



REDUCED HOURS,
FULL SUCCESS:
PART-TIME PARTNERS
IN U.S. LAW FIRMS

THE PROJECT *for*
ATTORNEY RETENTION

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by

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EXECUTIVE SUMMARY

Part-time arrangements have long been viewed as bullets to the heart of lawyers' careers—and dubious propositions for law firms' bottom lines. This report challenges that view. It shows that law firms can create successful reduced-hours programs—and that part-time lawyers and their law firms can flourish when they do.

In 2000, the Project for Attorney Retention developed its best-practice “balanced hours” model, which challenged the then-standard practice of taking part-time lawyers off the partnership track. As the number of part-time partners increased, from 1.6% in 1999 to 3% in 2008, questions emerged about how to compensate part-time partners, what to expect from them in terms of business development and firm service, and the best ways to create successful practices. This report is PAR's response to those questions.

PAR interviewed 109 lawyers for this study, including 53 part-time equity partners, 23 part-time income or non-equity partners, and six part-time counsel. Seventy-five of the part-time lawyers were female; eight were partners of color. In lengthy telephone interviews, they answered questions about their career history, firms, schedules, practices, clients, compensation, business development, colleagues, satisfaction, and personal lives. PAR also interviewed additional partners of color who were not working part-time, and several managing partners. The study focused on partners in Colorado, the District of Columbia, and San Francisco, and also included partners from other regions.

The participants' responses challenge conventional wisdom. Most strikingly, it is clear that working reduced hours is not inconsistent with long-term career success in the law, as detailed in these key findings:

- Many respondents had significant books of business, and the majority reported spending as much or more time on business development as full-time partners;
- Most respondents generate significant revenue, billing between 1200 and 1600 hours annually and pushing additional work down to associates; and
- Many hold leadership positions in their firms, including managing partner, executive committee member, practice group head, and members of high level committees.

This success leads to the important contribution of part-time partners as mentors and role models. Their presence sends the message to more junior lawyers, and to colleagues who feel they might need to reduce their hours in the future, that they have a future at the firm. Successful part-time partners enable a firm to retain valued attorneys—even those who have not expressed an interest in reducing their hours.

Another break with the past comes with the key finding that most respondents do not feel a stigma associated with their part-time status. Nearly 60% reported the absence of stigma, and the perception that they are supported and valued at their firms. The remaining 40% reported a variety of evidence of stigma, including unfair compensation policies, attitudes that were hostile to part-time work, firm policies that refuse to allow part-time partners to attain equity status, and doubts about their commitment. These findings come with a caveat. This study looked at partners who have remained with their firms, and therefore are most likely to be happy with their arrangements. Part-time partners who experienced significant stigma and who were not supported by their firms have likely left and were not reached by this study.

Several of the key findings challenge the notion that part-time partners are not available to their clients:

- Respondents tend to work as needed, having considerable flexibility in their schedules and working around client needs;
- Client service is foremost, with the vast majority of respondents stating that they do whatever is necessary to be responsive and meet deadlines; and
- Most clients are unaware of the partners' schedules because client service is seamless.

Clients who are aware of their outside counsel's reduced-hours schedules are generally supportive. They realize that all partners, regardless of the hours they keep, work on a variety of matters and are not available 24/7, and that technology gives them access to their lawyers no matter where they are. The general counsel participating in PAR's *Diversity and Flexibility Connection* have stated their support for reduced hours work because they understand it facilitates retention and advancement of valued and diverse lawyers.

Finally, this report debunks the common assumption that only white women with children seek to reduce their hours. Without a doubt, this group is vastly over-represented among part-time partners. Most respondents had reduced their hours due to child care, but others had other outside jobs, were writing, had health issues, or were nearing retirement. Moreover, respondents included part-time men, and a quarter of the partners of color respondents are working part-time. A troubling finding is that the flexibility stigma—the stigma often associated with reduced hours—discourages some women of color from reducing their hours for fear of compounding the challenges they face as attorneys of color. Notably, some women of color respondents reported that having part-time partners at their firms signaled opportunity and acceptance in ways that mattered, even if they themselves were not currently part-time.

This study also gathered information helpful to firms that seek to design viable, nonstigmatized part-time partnerships. It provides information on fair ways to design compensation and steps to eliminate stigma. Other best practices include having a written policy, supporting business development efforts, encouraging part-time partners to assume leadership roles, and using part-time partners as role models.

Finally, the report provides information to individual attorneys who want to be successful part-time partners, drawn from the respondents' experiences. These include strategically creating schedules to include valued firm service, prioritizing business development, and being proactive about compensation.

Part-time partners play a crucial role in the long-term financial stability of law firms. By staying with their firms, they deepen relationships with clients, generate business, and provide needed leadership. Part-time partners also serve as evidence of their firms' commitment to flexible work arrangements, enhancing recruitment efforts and sending a message to clients that the firm is serious about diversity. Supporting part-time partnership is a sound business decision.

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INTRODUCTION

When the Project for Attorney Retention was founded a decade ago, part-time partners were rare. Most associates who reduced their hours were taken off the partnership track either expressly or *de facto*,¹ regardless of what the policy said, no part-time associate in most firms had ever been elevated to partner. Recognizing that reduced hours work could not be a real option as long as it was a career ender, PAR developed the best-practice balanced hours policy, which helps eliminate the stigma associated with part-time and keeps associates working reduced hours developing professionally toward partnership.²

The best practices PAR identified have been adopted by many firms across the country, which helped pave the way for an increase in the number of part-time partners. In 1999, the before year of PAR's first report was issued, 1.6% of partners worked part-time.³ By 2008, 12% of women partners and 3% of all partners nationwide worked part-time.⁴

As the number of part-time partners increased, PAR received a growing number of inquiries from law firms about part-time partners and best practices to support them. Can reduced-hours work by partners be successful for the firm and clients? How can part-time partners become productive partners and rainmakers? How should part-time partners be compensated? What should firms expect from part-time partners in the way of business development and firm service? This report is PAR's response.

Why Part-Time Partners Matter

Simply put, part-time partners are key to law firms' long-term financial health. Consider the following:

- Law firms need highly credentialed, highly experienced, and highly intelligent lawyers to be able to attract and serve clients;
- Most young lawyers—male and female—place a priority on being able to balance work and life;⁵
- Nearly one-half of all lawyers graduating from law school today are female⁶ and females are responsible for the majority of child care and other family care;⁷

1 Joan C. Williams & Cynthia Thomas Calvert, *Balanced Hours: Effective Part-Time Policies for Washington Firms* (2000), <http://www.pardc.org/Publications/BalancedHours.shtml>.

2 Joan C. Williams & Cynthia Thomas Calvert, *Solving the Part-Time Puzzle: The Law Firm's Guide to Balanced Hours* (NALP 2004).

3 National Ass'n for Law Placement, *Opportunities for Part-Time Schedules Rarely Used by Attorneys*, Nov. 18, 1999, <http://www.nalp.org/1999parttimeschedules>.

4 National Ass'n for Law Placement, *Women Vastly Number of Men Among Part-time Lawyers—Overall Number of Lawyers Working Part-time Is Small, Rate Little Changed Over Time*, Dec. 18, 2008, <http://www.nalp.org/parttimelawyers>.

5 See, e.g., Nancy Rankin, Phoebe Taubman & Yolanda Wu, *Seeking a Just Balance: Law Students Weigh In on Work and Family* (A Better Balance, June 2008) (72% of male and 76% of female law students said they were very or extremely worried about being able to balance work and family; 84% said they would trade money for time); Catalyst, *Women in Law: Making the Case* (2001) (study of graduates of five top law schools found a nearly equal percentage of male and female attorneys—around 71%—report work/life conflict).

6 Nearly 48% of law degrees were awarded to women in 2006-07 (most recent statistics available). *J.D. and LL.B. Degrees Awarded, 2006-2007*. American Bar Association Section of Legal Education and Admissions to the Bar, <http://www.abanet.org/legaled/statistics/charts/stats%20-%202007.pdf>.

7 National Alliance for Caregiving and AARP, *Caregiving in the U.S.* (2004) (61% of family caregiving provided by women); U.S. Census

- Recent graduates and lawyers seeking lateral moves consider the availability of flexible work arrangements in choosing their employer;⁸
- In stable economic times, the disconnect between the work style lawyers want and the work style law firms are offering has caused an attrition treadmill that costs a typical large law firm more than \$20 million *annually* in regretted losses, that is, in losses of attorneys whom the firm wanted to keep;⁹
- Clients want more diverse lawyers, including more women, among their outside counsel,¹⁰ and law firms' younger lawyers tend to more diverse than their older lawyers; and
- Clients want their outside law firms to use business models that create stability in their relationships with their lawyers and improve client service.

Firms that can attract and retain excellent lawyers through flexible work arrangements are going to be able to hire from a larger pool of applicants, save recruiting costs by hiring fewer new lawyers, retain a diverse group of lawyers, reduce attrition costs, attract new clients, and increase the satisfaction of their current clients. In short, the way firms view flexible work for lawyers needs to shift from an “accommodation for mothers” to a business strategy designed to improve the long-term financial health of law firms.

Part-time partners play a crucial role in this paradigm shift. All too often, part-time lawyers have been highly stigmatized. Firms send direct and indirect messages to their lawyers that cutting one's hours is professional suicide. Some openly refuse to offer part-time schedules; others allow them but with the price of forgoing partnership. Even in firms where associates are allowed to reduce their hours and remain on the partnership track, associates who cut back often get low-level assignments that undermine their readiness for partnership, lack mentors, and are passed over for business development opportunities. The resulting lack of role models sends the not-too-subtle message that part-timers do not make partner.

The presence of part-time partners provides the assurance that reducing one's hours does not end the opportunity for advancement. Making part-time associates partner, and letting them remain on reduced-hours schedules, are powerful messages of a firm's commitment to diversity. As part-time partners succeed and their number grows, the stigma attached to part-time tends to wane.

Background of Study

PAR undertook this part-time partners study to collect information on the structure and effectiveness of current part-time partner arrangements and to develop recommendations for law firms that seek to provide continuous career paths for part-time lawyers. PAR gathered information through an interactive interviewing process. We conducted in-depth, one-on-one interviews with 109 lawyers by telephone. Eighty-two of the interviews were

Bureau, *Facts for Features: Mothers Day 2005* (82% of women aged 40-44 are mothers), http://www.census.gov/Press-Release/www/releases/archives/facts_for_features_special_editions/004109.html.

8 See, e.g., Catalyst, *supra* n. 5 (45% of female law graduates cited “Work/Life Balance” as the number one reason for choosing their current employers and 34% of male law graduates reported that work/life balance was among their top three reasons for selecting their current employers).

9 Williams & Calvert, *Solving the Part-Time Puzzle*, *supra* n. 2.

10 See, e.g., Pamela Carter, *Miguel Rivera of Wal-Mart Speaks on Diversity and Inclusiveness in the Legal Profession Embracing Diversity* (ABA TIPS Diversity in the Profession), vol. 2, Issue 1 (2007), http://www.abanet.org/tips/wami/ABA_Diversity_December%202007.pdf; *Call to Action White Paper* (2008), http://www.tools.mcca.com/CTA/cta_white_paper.doc.

of part-time partners or counsel, and covered professional and personal information relating to their schedules, satisfaction, compensation, business generation, service to their firms, and personal lives. In addition, PAR interviewed managing partners at firms known for having successful part-time partnerships to discuss their firms' experiences and best practices. PAR also interviewed 23 women partners of color who were not working part-time to gain insight into the intersection of work/life conflict and racial/ethnic minority status. Additional information about the study methodology is available in Appendix I.

A Note Regarding “Part-Time”

Most “part-time” partners work schedules that, in many other jobs, would be considered full time. For this and other reasons, the term “part-time” has fallen out of favor in recent years. PAR has encouraged the move away from the term, preferring instead “balanced hours” and “nonstigmatized flexible work.” Yet in this report we have stuck with the term because it is readily understood. We do not encourage legal employers to use this term in naming their programs. Alternatives are balanced hours, flex-time, and flexible work schedules.

DEMOGRAPHICS OF RESPONDENTS

Eighty-two part-time lawyers were interviewed: 53 equity partners, 23 non-equity partners, and six counsel. The majority of the part-time respondents were white females; eight respondents were part-time women partners of color and seven were part-time men.¹¹ Respondents have been with their firms for an average of 11 years (range: 3 to more than 25 years).¹²

The respondents are at firms that ranged in size from three to more than 750 attorneys:

Firm size

50 or fewer attorneys	51–100 attorneys	101–250 attorneys	251–500 attorneys	501–750 attorneys	751 or more attorneys
16	7	18	11	12	15

Respondents practice in a variety of practice areas:

Litigation	Labor and Employment	Real Estate	Tax	Corporate	Securities	Intellectual Property	Mergers and Acquisitions	Insurance	Other
25	12	6	6	5	5	4	3	3	10

Nearly all female participants reduced their hours for family-related reasons (94% of female partners providing a response to the question), and the most common family reason is to spend more time with their children. At least six of the respondents who reduced their hours for childcare initially have maintained their part-time status even though their children are now in college. They cite health, desire for a slower lifestyle, and flexibility to travel as some of their current reasons for working fewer hours. Four of the seven male partners reduced their hours for family reasons. Two partners decided to reduce their hours because they were nearing retirement. Other reasons included writing, quality of life, health, and a second job.

Ninety-one percent of female part-time respondents share their homes with a spouse or partner; 100% of the male respondents have spouses or partners. Nearly all have children. The part-time respondents contribute significantly to their family's income: 70% earn half or more. Respondents also provide a significant portion of the family care. Eighty percent of females and 43% of males reported doing 50% or more of household chores. Ninety-one percent of females and 25% of males reported doing 50% or more of the childcare. Sixteen percent of the female partners and 86% of the male partners said they have a spouse or partner who either does not work outside the home or works part-time and is primarily responsible for household work and childcare. While this study included too few male partners to draw valid conclusions about the frequency of spouses who provide most of the household work, a study by the MIT Workplace Center showed that 78% of male law firm partners earn 80-100% of the family income and 74% of male partners described their spouses as being less committed to their own careers, which suggests that they have partners who are primarily responsible for household work and childcare. Only 57% of female partners report their partners are less committed to their careers.¹³

11 To protect the confidentiality of participants, we do not identify an individual's race or gender when attributing quotations in this report.

12 Twenty-eight of respondents have been with their firms between three and eight years; 32 between nine and 15 years; and 16 between 16 and 24 years, and five have been with their firms for 25 years or more. In addition, one respondent had been with her firm for one year.

13 Mona Harrington & Helen Hsi, *Women Lawyers and Obstacles to Leadership: A Report of MIT Workplace Center Surveys on Comparative Career Decisions and Attrition Rates of Women and Men in Massachusetts Law Firms* (MIT Workplace Center, Spring 2007) at 17 (74% of male partners described their spouses as being less committed to their own careers; 57% of female partners described their spouses as being less committed to their careers).

KEY FINDINGS

1. Part-Time Partners Seldom Work Set Schedules

The majority of respondents reported that their schedules were driven by client needs. Forty-one percent said they work four or more days in the office and put in additional time working from home. A common pattern is to work 30 to 40 hours in the office in a normal week, supplemented by very long hours as dictated by trial preparation or deal closings, followed by a period of time off. These respondents tend to view their reduced-hours arrangement on an annualized basis:

If my workload can sustain it, I just work slightly shorter days. I'll get in around 8:30 or 9, and I'll leave at 4:30 or 5. But it doesn't always look like that, and that's one of the ways it's worked for me is that I'm pretty flexible. If I have a trial, obviously I'm working long hours, but then I have the flexibility to take a few days off or leave early or take a vacation, or whatever. So, for me, my personal goal is just to work fewer hours over a billable year.

I'm a transactional attorney, so when I'm in the heat of a deal I'll work 12 to 14 billable hour days. And then, when I don't have anything to do, I go home. It's not practical for me to have Fridays off or to leave at 2:30 or 3:00 every day. It's annualized.

About one-third (34%) reported working fewer hours per day in the office, often with additional hours worked at home, when client needs allowed. Several reported that their initial part-time arrangement involved working fewer days per week, but they found it easier to work at least a few hours every day:

I started out at three days and it really doesn't work. It did not work for me. It was very, very hard to do that because of my client's needs and I'm a litigator. I couldn't be inflexible with my time. I couldn't say I'm not available on Wednesdays and Fridays, because I just had to go to court. I had to deal with clients. So what I soon found worked a lot better for me was to have five-day-a-week child care, essentially, so that I could take days when I could take them, reduce my time depending on my client's needs as opposed to an inflexible schedule. And now, I try to protect Fridays. Friday is typically my day not in the office. But, with my kids in elementary school, it's totally different because Fridays I can easily work.

Twenty-one percent work fewer hours per day, as illustrated by this comment:

Obviously there's some exceptional periods, but normally I'm in the office from roughly 8 to 2 every day. There was a period where I went to trial this year where obviously that went all out the window, but that was one of a few rare exceptions. And I also said I didn't want to travel when I came back, and they've been respectful of that, as well.

Partners who have worked part-time over numerous years say that their schedules evolved based on family, firm, and client needs:

My kids are older now so, the schedule that I am doing now is working more during the school year, coming in every day but working shorter days. And during the summer, it really has varied a lot, too. So, I guess in general, I'm viewed as a part-time attorney here at this firm in terms of less hours over the course of a year. And how I get to those hours is

pretty much up to me as far as my schedule of being in the office, working at home, which I do a lot of work from my home office to accommodate my children's schedule, but how I do the in-the-office and the out-of-the-office has varied a lot over the course of the years.

Several credited their firms with having flexible policies that permitted them to change their schedules as needed.

2. Flexible Work Arrangements Attracted and Retained the Partners

About one-fourth (26%) of respondents joined their firms on a part-time schedule. For many of those partners, the availability of part-time was a deal-breaker. One of the partners explained that she was already an equity partner working part-time at her former firm, and she would never have gone to another firm if she could be an equity part-time partner there as well. Another partner said, “My need to have reduced hours was an integral part of the negotiation as to whether I would join this firm or not.”

Several partners told how they left their former firms even though they had been allowed to work part-time as equity partners, because they did not feel that their firms supported reduced schedules. One of the partners explained that at her current firm, being a part-time partner is a non-issue because the firm is so supportive, which was not the case at her old firm. She has been at her new firm for six years. Another partner details why she made the switch to her current firm:

My previous firm was not the friendliest firm to part-timers known to mankind. It's not that they wouldn't offer them. They let me do it. But it was made pretty clear to me on almost a day-to-day basis that this was not a long-term prospect. I always had the sense they were wondering when I would get over the novelty of the birth so I could go back to full-time. And that was probably the principal driving reason why I just decided not to stay there, because I saw myself as a part-time lawyer for some time in the future.

She has been at her new firm for over seven years.

For other attorneys, the offer of part-time partnership was an enticement to join a firm, or stay in the profession: “Certainly, I was not looking to stay in private practice after I decided to leave my old firm. This firm's suggestion that I could work part-time was a large factor in my decision to come here.” She explained,

I ran into an old friend at a conference and mentioned that I was leaving my firm soon, that I had decided that motherhood was incompatible with being a partner in a law firm. And he said that his firm would be willing to talk to me about a part-time partnership. I visited with them, which led to my part-time position.

She has been at her new firm for more than ten years.

A partner of color who works a full-time flexible schedule said her decision to join her current firm was significantly influenced by the fact that the firm had promoted a female attorney from part-time income partner to part-time equity partner: “I was very impressed with the fact that the firm promoted a part-time partner to the highest level you can reach.” Another full-time partner of color said that work-life balance issues were “definitely on my radar screen when I made the switch to my new firm, because at that point I’d already had two children and my children were very, very young. So it was a huge factor for me as to how this was going to impact my family.”

The vast majority of partners stated that they would likely have left their firms if they could not have worked flexibly. Their career decisions bear this out: more than three-fourth (76%) of the partners interviewed began working reduced hours at their current firms, and the average tenure of the those partners is 12 years (ranging from four to 37).¹⁴ Given that more than half of women lawyers leave their law firms by their seventh year,¹⁵ this longevity is noteworthy. Here is what some of the partners had to say:

It was never an overt threat, but it was just, ‘I can’t do this full-time so let’s figure out another schedule.’ (Tenure at firm: 10 years)

I am so loyal to the firm. I mean, I was going to quit, not because I wanted to, not because I didn’t like my job. I love my job. I love the people I work with. I couldn’t have imagined working at a different firm. But, the part-time arrangement allowed me to continue working at a job I really love with people I really respect and address these other real issues/needs in my life. So, I’m the happiest lawyer you’ll ever meet. (Tenure at firm: 15 years)

Law firms that have embraced part-time partnership highlight its importance in retaining valued attorneys. Said one managing partner:

The primary benefit is that you retain a really talented person and that person is not fungible, that lawyer is not just a fungible asset. It is somebody that is valuable to the firm, is valuable to the firm’s clients.

Another managing partner agreed:

Our program is hugely successful. It has been in existence for well over 20 years. We have been able to retain people because we have not asked them to make a choice, but rather have created a structure that allows them to spend the time that they need to with family and raising children, etc., and that has made them that much more engaged, enthusiastic, committed and loyal to our partnership. And I think it’s proven its value in spades.

He went on to discuss how retention of key personnel allowed the firm to develop outstanding expertise that has brought national recognition:

We have many reduced-time partners who are absolute leaders in their fields of practice and who have national reputations, including top-notch litigators, top-notch environmental lawyers, top notch real estate, corporate and M&A lawyers, to name just a few.

¹⁴ This study yielded some interesting and informative descriptions of part-time lawyers’ paths to partnership; these are set forth in Appendix II.

¹⁵ See, e.g., National Ass’n for Law Placement Fdn., *Update on Associate Attrition* 11 (2007).

In addition, partners who work flexibly are visible role models who help to retain lawyers, even if those lawyers have not (yet) expressed an interest in reducing their hours. A part-time partner who has been at her firm for more than 20 years explained:

Ever since I was a junior associate, I saw other people, men and women, taking the option from time to time to reduce their hours and those people were progressing and well-regarded. In those times when your life is so crazy and you're not sure whether this is the right balance for you, you say to yourself, "Well, if I decide I don't want to do this, then I have that option here. I don't have to go somewhere else to reduce my workload or get that peace of mind. If there comes a time when I need that flexibility, it'll be there for me. I don't have to go look for it elsewhere."

Likewise, a partner of color who currently has no need to reduce her hours stressed how important part-time partnership is even to women who currently have no children:

Most of the women at the firm would like to get married and perhaps have a family down the road. And so knowing that we have these options available to us makes us feel good about working here. The alternative work schedule is probably the biggest thing that I think we look at in terms of the firm's commitment to making sure that everyone, but especially women at the firm, has the flexibility to practice but, at the same time take care of the responsibilities they have in their non-legal lives.

Part-time partners themselves report that they commonly find themselves serving as role models for attorneys that they supervise:

I'm proud that a lot of the teams that I've supervised have included more junior women who have gone on to have children and who have worked out successful part-time arrangements that mirrored mine in a lot of respects. And I think most of them would also say that that's, as far as they're concerned, one of the most positive aspects of their job is being able to do that.

A lot of associates seek me out for mentoring if they themselves are trying to do a part-time arrangement. They're like, "Okay, this is somebody that's done it. This is kind of a weird animal. Let me see how she does it."

Having role models is vitally important. One partner who joined her firm four years before adopting a reduced-hours schedule explained, "I came to this firm because I saw that there were a lot of women partners here who worked part-time, and it seemed like a firm that was amenable to that." She has been at her current firm for more than nine years.

3. Client Service is Not Compromised by Part-Time Schedules

Virtually every respondent strives not to let his or her schedule impact client service. They said that client service is foremost, and that they adapt their schedules as necessary to meet client needs:

I'll always take a client call. I always respond to e-mails. So I actually work a lot on my days off. I do not have a rigid, fixed schedule in any way. It has nothing to do with my deal with the firm. It has to do with the way I want to service my clients.

My clients do not feel the effect of my part-time work schedule at all, and that was a conscious choice from day one and a commitment that I made to the firm that the client needs come first.

When there are projects to be done, they're done. If it's Saturday, Sunday, 1 o'clock at night, I mean, it's just done. So, you know, the reduced hours doesn't really impact time commitment on a project by project basis.

Like all partners, respondents made responsiveness and accessibility to clients a priority. As one partner put it: "I believe I'm in a service industry so I make myself available." Another said, "I'm very responsive and it's rare that they feel my absence." Technology facilitates their efforts:

I get my e-mails when I'm on vacation or at home or driving the kids around so that I can respond to client needs. And then I can log in from home, and it looks like I'm at my computer here. So I could work at home if needed. With the BlackBerry, I can respond to e-mails anywhere.

I look at my BlackBerry probably every hour or so. If there is anything that needs to be taken care of, I take care of it. I rarely bother to put my out-of-office response on anymore because I know that I'll get back to colleagues and clients immediately, if necessary.

In a few instances, partners said that they may not have been able to address matters as quickly as they would have been had they been a full-time partner. The partners make clear, however, that they work to make sure their clients are not impacted negatively:

Sometimes, like right now, I'm rather overwhelmed with work, and so it may be having a slight impact in terms of the speed with which I can get things done. But because I work directly with clients and not through a more senior partner or something, when I say, "Okay, I think I can have this done by such-and-such a date," I try to set those dates reasonably based on what I know about my schedule. So, maybe if I were working full-time, the date I would give them would be earlier. But I don't miss my deadlines that I give people.

4. Many Part-Time Partners are Financially Successful at their Firms

Contrary to the conventional wisdom that firms don't make money on part-timers, study participants provided strong evidence that part-time lawyers generate significant revenue both from their own billable hours and from origination of new business. In the course of the interviews, several noteworthy examples emerged of part-time partners who are major rainmakers.

Revenue Generation. Most of the part-time partners participating in the study billed between 1200 and 1600 hours per year. Nearly 22% billed fewer than 1200 hours per year, 29% billed between 1200 and 1399 hours, 36% billed between 1400 and 1599 hours, and 14% billed more than 1600 hours.¹⁶

Respondents (n=43) reported billable hour rates between \$175 and \$830. Nearly 12% reported rates below \$300 per hour, 30% have rates between \$300 and \$499 per hour, 44% are between \$500 and \$699, and almost 14% have rates at \$700 or above, with a top rate of \$830.

Doing some quick math, one sees that a part-time partner billing 1400 hours per year at the median of \$535 per hour can generate \$749,000 annually. One respondent noted that she was one of the top revenue generators in her firm:

As an M&A lawyer, my rate is high. I was about 20th out of nearly 200 partners in terms of my revenues. If those revenue figures had been annualized, I would have been in the top 10, probably.

Business Origination. Lower revenue from reduced hours can be offset by business originations. When asked about the impact of their reduced hours on business development activities, nearly 60% of respondents said that they did as much or even more business development as their full-time counterparts. This number is better understood when broken down by category of respondent. Nearly three-quarters (73%) of the equity-partner respondents reported doing *more or the same amount* of business development as did full-time partners at their level. In sharp contrast, most part-time nonequity partners reported doing less (61%) or the same amount (28%) of business development as did full-time lawyers at their level. Of counsel who were part-time were even more likely to report doing less business development than full-timers at their level (86%).

Category	Does more than full-time lawyers at their level	Does the same as full-time lawyers at their level	Does less than full-time lawyers at their level
Equity Partners (n=48)	21 (44%)*	14 (29%)	13 (27%)
Nonequity Partners (n=18)	2 (11%)	5 (28%)	11 (61%)
Counsel (n=7)	0	1 (14%)	6 (86%)

*Percentages refer to the respondents in each category

Several partners stressed that business development is key to reaching the top:

I haven't cut the things I do to originate cases. I have cut other things, but I haven't cut that. So, I'm doing as much of the things that lead to origination now as I did when I worked full-time.

I've been extraordinarily active in business development compared to some older partners.

¹⁶ Total does not equal 100 due to rounding.

Most of my non-billable work was business development. There were a number of industry group conferences that I would attend, I'd say maybe five or six a year, and that's like a couple of days each.

I am 1,000 hours billable and 1,000 hours business development.

Their activities appear to pay off. Several partners discussed their success with originating new client business:

Most of my non-billable work was business development. There were a number of industry group conferences that I would attend, I'd say maybe five or six a year, and that's like a couple of days each.

My business development is not impacted by my part-time status. In fact, my working part-time means I originate more things because I hand them off to other people, because I don't have the time to do them.

I probably could be 80% if I didn't do as much marketing. I don't think I could be 100 percent. But, I wouldn't have—I've had a lot of success here because of running a practice group and, you know, bringing in the clients and everything else. I've sacrificed my salary in the short-term for what I think will be making more money in the long-term, and also having a better practice and more interesting work-life.

I've developed a much bigger book of business. Some years I've had huge billings. As I've grown my practice, I've been responsible for a lot of money coming into the firm. And so, my total contribution to the firm has gone up, even though I continue to keep my billable hours low.

Another said her compensation is in excess of \$400,000 annually (including bonus), largely because she has brought in three major clients and an additional two clients in the past month. Additionally, roughly two-thirds (62%) of respondents said they generated at least half of their own work from their own clients.

Interestingly, some part-time partners reported that because they bill fewer client hours, they can spend more time on business development:

I'm 60% supposedly, but I'm at work every day because I spend a tremendous amount of time on marketing because I wanted to get my practice where I wanted it to be. I was able to take that cut in salary and take the time to really build my practice the way I wanted it and fulfill my firm's expectations.

Some partners reported, however, that being part-time makes it harder to develop business:

Once I came to my new firm, I increased the amount of hours that I worked and I increased my marketing activities a lot so that I really effectively ended up working full-time—Even though my billable hours weren't full-time, my marketing was—Then I was able to make partner. It's very hard when you're at a firm that bases partnership on generation of business to become a partner when you're part-time, unless you have a lucky break or two, because it's a lot of work to generate business.

5. Many Part-Time Partners Are Involved in Firm Governance

Contrary to the stereotype of the part-time lawyer who does nothing but bill hours and leave the office as soon as possible, many respondents are very involved in firm committees, associate mentoring and training, and other non-billable activities. Only 19% say they have decreased their involvement as a result of their schedules.

Six have served on their firm's executive or management committee. Three have served as managing partner of their firm or office, and two have been deputy managing partners of their firm or office. Seven are or have been practice group heads. Others have served on the compensation committee, the hiring committee, the partnership consideration committee, the associate evaluation committee, associate training and development committee, and various other high-level committees.

The managing partner of a firm known to have successful part-time partners stated that part-time partners at his firm have frequently served in firm leadership positions:

Many of our flex time or reduced time partners have served in key management positions, including as a member of our management committee, as department chair, as practice group manager, and as chair of significant firm committees. One has also gone onto to serve as our managing partner and one as the chair of our management committee.

Some of the respondents stated their belief that their part-time schedules allow them to engage in more firm administrative work than they could if full-time:

Some of us who are part-time are very actively involved in certain pro bono and community activities, which is part of the reason that we wanted to be able to have a lighter workload, so that we could be involved in those things. But, what happens is, realistically, a person who's working less billable hours is being compensated less, is probably doing almost as much of all those other types of nonbillable things as somebody who's working full-time, if not more, just because we have the time to do it.

I have always placed a premium on being involved in firm management and it is one of the reasons why I believe I will stay part-time even after my children are older. Despite being part-time, I'm on our firm compensation committee and I've just accepted a leadership position in my department, which is one of the larger practice groups in our firm. I enjoy those roles and would choose to do them even if they were not economically rewarded by the firm. If I were being held to a very strict billable hour budget, I would likely do less of this non-billable work—and if that were the case, I would feel less a part of the firm and less happy. I probably would have left.

6. Part-Time Partners Report Less Stigma than Part-Time Associates

PAR has documented the stigma experienced by associates who reduce their hours while working in firms with traditional part-time programs.¹⁷ Stigma tends to arise where reduced hours work is permitted grudgingly as a temporary accommodation for lawyers with family-care obligations, and where the culture of the firm prizes long hours and copious face time. It can include removal from high-level work, loss of client contact, loss of mentoring relationships, ineligibility for advancement, financial penalties, transfer from practice area, and general loss of status. Stigma makes it less likely that lawyers will choose to work part-time, and makes it more likely they will leave their firms if they are unwilling or unable to work the high number of billable hours required of full-time lawyers. In response, PAR identified best practices that have helped law firms reduce stigma.¹⁸

In sharp contrast to the high levels of stigma PAR found a decade ago, nearly 60% of respondents reported that they did not feel stigmatized because of their part-time status. Predictably, a higher percentage of equity partners than income partner or counsel reported no stigma, and none of the five male respondents (three equity partners and two income partners) who answered this question felt stigmatized.

	Reported No Stigma	Reported some or limited stigma	Reported Stigma
Equity Partners (n=45)	69%	4%	27%
Income Partners (n=22) ¹⁹	45%	36%	18%
Of counsel (n=4)	25%	50%	25%

One partner said her firm felt positively about her schedule:

There was never any questioning, never any comments, never any negative connotations. There was no stigma—my partners were always positive and always “we’re thrilled to have you” and “we love what you do” and upbeat all the time. Additionally, there was an enormous amount of independence and flexibility to construct my work schedule however I wanted. There were no rules about that, no restrictions, and that gave me a lot of self-confidence because the firm was basically saying, “we trust you and we know you’re going to do a great job and you’re going to make this all work and that’s fabulous,” instead of saying “you’ve got to do it this way, or you’ve got to be in the office this many days, or you can only work at home this much.” There were just never any rules like that at all.

Another respondent felt similarly welcomed:

When I said, “Here is what I want,” the response was, “Look, we’ll take whatever you give us because you’re a valuable member of our team.”

Seven of the eight women partners of color who work part-time reported no stigma, another very encouraging piece of news. A possible reason for this is that partners of color would not reduce their hours if they felt it would harm their careers to do so, as suggested by this respondent’s observation about why she chose not to work part-time:

¹⁷ Williams & Calvert, *Balanced Hours*, *supra* n. 1.

¹⁸ Williams & Calvert, *Solving the Part-Time Puzzle*, *supra* n. 2.

¹⁹ Total does not equal 100 due to rounding.

As a minority attorney, I was already fighting an uphill battle to try to make it into the partnership ranks to begin with, and I thought that adding another layer of difficulty with being part-time would only increase that and serve as a convenient excuse for that firm to continue to delay my partnership.

Not all the news is happy, however. A disturbing 40% of partners and counsel reported feeling stigmatized as a result of having reduced their hours. Their reports arise in two main areas: devaluing them as professionals and refusal to allow them to be equity partners. Additionally, 14% of all respondents who answered questions about their satisfaction with their compensation reported that they felt their compensation was unfair.²⁰

Many of the 40% told stories of feeling devalued at their firms. Some reported hostility towards part time at their firms, saying it was discouraged and other partners made snide comments about their schedules or commitment:

The part-time policy for associates here provides that you can't become an equity partner while on a part-time schedule and I've heard that a leader of the firm told a part-time associate that he'd missed a million dinners with his kids and he'd be damned if someone was going to make partner if they hadn't done the same. So, my sense is that there's a great deal of hostility towards part-time and reduced hours arrangements here at the firm.

Several said they believe their partners view them as financial liabilities, and have made comments about their contributions to the firm. One reported that a partner singled out the part-time attorneys in a partner meeting and said they were not billing their full hours. She had a response for him, but his message that part-time partners are not desirable still left a mark:

I said, "All of us are bringing in far, far more than we're paid. Two out of the three of us brought in over \$1 million to the firm last year and were paid far below that. And if we missed our hours by 50 hours, who cares? We're bringing in a lot of revenue and we're turning out a lot of work to associates and keeping a bunch of people busy. And isn't that exactly what we're supposed to be doing?" But, I kind of feel like no matter what you do they find some way to criticize, either it's you're not giving out work, you're not developing work, you're not hitting your hours. Sometimes it feels like you're playing that game Whac-a-Mole. Remember that amusement park game? Yeah, hit one head down and another one pops up.

Another respondent said part-time partners are seen as taking their careers off track, another said that her partners think she should go find another job, and another observed that she just wasn't one of the guys.

In an interesting twist, one partner noted the presence of stigma and said her response to it was to focus on business development so she could have a lead role, choose the attorneys with whom she would work, and make sure her work was interesting.

Some of the strongest evidence of stigma is the fact that several respondents have not been allowed to become eligible for equity partner status because of their part-time schedules. Several counsel said, but for their part-time status, they would be partner. Some others were either required to give up their equity status or voluntarily did so.²¹

²⁰ Compensation is discussed in a separate finding in this report.

²¹ A recent study of women lawyers in New Jersey is consistent with these findings; most of the lawyers reported not feeling stigmatized because they reduced their hours, except that 44% reported that part-time associates could not make partner in their firms. Joan Williams & Cynthia Thomas Calvert, *Legal Talent at the Crossroads: Why New Jersey Women Lawyers Leave Their Law Firms, and Why They Choose to Stay* (New Jersey State Employment & Training Commission, Council on Gender Parity in Labor and Education, April 2009) at 17, 20.

One managing partner said his firm, while supportive of part-time work, does not allow equity partners to work part-time for more than six months.

This finding about stigma requires further study. By interviewing partners who remain employed at their firms in a reduced hours capacity, we necessarily focused on partners who, on balance, felt satisfied. By limiting our interviews to partners, we received data from only those who had “made it,” which likely means they overcame obstacles such as stigma. Moreover, the partners we interviewed may not take offense easily or may not recognize stigma when it occurs—or they may be in firms that have taken effective steps to eliminate stigma. Future studies that include senior part-time associates who left their firms without making partner and partners who worked part-time but left their firms could help answer these questions.

7. Compensation for Most Part-Time Partners is Proportional

One of PAR’s early best-practice recommendations was proportional pay for part-time work, largely in response to the then-common practice of giving lawyers who reduced their hours a “haircut.”²² In the intervening years, proportional pay for part-time associates has become the norm in many cities.²³ Does the principle of proportionality carry over to partners? The answer depends on which compensation system a law firm uses. The most common systems are discussed below.

Shares, Units, or Points tied to Monetary Amounts. Under this system, equity partners are awarded shares, units, or points, each of which will have a dollar value attached to it once the firm’s profits for the year are known. Share awards are most often determined subjectively, and sometimes based on formulas. Both methods typically consider hours billed and collected and other factors such as business origination, primary responsibility for a matter, or firm service.

While some firms award fractional shares to part-time partners, proportional to the schedule they work, more commonly firms award shares to part-time partners as if they were full-time and then to adjust the amount of money received for each share to reflect the percentage schedule they work. For example, a partner who targets to bill 80% of the firm’s average or minimum billable hour level for full-time partners and who meets his or her target for the year would receive credit in the calculation of shares as if he or she had billed 100% of the full-time level, and shares are awarded accordingly. Yet when profits are distributed, the part-time partner would receive 80% of the amount received by a full-time partner.

Tiers, Levels, or Slots. Some firms award shares or points to partners, and then group partners with similar overall contributions into tiers or levels. The partners in each tier or level receive the same amount of compensation. Awards are based on approaches similar to the those described above. While most firms that use this system determine part-time partners’ levels as if they were full-time and then give them a proportional percentage of the compensation received by the other partners in their level, some firms look at the part-time partner’s actual billable hours and place them in a lower level, lumping part-time partners with full-time partners who have low billable hours. One partner explains the problem with the latter system:

I am awarded the same amount of shares as my peers, considering the type of work I’m doing, the sophistication of work I’m doing, and the amount of energy that I’m bringing to the firm. Because I am part-time, I get paid out 70% of the share value of those points,

22 Williams & Calvert, *Balanced Hours*, *supra* n. 1. A “haircut” is a disproportionate differential in pay. For example, it was common in the 1990s for law firms to pay attorneys who worked 80% of a full-time schedule only 65-70% of a full-time salary.

23 Project for Attorney Retention website, “The Scoop,” <http://www.pardc.org/TheScoop/>.

which is an incredibly favorable way to do it for part-time partners. Other firms give part-time partners less shares. At those firms, if you go full-time later, it's much harder to catch up to your peers. So, I am at a full-time share slot with what I would consider to be my peer group. If tomorrow I decided to go full-time, I would be in the comp structure with those people. I get paid less for the time period that I am working less hard than my colleagues, because they just multiply my shares times .7, so my draw is 70% of my share level. But I am not penalized in the long-term.

A more serious problem can arise with placement in lower tiers. One part-time partner described being “double dinged” in her compensation; she was placed in a lower tier based on her lower billable hours, and then was paid a percentage of the amount the other partners in that lower tier were paid. It is important that firms account for reduced hours through one method or the other, but not both.

Lockstep. Ten of the respondents work at firms that use a lockstep system under which partners’ compensation is set according to seniority and typically increases each year, without regard to billable hours, business origination, or firm service. While some of the firms are true lockstep, four are lockstep only for a certain number of years after a lawyer is elevated to partnership; one is lockstep in practice but not theory. Lockstep systems are easy to adapt to part-time partners, who are simply paid proportionally to the number of hours they bill. One partner reported that her firm eschewed the easy route, choosing instead to calculate fractional progress from one step to the next for part-time partners. This system, she noted, would have the effect of penalizing her for her past schedule if she were to return to full-time work.

Discretion. A handful of respondents said partner compensation at their firms is determined completely by exercise of discretion. A management committee or managing partner sets each partner’s annual compensation, without using a formula or other set criteria. Typically, discretion-based compensation is found in closed systems in which partners do not know how much other partners are making.

A substantial literature documents that unfettered discretion tends to open the door to gender bias.²⁴ Research shows that women often receive lesser rewards for the same achievements.²⁵

Questions of fairness may also be more likely to arise in highly discretionary systems. One of the respondents who expressed dissatisfaction with her compensation was in a firm where compensation was set by discretion. She is working 80% of a full-time schedule and believes she is making less than half of what full-time partners make.

Salaries. Most of the nonequity partners and counsel who participated in this study are paid on salaries. These are set in a variety of ways. Some are paid a percentage of the salary they made when full-time, some are paid a percentage of the compensation a full-time partner at their level of experience and contribution would make, while some are paid according to a decision maker’s discretion or an amount they negotiated with the decision maker. Most reported that they were eligible for bonuses for billing hours above their target and/or for business origination.

Hourly. A few of the nonequity partners are paid on an hourly basis, receiving compensation only for hours

24 See, e.g., E. L. Uhlmann & G. L. Cohen, “Constructed Criteria: Redefining Merit to Justify Discrimination,” *Psychological Science*, Vol. 16, 2005, p. 474-480 (unfettered discretion in hiring criteria; criteria used to assess merit can be defined flexibly to favor certain groups); W. T. Bielby, “Minimizing Workplace Gender and Racial Bias,” *Contemporary Sociology*, Vol. 29, 2000, p. 120-129; L. H. Krieger, “The Contents of our Categories: A Cognitive Bias Approach to Discrimination and Equal Employment Opportunity,” *Stanford Law Review*, Vol. 47, 1995, p. 1161-248; V. F. Nieva & B. A. Gutek, “Sex Effects on Evaluation,” *Academy of Management Review*, Vol. 5, 1980, p. 267-275.

25 See *Legal Talent at the Crossroads*, supra n. 21; A.B.A. Comm. on Women in the Profession, *Fair Measure* (2d. ed. 2008).

worked. At least one stated that she was compensated only for hours billed, and was not paid for nonbillable work she did for the firm. Some receive a percentage of the amounts they bill and the business they originate, while others receive a negotiated hourly rate.

Regardless of system used, a handful of respondents stated that they are not paid proportionally to the number of hours they bill. They were told their compensation would be reduced by an additional five or ten percent, so that a partner billing 80% of a full-time schedule would receive 70 or 75% of full-time compensation. A managing partner at a firm that imposes this type of “haircut” expressed concern that if part-time partners were compensated proportionally, all partners would want to reduce their hours.²⁶ More typically, the few firms that impose haircuts do not do so to discourage part-time work, but rather because they apparently believe that part-time partners are not as profitable. This study, along with PAR’s previous work,²⁷ show that reflexive generalizations about profitability are likely invalid.

8. Most Partners Do Not Tell Clients about Their Schedules

Whether to tell clients that one is working part-time is a thorny issue for partners. If clients are not aware of the partner’s schedule, they may inadvertently undermine the partner’s attempts to control the hours they work. Moreover, some clients affirmatively want to know whether any of their outside counsel are working reduced hours;²⁸ some want to actively support flexible work because they recognize the link between flexibility and retention and further recognize the benefit to their companies from stable relationships with outside counsel.²⁹ Some partners, on the other hand, are concerned that if they tell clients that they have cut back their hours, the clients will give new work, or at least the more challenging and time-sensitive work, to other lawyers or other firms. One counsel expressed her hesitancy:

I have been concerned that some clients would not like it and would be maybe more inclined to give work to someone else. I would say that’s a constant worry.

Another respondent is concerned it could give a bad impression:

If I have a deal going on, I am there, late nights and everything for the clients. And that’s why I really didn’t see the necessity of telling all of them that I work part-time, because a lot of them — some of them, I guess, would get this impression that, “Gosh, she’s not going to be there on Tuesdays and Thursdays.” Maybe they wouldn’t care in this day and age, but I think it’s still there.

Most of the partners interviewed have resolved this issue by deciding not to tell their clients. Many, like these partners, said their schedules are irrelevant because they are so responsive to their clients’ needs:

I don’t see any reason why they should have any idea. If I’m being responsive and fulfilling their needs, it’s irrelevant whether I’m part-time or not.

26 PAR has previously addressed the “floodgates” concern. See Williams & Calvert, *Balanced Hours*, *supra* n. 1 and Williams & Calvert, *Solving the Part-Time Puzzle*, *supra* n. 2, at 137. In sum, the firms with nonstigmatized reduced hours programs have not experienced floodgates; usage rates rarely top 10-12% of all lawyers. Most lawyers do not want to cut their hours or cannot afford to do so, and others reduce their hours for only a short period of time.

27 See Williams & Calvert, *Solving the Part-Time Puzzle*, *supra* n. 2, at 44-6.

28 Information obtained by Joan C. Williams of PAR from interviews and meetings conducted as part of PAR’s Diversity and Flexibility Connection (2009).

29 *Id.*

I'm extremely responsive, and it should be invisible to them that I'm part-time. And so, most of them don't know.

It just doesn't come up. I mean, it has come up at different times in the past. It's been an issue of whether to tell and so forth. Back when I was keeping a schedule that meant I wasn't going to be around certain days, there might have been a reason to say something to certain clients. But, I can't think of the last time it mattered, especially with e-mail and BlackBerries and so on.

Some partners reported telling their long-time clients. They said that their clients had no objections or concerns:

The clients who find out that I work part-time generally think that that's wonderful.

Most of them don't care. As long as they can get a hold of me, they are happy.

I've spoken to a couple of them about it, and they say "As long as you do our work, we don't care where you do it or when you do it, as long as it's done." They don't care, absolutely don't care. A couple of them, some women that I work with are excited about the fact that they're working with a woman who's part-time. So it's all been positive.

All of them have been very supportive. I haven't gotten anybody complaining about it. They usually say that's great that you were able to do that.

With the exception of one—there was one male client who was uncomfortable with my part-time arrangement—but that was one out of all my clients and all my other clients were just indifferent, I would say. Their view was if you get back to me promptly and you're responsive and the work gets done, then what you are doing when you're not working for me is your own business.

Some say that their clients were surprised to learn that they worked part-time:

Most of them were floored. They had no idea.

Most of them were surprised because they thought I was always available. So they didn't think I was part-time.

Clients are usually surprised upon learning of my part-time status. Their response is, "But, you're always around. You're always there when I need you."

9. Most Part-Time Partners are Satisfied with their Arrangements

Most of the respondents reported being satisfied or very satisfied with their part-time arrangements. Many expressed a desire to stay at the firm; 84% of respondents answering this question said they would stay with their firms for the next five years if it were up to them. Three said that would stay “over any other firm” or legal job.

One partner described it this way: “I feel very lucky and I don’t think I could get a better deal anywhere else, mostly because I really like my work. I mean, I have good clients. I have good work. I have good colleagues.” Other responses include:

I routinely get head-hunted and I routinely say no.

I definitely plan to stay at my firm.

I would never go to another law firm anywhere, ever, under any circumstances. I’m absolutely certain of that.

I think I might stay for the rest of my life, at least my working life.

I enjoy being treated as a professional. So the firm assumes that I’m going to get my work done and that I’m going to keep the clients satisfied, and I take that responsibility seriously.

Interestingly, few of the respondents plan to return to full-time work, even when their children are grown.

10. Developing Associates, and Delegating Work to Them, Is Essential

The importance of developing junior lawyers emerged as a major theme for the partners interviewed. They describe “supervising and leveraging and pushing down work to associates” as “an absolute necessity” to maintain their schedules. One equity partner explains:

I’m in the good position of not having to worry about having work. My worry is about having too much work because I’m all about making sure I can get home and make dinner and, you know, do whatever. It’s a constant balancing act and one of the main ways you do that is by leveraging yourself so that you can still meet the client needs because we’re a service-oriented business, meet the needs of your partners who are referring you work, but still not working like a crazy woman all the time.

Another equity partner who has recently handled back-to-back trials agrees: “I was motivated to have case teams to do the work so I didn’t have to do it.”

Respondents say they remain accessible to associates, just as partners do when they are traveling for another client matter. Partners point to their upward evaluations and interactions with associates:

On my upward evaluations, I get very high marks for being accessible. So, I don’t think that the part-time status in any way affects that.

I have wound up being the person that many of our associates and paralegals and administrative assistants come to for assistance and advice. So, I don’t think they feel like they can’t reach me or that I’m not accessible.

However, some partners who regularly telecommute said that supervising associates can be challenging when working from home more than one day. “It changes by virtue of how frequently you’re there in the office. The more regularly you’re in the office, the more seamless it is.” They make it work by “spending enough time training and interacting with associates when in the office.” And, as with their clients, part-time partners say that they prioritize responsiveness to the lawyers they supervise:

When I'm supervising someone else, I'm supervising them on my own matters. If I have a new matter for a client, I'm going to give them as much attention to that matter whether I'm full-time or part-time. I take the matter seriously and I manage it.

I think any of the associates would tell you that I continue to micromanage them in the same way that I always have, whether I'm remote or not remote. Everyone that I work with knows. I'm very open about my part-time status, and everyone I work with tends to know my schedule. And they also tend to know that I'm pretty responsive on e-mail and stuff, and that they are free to and encouraged to call me at home if something comes up, and they shouldn't ever wait to contact me if they have something that they feel needs my input.

My schedule has not impacted my ability to supervise associates or project teams, because my entire career, when I have been working part-time, I have always been available by phone, in the beginning when there was no e-mail, and now by e-mail. I was never a person who said, “Well, I don't work on Thursdays and Fridays, so you can't contact me.” I was always available for a phone call with a client or an associate or an e-mail, etc., and still am. I think to be successful, you have to be available.

They add that technology facilitates their efforts:

You work with people when you're not in the office all the time now. So, you've got the BlackBerry and the laptop. And last week, I was traveling but I was also supposed to be reviewing some opinions we were doing for the same client. And it didn't really matter that I wasn't physically in the office. I could see what the attorneys had written. I could call them.

Since I'm in every day, I can still meet with associates when I'm here. And if something comes up when I'm running around in the afternoon, then I just do it by phone or by e-mail.

I guess it can be a little bit of a challenge because if you're supervising or managing a series of associates, their schedules do not always coincide with your schedule. But, with email and the telephone, you can pretty much always get together with anybody that you need to even if it's not face-to-face. So, you can make sure that you're still providing an appropriate amount of supervision and guidance.

Interestingly, some lawyers remain hesitant to call part-time partners at home despite repeated encouragement from the partners to do so:

I had an associate the other day who said he e-mailed me over the weekend. And he said, “Didn't you get my e-mail?” And he's young. It's the opposite. I said, “Did you pick up the telephone? You know where I am if you need me. If I didn't answer my e-mail,

there's ways to get me. You've got my home number. You've got my cell phone. What's wrong with your finger?"

I have always given people my home number and my cell number if they need to reach me, although oddly, clients don't have any problem calling me at home or on my cell, but lawyers seem more reluctant to call.

11. Partners of Color Have Significant Work Life Conflict But May Feel Pressure Not to Use Existing Programs

In 2006, the ABA Commission on Women in the Profession highlighted the significant work-life conflict experienced by women of color in law firms. That conflict does not end when women attorneys of color reach partnership. PAR interviewed 31 partners of color. Nearly all were the breadwinners in their households; 90% contribute more than half of their household income. Of those respondents with partners and/or children, roughly two-thirds (64%) earn 70-100% of the family income, and nearly one quarter (23%) also have financial responsibility for additional family members or someone else. Over 40% of respondents without partners or children have full or partial financial responsibility for someone other than themselves.

Notwithstanding their roles as breadwinners, the vast majority of partners of color reported having significant household and caregiving responsibilities. Eighty-one percent said that they do 50% or more of the household chores. Seventy-four percent have children or other care-giving responsibilities, including 30% of the partners of color who are not coupled. Eighty-two percent of those with child care responsibilities do more than 50% of the child care. Only one respondent reported that she has a spouse who does not work outside the home.

Participation in community, church and non-legal volunteer work was commonplace, with 86% of respondents participating. These activities include, among other things, serving on one or more Boards of Directors for community and national organizations, volunteering at homeless shelters, teaching Sunday school, and participating in pipeline programs. Of those who provided an estimate, the partners of color spend an average of 170 hours per year on non-legal volunteer work. Those partners of color without caregiving responsibilities for children or others spend even more time—an average of 300 hours a year—engaged in community service activities. Three partners reported that, in addition to their community service, they devote substantial time to running or sailing.

The partners of color on average spend 580 hours on non-billable activities (of those who answered the question). Partners of color say, because they are one of the few minority lawyers at their firms, not only are they frequently called on to engage in diversity committee work and marketing activities, they feel personally obligated to do so: "I do it because I want to and I think it's important and, if I had said no, I don't want to do that anymore, there would be no one to do it."

Over one-fourth (26%) of the partners of color interviewed work a reduced-hours schedule. Roughly 20% more work flexibly or regularly telecommute and 10% are considering reducing their hours. At least three respondents did not take advantage of reduced-hours programs because they were unable or unwilling to take the financial hit. One African-American partner who made significantly more money than her husband put it this way, "Not making as much money as I was accustomed to making just wasn't an option for me financially, period." Another African-American partner agreed, "Twenty percent of my salary is my child care for a year. It would be a really difficult thing to do financially." The relationship between decreased pay and high child care costs is noteworthy in light of the fact that the part-time partners interviewed said that child care costs often remain the same or increase when a partner reduces his or her hours.

At least four partners of color said that working a reduced-hours schedule would negatively impact their careers or their standing at their firms. One African-American partner who was the sole provider and caregiver for her children described her decision to not reduce her hours this way: “Getting off track just wasn’t appealing to me. Going for the brass ring was appealing to me. And reduced hours would have taken me off track.” A second partner of color said that part-time “would not be a good career decision for me at this firm.” Instead, she cut back significantly on her non-billable work when she had children. She acknowledged the drawbacks to this strategy: “In the long run I probably am doing myself some disservice professionally, but it’s worth it to me to be home with my kids.” One Asian-American partner felt that if she were to go part-time “it would give decision makers an excuse” to delay her elevation from income to equity status. She explains: “Especially in these hard economic times, we would have to make a very strong case that I have some really special skill set or some really important client relations that would overcome something like a reduced work schedule. Another Asian-American partner said, “I never was at a point in my career that I felt like I could actually work 80 percent, or 85 percent.”

Five partners spoke of the “cumulative burden” faced by women of color. One firm’s Chief Diversity Partner explained:

When you add on to the stigma associated with being a woman and having care-giving responsibilities the issue of women of color and their isolation in the workplace and some of the things that impact them differently than the rest of the women, then what you have is a cumulative burden. I don’t know if it’s necessarily a different burden. It’s just harder.

Four partners of color spoke candidly of their need to “perform better than the norm” to counteract pervasive stereotypes about their competence and work ethic. Their comments included:

There’s no question in my mind that the standards are higher for Asian American women in litigation. Unless you perform better than the norm, you’re not going to achieve at least the norm, and you can’t perform better than the norm if you’re only working part-time—not in litigation you can’t.

Women of color have to justify our existence on a daily basis and if you go part-time, that’s just another strike against you.

You always think you have to do better, or you have to do more.

Particularly telling was the fact that four partners of color went to great lengths to ensure that their child rearing or health did not interfere with their advancement. Two partners delayed having a child because they feared that the pregnancy would impact the timing of their advancement. One partner called her decision to not have a child, “probably the only regret I have in my life.” She continued: “It is really sickening that females have to make a choice to have a kid or make shareholder. You should not be put in a position where you have to make that choice.” A third partner told how she worked during her maternity leave “so that there wouldn’t be the possibility that people could use that as an excuse.” She continued, “I actually attended firm events during my maternity leave so people would still see me around. I didn’t really make it known that I was on maternity leave so that people didn’t keep me out of the loop on work prospects and I made myself available if someone called.” A fourth partner planned to postpone a surgery until after the partnership vote; but, her firm got wind of her decision and a member of the management committee convinced her not to delay the surgery.

In the absence of a viable part-time option, partners of color value flexibility and telecommuting as a means to balance their professional and personal responsibilities. One partner explained: “It would take a lot for me to

leave my current firm because, having put in the time to build a reputation so that I have the flexibility that I do, I'm not sure I would so easily just jump to another law firm." Telecommuting is an essential factor in their ability to make it all work: "The ability to have good network access from home is huge. I wouldn't work at a firm that did not provide a way to access work from home." Another partner of color said:

When people talk about the ability to work from home, the naysayers simply don't get it. They do not understand. If you can take that hour and a half commute and convert it into billable time you can be very productive.

Partners of color also value their firm's financial and other support for their Bar and volunteer activities. They say that these activities help to mitigate the isolation that they feel at their firms. Fifty-two percent said they are the only woman partner of a race or ethnic minority in their offices. Twenty-five percent are the only woman of color partner in their firms. One partner of color who commits 20 hours a week on volunteer activities explains their importance to her:

It is helpful to have other outlets, other people to talk to and network with, draw strength from, whatever, whether it's a Bar association or a community organization or alumni organization. Those are all ways to meet and interact with people that can provide, in a way, a balance to the legal tasks that you do as part of your full time job. It can provide rewards or satisfaction that you may not get through the legal job.

Thus, there is no doubt that partners of color face significant work-life conflict and, unlike many of their white counterparts, they feel that existing firm programs are out of their reach. In the words of one partner, "If you're going to have these types of flex-time initiatives, then the firm should find some way to put a little backbone behind it. It doesn't matter if you have the policy if people are afraid to use it."

BEST PRACTICES RECOMMENDATIONS FOR LAW FIRMS

Allowing reduced-hours work for equity partners is a sound business decision for law firms. Partners who have strong relationships with clients are retained, and many continue to develop those, and new, client relationships. The retained partners also provide stability and continuity, serve as firm leaders, and act as positive role models. To gain these benefits, firms need to view reduced-hours work not as an accommodation for a select few, but rather as a business initiative that is worth an investment of effort. This section details steps that firms can take to invest in their part-time partners for the benefit of the firm as a whole.

1. Create a Written Policy for Part-time Partners

Having a written policy emphasizes the firm's commitment to the concept of part-time partnership, and ensures even-handed application of the policy to all partners. A firm can either have a separate policy for partners or incorporate provisions pertaining to partners into its existing policy for associates. Having one policy that addresses lawyers at all levels at the firm sends a powerful message that adopting a reduced-hours schedule is not a career-limiting move. Regardless of which approach a firm decides to use, the firm should make sure that the language is consistent with the firm's partnership agreement.

Key elements of an effective policy include:

- Establishing that lawyers who work reduced hours can be equity partners in the firm;
- Making flexible work available to all partners, regardless of the reason flexibility is desired;
- Allowing partners to create individually tailored schedules, and to change their schedules as needed;
- Not placing a limit on the length of time partners can work reduced hours;
- Detailing non-billable expectations for partners, including business development and firm service;
- Providing for proportional compensation (discussed further below); and
- Discussing the impact of a reduced schedule on equity status.

PAR has previously provided recommendations for creating and implementing policies for reduced-hours work.³⁰ These recommendations include assessing the firm's needs, collaborating with key players within the firm, creating an effective group to develop the policy, communicating the support of firm management for the policy, discussing the policy openly within the firm, working to eliminate stigma related to reduced-hours work, and evaluating the success of the policy.³¹

30 Williams & Calvert, Solving the Part-Time Puzzle, *supra* n.2.

31 *Id.*

2. Support Flexibility in When and Where Partners Work

Part-time partners highly value the flexibility they have to set their own schedules. They say that autonomy makes it possible to manage highly unpredictable workloads and client demands. Litigators and transactional lawyers alike use this strategy to allow them to respond to the sharp fluctuations associated with trials and deals. An easy way for firms to support part-time partners, therefore, is not to impose rigid requirements on when part-time partners need to be in their offices.

Firms that support flexibility in scheduling can measure the billable hours contributions of part-time lawyers over the course of a year instead of on a weekly or monthly basis. As long as the partner meets his or her annual total, interim fluctuations are immaterial.

Supporting part-time partners' fluctuating schedules will often mean supporting comp time, *i.e.* the ability to take off time once a crisis has passed. When part-time partners have worked more than their agreed-upon schedule, it is vital to the long-term viability of their arrangements that they feel free to take time off as soon as their workload permits. This requires their partners not to schedule meetings and deadlines during the compensatory time unless doing so is truly necessary. It also requires eliminating the "sludge": comments such as "Boy, I wish I could get Wednesday off" that suggest the partners' comp time is unprofessional or undeserved.³²

A partner provided the following example of how her firm supported her efforts to take time off after she had worked the busiest three months of her career (including when she was full time):

I was talking to the head of my group. He said, "Oh, how's it going?" I said, "Oh, I've been so busy. It's such a nightmare. But, I'm planning to take a lot of the summer off." He goes, "Well, as the head of your practice group, I hereby order that you must do so," or something like that.

Most respondents' firms have "look back" provisions that increase part-time partners' compensation if they exceed their target hours. While this is a sound response that will insure that the part-time partners are not being taken advantage of, it should be used only if the partners in question prefers it to compensatory time. After all, if part-time partners preferred more money rather than more personal time, they would not have reduced their hours in the first place.

Having the ability to work from home increases partners' ability to meet client needs seamlessly. Said a partner of color who works a flexible full-time schedule:

In addition to laptops, the firm has equipped all of us with the technology that we need so we can telecommute whenever we need to. And we have 24 hour IT assistance. They pay for our air cards so you can use your computer anywhere in the world. We've got some technology on our computer that they set up where people won't even know that I'm not in the office. They'll call me at my desk and I can answer my computer because it's attached to my computer, and they won't even know that I'm sitting in my pajamas in my living room.

32 See Cali Ressler & Jody Thompson, *Why Work Sucks and How to Fix It* 30-3 (2008).

3. *Eliminate Stigma*

It is often difficult for an attorney to raise his or her desire for a reduced-hours schedule unless the firm has demonstrated clear support for the program. This is particularly true for women of color, due to the cumulative burden discussed above. One partner of color explained:

You're scared to ask for it because you don't want to get the scarlet letter of being that person who doesn't want to be 100 percent. Therefore, unless someone says, "We have this policy and we'd love for people to take advantage of it because we don't want to lose associates" it's difficult to be the individual and go to the head of your group and say, "I think I'd like to be part-time," because, God forbid, that your group leader thinks that you're not still as committed to the firm as you always were. That challenge is even greater for minority women than it is for white women."

Eliminating stigma means changing negative views of part-time partners within the firm, and designing policies and practices to eliminate the flexibility stigma. Achieving these goals begins with support from the highest levels of firm management and key rainmakers. In words and in actions, leadership needs to communicate support for part-time partners.

One partner who is on her firm's executive committee and recently went part-time explains, "You definitely have to have strong leadership on this and you really have to indoctrinate your partners and your lawyers. There has to be a strong message from the firm about it that's very supportive." She described her firm's efforts:

At the highest levels, at the executive committee level, at the senior management level, the chairman of our firm has talked about these things and been supportive of them. And the fact that we have a written policy and that we have a committee, and even before we had this policy and this committee, we had an informal committee that regularly met that everybody knew about and had access to. And we had widely circulated lists of people who had made part-time arrangements work that other people could go to and talk to about how to do it.

A partner of color who works a traditional schedule said that her firm's managing partner was actively involved in diversity efforts: "Our managing partner actually sits on our diversity committee, and not just in name only. I mean, he literally — whether he's in the office or not, he is on the monthly conference calls and he makes sure that the committee does what it needs to do." Another partner finds it very helpful that her managing partner steps in when full-time partners miss their hours to remind them that "You can't do this *de facto* if you're full-time and just end up at 85 percent when we have people who have chosen 85 percent and are taking a pay cut for it."

Those partners who felt supported and valued by their firms report high levels of satisfaction and a desire to stay at the firm. As one partner put it, "the firm's willingness to allow me to work part-time was very important to my decision to join the firm but it was certainly the attitude about it that really said that it was a place that I could succeed in and would enjoy being in." These ambitious lawyers want—and need—to be "progressing and well regarded" at their firms.

Steps to eliminate flexibility stigma include: consistently communicating the business case for part-time partnership; recognizing the contributions part-time partners make to the firm; eliminating undermining

remarks about commitment and availability;³³ including part-time partners in social settings; and celebrating successes achieved by part-time partners and by the firm because of its part-time partners.

The goal is to make part-time partnership a non-issue—to have it so embedded in the fabric of the firm’s culture that no one thinks about it, and that partners do not feel a need to prove themselves all over again after reducing their hours. Several of the partners in this study already feel their firms have met this goal, as do the managing partners who were interviewed. One managing partner said, “The culture is such that it’s an accepted part of what we do and what we offer.” Another added:

We have had partners working under our flex- or reduced-time program for so long that it is now part of the fabric of our firm. So, this isn't something that to us is really any big deal because we've been doing it for so long. And so, it's just not the subject of a lot of conversation.

Both of these managing partners are at firms that have had part-time partners for 20 years or more, and both firms have many part-time partners. Eliminating stigma may take time, but they show it can be done.

4. Support Part-time Partners' Business Development Efforts

At the partnership level, the ability to generate business affects all aspects of partners’ experience at their firms. This is no different for part-time partners. In fact, many part-time partners said that having their own book of business facilitated their efforts to balance their competing responsibilities by, among other things, increasing their leverage with their peers and giving them control over their workload. Therefore, rather than just making assumptions that part-time partners have neither the time nor the motivation to develop business, firms should take steps to ensure that part-time partners have the resources to develop business.

Steps to promote business development by part-time partners include monitoring access to key opportunities such as pitch teams and important firm representation teams, providing business development coaches and mentors who can help part-time partners design focused business development plans that maximize the potential for success, and ensuring that part-time partners get credit for the work that they do originate. Part-time partners’ efforts should be recognized on par with those of full-time partners. To state the obvious, business origination credit should not be reduced due to part-time status.

Two recent trends in the area of origination credit may be beneficial to part-time partners: first, adopting a team approach to clients, recognizing that no one partner brings in business on his or her own; and second, moving toward broader credit-allocation systems that give credit for managing client matters, serving as a client’s primary contact with the firm, securing new business from existing clients, and otherwise tethering clients to the firm in addition to credit for originally bringing the client through the door. These more modern types systems allow a firm to capture one of the key benefits of part-time partners—the partners stay at the firm longer and are thus able to develop deeper relationships with their clients.

33 These types of comments can also undermine full-time partners efforts to work flexibly. One Asian-American partner explains:

As an equity partner in this firm, I still get comments like, “Oh, leaving at four o’clock” or “Putting in a half-day, today?” from both other partners and people that are junior to me which I find just shocking and appalling. You have to put up with this whole stigma, still today in 2009, and that has surprised me, and continues to surprise me every time a comment is made.”

5. Recognize Part-Time Partners' Contributions Fairly

Unfairness in awarding compensation—whether real or perceived—will undermine the success of any part-time partner arrangement. At a minimum, firms should strive to:

- Pay part-time partners as much as full-time partners who have similar billings and/or originations;
- Compensate part-time partners for hours in excess of their commitment (assuming that compensatory time is not possible, or that the partner in question would prefer additional compensation);
- Avoid the haircut;³⁴
- Avoid penalizing partners who return to full-time work for years spent on reduced schedules;
- Take into account part-time partners' non-billable contributions; and
- Design system in which partners' compensation will increase as their billable hours increase.

Steps toward fair compensation include: in billing or time reports made available to the partnership, expressing all partners' billable and nonbillable time as progress toward their targets, which will equalize how contributions are perceived; awarding part-time partners the amount of shares they would have if full-time and adjusting their compensation, but not shares, to reflect the percentage reduction in their schedules; in lockstep systems, keeping part-time partners with their class and adjusting their compensation, but not their level, to reflect the percentage reduction in their schedules; and reviewing all partners' compensation that is award based on discretionary factors to ensure that part-time partners are not receiving a disproportionately low award that may be influenced by biased assumptions about the commitment of part-time partners.

6. Encourage Part-Time Partners to be Firm Leaders

A surprising finding of this study is the extent to which part-time partners are involved in firm leadership. Firms can support their part-time partners by encouraging them to be involved in firm governance and important firm committees. This sends a signal throughout the firm of commitment to the success of part-time partners, while at the same time exposing part-time partners to the business priorities of the firm. One partner summed it up nicely:

Whether it's attending conferences, being selected for training programs, or being chosen to participate in firm management, my part-time status has never played a role. I think that that has been a very good thing for the firm. It has certainly made me a very loyal partner, but it's also encouraged me to increase my contributions to the firm both financially and in other non-monetary ways, such as through mentoring and business development.

Including part-time partners in firm governance sends a powerful message to attorneys at all levels that the firm wants—and expects—attorneys who reduce their hours to be successful at the firm. Firms should periodically review assignments to firm committees to ensure that flexible work attorneys are represented.

³⁴ As discussed above, PAR has answered the overhead argument and demonstrated that a “haircut” is neither appropriate nor justified. See Williams & Calvert, *Solving the Part-Time Puzzle*, *supra* n. 2, at 44-6.

7. Use *Part-Time Partners as Role Models and Recruiters*

Celebrating the successes of partners working reduced hours underscores the business benefits of offering flexible work. Many of the respondents were acutely aware of the fact that they were role models for junior women lawyers coming up through the ranks. One partner put it this way:

My part-time schedule has probably been one of the best things I've accomplished as a lawyer. I mean, I've done a lot of things. I was named to the best lawyer list and I've gotten lots of kudos and awards and things over the years. But, being able to balance raising a family and paving the way for other women in my firm since I was the first one to do it to come after me and establish that type of a setup so that they also could have time with their children I think is huge.

Two partners of color who currently work full-time said that visible role models have made them more comfortable with the possibility of reducing their own hours:

At my former firm, I had the sense that going part-time would just be another item to be used against me as a woman of color in the partnership consideration process. And here, I think it truly is a choice that's available to those who want and need it. And I've seen it work very successfully here for a number of other women, whereas at my former firm, I saw a number of women have it really not work for them in terms of what they were getting out of it versus what they were putting in and whether or not they were being fairly compensated for the work that was required of them.

Now, this is one of the few places I've met other people who successfully worked part time. So I've seen evidence that it is possible and I may consider that if at some point I want to work part time.

These quotes show the importance of successful part-time partners in helping firms retain women, including women of color.

8. Let *Part-Time Partners Decide What to tell their Clients*

Whether to tell clients that one is working part-time is a delicate issue. In an ideal world, all lawyers could openly discuss their schedules with their clients without fear of stigma or repercussion, and hiding the existence of flexible schedules arguably allows biases against reduced-hours work to linger. Moreover, some clients want to know their outside counsels' schedules so they can support them and avoid inadvertently driving the lawyers out of their firms because of a perception that it is impossible to achieve balance. A policy that prohibits lawyers from disclosing their part-time status to clients can help institutionalize a culture of secrecy that both reflects and fuels flexibility stigma. For this reason, it is important that firms avoid policies prohibiting part-time lawyers from discussing their schedules with clients.

Yet partners are keenly aware that they do not in an ideal world, and that flexibility stigma abounds. Some are afraid that even if their clients do not disapprove and even if their clients are able to reach them at all hours, some clients may nevertheless—perhaps out of an attempt to be supportive—not give them challenging or time-sensitive work.

Partners typically are in the best position to decide whether or not to tell their clients about their schedules. Therefore, PAR recommends that firms not adopt a policy, for or against, about informing clients about flexible schedules.

This means that a firm may have to temper its justifiable desire to highlight its successes with part-time partnership to avoid “outing” a partner who works reduced hours. Similarly, other attorneys at their firm should respect part-time partners’ decisions and be careful not to undermine accidentally the partners’ relationships with their clients.

RECOMMENDATIONS FOR A SUCCESSFUL PART-TIME PARTNERSHIP

For attorneys who have achieved the brass ring of partnership, working a reduced schedule brings unique challenges. The part-time partners in this study have successfully carved out schedules that allow them to have long and successful careers, while at the same time achieving the work-life balance they need. This section details how they do it.

1. Create Schedules Strategically

Creating the appropriate schedule is the critical starting point. Whereas part-time associates often find that their schedules creep back towards full time due to billable hours pressures, schedule creep among part-time partners more often stems from the need to do client development, firm management, and other non-billable work.³⁵ Therefore, when designing a reduced-hours or flexible work schedule, it is important for attorneys to evaluate what contributions the firm values most highly from attorneys at their level of seniority, and then to design their schedules around those expectations. In particular, many firms require significantly higher firm service hours and business development contributions from partners than from associates. One partner explains:

If you take 400 hours as your business development baseline and then you build in all the other firm citizenship and administrative functions that you have to discharge as a partner, just delivering evaluations and all that other kind of stuff, you really are in a range where, if you're a full-time partner, you probably should be spending a minimum of 600 non-billable hours on your job.

Maximizing billable hours to the detriment of all other activities is a short-term strategy that may jeopardize a partner's success in the longer term. Part-time associates recently promoted to partner may need to re-evaluate and adjust their schedules to address the new responsibilities associated with becoming partner.

2. Prioritize Business Development Early In Partnership

The part-time partners who were most satisfied had their own client base. They said that having their own clients gave them maximum control over their schedules and increased their leverage within their firms. Some respondents intentionally reduced their billable commitment in the early years of their partnership to allow time for business development activities. They described business develop as having a “steep learning curve” that is difficult to overcome if a partner waits too long to begin to focus on developing business. One partner explains:

I do feel behind my peers in terms of my success in having my own clients, and I think one of the reasons is not having been out there in circulation outside of the firm a lot in kind of my formative years as a partner. And it's just harder to get and establish those relationships later.

³⁵ Williams & Calvert, *Balanced Hours*, *supra* n. 1.

Because of the time demands faced by part-time partners, attorneys may find it helpful to employ business development coaches to develop a targeted approach to maximize effectiveness and success.

3. Build In Time to Be in the Office

This study documents that part-time partners can be successful on a wide variety of schedules. A nearly universal sentiment of the partners interviewed, however, was the need to maintain a physical presence. One partner put it this way:

You've got to stay visible. You've got to show everyone that you're committed, that your clients won't suffer, that you'll continue to grow as a lawyer and continue to do good legal work. And if you can do that, then you are going to be treated as a professional. You're going to be allowed to succeed.

How much physical presence is needed depends on the workload, time at the firm and in the partnership, and comfort level with other partners and associates on project teams. Most of the partners come into the office on most days, even if for only a limited time. Other partners who prefer to work fewer days in the office have developed strategies for staying visible in addition to being physically present, such as using email and teleconferences and making a conscious effort to be visible and/or meet face-to-face with associates when they are there.

4. Be Flexible, Accessible, and Responsive

Respondents repeatedly emphasized the importance of being willing and able to remain flexible. Doing so fosters confidence in a part-time partner's ability and commitment to meeting client needs. Flexibility also builds good will among one's peers. One partner explained, "So when I need to leave early, people are fine, because they know I'll be back the next morning or they know that I'll get back on the computer later at night." Remaining flexible and responsive to the sharp fluctuations caused by trials and deals allows the greatest access to challenging and interesting work. One partner describes the tradeoffs this way:

It was very important to me to do big, fun, crazy deals. And I understood that if I was going to commit to run those kind of deals, I couldn't say, "I'm leaving at 5:00," or, "I'm never working on a Friday." And for me, I was looking for batches of time, concentrated time, that I could write. So, did I really care that for two weeks I worked night and day and then for a week I left every day at 3:00 or I took three days off or whatever it was? It didn't matter to me, although certainly nobody likes working 80 hour weeks.

The most important aspect of making a reduced-hours schedule work from a client's perspective is "having people know when the work will get done." One partner explains, "If they can reach you, even if you're just going to tell them, 'Okay, I'll deal with this in two days,' they know when it's going to get done and the system works better." As a result, nearly all part-time partners choose to be available "all the time." They accomplish this by checking emails and voicemail frequently. One partner forwards all of her work voicemails to her cell phone. Another partner told how he goes the extra step of keeping "very good records and research materials on my laptop or in other places like that so that even if I'm at home or I'm traveling and a client says can you do this, I can figure out the answer very quickly." He emphasizes, "Clients just want the answer. They don't care where you're giving it from."

5. Establish and Maintain Boundaries

Being flexible, available, and responsive does not preclude setting the boundaries necessary to preserve a reduced-hour commitment. Respondents are able to keep their hours close to their billable targets, as documented earlier in this report, notwithstanding their accessibility. One partner emphasized the difference between being flexible and “being a pushover”: “The key to being a successful part-time partner is to be flexible. You don’t have to be a pushover, just flexible enough to juggle your workload with your outside interests.” Partners set boundaries in a number of ways:

(a) Giving weight to personal responsibilities and commitments:

People making this move to part-time really have to impress upon themselves that they’ve chosen to get paid a lot less money because they are going to work a lot less and because they’ve identified some other significant priorities. The fact of the matter is, however, that nobody within the firm is ever going to give the weight to those other priorities if I do not do so. So if I am going to truly obtain the benefit of my part-time schedule that I’ve elected, I have to make clear that I don’t get suckered into jumping up for every internally created emergency that there is.

We’re all litigators in our firm; nobody works on just one case, most people work on at least two or three cases at a time. From my point of view, one of my cases is my family. I consider my days out of the office and my time with my family like an obligation that is entitled to a percentage of my time. It just happens that it’s not a client. Sometimes it’s necessary to move things around in my workday or my days off to accommodate a competing interest. And if necessary, I can almost always do that. But if a proposed work obligation really does not have to occur on a day I’m supposed to be out of the office, I usually try to propose an alternative that would be more convenient and not interfere with my volunteering at my kids’ school or some planned family activity.

(b) Training partners and associates to manage workflow effectively:

The people with whom I work have had to gain an understanding of the fact that true emergencies are true emergencies, but when you have someone working on a part-time basis with less availability, you can’t create emergencies by failing to identify an issue and provide me ample time to resolve the issue. They need to learn that because of your part-time arrangement, they have to address these things on a timely basis.

(c) Establishing expectations early in relationships:

When people inside the firm call me to work on a new case, and this is always internal people, not clients, I will say, “I’m happy to help you. But, you should know I am not in the office on Mondays and Fridays. And I’m available by phone or by e-mail. But, typically, I don’t come in unless it’s really necessary. I’ll come in for a client meeting or something like that. And so, people understand, when we start out working together, what my situation is. In my experience, if people know you will try to be there when they really need you—not at their beck and call, but in important situations—they are very accommodating. Most people want to be reasonable. Nobody has ever told me, “You know what? This is not going to work. I can’t deal with that. I need you on call 24 hours a day.” And if somebody did say that to me, I would tell them, “This is not going to work; I won’t be a good fit for your case team if that’s what you need.”

6. *Invest in Associates*

A key finding of this study is that part-time partners rely heavily on the associates they supervise. Part-time partners who take the time to learn how to effectively supervise and delegate work will achieve the greatest levels of success. One partner describes how her efforts to hone her supervisory skills early in her career paid off:

Ever since I was basically a fourth year associate, I started developing people to support me. I mean, that's probably why I didn't have to reduce my hours until I had my third child was because I had this really solid team, and I still do. And to get that and keep that, you really have to develop your associates and train them so that you have this backup so you don't have to physically be there all the time. You don't have to always be the one drafting the e-mail or being on the phone with your client. They can just fill in for you when you want to be doing something else.

Another partner agrees: “You have to get over the short-term time-intensive investment you have to do in order to train associates. Once you do that, you never go back because it makes your life easier: (a) you are leveraged, so it's good from a financial perspective, and (b) it frees up time.”

7. *Create Flexibility in Life Outside the Office*

Whatever the reason for adopting a reduced-hours schedule, partners can lower their stress by creating flexibility in their lives outside the office. One way to do this is to have flexible and back-up child care, which facilitates a partner's ability to be accessible and responsive to client needs while also ensuring that their children are not being short-changed as a result:

I really encourage people not to plan their child care arrangements so that they have no alternative coverage if they need to work or to work on a day they're supposed to be at home. Inevitably something will come up that will destroy the best laid plans. If you can't fit in a work commitment that's absolutely necessary, or you need to leave early during some crisis at work, because you only have part-time child care, you will ruin your credibility with the people with whom you work. Either that, or your nanny will quit because she is always having to work overtime with no notice.

I just found it was very hard to work with. It was very, very stressful for me when a client really wanted something on a Wednesday and I didn't have child care. And I wanted to be responsive to my clients. It was so stressful to try to deal with that. And so, it became much, much easier to just have the child care available.

Where possible, living close to the office helps, so one can come and go from the office with little time and/or effort. Living close to the office also fosters confidence that a partner who frequently telecommutes is nearby in the event of an emergency.

A third theme is that outsourcing any tasks that one does not enjoy, or that are particularly draining, is a good long-term investment. Again, what you are seeking to create is a work-life balance that can be sustained for the long term.

8. *Be Proactive About Compensation*

A firm's compensation system “provides the key to understanding the behaviors and interpersonal relationships that are likely to exist among that firm's attorneys.”³⁶ Yet far too often respondents had little to no understanding of the compensation process at their firms. Part-time partners who understand their firms' systems are better equipped to prioritize and articulate their contributions.

The first step in being proactive is to review the firm's written compensation policies, and to follow that up with conversations with members of the committee that sets compensation. Two crucial elements all partners should understand are how business origination and firm service are reflected in compensation, and how working fewer hours impacts both current and future compensation. Also crucial is to be a good advocate for yourself when it comes time to submit a memo or participate in a meeting about your contributions. Highlight all achievements, even if widely known or if part of group effort. Finally, question compensation decisions that do not seem fair. Several respondents told us they asked about their level of compensation and received increases the following year.

36 Lauren Stiller Rikleen, *Ending the Gauntlet: Removing Barriers to Women's Success in the Law* 91 (2006).

CONCLUSION

This big news from this study is that many part-time partners throughout the country have found ways to foster successful careers along with work-life balance. This is a key message for lawyers who are not able, or willing, to work the long hours required by a full-time schedule. Lawyers have an alternative to leaving the profession, or law firm life. Firms exist where part-time partners are thriving; the challenge is to find one.

This message has important implications for law firms. As clients become increasingly insistent on progress towards diversity, law firms without successful part-time partners need to ask whether the time has come to move towards the best practices identified in this report. The inspiration and roadmap provided by the lawyers who participated in this study will make it easier for firms to implement policies and practices that will enable a more diverse group of attorneys to have long and successful careers.

APPENDIX I

METHODOLOGY

PAR identified and recruited prospective subjects primarily through personal contacts, bar associations, forwarded email requests, weblog notices, and recommendations from other interviewees (“snowball sample”). PAR focused its recruiting efforts in three jurisdictions—the District of Columbia, Denver, and San Francisco although lawyers from other cities were also interviewed.³⁷

In lengthy telephone interviews, subjects answered questions about their career history, firms, schedules, practices, clients, compensation, business development, colleagues, satisfaction, and personal lives. The interviews were conducted under a promise of confidentiality, and in accordance with regulations governing research involving human subjects. The interviews took place between August 2008 and September 2009.

The interviews were recorded and transcribed, with identifying information deleted from the transcripts. The transcripts were reviewed and responses were coded. Some responses were extracted from the transcripts and grouped with like responses under various topic headings.

Subjects were currently lawyers who were practicing in U.S. law firms, with one exception.³⁸ A total of 82 part-time lawyers participated in the study. Seventy-five were female, including eight partners of color. Fifty-three were equity partners and 23 were non-equity. Two of the 23 nonequity respondents identified themselves as “contract partners.” Six of the lawyers were “of counsel” in their firms; we interviewed them to gain an understanding of whether their experiences were different from those of partners. In addition, because our initial recruiting efforts yielded only a small percentage of women of color partners, we interviewed 23 additional partners who were women of color who were not working less than full-time in order to gain insight into the intersection of work/life conflict and racial/ethnic minority status.

PAR also interviewed six managing partners at law firms. Most were chosen because of their firms’ apparent success with part-time partnership. In addition, PAR engaged a law firm consultant with experience in law firm financial matters to provide background information that assisted in the development of the study and to review certain findings.

37 The percentages of women partners and all partners working part-time in each of these three jurisdictions were higher than the national average (San Francisco 17.4% and 6.3%, Denver 14.7% and 5.2%, Washington, D.C. 15.7% and 4.4%).

38 One subject had recently left the practice of law.

APPENDIX II

PATHS TO PARTNERSHIP FOR PART-TIME LAWYERS

Since PAR's Model Balanced Hours Policy first called for proportional advancement for part-time attorneys, there has been a marked increase in the number of part-time lawyers promoted to partner. In this study, 55% of the partners who went part-time at their current firm advanced to partner while working a reduced or flexible schedule. We asked those attorneys to tell us about their paths to partnership including whether their part-time schedules affected the timing of their promotions. Their experiences varied widely based on their individual situations and their firms' business needs.

Of the partners who provided an answer to this question, 51% said that their schedules did not delay the timing of their elevation to partner. Notably, all but four of these partners were part-time for three or fewer years prior to their promotion. The remaining four partners had gone part-time between four and six years prior to elevation. One partner who had been elevated with her class had worked an 80-85% schedule at three days a week since her second year at the firm. She reported that, in the time that she has been part of the partnership decisions at her firm (a large New York firm), no one had ever been delayed making partner because of their part-time schedule:

Since I've been a partner, I've participated in the firm's partnership discussions. All of the part-time candidates I've seen have been promoted without any delay because of their part-time status. What's really interesting is not just that they are promoted on time, but notwithstanding maternity leaves they have taken. In many cases part-time candidates have one or two kids, in some cases three, and have taken several three to six month maternity leaves. Most never do any work at all on maternity leave—I had two five-month leaves, and was also on bed rest for three months with one of my pregnancies. So, I was basically out of the office for over a year, and that didn't get held against me, which is more amazing to me than being promoted while part-time.

In one case, a partner said that her schedule did not affect the timing of her elevation even though the firm's policy contemplated a delay depending on when an attorney reduced his or her hours and/or the nature of the reduction. At least two attorneys negotiated the timing of their consideration or promotion when they joined (or re-joined) their current firms. One partner explained: "I was made special counsel on joining the firm with a commitment from the firm that within two years, I would be partner. And the part-time partner issue was fully vetted before that offer was made. So, after two years I progressed to partner on schedule."

Forty-nine percent of the partners said that their partnership track was lengthened because of their reduced-hours schedule. Delays ranged from one year to more than ten: "I became equity partner 19 years out rather than eight, but I also have four kids and a great family." Three partners said that they did not have the option of becoming a partner. Instead of being elevated with their class, these attorneys became counsel because the firm had an official policy that barred advancement for part-time attorneys. Later, they were promoted to partner as support for part-time partners increased and/or the management of their firms changed. "I moved to an of counsel position because I was not eligible for partner and after three years some of my supporters came into power and I made partner." Others attributed their promotion to leaving the firm and gaining specialized experience elsewhere: "I was not promoted from associate for those 10 years before I left private practice to work

for the government. It was only after I returned to private practice after my government service that I had enough leverage to be made partner.” One partner did not raise the issue of partnership because she assumed that she would have to be “willing to be full-time at some point to put in my dues.” But after 11 years, “everybody stood around, including me, and said, ‘Well, why not? Haven’t I put in my dues? What are we waiting for?’”

Ten partners voluntarily delayed their consideration because they did not want the additional responsibility associated with being a partner or because they felt that they had a better chance of getting a reduced-hours schedule approved if they took partnership off the table. For two partners, the path to partnership evolved with the needs of their children:

After I came back with my first child, who was significantly premature, I knew that I was going to need to spend a little bit more time with various things like doctor’s appointments and so on and so forth. So, at that point, I was an associate, a partnership track associate. And I went down to 80 or 85 percent. Then, I had a second child who was also premature. All my kids were. And when I came back I was being looked at for partner, I thought, you know what? I can’t do this. I know I’m going to have another kid. I know I’m going to have problems. So, I went to a counsel position on a contract basis where I had an expectancy of 80 percent. Then, I had my second child. I came back from that maternity leave and actually made partner on that basis and continued there for a while until I had my third child.

We didn’t have any policy when I started doing this. The deal I cut was to work 50 percent and be paid 50 percent, and to do that by working three full days a week as an associate. And that went on for three or four years but there came a time when I felt that I needed more time with the children, and so I jumped off of partnership track and began to work on an hourly basis. I was still called an associate, and we just agreed on an hourly rate; I might work as few as 10 hours a week. As it turned out, I ended up working practically full-time within about a year just due to a particular matter’s demands. It was suggested to me that it would be a really good time to try to come up for partner, to go back on partnership track and put my name out there. And so, I went back on partnership track and was voted in within a year. I was probably working close to three-quarters time. And that was partly because that case that was consuming me full-time resulted in an enormous win, and it was a contingent fee case. And so, every partner felt it in his or her pocketbook directly, and so my allies in the partnership said the timing couldn’t be better.

One full-time attorney took herself out of consideration because she would have been on maternity leave when the promotion became effective. She explained,

When you become partner you’re a partner effective January 1st. You start attending partner meetings. You start being privy to partner stuff. And I wasn’t going to be there for the first five months of that. And so, it just didn’t make sense to me to make that the year that I transitioned into partnership, when I wasn’t even going to be around. I had every expectation that I was coming back to work, and I absolutely wanted to be a partner. I just didn’t want to do it then.

She arrived at this decision after “having very open discussions with the partners who were my mentors and the folks in my group who I worked with most directly.” No one had expressed any concern to her about her ability to become a partner.

There was conversation about what I planned to do when I came back. We did have discussions about whether partnership was something I wanted to do when I came back, and I definitely did. And as soon as I said that was what I wanted, then I was helped to do that. Nobody discouraged me from it.

So, she and her group decided that instead of being elevated to partner that year she would be promoted to senior counsel with the expectation that she was going to be put up for partner the following year after she returned from leave: “And so, that’s what happened. I mean, I’d had the baby for about a week and I got a call saying, ‘Congratulations. You’re senior counsel.’” She was voted into the partnership as expected the following year.

Another attorney voluntarily opted for counsel instead of non-equity partner because the firm required non-equity partners to advance to equity partnership within three years or they had to leave the firm. She explains:

I wanted to be promoted. I had been working long enough, but I really didn’t want to have the pressure of that partnership structure. Then, when the partnership structure in my firm changed so that there was an ability to be an income partner and just stay an income partner, I asked to be made income partner. I think if the partnership structure at the time that I came up had been what we have now — which was income partner — I would have been made income partner.

A third partner had left her previous firm where she was a part-time equity partner for a non-partnership track counsel position at a new firm. She explained why she was not interested in being partner at her new firm:

Partnership requires a lot more than billable hours. You have many obligations in terms of business development and attending meetings. You have to put a lot into the compensation process. So, there’s just a lot of back-office functions that are not client service-oriented that take time. And when you’re also trying to gear your life toward meeting your obligations to your clients, plus doing your obligations to the firm and your partners, that pretty quickly turns a part-time job into a full-time job. So, when I came over here as a part-time counsel I thought that I could do my billable client work, like, almost 100 percent of my time, and go home. And I wanted to keep my life free of any additional expectations.

In at least two instances, partners stepped in when attorneys tried to delay the timing of their partnership consideration. One full-time partner who went on maternity leave on the eve of the partnership decision shared her experience:

I had assumed that my pregnancy would delay my consideration by the partnership, but the partners in my group told me, you know, “No, we think this is the right year, and we don’t see that your pregnancy changes anything.” It was a little bit daunting. And my pregnancy, in a way, just in my mind delayed the whole decision-making process a year, but they didn’t allow me to do that. So, I was put up that year, and I was actually on maternity leave when the decision was made.

One part-time counsel found herself agreeing to be put up for partnership when a partner called her a week after the birth of her second child:

This powerful woman partner called me at home, ostensibly to congratulate me about having a baby, but really to inform me that she was putting me up for partner. She said that two of the partners that I worked closely with tell me that you're not interested in being on the partner track, and I've told them that they're crazy and that you're crazy. And so, you're not going to tell me no if I put your name in the hopper, are you?"

The powerful woman partner pushed both the firm and her to make her promotion happen and “that was the fortuity of having this powerful woman partner in the mix, because nobody else would have done that.” It is important to note how the experiences of these two partners (one of whom is a partner of color) contrast with the experiences of the partners of color discussed earlier who delayed having a child or worked during maternity leave out of fear that their promotion would be negatively impacted.

In a third instance, a part-time attorney who was hired to fill a non-partnership track position was promoted because “the business model required it.” She explained:

The people I was working with wanted their clients to deal with me as they would deal with themselves or with another partner. And there was a prevailing attitude among the people I worked for that they really needed for me to be a partner and to have that title so that my billing rates could be justified and their clients would have the level of comfort they wanted them to have dealing directly with me rather than having my work overseen by someone that didn't even practice in this area. It was practical for all people involved.

One partner who was on the eve of a partnership when she went on leave told this story of how she broached the subject of her elevation with her firm:

One of the reasons I gave my partners, when I had that discussion about my assumption that I was going to be deferred a year because I was pregnant, was “I don't know how I'm going to feel after I have a baby, and I don't want you guys to expend your political capital, because I just don't know.” And they said, “You know, we understand you're not there yet, but all we're asking you is that you have a good-faith belief you're coming back, that you want to be a partner at the firm.” And I said, “Yes, I can say that, but I can't guarantee.” And I came back, and I was not at all torn about coming back to work. I love my job. I love my firm. I was missing the social interaction. So, it was very easy for me to come back.

That conversation and their response made her feel “more secure about everything. I wasn't stressed out about it. I had given full disclosure. I hadn't made promises that I wasn't sure I was going to be able to keep.” Moreover, the firm's decision to promote her while on leave was a powerful incentive for her to come back. She explains:

When you're made partner, when you're on maternity leave, it's the greatest endorsement you could ever have, because people are telling you, “Yeah, we know you're not here, but we really think you have the potential to be a partner in the firm, and we want you to be part of the firm.” And for me, it was the greatest encouragement to come back.

What is clear from these stories is that the decision to put oneself up for partner or for a firm to promote an attorney is highly personal and individualized. The variety of answers and stories suggest that firms that employ flexibility and communication around this issue will reap the greatest benefits.