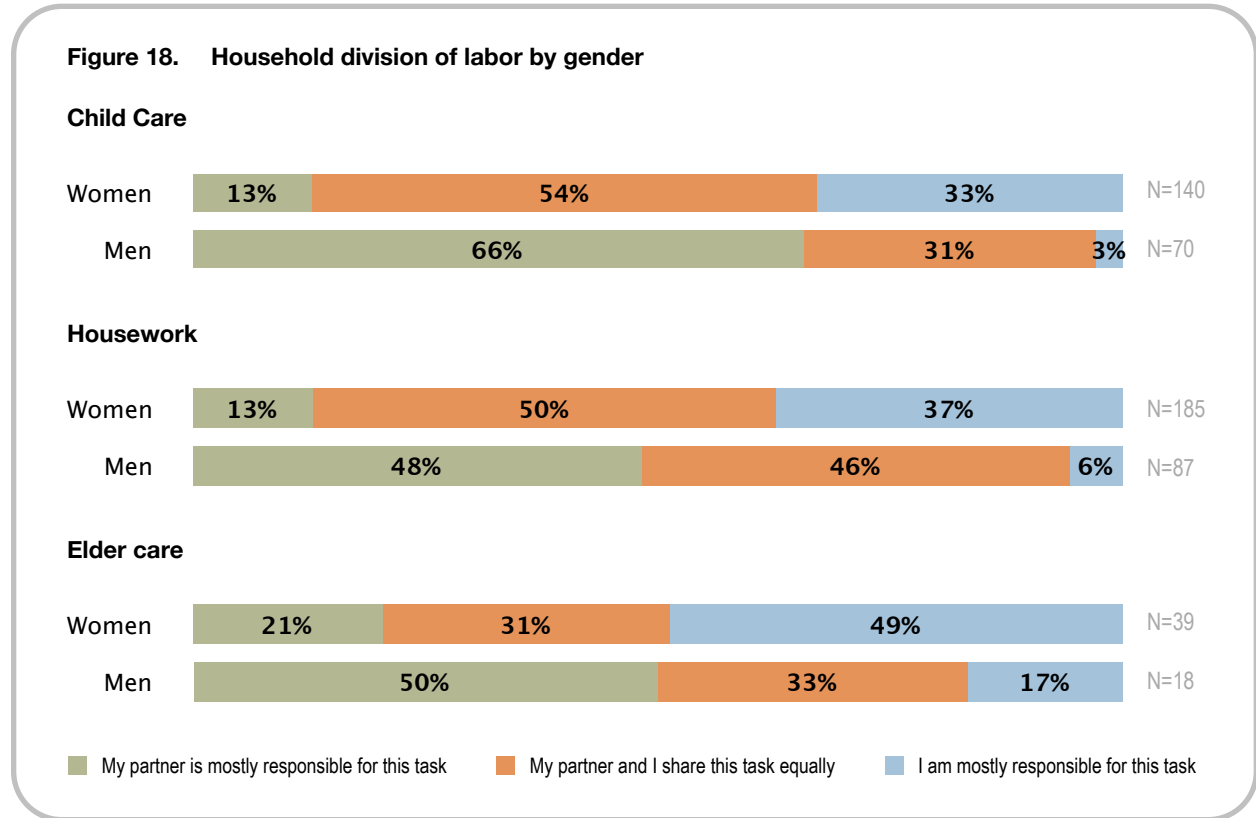
Gender and Hours Worked

Men typically worked more hours per week than women, as shown in the table below. Women worked a median of 50 hours per week, while men worked a median of 55 hours.[21] About half of the women respondents worked 50 or fewer hours per week, while just over one-third of the men indicated working 50 or fewer hours per week.

Table 8.   Average hours worked per week by gender

Hours Worked Per Week	Male	Female	Total
25 or fewer	1%	3%	2%
26-40	8%	10%	9%
41-50	29%	**51%**	45%
51-60	**50%**	28%	34%
61-70	11%	7%	8%
More than 70 hours per week	1%	1%	1%
N	97	230	327

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[20] These gender differences were statistically significant (p<0.01).

[21] This difference was statistically significant (t=3.19; p<0.01).

Gender and Work-Life Policy Use

Despite men's longer workweeks and women's additional household labor, men and women reported equal levels of satisfaction with their ability to balance their work and non-work demands and responsibilities. However, women made greater use of work-life policies to achieve that same level of satisfaction as men. On average, men had used 1.78 of listed policies, while women had used 2.61.[22] Given women's greater responsibilities outside of work as shown above, it should not be surprising that women relied on these policies to a greater extent than men did. However, there were some policies that men were more likely to use than women.

As shown in the table below, a greater proportion of women had used the policies highlighted in yellow and a greater proportion of male respondents had used the policies in gray. One clear difference is that women were more likely to have worked part-time than men: 16% of women and 4% of men had used this policy. While men and women were equally likely to use ad hoc telecommuting, a slightly greater proportion of women had a formalized arrangement: 17% of women, as compared to 12% of men used formal telecommuting policies.

Interestingly, while ROWE has only been used by 3% of the sample, a greater proportion of men have used this than women (9% compared to 1%).

Although a greater proportion of women use paid leaves associated with children (childbirth, parental leave), a greater proportion of men than women had used paid volunteer days.

Table 9.   **Use of work-life policies by gender**

Policy	Men	Women	Total
Flexible start-stop times	51%	66%	61%
Ad hoc telecommuting	49%	48%	48%
Formal telecommuting	12%	17%	16%
Part-time work	4%	16%	12%
Gradual return from maternity leave	2%	14%	10%
Compressed workweek	9%	8%	8%
Back-up care service	0%	5%	4%
Results-only work environment (ROWE)	9%	1%	3%
Parent/caregiver groups	0%	3%	2%
On-site care	2%	2%	2%
Job sharing	0%	2%	1%
Subsidized care	2%	1%	1%
Paid maternal disability leave for childbirth	0%	34%	25%
Paid volunteer days	25%	18%	20%
Paid parental leave	9%	14%	13%
Paid school visitation time	4%	5%	4%
Never made use of any of my company's work-life policies	25%	15%	18%
N	57	148	205

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[22] This difference was statistically significant (p<0.05).

Despite their greater propensity to have used these policies, women indicated that use of paid parental leave and gradual return from leave would compromise career advancement to a greater extent than men indicated. Women also felt that paid school visitation time would compromise one's career to a greater extent than men did. These findings suggested that women's use of these policies came with a greater perception of risk to their career advancement, yet women were more likely than men to use work-life policies nonetheless.

In addition, although women had used more policies, men felt that management was more supportive of work-life issues than women felt: 37% of men thought management was "very supportive," as compared to only 26% of women.

Figure 19.   Perception of management support by gender

N Men = 97; Women = 233.
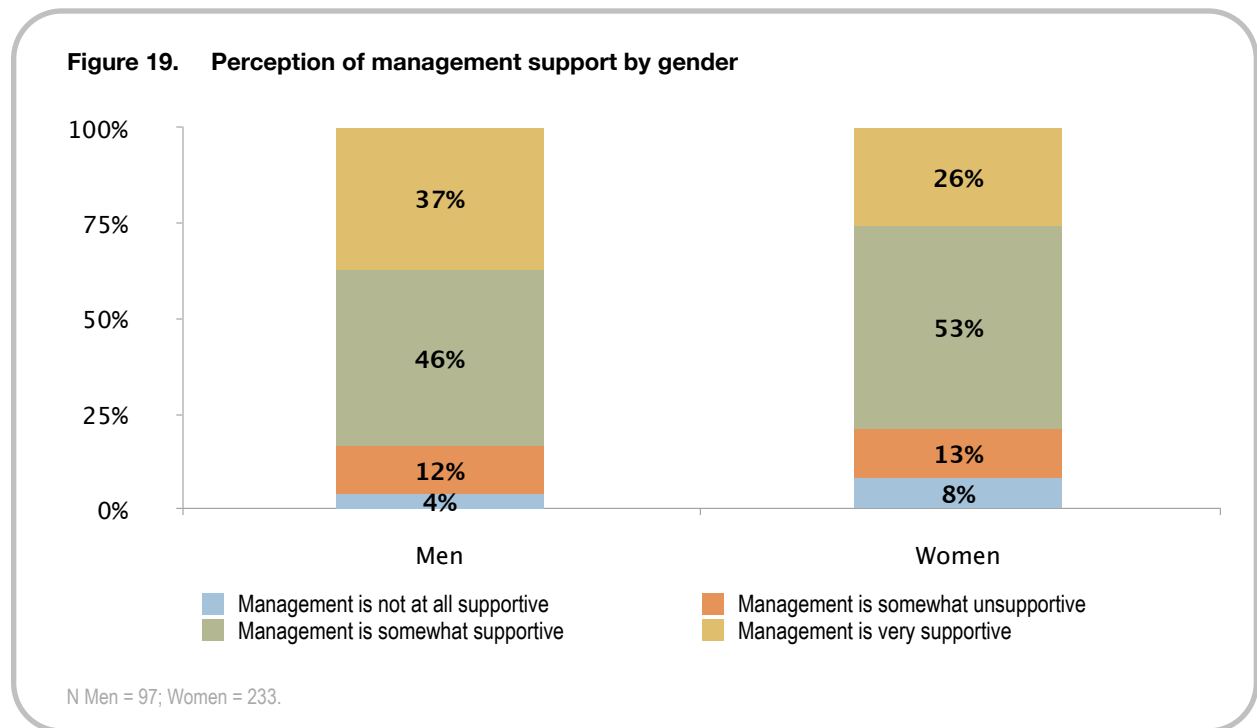
Neither the proportion of female attorneys in one's legal department nor the proportion of managerial roles in one's department occupied by female attorneys, nor the gender of the general counsel had any significant effect on perception of management support of work-life balance.

"Work-Life" is NOT Just For Children and Families

A prevailing presumption with respect to what "work-life" means is that it applies only to individuals who are married and/or have family caregiving responsibilities. When asked about their likelihood of work-life policy use, some open-ended responses suggest that work-life policies are understood as only relevant to those who have children:

> *I do not have children and my parents are deceased.*

> *I have no children and no intent to have kids, but can understand how some of the options would be attractive to others.*

> *I do not have school age children.*

However, when asked to explain what they would use work-life policies for, regardless of whether they have actually used any or not, nearly half of the open-ended responses (46%) identified reasons for policy use that had nothing to do with children or families. Several respondents indicated interest in having more time for exercise, general health and well-being, volunteer work, and travel:

> *I use flexible times to be able to run a few mornings a week.*

> *I would like to spend more time on my health to see doctors, get in shape.*

> *I would volunteer and work out more.*

> *In a perfect world, [I would use policies to] get more exercise and volunteer time in [my life].*

Other responses demonstrated a wide range of other interests that attorneys would like more time to pursue that also have little to do with children or families:

> *I would like to spend more time focusing on… other life passions (or at least developing some).*

> *I would use work-life policies to train for bike racing.*

> *I would use the policies to give myself time to explore hobbies/emotional survival.*

> *I would use work-life policies to get more involved in a community.*

One attorney wanted more time to focus on a family-run business, another has a craft business, and another shows horses. This very small sampling illustrates the varied interests attorneys have that they would like to use work-life policies to spend more time on, regardless of family status..

Even though attorneys may assume that work-life policies are relevant only for those with children and family responsibilities, a far wider range of potential uses for those policies is also expressed. The varied applications offered in the open-ended comments demonstrate that work-life policies are relevant and potentially useful for *all* employees. Recognition of this honors the diversity of talent, skills, interests, and needs reflected in the valued human resources of the legal department.

Best Practices

The experiences and opinions collected through our Corporate Counsel focus groups and survey point to some best practices that can help legal departments create more effective work-life programs to better support their valued human resources who in turn, are more productive, effective attorneys. In addition, PAR interviewed several General Counsel to better understand the best practices that are being implemented in some of the leading corporate legal departments today.

While PAR recognizes that each corporation has its own needs and culture, what follows is a set of best practices and examples of how they have been implemented in legal departments across the country.

1. Acknowledge the Diversity of "Flexibility" – One Size Does Not Fit All

Survey findings indicate that attorneys with access to work-life policies tend to feel more supported by their coworkers and management, whether or not they themselves have actually used any such policies. Providing a wide array of flexible work options makes for the most supportive working environment because people have different needs at different times in their lives.

Flexible work environments are not restricted to part-time schedules. Indeed, a relatively small proportion of respondents indicated use of part-time policies. Instead, our data suggest that

flexibility is often realized by utilizing a combination of policies, including telecommuting, variable start/stop times, compressed workweeks, as well as part-time work.

> ***Example:*** *Allstate recognizes that flexibility needs vary from person to person and even for the same person, over time. As such, many different policies are offered that provide for a variety of options to support employees at various stages of life. Moreover, employees have the option to pursue more than one flex option at the same time. For example, an employee may work from home one day a week and work flex hours on the remaining days of the week. "When it comes to our flexible work options program here at Allstate, we define the word 'flexible' quite literally," said Allstate Executive Vice President and General Counsel, Michele Coleman Mayes. "We offer our law department employees an array of options because the more flexible the program, the more relevant it will be at various stages in our employees' lives. And being flexible can mean allowing an employee to pursue multiple options at the same time."*

Employers are encouraged to acknowledge that flexibility can be served in many different ways. Allowing individuals a variety of ways in which to combine and tailor schedules to accommodate needs for flexibility, while at the same time meeting business needs maximizes human resources and productivity.

2. Formalize Flexibility & Remove Stigma

While it may seem attractive from both the employee and employer perspectives to maintain an ad hoc policy on flexibility, as noted in the 2003 report, when arrangements are made by and for the few who are vocal, candid, adept, or brave enough to request or negotiate for them, ad hoc agreements may create a negative climate around flexibility. Ad hoc arrangements can also lead to the perception that some employees, particularly parents, receive "special treatment." As such, it is important to have policies formalized in writing, and made equally available to all eligible employees.

Another important reason to formalize policies is to reduce the stigma associated with use of work-life policies. Survey results suggest that use of work-life policies, particularly part-time and job sharing, is associated with a considerable amount of stigma. Not surprisingly, use of these policies is quite low. In addition, the survey questions made a distinction between formal and ad hoc telecommuting, and findings indicate that ad hoc telecommuting is considered far less career compromising than is formal telecommuting. Moreover, we find that ad hoc telecommuting is used a great deal more than are formalized policies. If policies are going to be used and useful, lawyers must be able to use them without fear of career compromise. One way to remove the stigma associated with policy use is to formalize all policies and do away with ad hoc agreements.

Example: *One substantially sized legal department acknowledges the use of flexibility by simply providing an email each day that states who is out of the office. All attorneys who are not on site are listed as out of the office along with their location or reason. For example, it may state that an attorney is at an off-site meeting, in mediation, taking paid time off, or telecommuting. By acknowledging that telecommuting is used by many in the organization and is a legitimate reason for being out of the office, this procedure evens the playing field for all who utilize flexibility—men and women, parents and non-parents alike.*

3. Provide Leadership from the Top

In addition to formalizing policies, workplaces must ensure equal availability to all employees by effectively communicating policy availability from the General Counsel, as well as throughout the leadership and management ranks. As reported above, over one-fifth of respondents indicate that their workplace does not make policies widely known. Over one-third say that policies are not promoted as recruitment tools, and over one-quarter say their workplace does not promote work-life policies as retention tools.

Clearly, employees must be aware of the availability of policies if they are to use them. Some departments have taken a pro-active approach on this score. At DuPont Legal, some confusion existed regarding the flexible work policy. When the Senior Vice President and General Counsel, Thomas L. Sager, discovered this, he held two Town Hall meetings to present about the policy and to encourage open dialog and use of the program.

Beyond simply communicating policy availability, widely promoting policies in recruitment and retention efforts communicates that the workplace supports work-life balance and values employees as people with rich and varied lives outside of work from which they draw to contribute creativity and diversity to their work.

To further communicate and institutionalize the value of work-life balance, it is useful for legal departments to develop a detailed business case to be disseminated throughout the department, documenting that flexibility without stigma is a business-based program that helps better serve clients. Ensuring that all department leaders understand the business case for work-life policies also communicates the value the department places on their human resources.

Example: The Walmart Legal Department's "Professional Work Options Program," which was communicated to the department by the General Counsel, outlined key goals: "1) facilitate greater respect for the Individual by acknowledging the struggle for work-life balance and providing a work environment that allows attorneys to balance personal needs with professional responsibilities; (2) enhance the legal department's service to its customers by allowing attorneys the flexibility to choose a work schedule and location that will enable them to do their best work; and (3) help the legal department strive for excellence by using this program as a tool to recruit and retain the very best legal talent as it continues building one of the nation's premier and most diverse legal departments."

Walmart's program requires input from supervisors and Division General Counsel, thereby ensuring that all levels of management are actively engaged in maximizing flexible work options to the benefit of the individual attorney as well as the department and business overall.

Formalizing this program and introducing its provisions from the General Counsel's office through the leadership ranks communicates the value the department places on creating a supportive, flexible work environment.

"You can have the best flex-time policy there is, but without support from your leadership, people will be afraid to actually take advantage of it," said Walmart Executive Vice President, General Counsel and Corporate Secretary, Jeffrey J. Gearhart. "Support and encouragement from the top sends a clear message that we believe in our policy and that no one will be adversely affected by seeking a flexible work arrangement."

4. Benchmark Flexibility Policy Use

Once policies have been made available, effectively communicated, and championed by the department's leadership, a best practice is to track and regularly review usage statistics. Understanding what kinds of policies are being used, and who and which departments are and are not using them provides critical information that can be used to further fine tune the policies provided and identify areas of need for effective communication and outreach.

Example: About one year into the initial implementation of the new flexible work program at Allstate Insurance, the legal department sought input from PAR and instituted some revisions. Upon the one-year anniversary of this department's revised menu of work-life policies, the General Counsel called a department-wide meeting to publicly examine and discuss usage statistics for each group within the legal department. For example, where particularly low usage was found, a discussion might be generated as to whether the policies were widely known to attorneys in that group and suggestions might be made as to how the policies might be better publicized.

An open and transparent approach was emphasized as a key element in eliminating the flexibility stigma. The General Counsel discussed these issues at length with the senior leadership team. Such thoughtful and public examination of policy use ensures that the importance of work-life balance is being regularly communicated by the leadership and provides opportunities for innovation around the types of policies that are most popular, underused, or otherwise in need of adjustment. The annual review provides a feedback loop that can inform how best to allocate resources to areas of greatest need to best.

Allstate Executive Vice President and General Counsel, Michele Coleman Mayes believes that transparency is key: "Transparency is a key element of our program at Allstate. Openly discussing the program, including our progress and opportunities, is important to show that we genuinely embrace flexible work options from the top down. If we offer a program laden with smoke and mirrors, it will fail and we will have lost an important opportunity to add value for our employees and retain them."

5. Maintain Equal Advancement Opportunities

One clear finding from survey results is that use of work-life policies can be perceived as compromising to one's career advancement. This perception deters attorneys from using flexible work arrangements. Companies with best practices do not remove attorneys who participate in work-life programs from the advancement track.

Companies might consider adopting part-time parity programs in which attorneys on a part-time schedule receive pay, benefits, and bonuses proportional to their schedule. Adopting what PAR calls the *principle of proportionality* ensures fair and effective part-time programs.

A related issue is that some attorneys are deterred from working flexible schedules for fear of being passed over for higher-profile, more challenging work. Survey findings indicate that in-house attorneys are drawn to work in-house as opposed to law firms largely because they have interest in the type of work they get in-house. As such, legal departments are encouraged to develop a mechanism that ensures that attorneys on a part-time schedule have a proportional share of challenging work. Providing attorneys with the opportunity to engage in challenging work, on a schedule that allows them the flexibility they need, creates a win-win situation: valuable human resources are maximized and attorneys are able to further their own careers.

6. Measure and Reward Quality, Not Face Time

As noted in PAR's 2003 previous study, without billable hours, many legal departments lack quantitative measures of productivity. In such an environment, face time often becomes a proxy for productivity. A best practice is consistent implementation of a systematic evaluation process that measures and rewards effectiveness and high quality work, such that time spent in the office becomes a less meaningful metric.

Tips for effective attorney evaluations can be found on the PAR website: http://www.attorneyretention.org/Publications/FairMeasure.shtml

Example: One large international legal group has adopted a universal "hoteling" policy, in which no attorney has a specific office with their name on the door. Rather, office space is reserved on a weekly basis and all attorneys are required to spend 50% of their time in the office, and 50% of their time outside the office. The office "hotel" system works via an online system that tracks not only office reservations, but enables calendaring, instant messaging, and provides quick and easy access to information that business clients need about an attorney's availability. Because this system is implemented company wide, flexible work scheduling is normalized, and face time is rendered irrelevant as an indicator of productivity.

Summary and Conclusions

Messages for Lawyers

Based on our survey, the consensus appears to be that practicing law in-house generally provides better work-life balance than law firm life. If a 50-hour workweek, occasional ad hoc telecommuting and coming and going a bit early or late now and again meets your needs, then going in-house can be a great fit. Also, if you want compressed workweeks, this kind of schedule, while uncommon in-house, at least exists, whereas compressed workweeks are virtually unknown in law firms.

However, attorneys should not assume that going in-house will yield better work-life balance. Another key message is that attorneys should not assume that every in-house department is better on balance. As in 2003, some in-house attorneys work very long hours. Lawyers need to do their homework, if they are going in-house in order to achieve better work-life balance, they should ensure that the department they are joining has the Dominant Model. Moreover, if an attorney is looking for part-time, that is harder to find in-house than in a law firm—although in some law firms with high billable hours requirements, working the standard in-house schedule may well be thought of as part-time. Formal telecommuting also is relatively rare in-house, although informal telecommuting and flexible start and stop times are widespread.

While substantial interest exists in flexible work arrangements, use of those arrangements all too often is associated with flexibility stigma. Attorneys identified a number of flexible work policies that would be helpful to them, but reported that those same policies are perceived to be most damaging to the careers of those who actually use them.

Women who are considering a move in-house may want to do a little extra homework to look into the gender of the legal department's general counsel and examine the proportion of women attorneys on staff and in managerial roles. While any given department with a male general counsel may be an outstanding place for women to work, overall numbers show that departments headed by a female general counsel had a greater proportion of women attorneys and a higher percentage of women in management roles.

Messages for Legal Departments

A key message for legal departments is that the perception, and in many cases the reality, that in-house departments offer better work-life balance than law firms provides a competitive edge to attracting legal talent. Another key message is that lawyers in departments with work-life programs report greater levels of satisfaction and lower turnover intentions than attorneys in departments without work-life programs.

Yet while legal departments may be better on balance, there remains considerable room for improvement. Fully one-third of survey respondents reported that their departments had no work-life programs, which are nigh-universal in law firms. Moreover, substantial unmet demand exists for compressed workweeks, part-time schedules, and formal telecommuting. In addition, many departments are not gaining the full business

benefits potentially available from their work-life programs because of the perception, and perhaps the reality, that actually using those programs carries career detriments. Eliminating this flexibility stigma remains a crucial step that will help in-house departments gain a competitive edge in attracting and retaining talented attorneys – male as well as female.

Appendix

Method

Following up on the 2003 study, a series of exploratory focus groups were conducted in the fall of 2010, designed to identify central work-life concerns among corporate counsel today. Based on findings from the focus groups, an online survey was developed to further assess the work-life experiences of in-house counsel to understand better what the challenges were, identify best practices, and ultimately, better address the needs that were yet unmet with respect to work-life balance in-house.

The online survey was launched on March 2, 2011 and closed September 9, 2011.

Survey participants were recruited through a variety of avenues, including individual email invitations to PAR members, announcements posted on the PAR website, and links to the survey posted on affiliated websites, including the Association of Corporate Counsel and the Minority Corporate Counsel Association.

As a follow-up to the online survey, a series of interviews with corporate legal departments were conducted to identify and describe the best practices supporting work-life balance that are being implemented in leading legal departments today.

Demographic Information About the Respondents

The results presented here represent a total of 429 respondents who were currently employed as in-house attorneys.

Approximately one-third of respondents were male (29%), most respondents (80%) were married, and most (77%) had children.[23]

Most of the respondents identified themselves as Caucasian/White (80%); 13% identified themselves as Asian/Asian American; 7% African American/Black, 4% Hispanic/Latino, 2% Native American/Alaskan; 1% Native Hawaiian or Pacific Islander, and 1% Other.[24]

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[23] Of the 336 respondents who responded to the survey question regarding gender, 70% were female, 29% were male, and 1% declined to indicate their gender.

[24] Percentages do not total one hundred percent (100%) because respondents were able to select more than one race/ethnic category, and some respondents declined to identify their race/ethnicity.

Years Practicing Law

Respondents had between 1 and 39 years of practicing law since attaining their JD, and between 6 weeks and 36 years practicing law in-house. As illustrated in the figure below, a relatively small proportion of attorneys (approximately 6%) had 5 or fewer years of practicing law since their JD. The median number of years practicing law was 16, while the modal number of years was 15 (mean=17), representing a more senior sample.

**Number of years practicing law since obtaining JD**
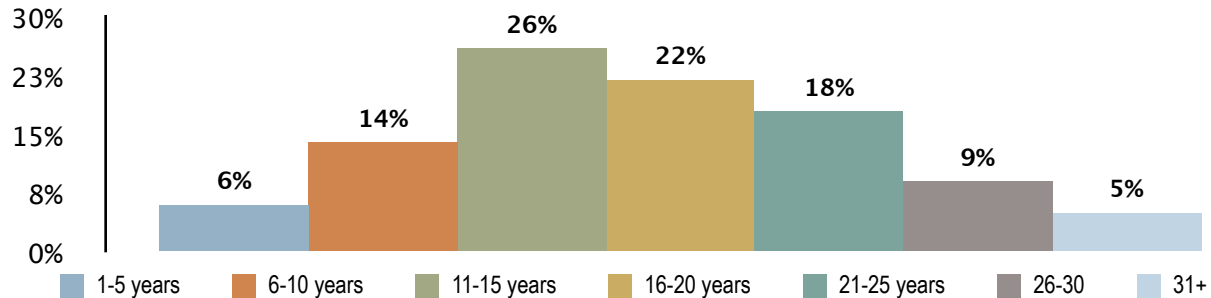
N=351

On average, respondents had been practicing law in-house for about 10 years. The median number of years practicing in-house was half as many years as the median number of years since JD (8 and 16, respectively).

A little more than one-third of the sample had practiced law 5 or fewer years in-house. As would be expected given the differences between Figures 1 and 2, nearly all respondents (94%) had had the experience of working in a law firm prior to their current in-house position.

Number of years practicing law in-house
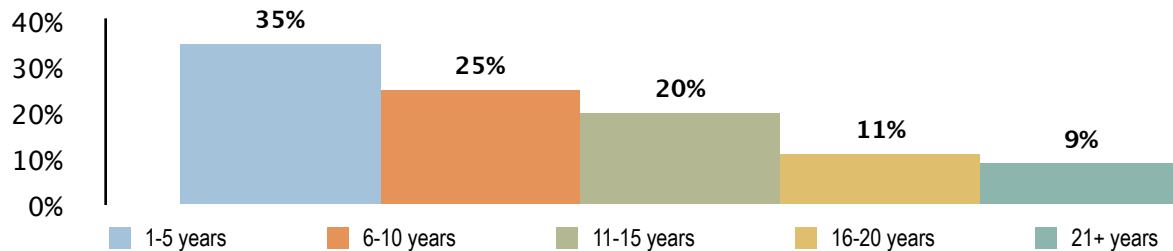

N=350

Current Job Titles

A notably wide range of job titles were represented in the survey sample. Of the 407 responses to the question, "What is your current position in your legal department," over 50 different titles were provided. The various job titles were collapsed into more general categories, although many job titles were unique, rendering classification difficult. However, approximately 18% of the sample identified themselves as General Counsel. Another 17% were Associate General Counsel; 1% Assistant General Counsel. Just less than two percent identified themselves as some other type of General Counsel ("Deputy GC"; "Division

GC"; "Staff Attorney General Counsel"). Another 15% were identified as "Corporate Counsel" (e.g., "Counsel, Employment Law"; "Capital Markets Counsel"; "Legal Counsel"). Twelve percent were identified as Senior Corporate Counsel or Senior Counsel.

About 11% of the sample identified themselves as some type of Vice President. These titles included "Senior VP," "Vice President" (these two titles were collapsed into the "Other" category), "Vice President and Assistant GC," "Vice President and Associate GC," "Vice President, Chief Counsel," "Vice President, Senior Counsel," "Vice President and General Counsel," and "Vice President, General Counsel, and Secretary." These job titles were collapsed into the title following the "Vice President" designation (e.g., "Vice President, General Counsel" is collapsed into the "General Counsel" title).

This wide range of titles suggested a great deal of variation in how legal departments structured jobs and career ladders.

Respondents' current positions in-house
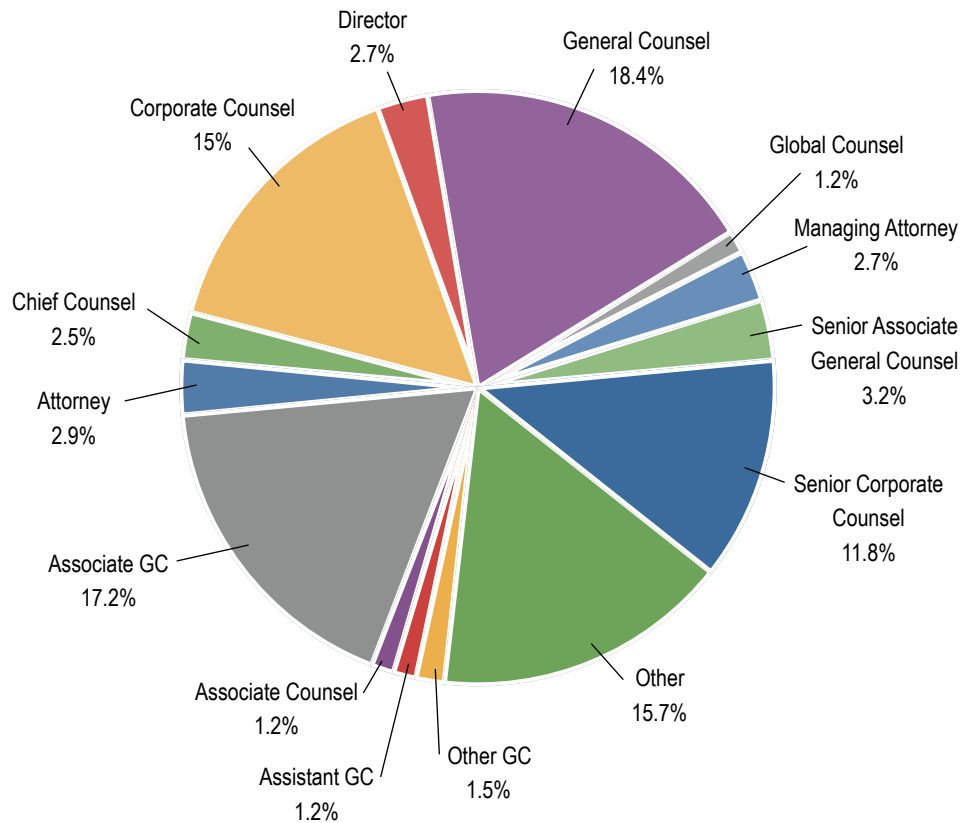
N=407

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