



## 909: The Parent Trap: Juggling the Work/Family Dilemma

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Prior to joining Cox Communications, Ms. Kennedy served as in-house counsel for Health Images, Inc. and The Southland Corporation, and as an associate in the Atlanta law firm of Rogers & Hardin. Her practice included a wide range of general corporate matters, such as mergers and acquisitions, corporate governance, and SEC filings.

Ms. Kennedy currently serves as treasurer and chair of the programs committee for ACCA's Georgia Chapter. She served as a member of the chapter's board of directors, and is a member of the Atlanta chapter of women in telecommunications. Ms. Kennedy is tennis cochair of the American Heart Association's Fulton County Golf and Tennis Classic.

Ms. Kennedy received a BS with highest honors from Auburn University. She is a graduate of the Vanderbilt University School of Law, where she served as executive editor of the *Vanderbilt Law Review* and received awards in moot court and American jurisprudence.

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Before joining KinderCare, Ms. Kripalani was a partner at Steel Rives LLP, a leading northwest law firm, where she had practiced with an emphasis on corporate and securities law and mergers and acquisitions.

Ms. Kripalani currently serves on the boards of directors of the greater Oregon chapter of the March of Dimes, the Cascade Aids Project, and the Portland State University Foundation. She also serves on the advisory board for the Portland State University School of Business and the Pacific Northwest chapter of the American Society of Corporate Secretaries. Ms. Kripalani was selected as one of the outstanding women in business by the *Portland Business Journal*.

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Prior to joining Apple, Ms. Mantovani was in private practice in Los Angeles and Palo Alto, California, and spent two years as in-house counsel at a real estate development company in the San Francisco Bay Area.

Ms. Mantovani was a delegate to the California State Bar Conference of Delegates for several years, and has been involved in many community organizations, serving on the board of the local educational endowment foundation in Cupertino, several task forces supporting the local elementary schools, and on the task force for the Cupertino Public Library. She is currently on the board of Cupertino Community Services, serving low-income residents of Cupertino.

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**TITLE: 909 THE PARENT TRAP: JUGGLING THE WORK/FAMILY DILEMMA**

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**Introduction**

Achieving work-life balance has become a resounding theme in America's workplace. In fact, many describe a balanced work and personal life is often named as the most compelling benefit an employer can provide. This theme is echoed in corporate law departments, where the challenges of achieving a balance encompasses concerns common to all employees and issues unique to attorneys.

Work life balance has different meanings for different groups. For the increasing number of attorneys with responsibility for young children, balance means having the ability to maintain a law practice without compromising family obligations. For others, work-life balance involves practicing law and pursuing outside interests such as community service, pro bono work and leisure activities.

The tragic events of September 11<sup>th</sup> have helped crystallize thoughts on work-life balance. According to a study shortly after the terrorist attacks, 82% of workers surveyed expressed a desire to spend more time on community involvement and personal life than on working.<sup>i</sup>

Work-life balance has become such a prominent issue that Congress has been asked to recognize its relevance. The United States Congress was asked in July by Senators Ted Kennedy (D-MA) and Orrin Hatch (R-UT) to approve a resolution that begins as follows: "Expressing the sense of Congress that supporting a balance between work and personal life is in the best interest of national worker productivity and proclaiming September as National Work and Family Month..."

This presentation explores many aspects of the work-life balance dilemma. We will begin with a look at workplace trends and discuss why work-life balance makes good business sense for both lawyers and law departments. We will review various policies adopted by corporations and law departments to promote life-balance and question why these policies are frequently ineffective. Finally, we will consider practical ways for lawyers to overcome obstacles to achieving a balanced work and personal life.

**I. "Work-Life Balance" Defined**

A. To employees, "work-life" means support from their employer to have a life outside the office and handle the responsibilities that life entails.

B. Employers often see “work-life” as the services or benefits they offer to employees (for example, childcare and eldercare referral, lunch-and-learn seminars, financial education, legal services).

C. The bottom line is that balance means flexibility and support – programs and an environment offered by an employer to help employees manage the conflicting demands of work and personal life.<sup>ii</sup>

## II. Workplace Trends

**A. Changing Times** - An analysis of America’s changing workforce reveals interesting trends affecting the increasing need for work-life balance:

1. 85% of workers have family responsibilities of some type (including care of aging parents or children under the age of 18);
2. Nearly 50% of employees have children under the age of 18 living with them all or part of the time;
3. One in five workers is a single parent<sup>iii</sup>; and
4. The number and prominence of female lawyers have grown dramatically, with females occupying more than half of entering law school classes, and occupying leadership positions within law firms, law departments and professional associations.<sup>iv</sup>

**B. Complicating Factors** – A combination of economic and social trends increase both the need for, and the difficulties in obtaining, work-life balance<sup>v</sup>:

1. Increasing economic demands encourage employers to improve the bottom line by doing more with less, significantly increasing workloads;
2. The gradual decline of jobs in areas such as manufacturing in favor of larger office workforces has impacted work styles, as these professionals frequently put in any amount of hours needed to keep pace with their growing workloads;
3. The practice of ‘job-hopping’ to achieve advancement has grown rapidly; with new positions comes a need to master new tasks and to exert extra effort to ‘prove yourself’;
4. Changes in family dynamics, such as the growing responsibility to care for aging parents, an increase in single-parent households, and trends to establish demanding careers before having children, all impact the roles that must be juggled in the work-life balance struggle.

5. With “boomers” beginning to retire and not enough workers coming up through the pipeline, the **Bureau of Labor Statistics** estimates that the U.S. could be short *10 million workers* in the next decade.<sup>vi</sup> Issues of work-life balance, however, impact virtually all workers in different ways, including fathers, child-free couples, and singles.

6. The issue of work-life balance became prominent as a woman’s issue, and the field still derives its strength from the women in the workforce who have primary responsibility for the daily care of their families. The BLS says women will make up 48% of the U.S. workforce.<sup>vii</sup>

**C. A Resounding Theme:** “We know that as changes come and years pass, [some] things remain constant: American workers must have a balance between work and family...” **Alexis M. Herman, U.S. Secretary of Labor**<sup>viii</sup>. The U.S. Census Bureau reports that married, college educated parents are leading a nascent shift toward mothers of very young children staying home. For the first time in 25 years, the proportion of working mothers with children under age one posted a decline to 55% in 2002 from 59% in 1998.

### **III. Is Work-Life Balance Worth Addressing?**

#### **A. Impact on the Bottom Line**

1. The growing significance of work-life programs as a bottom line issue is evident in the focus on these programs among financial experts.

2. Many studies support the conclusion that high morale resulting from work-life productivity programs was linked to outstanding financial and increased productivity performance among the companies listed as the “100 Best Places to Work.”<sup>ix</sup>

3. A case in point:

a. After First Tennessee National Corporation addressed work-life balance issues as a strategic business initiative, advances in customer service ratings and productivity occurred.

b. Retention rates increased both among employees and customers

c. Higher retention rates translated into increased profits.<sup>x</sup>

4. Another interesting statistic:

Employee costs are often at least 50% of a company’s expenditure, with replacement cost varying depending on senior level of technical skill.

## **B. Impact on Recruiting and Retention**

1. Research continues to support the view that work-life programs increase productivity and attract and retain the best pool of workers.
2. Employees realize that many other factors - good benefits, training, flexible hours and a nurturing environment – combine to create a positive work environment.
3. Studies have shown that increasing numbers of workers focus on “intangible benefits” such as work-life balance programs as a critical factor in evaluating potential employers.<sup>xi</sup>
4. Intangible benefits to work-life balance programs are significant<sup>xii</sup>:
  - a. Higher levels of job satisfaction;
  - b. Increased commitment to the success of the law department and the company;
  - c. Greater sense of loyalty;
  - d. Increased commitment to remain with the company;
  - e. Decrease in ‘negative spillover’ between work and personal life.

## **C. Law Department as Employer of Choice**

1. Businesses have for some time noted a favorable correlation between financial results and being designated an ‘employer of choice’.<sup>xiii</sup>
2. The factors used to evaluate an employer can be applied to law departments as well:
  - a. Law department reputation: making the department synonymous with quality attracts top quality attorneys; an important feature of quality is focus on work-life balance;
  - b. Quality of department operations. Attorneys want to remain with and be an active part of a law department that is run intelligently and with concern for their needs.
  - c. Good management. Attorneys benefiting from good managers who promote their welfare in areas such as work-life balance tend to perform more productively, contributing to the success of the company.

d. Satisfying Attorneys. The top five needs for employees are: pride in their company and work, meaningful work, personal and professional respect, sincere expressions of appreciation and the ability to exercise autonomy and control in their jobs.

3. A case in point: Earlier this year, the Atlanta-based law firm of Alston & Bird announced that it was ranked third among Fortune Magazine's "100 Best Companies to Work For" for 2003. Alston & Bird also ranked number one in the nation on *The American Lawyer's* annual survey of job satisfaction among mid-level legal associates, up from the number three spot in the previous survey. According to its web site ([www.alston.com](http://www.alston.com)) the firm credits its "unique, family-friendly culture that considers employees as individuals and its support of programs to accommodate their diverse needs" as the key factors behind its success. The firm offers a state-of-the-art day care center as well as many other programs facilitating work-life balance.

#### IV. Issues Unique to the Legal Profession

##### A. Workplace Structure

1. Many law departments fail to provide a structure that facilitates work-life balance, as demonstrated by disturbing survey results<sup>xiv</sup>:

a. Two-thirds of lawyers report experiencing work/family conflict and many believe that the work-life balance dilemma is the greatest barrier to women's advancement.

b. Only a small number of lawyers report being satisfied with the allocation of time between work and personal needs, or with their opportunities to contribute to community and social issues. This concern echoes the desire of professionals in general to 'do good works' as part of their definition of the overall quality of work life.

2. Advances in technology are a double-edged sword:

a. Laptops, email access over the web, home fax machines, handheld devices such as Blackberries and cell phones make it easier for attorneys to work from home.

b. These same conveniences cause many lawyers to report increased stress due to a sense of never being able to escape work demands.

3. Traditional aspects of the practice of law contribute to the difficulty in achieving work-life balance<sup>xv</sup>:

a. Client expectations of instant responsiveness and total availability increase work stress.



b. Lawyers' expectations of ever-increasing salaries have pushed working hours to new and sometimes unreasonable limits.

c. Hourly requirements have increased dramatically, and law departments increasing feel the same pressures imposed on other business units to "do more with less."

4. Traditional demands of law practice, such as unpredictable deadlines, uneven workloads, and frequent travel, impose additional burdens on attorneys with substantial family obligations. Many female attorneys express concerns that they lack adequate time for themselves or their families, resulting in high levels of stress, anxiety and fatigues as they attempt to balance conflicting obligations.<sup>xvi</sup>

5. Stereotypical Views of Attorneys Present Challenges:

a. Many law department managers and clients continue to view long hours as a measure of other important qualities for advancement, such as commitment, ambition, and reliability under pressure.

b. Attorneys struggle with a "rat race equilibrium," and many feel that that they would experience a better quality of both work and personal life with shorter or more flexible schedules; unfortunately, they believe themselves to be in workplace structures that discourage such alternatives.<sup>xvii</sup>

c. Lawyers tend to be competitive and ambitious, creating tensions among those who value work-life balance over career advancement. There is a perception that employees without children end up bearing a disproportionate share of the load.

d. Recent economic conditions have shifted the balance of power – there are far more lawyers looking for jobs than there are positions to be filled. This has resulted in a shift in employer attitudes resulting in the loss of some of the advances toward work family balance achieved in the past few years.

## **B. Issues Unique to Attorneys**

1. Lawyers as a group exhibit unique behaviors, and are as a result at risk for stress and conflicting demands<sup>xviii</sup>:

a. Lawyers as a group are unhappier than nearly any other professionals.

b. ABA studies have revealed that lack of job satisfaction and extreme work stress are critical issues.

2. Attorney personality traits (including perfectionism, high challenge, commitment to outstanding client service), all enhance these risks.

a. Lawyers are generally very competitive, leading to a lack of self-care and unrealistic, self-imposed demands.

b. These traits and the related behaviors can lead to increased difficulties in achieving work-life balance.

3. Other professional services providers struggle with similar issues. Price Waterhouse Coopers (PwC)<sup>xix</sup> is the world's leading professional services organization and describes the dilemma as "macho culture." Profitable growth depends on providing good work-life policies to attract top talent, yet an organization-wide commitment to high quality client service brings with it concomitant problems:

a. Professional services is regarded as a macho, long hours culture

b. Employees are highly self-motivated and set themselves very high standards

c. Employees can find it hard to discipline themselves into achieving a better work-life balance.<sup>xx</sup>

### **C. The Impact on Law Departments**

1. Camaraderie, high-energy and personal commitment are hallmarks of successful law departments. Maintaining these traits within a department with attorneys suffering from stress and burnout are significant challenges.

2. A legal department's success is largely built on positive relationships and outstanding results. Maintaining positive relationships both within and outside the department can be undermined by overly stressed in-house counsel.<sup>xxi</sup>

3. Professional burnout may cause the company to lose talented attorneys in whom the company has invested training, money and time.

4. Attorneys who are physically and mentally exhausted are under-productive, more likely to mediate work and frequently lack creativity and attention to detail.

## **VI. How Can Law Departments Facilitate Work-Life Balance?**

### **A. Programs to facilitate work-life balance<sup>xxii</sup>**

1. Workplace Structure Programs:

- a. flexible schedules
- b. reduced hours
- c. telecommuting

2. Child/Elder Care Assistance Programs – By recognizing the increase in childcare and eldercare obligations on attorneys, law departments can relieve stress by proactively addressing these concerns:

- a. Information on community resources
- b. On-site or employer-subsidized child care
- c. Financial assistance
- d. 'Dependent Care Assistance' programs
- e. Elder care referral services

3. Educational Programs

- a. "Employee Assistance Programs"
- b. Workshops and seminars on work-life balance issues
- c. Training management to respond to work-life balance needs
- d. Career counseling
- e. Wellness programs
- f. Encourage/facilitate peer groups and mentoring programs

## **B. Reasons for Implementing Programs**

To attract and retain qualified attorneys and to encourage work-life balance, many law firms have begun implementing work-life balance programs such as those listed above. A Families and Work Institute study of 188 firms found that companies chose to implement these programs because they:

1. improve retention (70%)
2. can be used as a recruiting tool (60%)

3. improve morale (59%)
4. reduce stress (30%)
5. remain competitive with other firms (24%)
6. cut absenteeism (19%)
7. maintain good public relations (6%)

This trend is reflected among businesses in general. **Hewitt Associates** reports that despite economic woes, their yearly survey of 1,020 employers found expansion in work-life efforts. Childcare was still most prevalent, with 91% offering some kind of assistance. Nearly half provide some elder care. Nearly three-fourths say they make flexible work arrangements available.

### C. Focus on Telecommuting

1. Applicability to Attorneys: “Because a significant amount of legal work can be done anywhere, lawyers are obvious candidates for telecommuting... Lawyers have all kinds of reasons to be out of the office, and everyone lives with that. But if a lawyer wants to replace office time with work at home, suddenly people think the whole foundation of collective effort is undermined. It’s absurd. I’m hard pressed to think of a profession more suited to telecommuting than the legal profession.” Joel Krugelmass, Author of *Telecommuting: A Manager’s Guide to Flexible Work Arrangements*.<sup>xxiii</sup>

2. Former World Trade Center tenants such as **Empire Healthchoice** have many of its 1,900 WTC employees “platooning” in shifts to fill six makeshift offices, and when office seats are not available, they work from home. Says Empire Senior VP Kenny Klepper: “We’re finding we can do things that we would have been skeptical of in the past. Hundreds of people are dialed in from home right now. We have had high levels of productivity from people that are working remotely. I think we’ll take what we’ve learned from this experience and turn it into improving quality of life.”

3. Selecting Telecommuting Candidates<sup>xxiv</sup>:
  - a. The right attitude – independence coupled with professional commitment to business needs.
  - b. The right priority – customer and client service.
  - c. Self-Discipline – essential to deal with less structure and more freedom and to keep distractions from interfering with quantity or quality of work.

- d. Continuing flexibility – necessary for balancing work and personal life when the two are no longer defined by separate locations.
  - e. Strong self-motivation – essential tool for success.
4. Guidelines for Telecommuting Success<sup>xxv</sup>:
- a. Strong upper management support.
  - b. Comprehensive guidelines.
  - c. Training for the program participants (managers and employees).
  - d. Willingness to move away from the traditional management hierarchy.
  - e. Strong technological support.
5. Case in Point<sup>xxvi</sup>
- a. Telecommuting is the primary alternative work arrangement used by attorneys in one large law department.
  - b. Telecommuting in this department is handled informally, is left to the discretion of the attorney and his/her manager. Specifics vary; some attorneys work out of their homes one or two days a week, and others spend part of each work day telecommuting.
  - c. According to the general counsel, telecommuting was initially offered due to rapid growth of the department and the resulting scarcity of office space. This practice has continued because of the positive benefits of improved productivity and morale.

**D. Focus on Peer/Support Groups<sup>xxvii</sup>** –Peer/support groups offer another means to promote balance:

1. Research shows that although many companies have affinity or employee resource groups in place; however, relatively few have groups specifically focused on work-life balance issues.
2. Employee support groups are typically grassroots-driven groups of employees formed around a characteristic of diversity.
3. Typically, employee networks form as resources for the employees they represent and often serve to provide a sense of community among participants. Many

exist to identify the critical issues facing their own populations and to address issues that might not be considered by larger associations.

4. Attorney support or peer groups contribute to the law department's success and work-life balance by:

- a. Creating a positive work environment within the law department;
- b. Sharing valuable viewpoints on departmental projects and policies, resulting in time savings, and a sense of cohesiveness and teamwork;
- c. Helping the law department deliver on its commitment to life balance.

5. These support groups offer attorney-members distinct benefits, such as:

- a. Sense of community to discuss common issues and concerns surrounding life-balance issues and to share creative solutions;
- b. Free, open networking and sharing of job opportunities and challenges;
- c. Solid professional development through mentoring relationships with those who have largely achieved work-life balance;
- d. Safe environment to open discuss frustrations, emotional aspects of lack of balance, and to brainstorm over alternative techniques.

**E. Focus on Childcare and Schools** – Law departments can facilitate work-life balance by providing assistance with childcare:

1. Locating convenient, affordable childcare and schools are among the factors most often necessary for working parents to achieve life balance. Without these support systems in place, many parents are unable to move past the guilt that they are not personally caring for their child, or find themselves continually distracted by these concerns.

2. Case in Point<sup>xxviii</sup>:

a. As mentioned earlier, the law firm of Alston & Bird offers on-site day care for its employees, and has reaped significant benefits from this work-life balance program thorough glowing evaluations and ranking as an exceptional employer.

b. Over ten years ago, Hewlett-Packard Company established an on-site public school for grades K-3 at their facility in Santa Rosa (Sonoma County),

California. The county was experiencing an overflow of children at some of their schools due to an increase in the number of the children in the county. Both Hewlett-Packard and the school benefit from this program.

3. Child care assistance programs can be structured in many ways to ease the child care demands on many attorneys:

a. Child-care assistance programs often provide monetary assistance to employees to assist them with their child care needs. Childcare costs continue to rise. A national relocation consulting firm reports that childcare prices in 75 cities rose an average of 6.4% last year. U.S. families pay about 8.7% of their income for childcare.

b. On-site childcare has been proven to be a powerful tool for attracting and retaining employees as well as lowering absenteeism. According to the Children's Defense Fund, U.S. employers record about \$3 billion annually in losses from absenteeism.

c. The employee can decide which child-care provider to use and bring the receipt for full or partial reimbursement.

4. Case in Point

a. Several years ago, Turner Networks created an on-site day care center. Turner also began a scholarship fund for employees who may need financial assistance, so that these individuals can use the on-site child care facility.

b. The positive benefits of this program include increased loyalty and productivity among employees.

**F. Focus on Employee Education** –Essential element to the success of work-life balance programs are education and training.

1. Educational programs typically have two goals: to reach out to employees struggling with work-life-balance issues, and to provide practical, world-life solutions.

2. As mentioned above, PriceWaterhouseCoopers maintains robust programs promoting work-life balance which are well-communicated to employees. Among the business benefits that PwC has observed from their education efforts include:

(a) Greater staff satisfaction:

60% of employees said they were satisfied with their work-life balance, compared to 40% in 1999.

## (b) Improved staff retention:

Increase in return rate from maternity leave from 40% in 1998 to 80% in 2002.

## (c) Changing attitudes:

Increasing acceptance of flexible working in its broadest sense, for example, homeworking, flexitime, etc., which promotes a greater sense of trust between managers and staff and a greater sense of personal control among individuals.<sup>xxix</sup>

3 Case in Point<sup>xxx</sup>

a. A particularly innovative aspect of PwC's education plan involves a work-life balance intranet site. PriceWaterhouseCoopers launched this site in 2001. It provides:

(i) practical advice, support and tools to help staff juggle commitments in and out of work

(ii) the site was developed with specialists in the fields of work-life balance

(iii) the site includes information on pregnancy, childbirth, parenting, eldercare, relationship management, stress, time management, nutrition and health.

**G. Focus on Creative Solutions**

1. Home and Garden Television (HGTV) made an arrangement with a local rental car company to make business travel more convenient for employees. The rental car company delivers and picks up the cars at company headquarters, which saves employees travel time.<sup>xxxi</sup>

2. HGTV has different caterers which come to headquarters during the lunch hour for employees who wish to stay near the office during the lunch period.<sup>xxxii</sup>

3. PBS provides a chair massage therapist who comes to the office three times a month. The therapist provides 15 minute massages. Employees pay about half the cost for the two of the days and most of the cost on the third day.<sup>xxxiii</sup>

4. Cox Communications provides a "personal assistant: whom the employee may hire to run errands, shop, assist with children's birthday parties and similar activities.



5. PwC is examining the innovative concept of providing “career breaks”.<sup>xxxiv</sup>

## **VII. Steps in Implementing Programs**

### **A. Performing Internal Studies**

1. As a first step, the law department should utilize use information gathering tools to determine which work-life benefits and other programs and benefits employees would find most useful in achieving balance.

2. Generally, companies hire an outside consultant to conduct the assessment under guidelines provided by senior management, and may learn various results.

3. Teams within legal should be encouraged to analyze and re-design their own work practices, rather than being on the receiving end of strategic change.<sup>xxxv</sup>

### **B. Outlining Desired Outcomes**

1. Law Department management should determine the objectives of their work-life balance programs. To develop a strong client-service focus.

2. Possible objectives include: to encourage employees to “go the extra mile”; to increase innovation, productivity and loyalty.

### **C. Development of Key Principles**

Law department management should develop core values or principles underlying the department’s work-life balance initiative. For example, in developing its work-life balance programs, PwC developed and relied on several guiding principles<sup>xxxvi</sup>:

1. Employees are all different; the meaning of work-life balance varies throughout an individual’s life.

2. Individuals must take responsibility for their own work-life balance and be considerate of others’ needs.

3. The firm seeks to achieve the optimum balance between business and individuals’ needs.

4. Managers need support in helping their teams work flexibly.

5. Quality of work output is more important than the number of hours worked.

## VIII. What Are the Obstacles to Achieving Work-Life Balance?

### A. Challenges to Law Departments

#### 1. Maintaining Open Communication:

a. In some law departments, , communicating programs and policies offered to facilitate benefits is a significant challenge.

b. The process of creating and implementing work-life balance policies is a learning experience for all levels.

c. As mentioned below, many attorneys believe that a 'perceived cost' is extracted from those who use these programs (particularly flextime or flex place arrangements) to achieve work-life balance. Open and clear communication from law department management on this issue is a critical factor in ensuring that programs are actually utilized.<sup>xxxvii</sup>

#### 2. Conducting an Accurate Needs Assessment:

a. Challenges in conducting a needs assessment include ensuring that a representative cross section of the department's attorneys participate, and selecting a manager who demonstrates openness and impartiality to facilitate the assessment process. .

b. In assessing needs, law department management should be sensitive to differences among attorneys in areas such as perspectives on personal commitment, individual needs for different rewards, and differing levels of flexibility and tolerance to change.

### B. Challenges to Attorneys

#### 1. Dealing with Existing Perceptions:

a. Many attorneys believe that using flexible benefits programs may hinder their chances for career advancement.

b. Other attorneys point to actual or perceived experiences of marginalization, slower advancement , or work/family conflicts within their departments organizations.

c. In many law departments, the perception continues that working long hours is a demonstration of an attorney's commitment and quality. Because they are service units, law departments may convey to their employees a need to work long hours to ensure a high quality of customer service. Attorneys, however, should communicate more current thinking that requiring long hours and constant

availability does not necessarily result in optimal legal work or the enhancement of legal skills . . . Work-life balance proponents shift the focus from inputs – time – to outputs. Obtaining buy-in to this view is an ongoing process; and attorneys voicing this perspective may be required to balance desires for life balance against concerns that requesting and actually working flexibly may result in slower career advancement. <sup>xxxviii</sup>

2. Dealing with Differing Standards.

a. Many believe that working mothers are held to higher standards than working fathers and are criticized for being insufficiently committed, either as parents or professionals.

b. Attorneys voice concerns that women willing to sacrifice family needs to workplace demands may be thought lacking as mothers, and those attorneys who request extended leaves or reduced schedules may be thought lacking as lawyers.

3. Addressing the “Working Fathers’ Dilemma”.

a. Attorneys and law departments may be slow to recognize that work-life balance is not an issue unique to women. In fact, working fathers now constitute nearly 27% of single-parent households. <sup>xxxix</sup>

b. Despite their growing numbers, many fathers feel that work-life balance programs such as telecommuting or flex-time are intended only for working mothers. Male attorneys must address these perceptions within their departments if they choose to utilize work-life balance programs.

## IX. Overcoming These Obstacles

### A. Suggestions for Law Departments

1. Taking the First Steps:

a. Law departments should recognize that, to attract and retain skilled attorneys, they need to evaluate their own corporate culture. Implementing work-life productivity programs will not be enough; law departments should create workplaces where attorneys feel that they can utilize these programs with full support from supervisors and corporate executives.

b. Law departments should conduct a business analysis which assesses the costs and benefits of providing a culture supporting work-life balance against the risks of losing skilled attorneys to other employers.

2. Law departments should thoroughly assess their attorneys' needs through employee surveys and focus groups, or other means that will solicit necessary information in a manner consistent with the department's culture.

3. After law departments understand their attorneys' needs, management can then create appropriate work-life programs. For example, if attorneys identify telecommuting as an appropriate program, management should consider whether a structured, formal program best suits company culture, or whether the program would function best as an informal practice. In either situation, management should consider criteria used to select the best candidates, to anticipate and address client concerns, and to effectively educate all involved.

4. Asking Tough Questions:

a. Law departments with established programs to promote work-life balance should question whether their attorneys really use these programs when offered. If not, management should investigate the reasons why the programs are not used

b. To effectively foster work-life balance in a law department, management should encourage attorneys to speak out in a safe environment about both the programs that would facilitate life-balance, and any reasons why they might be reluctant to use these programs.

c. Management should also frankly consider whether attorneys' use of these programs does in reality have a negative impact on perceptions, and career advancement .

## **B. Suggestions for Attorneys**

1. Taking proactive steps to address negative perceptions or concerns:

a. As discussed above, arrangements such as reduced hours or telecommuting result in reduced 'face time' and are sometimes perceived as a lack of commitment, drive and ambition.

b. Attorneys wishing to use life-balance programs might combat negative perceptions by proactively demonstrating both their strong commitment and tangible benefits to the department.

c. Those attorneys requesting telecommunicating benefits should explain how they can efficiently do their work at home.

2. Taking additional steps to demonstrate commitment to the law department and its clients:

- a. Regularly update management (both in writing and in person) as to the improved efficiencies realized through use of a flexible benefits program.
  - b. Remain flexible, demonstrating a willingness to attend meetings or work at the office when the needs of the business require (even though the parameters of your schedule do not require it).
  - c. Remain a visible and active member of the team, attending lunches and social gatherings, and volunteering for committees and task forces.
3. Being willing to speak up if the attorney believes use of a flexible time or work schedule is perceived as a lack of commitment, or as failing to produce the same benefits as a traditional work schedule.
  4. Remaining sensitive to the fact that attorneys are by nature risk adverse and sometimes slow to adopt change. An attorney should not expect all of the department's issues surrounding work-life policies to be resolved overnight.
  5. Recognizing some basic truths about attorneys:
    - a. Although driven to take on all challenges, attorneys must be selective in committing time and efforts.
    - b. Although by nature perfectionists, attorneys should lower our standards in all non-critical areas.
    - c. Although highly competitive by nature, attorneys should focus not on getting ahead of our colleague but on getting ahead of our stress.
    - d. Although attorneys are service providers focused on the needs of clients, taking care of ourselves is a critical component to successfully fulfilling multiple roles.

## **Conclusion**

Clearly, research, surveys and other data have established that work-life balance is a critical issue for attorneys and that law departments facilitating that balance reap significant rewards.

Many programs are available to promote work-life balance; unfortunately, many obstacles to the actual use of these benefits also exist. Keeping in mind two key principles about work-life balance may help both attorneys and their employers overcome these obstacles:

Flexibility, and the willingness to create and experiment with innovative programs, are critical; and

Open communication about policies, perceptions, concerns and objections is an integral part of creating and implementing these programs.

The bottom line: work-life balance is really all about time – the persistent shortage of time, a continuing need to find more time, and the struggle to best allocate the time that each of us has. This issue is sometimes labeled “time sovereignty-” the ability to exercise at least some control over this limited resource. Charles Lowery<sup>x1</sup> offers tips to achieve work-life balance by adding more space and time to crowded schedules:

**1. STOP.**

Take a little time every day to think – not just about what you’re doing but also why you are doing it.

**2. PREPARE.**

Prepare for the wrecks of life. Even when things go wrong, planning ahead can help us pick up the pieces and keep moving forward.

**3. ADJUST YOUR ATTITUDE.**

Focus on the good in a situation.

**4. CONCENTRATE.**

You must discern what your gifts are and what they are not. Say yes to the best, and don’t rise up to everything others want you to do.

**5. ENERGIZE.**

Engage in energy-renewing activities. The difference between space and stress is the difference between your limit and your load. If your load and limit are the same, you need to work on the limit, because sometimes you can’t do much about the load.

- <sup>i</sup> David Stum, AON Consulting Loyalty Institute (2001) available at: <http://www.shrm.org/diversity/worklife/default.asp> (last accessed July 29, 2003).
- <sup>ii</sup> Work/LifeBalance Tool Kit available at: [www.workfamily.com/open/work-life-essays.asp](http://www.workfamily.com/open/work-life-essays.asp) (last accessed July 29, 2003).
- <sup>iii</sup> Workplace Stress available at: <http://www.wlb.com>. (last accessed July 29, 2003).  
Deborah L. Rhode, *The Unfinished Agenda: Women and the Legal Profession*, ABA Commission on Women in the Legal Profession 17 (2001). available at: <http://www.abanet.org/ftp/pub/women/unfinishedagenda.pdf> (last accessed July 29, 2003).<sup>iv</sup>
- <sup>v</sup> See Stum, *Supra* Note 1.
- <sup>vi</sup> Bureau of Labor Statistics, U.S. Department of Labor, [http:// stats.bls.gov/newsreels.htm](http://stats.bls.gov/newsreels.htm) available at: [www.workfamily.com](http://www.workfamily.com)
- <sup>vii</sup> *Id.*
- <sup>viii</sup> Alexis M. Herman's 1999 Labor Day Address.
- <sup>ix</sup> 100 Best Companies to Work For, available at: <http://www.hewittasia.com/hewitt/ap/resource/newsroom/pressrel/2000/07-26-00.htm> (summary of study comparing company financial results with employee happiness).
- <sup>x</sup> *Mosaics*, available at: [www.shrm.org/diversity/members/articles/0501achieving.asp](http://www.shrm.org/diversity/members/articles/0501achieving.asp)
- <sup>xi</sup> Debbie Scheinholtz, *What do college students want? Ernst & Young Reveals Priorities*, available at: [www.Diversityinc.com](http://www.Diversityinc.com)
- <sup>xii</sup> SHRM Work/Life Balance Toolkit: Integrating Work/Life Programs, available at: [www.shrm.org/diversity/worklife/integratingprograms.asp](http://www.shrm.org/diversity/worklife/integratingprograms.asp)
- <sup>xiii</sup> David Lee, *Becoming a Talent Magnet: Executive Excellence*, (June 2000) available at: <http://www.humannatureatwork.com/Employee-Retention-Articles-1.html>
- <sup>xiv</sup> See Rhode, *Supra* note 4.
- <sup>xv</sup> *Id.*
- <sup>xvi</sup> *Id.*
- <sup>xvii</sup> *Id.*
- <sup>xviii</sup> *Designing a Balanced Productive Work Environment*, ACCA Docket 20, (January/February 1996) (Edited transcript from ACCA's 1995 meeting).
- <sup>xix</sup> *Maintaining employees' work-life balance in spite of heavy workload*, available at: [www.employersforwork-lifebalance.org.uk/work](http://www.employersforwork-lifebalance.org.uk/work)
- <sup>xx</sup> *Id.*
- <sup>xxi</sup> Barbara C. Brown, *Professional Burnout: Causes, Symptoms, Remedies, Prevention*, ACCA Docket 26 (January/February 1996).
- <sup>xxii</sup> See *Supra* Note 10.
- <sup>xxiii</sup> Nicole Belson Goluboff, *An Alternative Work Arrangement that Really Works*, *The Complete Lawyer*, 29 (Spring 1996) (Quoting Joel Kugelmass).
- <sup>xxiv</sup> Bell Atlantic *All@once* Solutions: *Bringing the Benefits of Teleworking to your Organization*, (May 11, 2000) available at: [http:// www.bellatlantic.com/largebiz/docs.telework.pdf](http://www.bellatlantic.com/largebiz/docs.telework.pdf)
- <sup>xxv</sup> Bell Atlantic *All@once* Solutions: *Bringing the Benefits of Teleworking to Your Organization* 5 (11 May 2000) available at: <http://www.bettatlantic.com/largebiz/docs.telework.pdf>.
- <sup>xxvi</sup> Patricia Digh, *Well-Managed Employee Networks and Business Value*, *HR Magazine* 19 (August 1997) available at: <http://www.shrm.org/hrmagazine> (last accessed July 30, 2003).
- <sup>xxvii</sup> *Benefits of Balance, Increasing Employee Productivity Through Work/Life Programs*. Women in Cable & Telecommunications Foundation, 19 (1999).
- <sup>xxviii</sup> *Employers for Work Life Balance* available at: [www.employersforwork-lifebalance.org.uk/work/faqs](http://www.employersforwork-lifebalance.org.uk/work/faqs) (last accessed July 30, 2003).
- <sup>xxix</sup> *Work-Life Essays by Work & Family Connection*, available at: <http://www.workfamily.com/open/work-life-essay.asp>
- <sup>xxx</sup> See *Supra* Note 28.
- <sup>xxxi</sup> *Id.*
- <sup>xxxii</sup> *Id.*

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xxxiii Id.

xxxiv Id.

xxxv See Supra Note 27.

xxxvi Id.

xxxvii See Rhode, Supra Note 4.

xxxviii

xxxix See Supra Note 1.

<sup>xl</sup> Alice Gray, Steve Stephens and John Van Diest, Lists to Live By, 27 (3<sup>rd</sup> collection 2001).