MORE THAN PART-TIME

The Effect of Reduced-Hours Arrangements on the Retention, Recruitment, and Success of Women Attorneys in Law Firms

A Report of the Employment Issues Committee of
The Women's Bar Association of Massachusetts
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MORE THAN PART-TIME:

THE EFFECT OF REDUCED-HOURS ARRANGEMENTS ON THE RETENTION, RECRUITMENT, AND SUCCESS OF WOMEN ATTORNEYS IN LAW FIRMS

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FOREWORD

The impetus for this study came from a group of senior women attorneys of the Women's Bar Association of Massachusetts ("WBA") who expressed the belief that a greater understanding of law firms' part-time policies and practices could provide important insight into the question of why the increase in women entering into the legal profession over the past twenty-five years has not brought about corresponding increases in women at the partnership level. These senior women were concerned about the number of senior women associates and partners who leave law firms because they cannot balance their family responsibilities with the billing requirements of law firms and do not see current part-time work options at their firm as a viable alternative. They noted that many of those considering other employment options were economically productive and committed to practicing law and among the "best and brightest" attorneys in their firm.

As the WBA's Employment Issues Committee began this study, we realized that the impact of a firm's policies and attitudes on part-time work extends far beyond those who have a reduced-hours arrangement at any given time. For example, a recent study of two Fortune 100 companies, a leading law firm, and a major consulting firm found that while only 11% of the women who participated in the study were working part-time at the time that the survey was conducted, 40% of those women were working, had worked part-time, or believed it was likely they would work part-time for at least some portion of their career. Similarly, many women attorneys are affected by or anticipate being affected by their firm's part-time policies and practices.

We also realized that the existence of reduced-hours arrangements challenge deep-seated attitudes about work and family, success and identity, gender roles, and firms' roles in influencing or supporting career and life choices. Inevitably, discussions of reduced-hours arrangements and diverse career paths raise issues of fairness regarding those who consistently structure their life so that work is their principal priority and those who have multiple priorities.

Neither firms nor individuals can avoid these issues. Part-time policies and, more importantly, the implementation of those policies play a critical role in the future of women in law firms. Part-time policies and practices also play an increasingly important role the ability of each firm to compete for talent in a tightening labor market that will shortly be more than half women. We hope that this report contributes to firms' efforts to improve their part-time policies and practices, as well as help part-time attorneys to fashion a more satisfying work arrangement.

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EXECUTIVE SUMMARY

This year roughly six out of ten people receiving college degrees and more than half of incoming law students are women. By virtue of their sheer numbers, women will play an increasingly important role in firms' ability to recruit and retain a talented labor pool. Yet, women in most law firms confront a system and environment designed in large part for full-time attorneys who, if they have children, have spouses who stay at home. The result is that while overall attrition is at an all-time high, attrition among women attorneys is particularly high in firms where women feel there are not sufficient structural means to enable them to balance work and family. Effective part-time policies and practices can go a long way toward mediating this experience.

In the past decade, law firms, like other employers, have responded to changing demographics in the labor force by adopting policies that offer some opportunities for reduced-hours arrangements. Virtually all of the law firms that responded to the WBA survey reported that they offer part-time arrangements or would consider offering them if requested. While properly formulated policies are necessary, they are not sufficient. Written part-time policies do not by themselves create a work environment that supports and fosters loyalty and growth in attorneys seeking to balance meaningful careers and family responsibilities. Implementation efforts and changes in attitude and firm culture are at least as important as the policies. Firms that respond to the needs of the ever-increasing number of women in the work force will be better able to compete for critical talent than those that remain inflexible either in their policies or through their practices or corporate cultures.

Findings

(1) Opportunities for reduced-hours arrangements are necessary to attract and retain a talented labor pool.

- Ninety percent of Respondent Firms have some type of policy for reduced-hours arrangements.
- All but one Respondent Firm with more than 150 lawyers had a written part-time policy. Seventy-one percent of firms with 100 to 150 attorneys have written policies, and 50% of firms with twenty-five to ninety-nine attorneys have written policies. Fifteen percent of all Respondent Firms with fewer than twenty-five attorneys have written policies.
- The number of attorneys with a reduced-hours arrangement continues to rise. In particular, there has been a notable increase in the number of part-time partners since 1996.

- Ninety percent of Respondents with a reduced-hours arrangement reported that their firm's willingness to provide the opportunity to work a reduced-hours schedule has affected their decision to stay at the firm.

(2) The existence of a policy is an important step, but is not by itself sufficient to create attorney satisfaction or to stem attrition.

- Women constitute approximately 28% of all attorneys at Respondent Firms. They constitute approximately 40% of all attorneys leaving the firms.
- Almost forty percent of all full-time and part-time attorney Respondents who left their firm between 1996 and 1998 reported that their firm's policies or approach toward reduced-hours arrangements affected their decision to leave. Thirty percent of these Respondents had never worked part-time.
- Most women who work part-time and leave their firm do not leave the profession. They leave to work in smaller firms, in-house positions, or for the government.
- Over one-third of Respondents reported that they believed that, as a result of law firm cultural factors, reduced-hours schedules are detrimental to one's career.[1]
- Many of the Respondents felt that their firm's attitudes and behavior towards attorneys with a reduced-hours arrangement was indicative of how the firm felt towards women generally.

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[1] These findings parallel a recent ABA study in which 46.1% of women attorneys reported that they believed reduced-hours arrangements were likely to have an adverse effect on one's career. Terry Carter, *Paths Need Paving*, ABA JOURNAL, at 35 (Sept. 2000). That same study reported that in 1983, 81% of women felt it was realistic for women to combine the roles of lawyer and parent successfully, while in 2000 that figure has dropped to 64.5%. In 1983, 78% of men thought it was realistic for to combine roles successfully, while in 2000 only 68.2% thought so. *Id.*

(3) *Major sources of dissatisfaction expressed by attorneys with a reduced-hours arrangement include (1) lack of institutional support from law firms for reduced-hours arrangements, (2) deterioration of professional relationships within the firm, and (3) adverse career consequences.*

- Sixty-one percent of all Respondents who worked part-time reported that no one at their firm had worked with them to develop their part-time work arrangement.
- Almost 80% of lawyers with a reduced-hours arrangement reported that no one at their firm met with them on a regular basis to discuss how their reduced-hours arrangement are working for them or the firm.
- Thirty to forty percent of attorneys at every level of seniority reported that their relationships with partners and associates deteriorated after they adopted a reduced-hours schedule.
- The most commonly identified adverse impact was partners' apparent skepticism regarding the professional commitment of attorneys with a reduced-hours arrangement, regardless of the attorney's level of seniority.
- More than 25% of Respondents felt that their skills or they as professionals were devalued after they began a reduced-hours schedule.
- Forty-three percent of Respondents reported that their substantive work assignments had been affected as a result of their reduced-hours arrangement.
- Those in the most specialized practices suffered the least adverse impact on their work assignments. Litigation attorneys reported the greatest incidence of involuntary adverse changes in their practice after adopting a reduced-hours arrangement.

(4) Well-integrated part-time policies and practices can reduce attrition and increase loyalty among the firm's attorneys.

- There are a significant number of attorneys who have remained at their firm with a reduced-hours arrangement for a long period of time. Many senior associate Respondents and virtually all of the partner Respondents with a reduced-hours arrangement had been at their firm longer than the average full-time associate usually is.

- Twenty-eight percent of all part-time attorneys in Respondent Firms are partners. The average period of time that partner Respondents with reduced-hours arrangement have had such an arrangement is seven years.

- The vast majority of women who work part-time and leave their firm because of the firm's part-time policy stay in the profession but go to work for legal employers whom they perceive to be more family friendly.

Recommendations

Recommendations for Part-Time Policies

- Formalized policies regarding reduced-hours arrangements should explicitly reflect the firm's actual practices, but should permit reduced-hours arrangements to be as individualized as possible within the policy parameters.

- Attorneys with a reduced-hours arrangement should not automatically be disqualified for partnership track, formally or informally.

- Wherever possible, firms should avoid setting limitations on the duration of reduced-hours arrangements.

- Firms should not require that attorneys work full-time for a specified period of time before being eligible for a reduced-hours arrangement.

- Part-time attorneys who exceed the agreed-upon schedule should be compensated accordingly. If bonuses are based on the number of hours in excess of the target, the bonus should not be prorated.

Recommendations for Implementation and Practices

- In practice, schedules should be as flexible as the workflow permits.
- Do not assume that multiple commitments mean less commitment. Just as full-time attorneys can be committed to multiple cases or deals, part-time attorneys can be committed to their work and clients while also being committed to their family and home.
- Reinforce that all attorneys – partners and associates alike – must be respectful of part-time attorneys' schedules.
- Ensure that attorneys with a reduced-hours arrangement receive adequate mentoring by attorneys who are respected, in a position to be helpful to the part-time attorney's career, and supportive of reduced-hours work arrangements.
- Do not assume that an attorney with a reduced-hours arrangement is not interested in firm administration or in any particular type of work or assignment.
- Do not assign attorneys with a reduced-hours arrangement small units of projects while giving their colleagues greater responsibility.
- Do not encourage, condone, or ignore disparaging remarks or jokes regarding reduced-hours arrangements or attorneys with such an arrangement.
- Provide a forum for regular feedback concerning the firm's part-time policies and practices.
- Do not forget the big picture. If an attorney provides responsive client service, "face time" may not be that important.
- Do not ignore the potential asset that senior attorneys who have or have had a reduced-hours arrangement represent.

- Capitalize on the benefits that part-time attorneys offer; do not apologize for speculative or imagined drawbacks. For example, many clients may prefer having their work done by a reduced-hours attorney who handles fewer cases or deals rather than by a full-time attorney who is juggling double that amount of cases or deals.

- Consider the needs of part-time attorneys in scheduling and formulating firm-wide or departmental social events.

INTRODUCTION

Since the early 1970's, when women began graduating from law schools in significant numbers, there has been a large influx of women into the legal profession. Mid-sized and large firms have been hiring women in large numbers for over a decade. Yet, women are not reaching the senior ranks in large numbers – because attrition rates for women are consistently higher than those for men. Organizational systems designed for people who have stay-at-home spouses and can consistently devote to work whatever time and energy the workplace demands do not mesh well with most women's lives.[2]

The recent dramatic increases in salaries at large firms may only escalate this trend because the increases have led to even greater demands on lawyers at those firms to increase the number of hours devoted to their job each year. Today, nearly all attorneys who work in firms, including part-time attorneys, work far in excess of what was considered a reasonable full-time commitment not so long ago. In comparison to today's billing requirements, *The Lawyer's Handbook*, published by the American Bar Association in 1962, explained:

> There are only approximately 1,300 fee-earning hours per year unless the lawyer works overtime. Many of the eight hours per day available for office work are consumed in personal, civic, bar, religious and political activities, general office administration and other nonremunerative matters. Either five or six remunerative hours per day would be realistic, depending upon the habits of the individual or the practices of the particular office.[3]

Current increases in billable hours have made part-time or "reduced-hours" arrangements[4] even more critical to retaining talented women and men attorneys with parenting or other family responsibilities.[5]

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[2] Despite the increased interest and commitment on the part of men in child care, women attorneys still spend considerably more time and attention on home and child-related tasks than their male colleagues. Renee M. Landers, James B. Rebitzer and Lowell J. Taylor, *Work Norms and Professional Labor Markets*, GENDER AND FAMILY ISSUES IN THE WORKPLACE (eds. Francine D. Blau and Ronald G. Ehrenberg) (1997).

[3] American Bar Association, LAWYER'S HANDBOOK, at 287 (1962).

[4] Titles and characterizations are often inadequate to describe the work arrangements that are the subject of this report. Most often they are called "part-time" arrangements, and the attorneys who choose them are referred to as "part-time" attorneys. However, most of the attorneys discussed in this report work well in excess of 1300 hours per year, which was once thought to be an appropriate full-time commitment. Many, if not most, of the women described in this report are not "part-

This report provides statistical data and narrative survey information on part-time policies and practices in large, mid-sized, and small law firms throughout Massachusetts. The WBA's Employment Issues Committee used three survey instruments to gather quantitative and qualitative data from firms, attorneys with a reduced-hours arrangement, and attorneys who left their firm because of the firm's part-time policies and practices. The first survey, directed to the 100 largest law firms in Massachusetts (which includes firms ranging in size from more than 300 attorneys to firms with fewer than 20 attorneys) sought information about those firms' part-time policies and statistical data on attrition and the utilization of those policies. The second survey, directed to attorneys who have or have had a reduced-hours arrangement at these firms, sought information on the types and duration of their arrangement and on various aspects of their experience with the reduced-hours arrangement. The third survey, directed to all women (those who worked either full-time or part-time) who left these firms during the three years prior to distribution of the survey, sought information about their reasons for leaving their firm, the role (if any) that their firm's part-time policies and practices played in their decision to leave, and where they went after leaving their firm.

Over 92% of law firms nationally and 90% of the law firms that participated in this study reported that they offered or would consider offering a reduced-hours arrangement to their attorneys. This study demonstrates in many ways, though, that simply offering the option is not enough. The message from the attorneys who participated in this study is clear: what you *say* is not as important as what you do – and *how* you do it.

In this report, the Employment Issues Committee has included a variety of recommendations to help firms improve their part-time policies and, most significantly, the implementation of those policies. Many of the recommendations would cost a firm little or nothing to implement, but require on-going conscious commitment to a workplace designed for attorneys with

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time" lawyers any more than a managing partner who also practices is a part-time lawyer. They are committed lawyers who also have other concurrent commitments and responsibilities, usually to their families, or who have health issues.

[5] *See, e.g.*, Boston Bar Association, Task Force on Professional Fulfillment, EXPECTATIONS, REALITY AND RECOMMENDATIONS FOR CHANGE, at 9, 28-29 (1997); Boston Bar Association and Women's Bar Association of Massachusetts, TASK FORCE ON PART-TIME LAWYERING, at 3 (1995); Boston Bar Association, Task Force on Parenting and the Legal Profession, PARENTING AND THE LEGAL PROFESSION: A MODEL FOR THE NINETIES, at 1-4 (1991); Women's Bar Association of Massachusetts, PARENTAL LEAVE AND PART-TIME EMPLOYMENT: A REPORT ON A SURVEY OF MASSACHUSETTS LEGAL EMPLOYERS (1989); Women's Bar Association of Massachusetts, REPORT ON A SURVEY ON MATERNITY/PATERNITY LEAVE, PART TIME EMPLOYMENT, AND RELATED SUBJECTS (1982).

multiple life commitments. The WBA hopes that this study will stimulate discussion and action by both firms and individuals on issues raised by the many attorneys who participated in this study.

I. EXISTING POLICIES ON REDUCED-HOURS ARRANGEMENTS

A. The Availability of Reduced-Hours Arrangements

1. The Availability of Reduced-Hours Arrangements at Law Firms Nationally

Since the entrance of large numbers of women in the legal professional in the early 1970's, there has been increased pressure on law firms to offer alternatives to "full-time" schedules. By 1998, 92% of the law firms polled by the National Association for Law Placement ("NALP") and included in the National Directory of Legal Employers ("NALP Directory") offered part-time work arrangements.[6]

2. The Availability of Reduced-Hours Arrangements at Massachusetts Firms

Ninety percent of the firms that responded to the Part-Time Work – Law Firm Questionnaire distributed by the Women's Bar Association of Massachusetts ("Respondent Firms") stated that they have some type of policy regarding reduced-hours arrangements.[7] Forty-two percent of these firms have a written policy, and 54% have an unwritten policy or offer reduced-hours arrangements on a case-by-case basis. Generally speaking, the larger the firm,

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[6] The 1999 NALP Directory includes data collected in 1998 from over 1,100 law offices of more than 600 firms, primarily large firms, with an estimated 85,000 attorneys. The 1999 NALP Directory included data on twenty-nine Massachusetts law firms representing 4,452 attorneys. The 2000 NALP Directory includes data on 35 Massachusetts law firms, which comprise 4,892 attorneys. (The local office of one firm – Schnader, Harrison Goldstein & Manello – was listed in the 1999 NALP survey as a Massachusetts firm, but is not included in the data in this report due to the fact that Schnader, Harrison did not merge with Goldstein & Manello until 2000 and, thus, the information included in the 1999 NALP Directory did not include any Massachusetts attorneys.)

[7] Eighty percent of the twenty-nine Massachusetts firms included in the 1999 NALP Directory state that they offer part-time arrangements, and the other 20% reported that part-time arrangements are available on a "case-by-case" basis. In the 2000 NALP Directory, all but one of the 35 Massachusetts firms (97%) reported that they offer some part-time arrangements or would consider it on a case-by-case basis.

the more likely it is to have a written policy. All but one Respondent Firm with more than 150 lawyers has a written policy. Seventy-seven percent of firms with 100 to 150 attorneys have written policies, and about one-half of firms with twenty-five to ninety-nine attorneys have written policies. Only fifteen percent of all Respondent Firms with fewer than twenty-five attorneys have written policies. *See* Appendix B, Chart 1.

Although nearly all firms allow some part-time work arrangements, a majority of Respondent Firms reported that reduced-hours arrangements are available only to attorneys who have practiced law for some requisite period of time, ranging from three months to three years. The most common prerequisite is one year of previous employment. This "qualifying period" requirement appears to be on the wane, however, at least in larger firms: slightly over half of the thirty-four Massachusetts law firms that provided data to NALP for 1999 stated that reduced-hours arrangements are available to new attorneys as well.

B. The Nature and Range of Reduced-Hours Arrangement Policies

1. Types of Reduced-Hours Arrangements

The majority of Respondent Firms have a minimum or "floor" amount of time that associates with a reduced-hours arrangement must work. The floor may be expressed as an annual number of billable or total hours, a number of days per week, or a relative percentage of a full-time schedule. The most commonly reported minimum is 60% of a full-time schedule. Only three firms have minimums in excess of 60%. The "floors" at these firms are 66%, 70%, and 80%, respectively. Some Respondent Firms that reported a minimum-hours requirement have relaxed or waived that threshold in certain circumstances. Several firms also have arrangements with counsel[8] or contract attorneys that are not based on hours quotas. Such arrangements are made with attorneys of all levels of experience, but tend to involve attorneys with at least four years of experience.

Although Respondents reported a wide variety of reduced-hours arrangements, the most common arrangement for both partner and associate Respondents is 80% of a full-time schedule. In general, associate Respondents reported a wider variety of reduced-hours arrangements than did partner Respondents. The incidence and variety of reduced-hours arrangements also varied from department to department. *See* Appendix B, Chart 2.

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[8] In this report, the category "counsel" includes counsel, "of counsel," staff attorneys, and other categories of attorneys who are not partners or associates. Attorneys who reported their status as counsel, staff attorney, or "of counsel" are included in the associate category.

Although more litigation partner Respondents reported having a 60% schedule than partner Respondents in other departments, litigation partner Respondents with 60% schedules reported working more billable hours than partner Respondents from other departments who have 80% schedules. Litigation partner Respondents with 60% schedules are working an average of 1,422 actual billable hours per year. On a full-time-equivalent basis, these partners are billing 2,370 hours per year, more than any other group of reduced-hours attorneys and more than most of their full-time colleagues.

2. Durational Limits on Reduced-Hours Arrangements

Although most of the Respondent Firms do not have restrictions on the length of time that an attorney can continue in a reduced-hours arrangement, a few of the Respondent Firms do limit the period of time that an attorney can maintain a reduced-hours arrangement. Time limits range from one to three years. Several of the firms with restrictions state that in appropriate cases time limitations may be renegotiated upon expiration of the original term.

3. Compensation Arrangements

The majority of Respondent Firms' written policies include a general statement that compensation will be prorated. Most firms do not, however, define how this proration is to be calculated. Firms that do specify a methodology prorate salaries based on a billable-hours target or the average billable hours of all full-time associates in a given year or a full-time-equivalent range. Only one Respondent Firm's policy explicitly states that part-time attorneys who exceed the prorated hours targets will receive additional compensation. A few Respondent Firms prorate health insurance benefits to part-time attorneys, but most provide full health insurance benefits to their part-time attorneys. One Respondent Firm's policy includes reimbursement of up to $10.00 an hour for child care expenses when part-time attorneys are required to come in on a day they are not scheduled to be in the office. Some firms prorate vacation and sick time, but many do not.

4. Advancement Policies

Only one Respondent Firm's policy explicitly states that attorneys with a reduced-hours arrangement will not be considered for partnership. The remaining firms state that reduced-hours arrangements may delay advancement to partnership. Most of these firms' written policies provide that the effect of a part-time schedule on the length of time to partnership will be decided on an *ad hoc* basis, based on a number of generally unspecified factors.

A few firms' policies state that the firm will calculate the part-time lawyer's total period of service to the firm and that a part-time attorney will be considered for partnership after the attorney has worked the same period of service as a full-time associate.

C. Utilization of Part-Time Policies

1. Utilization Rates

According to a *Lawyers Journal's* report on the availability and utilization rates of part-time work in law firms, 4.5% of all associates and 1.5% of all partners in Massachusetts had reduced-hours arrangements in 1999.[9] The report found:

> [P]art-time schedules were most available and were most likely to be used in mid-size firms of 101 to 250 attorneys – 96.4 percent of these firms offered part-time schedules and 3.6 percent of the attorneys at those firms avail themselves of this option.... [F]irms of more than 251 attorneys were more likely to offer the part-time option [but less] likely to have attorneys take advantage of the option, while firms of 100 or fewer attorneys were less likely to offer part-time schedules but reported a higher percentage of attorneys working part-time.[10]

At Respondent Firms with more than 100 attorneys, the average percentage of all attorneys working part-time between 1996 and 1998 was 5.5%. On average, 5.8% of attorneys worked part-time at Respondent Firms of 25-99 attorneys during these years, and 7.0% of attorneys at Respondent Firms with fewer than 25 attorneys worked part-time.

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[9] Massachusetts Bar Association, *Part-Time Schedules for Attorneys Available, But Used Infrequently in Law Firms*, LAWYERS JOURNAL, at 13 (Sept. 1999).

[10] *Id.* As a whole, part-time options are much more widely used in small firms. *Lawyers Weekly* reported that in 1999 nearly 22% of all women at small firms (defined as 25 or fewer attorneys) who responded to its survey worked part-time. Paul D. Boynton, *Income Gap Reported By Men, Women In Small Firms But Females Less Experienced, More "Part Time,"* MASSACHUSETTS LAWYERS WEEKLY, at B4 (July 12, 1999). The article further noted that 8.3% of the men attorneys at small firms who responded to the survey also indicated that they worked part-time.

FIGURE 1

Percentage of Attorneys with a reduced-hours arrangement at NALP Firms in 1999

Firm	Percentage of All Attorneys Working Part-Time	Percentage of Associates Working Part-Time	Percentage of Partners Working Part-Time
Palmer & Dodge	12.2%	14.1%	8.7%
Mintz, Levin, Cohn, Ferris, Glovsky & Popeo	9.3%	10.3%	2.8%
Hill & Barlow	8.1%	9.3%	6.1%
Nutter, McClennen & Fish	7.7%	11.0%	3.3%
Day, Berry & Howard	7.2%	9.3%	3.5%
Goulston & Storrs	7.2%	7.8%	6.7%
Duane, Morris & Heckscher	7.1%	16.7%	0
Bowditch & Dewey	6.7%	4.0%	8.6%
Lourie & Cutler	6.7%	14.3%	0
Foley, Hoag & Eliot	6.0%	7.9%	3.4%
Rackemann, Sawyer & Brewster	5.3%	11.1%	0
Brown, Rudnick, Freed & Gesmer	5.2%	5.5%	4.9%
Banner & Witcoff	4.8%	2.7%	6.4%
Sullivan & Worcester	4.7%	6.6%	1.9%
Choate, Hall & Stewart	4.6%	4.4%	4.8%
Nixon Peabody	4.4%	5.6%	3.4%
Goodwin, Procter & Hoar	4.3%	5.1%	2.6%
Hale & Dorr	3.6%	5.1%	0.9%
Ropes & Gray	3.4%	4.1%	2.2%
Bingham Dana	3.2%	4.8%	0.9%
Edwards & Angell	3.1%	3.1%	3.1%
Holland & Knight	2.8%	4.1%	1.7%
Jackson Lewis Schnitzler & Krupman	2.5%	4.2%	0
Testa, Hurwitz & Thibeault	2.3%	2.2%	2.8%
Mirick O'Connell	1.9%	3.3%	0
Dechert, Price & Rhoads	0.9%	1.3%	0
Fish & Richardson	0	0	0
Hutchins, Wheeler & Dittmar	0	0	0
Kirkpatrick & Lockhart	0	0	0
LeBoeuf, Lamb, Greene & MacRae	0	0	0
McDermott, Will & Emery	0	0	0
Robins, Kaplan, Miller & Ciresi	0	0	0
Skadden, Arps, Slate, Meagher & Flom	0	0	0
Wolf, Greenfield & Sacks	0	0	0

The percentage of attorneys with a reduced-hours arrangement at the thirty-four Massachusetts firms that provided 1999 data to NALP varied widely, from 12.2% to 0%. Percentages of part-time associates at those same firms ranged from 16.7% to 0%, while percentages of part-time partners ranged from 8.7% to 0%. *See* Figure 1.

2. Average Duration of Reduced-Hours Arrangements

Significant numbers of women attorneys work a reduced-hours arrangement for many years. Among women partner Respondents who have worked in a reduced-hours arrangement, the average period of time in such an arrangement is seven years. *See* Figure 2. These and other data show that many attorneys have a reduced-hours arrangement beyond their children's infancy.

FIGURE 2

Duration of Partner Respondents' Reduced-Hours Arrangements
Department Averages

Department	Total Years at Firm	Years in Part-Time Arrangement	Percentage of Years at Firm in Part-Time Arrangement	Percentage of Partners Who Have Worked Part-Time Fewer Than 2 Years	Percentage of Partners Who Have Worked Part-Time Fewer Than 7 Years
Litigation	11.8	4.7	40%	42%	75%
Business/Corporate	20.6	11.9	60%	20%	20%
Real Estate	14.1	7.3	51%	25%	25%
Health Care	22.0	7.0	32%	0%	0%
Trusts & Estate	16.0	14.0	88%	0%	0%
Environmental	10.5	5.8	55%	50%	50%
Labor	13.0	7.0	54%	0%	0%
Average	**14.3**	**7.1**	**50%**	**25%**	**46%**

D. Retention, Attrition, and Growth Rates for Women Attorneys and Attorneys Working Reduced Hours

1. Graduation Rates

Since 1979, the percentage of women attorneys graduating from law schools nationwide and in Massachusetts has risen dramatically. Two decades ago, the percentage of women graduates at most law schools was about 30%; that percentage has risen to approximately 50% this year.[11] In 1999, the percentage of women law school graduates at Massachusetts law schools ranged from 43% (at Harvard Law School) to 68% (at Northeastern Law School). *See* Figure 3.

FIGURE 3

Women Graduates from Massachusetts Law Schools
1979, 1989, 1999

	1979	1989	1999
Boston College	28%	44%	47%
Boston University	32%	39%	47%
Harvard	26%	36%	43%
New England	n/a	n/a	48%
Northeastern	52%	62%	68%
Suffolk: Day	39%	48%	53%
Suffolk: Evening	33%	43%	46%
Western New England	27%	38%	50%

Source: Office of the Chief Justice for Administration and Management, Massachusetts Administrative Office of the Trial Court.

2. Growth Rates at Respondent Firms

The entry of large numbers of women into law schools in the 1970's has been followed by a steady increase in both the number and percentage of women entering the profession. Throughout the 1970's and 1980's, the number and percentage of women hired by law firms also grew. Between 1995

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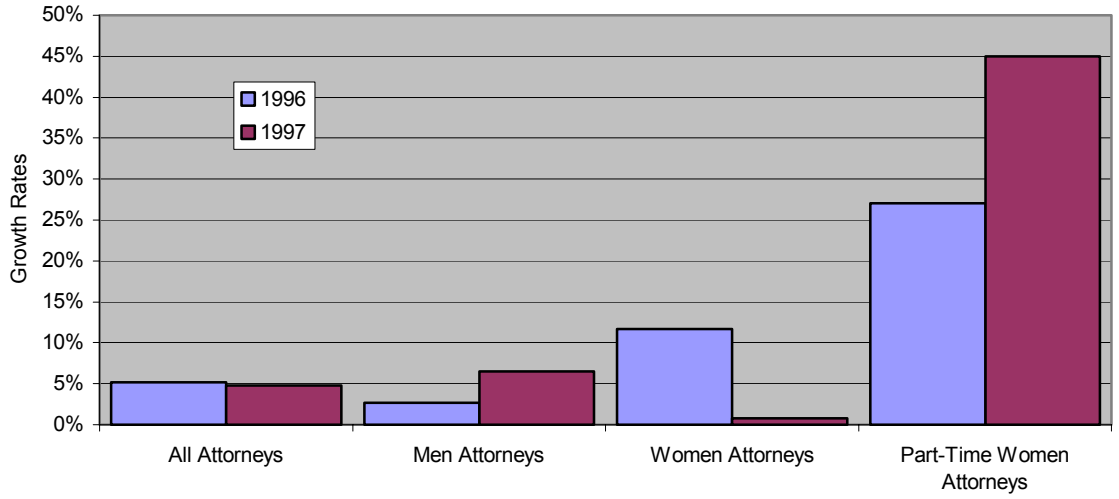
[11] Debra Cassens, *Changes Achieved, Challenges Ahead*, ABA JOURNAL, at 29 (Sept. 2000).

and 1996, the number of attorneys at Respondent Firms increased about 5%. During the same period, the number of women attorneys in Respondent Firms increased approximately 12%. The overall percentage of women attorneys in the Respondent Firms was just over 28%. By the end of 1997, however, the overall growth rate of women in Respondent Firms had plunged to 0.8%. *See* Figure 4. During that period, there was a total net gain of only seven women at Respondent Firms (compared to a net gain of 131 men). The reason for the falling off in growth rate in women is attrition.

FIGURE 4

Attorney Growth Rates at Respondent Firms
1995 through 1997



3. Attrition Rates in Respondent Firms

From 1995 through 1997, attrition rates at Respondent Firms ranged from 10% to 12%. Although approximately 28% of all lawyers at Respondent Firms were women, women constituted 40% of the attorneys leaving Respondent Firms. The attrition rate for women attorneys was about 70% higher for the attrition rate for male attorneys.[12]

[12] The overall attrition rate for women attorneys was on average 14.6%, while the overall rate for male attorneys was 8.4%.

4. Growth and Attrition Rates of Attorneys with a Reduced-Hours Arrangement

In an attempt to stem attrition and be more responsive to the needs of its women attorneys, firms have adopted part-time work policies. The statistics and the attorneys' narrative responses demonstrate, however, that unless part-time work policies are part of a larger culture that embraces diverse career paths and reduced-hours arrangements, there is no noticeable reduction in attrition. Between 1995 and 1998, there was a gradual but steady increase in the percentage of attorneys with a reduced-hours arrangement at Respondent Firms.[13] There was no corresponding decrease in women's attrition. In fact, the data show that women attorneys with a reduced-hours arrangement left firms at an even higher rate than did full-time women and at a rate more than double the rate of full-time men *See* Appendix B, Chart 3. The following sections provide insights into this trend.

II. IMPLEMENTATION EXPERIENCES

Ineffective implementation of reduced-hours arrangements by law firms contributes to firms' annual loss of a significant number of women attorneys, including senior women associates and partners. The major sources of dissatisfaction expressed by Respondents with a reduced-hours arrangement include (1) lack of institutional support from law firms for reduced-hours arrangements, (2) deterioration of professional relationships within the firm, and (3) adverse career consequences.

A. Lack of Institutional Support for Attorneys with a Reduced-Hours Arrangement

Sixty-one percent of all Respondents who worked part-time reported that no one at their firm worked with them to develop their part-time work arrangement. Seventy percent of the partner Respondents stated that they were given no help or guidance in developing their reduced-hours arrangement. Sixty-seven percent of Respondents who had been at their firm five or more years received no help from the firm, and 53% of Respondents who had been at their firm for two years or fewer reported that no one at their firm helped them develop their part-time arrangement. *See* Appendix B, Chart 4.

While less than forty percent of Respondents overall received input or assistance in developing their reduced-hours arrangement, support varied

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[13] Most of this growth represents an increase in the number and percentage of women working part-time.

widely among departments. Eighty-three percent of the general corporate/business partner Respondents reported that someone at the firm assisted them in developing their part-time arrangement, and 62% of senior business/corporate associate Respondents (those with 7-10 years experience) reported receiving such help. In contrast, only 23% of the litigation partner Respondents and 20% of the senior litigation associate Respondents received such support.[14]

Without such input, an attorney seeking an alternative work arrangement is left to guess what arrangement will be acceptable to the firm. Many Respondents reported that, given the absence of necessary guidance, they formulated their own proposal based on the arrangements of other part-time lawyers in the firm, without regard to their own individual needs or the specific flexibilities and requirements of their practice and those with whom they worked. Many Respondents simply submitted a proposed part-time arrangement, and the firm approved it with little or no comment or discussion. Respondents noted:

> *I proposed it; they accepted it. End of discussion.*
>
> *I set forth a proposal, which was accepted.*
>
> *The policy allowing us to work part-time, including the minimum hours, was stated in an employee manual. I spoke to other part-time partners and associates to figure out a good schedule.*

A few Respondents felt that firm management not only did not assist them in developing a part-time arrangement but even discouraged them from seeking or providing support and assistance. For instance, one Respondent reported:

> *A few senior women have spent time talking with me about my career. However, they do not have influence over management and have been told to stay out of policy-making decisions with respect to part-time moms because they are too close to the situation.*

While relatively few attorneys receive guidance or help regarding the development of their alternative schedule, even fewer receive feedback or institutional support for their arrangement on an on-going basis. Almost 80% of the lawyers who have a reduced-hours arrangement reported that no one at the firm meets with them on a regular basis to discuss how their part-time

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[14] Twenty-five percent of the real estate partner Respondents and 67% of senior real estate associate Respondents stated that they had received support or assistance in developing their part-time arrangement.

arrangement is working for them and the firm.[15] *See* Appendix B, Chart 5. Others reported that their alternative work arrangement is discussed only in connection with their performance or compensation reviews. For example, several Respondents reported:

> *They sat with me twice a year as they do with all associates.*
>
> *In my annual evaluation, the partners always discuss with me how the arrangement is working.*
>
> *[My arrangement was discussed] only at the beginning and when my contract was up for renewal.*

Eighty-three percent of the partner Respondents and less than 80% of the senior associate Respondents stated that they have no on-going communication with their firm about their part-time arrangement. Only about one-third of Respondents who have been at their firm between two and seven years reported that someone at their firm has discusses with them how their part-time arrangement is working out for them and the firm. Among the most junior lawyers, those who have been at their firm for two years or fewer, for whom communication would seem to be especially important, only 18% reported that someone in management at that firm has discussed how their part-time arrangement was working for them and the firm. Respondents observed:

> *[The] policy is [to review part-time arrangements] every six months – I've had one review (in a year and a half) and someone I know who worked part-time for 2-1/2 years was never reviewed.*
>
> *Only once when I voiced concern about impositions made by some partners [did management review my arrangement].*

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[15] One firm reported having a part-time work arrangement coordinator to monitor and review part-time arrangements and otherwise supervise the firm's implementation efforts.

In other instances, attorneys became frustrated when promises of follow-up did not materialize. One attorney explained:

> *The managing corporate partners sat down with me and the other woman who worked part-time and listened to our issues, promised to follow up, and never followed through. We had numerous discussions on how the policy should work but certain partners have never bought into the idea, making it difficult to implement.*

The women who do receive on-going input tend to work in the corporate or real estate areas. Remarkably, all of the litigation partner Respondents reported that no one at their firm meets with them on a regular basis to assess how well their reduced-hours arrangement are working for them and the firm.

Some firms that do not have formal feedback mechanisms nonetheless convey support for reduced-hours arrangements. Usually the attorney or attorneys with whom the part-time attorney works provide such support. Some Respondents reported that although they have not received formal support or feedback from firm management, they still believe the firm to be supportive of their arrangement. Respondents in these circumstances noted:

> *I have a mentor who meets with me and we discuss [how my part-time schedule is working] along with other things.*
>
> *The firm is very flexible – they generally accept whatever I propose.*
>
> *No [I have not received formal feedback], but my Department Head has been communicative and supportive on the topic*

B. Deterioration in Professional Relationships

At least 30% of Respondents at every level of seniority reported that their relationships with partners deteriorated after they adopted a reduced-hours schedule. *See* Appendix B, Chart 6. Thirty-five percent of all Respondents also reported that their relationships with associates had deteriorated after they began working a reduced-hours schedule. *See* Appendix B, Chart 7.

Both junior and senior lawyers reported that their relationships had deteriorated. Even being a partner did not protect part-time attorneys from negative attitudes from colleagues. Forty percent of the part-time partner Respondents reported that their reduced-hours arrangement adversely affected their relationships with their partners or associates.

For the most part, neither the type of reduced-hours schedule (*e.g.,* 60%, 80%, or 95%) nor the Respondent's status (*e.g.*, partner, on-track associate, or off-track associate) was correlative to whether a part-time attorney's professional relationships suffered because of her part-time arrangement. At least 35% of the Respondents in each category (except those associates working 80% - 95% who were "on-track" for partnership) reported adverse effects in their relationships. *See* Appendix B, Chart 8.

The adverse effects to relationships reported by Respondents generally fell into five overlapping categories. Specifically, Respondents reported that

- partners question or doubt their commitment to their work or to the firm because of their decision to work a reduced-hours schedule;
- partners refuse to work with them or ignore them as potential team participants solely because they are part-time;
- partners ignore their reduced-hours arrangement or regularly "test" their availability by assigning or responding to work in a way that forces the Respondent to compromise her schedule;
- other attorneys devalue them, perceive them as a "problem," or view them as marginal because they have a reduced-hours arrangement; and
- their social or personal contacts with partners and associates deteriorate or diminish.

The majority of the Respondents focused on institutional, "cultural," or attitudinal factors rather than factors inherent in reduced-hours arrangements.

1. Commitment Questioned

The most commonly identified adverse effect was partners' apparent skepticism regarding the professional commitment of partners and associates with a reduced-hours arrangement. Although the part-time partner Respondents have been with their respective firm an average of fourteen years and are devoting more time to work than their arrangement requires, 70% of the partner Respondents reported that their full-time colleagues view them as "lacking commitment." The negative impact is profound at every level.

Partner Respondents reported that they have been "written off" by their firm, that some partners refuse to work with or even talk to them, and that some partners do not view part-time as a "legitimate" option. A junior partner who has practiced for ten years observe:

> *I believe that some, not all, partners view me as less committed to being a partner and lawyer.*

Another junior partner noted:

> *Senior partners believe you won't stay.*

A senior partner wrote:

> *My partners view me as not committed; it makes a lot of people uneasy and others resentful. Most just don't understand and are bewildered. But if you are perceived as "different" and as having chosen "different" values, you are not really one of them.*

Another partner also noted:

> *Some [of my partners] doubt my seriousness and commitment to the firm.*

Several partner Respondents also noted that there is a perception within some firms that part-time attorneys do not "deserve" a voice in firm management and that a vocal minority of partners regularly and without rebuttal complains that "part-timers" are overpaid for their limited commitment.

Associates also reported that they feel that partners and other associates continually question their commitment to the firm, their cases, or the profession. For example, one associate wrote:

> *I feel strongly that people have decided I am not committed to my career and are reluctant to assign me to assist them on cases I know I would have been assigned to handle if I were working full-time.*

Another associate wrote:

> *I am not considered for bonuses that are given to some associates and I am viewed as being less committed.*

Still another wrote:

> *I believe some partners questioned my commitment to the firm and to my career after I went part-time although I was at the firm full-time for four years before going part-time.*

The sting associated with remarks about Respondents' commitment becomes apparent when one considers that many of these associate Respondents and almost all of the partner Respondents who reported

skepticism about their commitment have worked at their firm longer than the average full-time associate remains with a firm.

The part-time stigma is so great that several Respondents who had returned to full-time work at the time of the survey commented that they continue to be confronted with thinly veiled questions about their availability or commitment long after they had resumed a full-time schedule. For example, one Respondent noted:

> *I was only part-time for two weeks after a maternity leave, but long after I had returned to full-time, partners still kept asking me when I was coming back full-time if I happened to be out of the office one morning.*

A Respondent who has been a partner for more than twenty-two years and who returned to a full-time schedule years ago noted:

> *For years after I returned to full-time, some partners liked to tease me, "Oh, you're* ***here*** *today."*

Initially, partners' skepticism regarding Respondents' commitment to law or the firm led a number of Respondents to try to "prove" that they were committed by being flexible with respect to availability. If the skepticism did not abate, however, it often led lawyers with a reduced-hours arrangement to feel like an outsider and ultimately to detach themselves from their firm in response to feeling less included or even shunned. As one Respondent pointedly wrote:

> *I feel less connected with the firm as an institution and with the individuals in it because I feel as if others view me as only "partially" at the firm, even when I am present in the office.*

2. Reluctance or Refusal to Work with Part-Time Lawyers

Several Respondents noted that partners who had worked with them when they were full-time became reluctant to do so once they began a reduced-hours schedule. Others had strong suspicions that certain partners will not work with them because of their reduced-hours arrangement. This was true for both partners and associates. For instance, one partner noted:

> *Although I have been a "contract partner" for many years, I believe that I am viewed as being "off track" for equity partnership due to my part-time schedule. I believe that some of the partners (although not all) are less willing to give me assignments.*

An associate wrote:

> *Most partners are very supportive but there are partners who will avoid giving me assignments because they find the part-time arrangement unsatisfactory.*

Part-time partner Respondents also reported that some associates, particularly male associates, show them less respect because the associates interpret their part-time status to mean that they are "unimportant" partners. Several partner Respondents reported that associates attend to their work last in order to complete the projects of "more important" partners, *i.e.,* full-time partners.

3. Failure to Honor Part-Time Lawyers' Schedules

In addition to believing that some partners avoid working with them, a number of Respondents reported feeling that partners regularly test their availability or ignore their reduced-hours schedule. Several associates commented that they have to be continually "on call" to partners when they are away from the office on their nonscheduled days, although they are not paid for doing so. One associate noted:

> *Certain partners consistently forget or ignore my time constraints when scheduling meetings or conference calls or in promising overnight turn around on documents. I have to perpetually remind these partners of my arrangement and disappoint them. It is difficult and frustrating.*

A number of Respondents also remarked that their colleagues' commitments to other work were consistently seen as a more legitimate reason for limitations on their colleagues' availability than Respondents' commitments to their responsibilities.

Several senior lawyers described the extreme measures they had taken to try to create or maintain a reduced-hours schedule. For example, one senior associate noted:

> *I actually left the firm for several months in 1995 because I did not think part-time would work here. I anticipated [that going part-time would mean] keeping my workload but working fewer days for less money. After I was gone for a few months, I was able to return and begin part-time and have a clean slate as far as caseload.*

Another associate reported having adopted a 60% schedule so that she could keep her hours in the 80% range.

4. Feelings of Devaluation and Exclusion

More than 25% of Respondents reported that they feel that other attorneys began to devalue their skills or them as professionals after they began a reduced-hours schedule. Unless they received conscious support from partners in their firm or department, both partners and associates reported feeling like outcasts within their firm or department, rather than valued workers. For example, a mid-level associate on an 80% schedule noted:

> *There is some tension surrounding the part-time issue. I do not feel that the firm or the partners in my department are completely committed to my professional development, and I do not anticipate ever being extended an offer of partnership here.*

Another wrote:

> *At my level (one year more to partnership), things can get quite competitive. However, there is a recent wave of resentment among my colleagues (male and female alike) with respect to my reduced workload. Even though my salary has been reduced and my partnership track has been lengthened, there are many, extremely vocal members of the firm that feel that part-time work is "not fair." The view is that full-timers without kids would love to have an extra day to golf and take less pay. This mentality has worked its way through to partners, as associates frequently criticize and marginalize part-timers. The feeling is that I am less of a team player and my priorities are not with the firm.*

Another explained:

> *I feel like the partners view me as a problem. Although they have told me that I am "on track" they have also told me that I am a marginal case. Their concern is my ability to juggle all the demands of this practice with my family. Also, I feel "out of the loop." [M]any partners no longer mentor me as before.*

Still another associate wrote:

> *[After going part-time] I was no longer a desirable associate to have on a client team.*

One senior partner noted:

> *I used to feel that I was a very valued and well-regarded member of the firm. Now I feel as if I am an outcast. This was very difficult as people I considered friends changed their attitude or failed to speak up on my behalf. There was a real loss personally as well as professionally.*

Other partners wrote:

> *Some partners aren't quite sure how to view me even though I am a partner, and I can sense the slight.*
>
> *Sometimes I feel that the older partners would prefer it if I left the firm – and I do not feel overly comfortable with them. With most of the younger partners I feel that my interactions have not been affected.*

Another associate who has worked for twelve years in a reduced-hours arrangement of 9:00-5:00, five days a week, plus one evening until 10:30 or 11:30 noted:

> *Aside from the partners in my own department (who are very supportive), I feel somewhat cut off from the partners in the rest of the firm, many of whom do not take me seriously.*

Another wrote:

> *The firm has no partner role models, and no one is interested in me as a person.*

Associates often take their cues from the partners from whom they wish approval or from what they perceive to be the firm's culture. Eleven percent of associate Respondents and 25% of partner Respondents with a reduced-hours

arrangement reported feeling excluded or less respected by associates. For example, one associate wrote:

> *I work extra hard to show other associates that I am committed to the firm; otherwise I am left out of things or not considered part of things.*

Another remarked:

> *I am often not asked to go to lunch with other associates or to join when other associates plan impromptu social events.*

A mid-level associate wrote:

> *I feel some members of the firm don't take me as seriously in light of my part-time arrangement. Other associates sometimes make comments about me not staying late, etc., in a joking manner, but I always sense some ridicule or criticism in the comments.*

Other associates remarked:

> *I am the only woman who works part-time – so I feel that other associates – especially those who have had children – feel that my "special treatment" has not been fair.*
>
> *I once felt well liked and very much a part of this place. I am now seen as a "slacker." My single female friends no longer include me in events or tell me about key "gossip" in the firm.*

An associate who bills 1800-2000 hours on an 80% schedule noted:

> *My reviews have consistently shown that partners do not question my commitment. Yet, new and junior associates will often dismiss me as unimportant when they discover that I'm part-time (until they work with me however).*

And a partner with a reduced-hours arrangement noted:

> *Interestingly, my partners seem the least affected by my going part-time. Newer associates (male, particularly) seem to regard me as less important than my full-time partners based on their demeanor and how they prioritize my work (despite the fact that I sit on the Associates Committee).*

5. Professional and Cultural Isolation

A significant number of Respondents reported that their social or personal relationships with other attorneys at the firm suffered after they adopted a reduced-hours arrangement. They attributed some of the change to the pressure they feel to bill as many hours as possible within a constrained period of time and noted that these pressures, coupled with a reduced-hours arrangement, cause them to have less time to socialize. Others reported that they feel they are marginalized because they work in a culture in which colleagues who arrange their life around the workplace define the "norm." As one Respondent observed:

> *Everyone is very professional here, but I can't share the war experiences of being here late and on weekends [now], and it has an effect.*

A few Respondents commented that that their social or personal contact with partners changed for the worse because some full-time partners resent them or their schedule and communicate their resentment in subtle or not so subtle ways. For example, one associate noted:

> *Some partners were very upset that I had been given "special treatment and "allowed to go part time."*[16]

Another associate remarked:

> *My relationship with one of the key partners I worked for changed drastically after I went to a part-time schedule. The partners were used to my being available 100% of the time whenever they needed me. When I tried to control my work hours for personal reasons, there were subtle conflicts.*

Many Respondents indicated that they cut back on involvement with firm committees and in firm social events as a result of their reduced-hours arrangement. Fifty-five percent of the Respondents who were working or had worked part-time reported reducing or eliminating their involvement in firm social events, and 41% reported that their reduced-hours schedule affect their committee involvement. For some Respondents, this limitation on involvement in firm social events and committees is intentional: they seek to maximize the hours they can be with their family after "regular" work hours. For others, though, the reduction in firm and social involvement is involuntary. These Respondents attributed their reduced involvement and resultant isolation to

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[16] This lawyer went back to full-time work six months earlier than she had planned, at the partners' request.

firm limitations on committee involvement by part-time attorneys, the firms' assumptions about the needs and desires of part-time attorneys, and the regular scheduling of events at times that the part-time attorney cannot attend. As one attorney noted:

> *There is a belief by some nonprogressive thinkers that someone who is part-time cannot participate in management and firm committees. This thinking needs to be changed.*

Other attorneys stated:

> *I find I have to devote all my time to work to get things done on time. Also, many social events are scheduled on my days off.*
>
> *It is difficult for me to arrange care in the evenings (when most social events are held).*
>
> *I still have to bill eight hours a day and could not do it with committee duties.*

One Respondent wrote:

> *As a result [of my not participating as much in firm social events and committees] I am no longer visible to people with influence, and I do not socialize and "schmooze" with those people who will have a voice in my partnership decision.*

Another added:

> *I sit in on [some committees] but don't feel my views are really counted.*

Although still predominant, this result is not inevitable. One part-time attorney commented that the reduced billing requirement attendant to her part-time arrangement has allowed her more time to participate in firm committees and social events.

C. Adverse Career Consequences

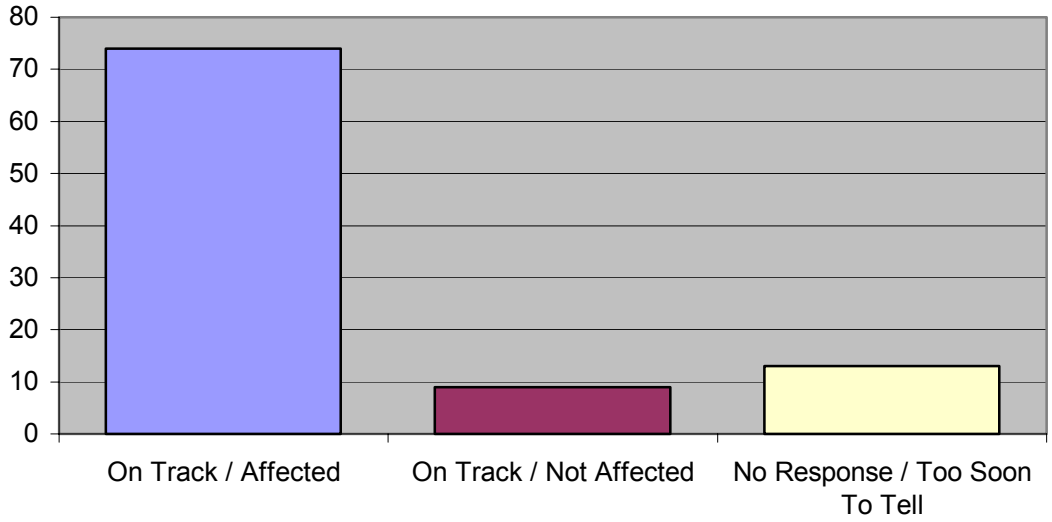
1. Loss of Opportunity for Advancement to Partnership

One of the most frequent areas of concern noted by associate Respondents was the degree to which their part-time status affected their advancement within the firm. Of the ninety-six partnership-track associate

Respondents who provided answers on this issue, seventy-four indicated that their status has already affected or will affect their road to partnership; only nine stated that their status will have no effect on their advancement. *See* Figure 5.

FIGURE 5

Number of Part-Time Associate Respondents Reporting A Possible Affect on Advancement Partnership



Although the most common effect on advancement that Respondents reported was a delay in being considered for partnership, many Respondents believe that they will be denied an opportunity for advancement to partnership because of their part-time status. Respondents wrote:

> *Although not stated, I believe there are partners who would never vote for a part-time attorney.*
>
> *A member of the Executive Committee told me it never occurred to him that I was on partnership track since I was part-time. This was not our deal, so I began a job search.*
>
> *[Part-time] has largely derailed my partnership plans. No one had addressed my long-term future, but clearly the firm considers me off the partner track.*

> *I don't expect to make partner here because of part-time work, and I don't believe that I am being provided with the same experience or professional development as would be offered if I were full-time.*
>
> *My law firm did not believe you can make partner unless you give 125% all of the time and are willing to sacrifice everything so that your career comes first all of the time. The couple of years before partnership, they like to test your skills by giving difficult, time-consuming projects that require you to do nothing but work.*
>
> *I think I am considered "off-track" even though my track is supposedly extended.*
>
> *Objectively, I have been "put back" one year on the partnership track. However, subjectively, my changing role has, I believe, greatly impacted how the partnership views me, my value to the firm, and my chances for partnership… I actually really enjoy my job and the people I work with. Unfortunately, I do not believe that this arrangement can last and I do not believe my chances for partnership are good…. I believe that people's perception of my skills has been negatively impacted by my changing roles and priorities.*

Several Respondents noted that they were taken "off-track" involuntarily when they switched to part-time status. For example, one noted that she had been promoted to "senior counsel," but is not eligible for partnership while working part-time; others indicated that their firm considers all attorneys with a reduced-hours arrangement to be "off-track." Others stated that their firm will not elevate an attorney with a reduced-hours arrangement to partnership. In one instance, a Respondent who had been a partner with her firm was forced to relinquish her partnership position to work on a part-time schedule. Another attorney, who had recently been elevated to partner, observed:

> *[Part-time work has] delayed partnership – made me realize how critical it is to look out for myself – not to trust certain people. It is critical to develop a niche and to be independent. Even though I no longer work part-time, as a working mother and partner with two children, my challenges are great. Support from others is critical, but looking out for myself is vital. By the way, I strongly believe that people who are opposed to part-time just use it as an excuse to exclude women from the practice of law – it's not-so-veiled sexism!*

Several Respondents reported that although their part-time status did not prevent advancement to partnership, it has profoundly affected their career in other ways. One attorney, who had worked with her firm for twenty years, including nine years on a part-time schedule, remarked:

> *[Having a part-time arrangement] has destroyed [my career] for all intents and purposes. It has completely, utterly, and irreversibly altered my future, my practice, my finances, my reputation, my relationships, and my friendships.*

Although a sufficient number of Respondents felt that the "extension" of the partnership track for part-time associates was *de facto* exclusion from partnership, Respondents at some firms believed that they will be considered for partnership and that their reduced-hours arrangement will not, in the long run, negatively affect their advancement. Several of these Respondents stated:

> *I believe the part-time arrangement has made me a more efficient lawyer and has caused me to take on more responsibility for my workload at an earlier stage. I believe that in the long run the part-time arrangement will have no detrimental effect on my career.*

> *I don't believe [a part-time schedule] will have any negative impact -- there are women partners here who have worked or now work part-time.*

In addition, one partner even stated that her firm has "expressly decided *not* to add time to the partnership track to reflect time off for part-time or maternity leave" (emphasis in original).

2. Voluntary Changes in Nature of Work

Forty-three percent of Respondents reported that their substantive work assignments changed significantly after they began a reduced-hours arrangement. While some of these changes were self-initiated, most were not. There were no significant differences in the incidence of adverse change in work assignments in responses based on seniority or years of practice. There were, however, striking differences among Respondents in different practice areas, with litigation attorneys reporting the highest incidence of adverse change.

Only one Respondent reported changing departments in order to have a part-time arrangement. A few Respondents chose to specialize within their department by limiting their work to a specific practice group or specializing within a chosen subject area (*e.g.,* by focusing on labor practice within the litigation department or by dropping the tax aspect of a trusts and estate practice).

Many Respondents reported that they consciously began to try to limit the number of attorneys for whom they worked. These Respondents felt that their arrangement works best when they work primarily with one partner or a very small number of partners. Other Respondents noted that they began limiting their practice to work for or with those who they felt were supportive of their arrangement. Several Respondents noted that the strategies they needed to adopt to protect themselves or their arrangement are inconsistent with advancement strategies at their firm.

3. Involuntary Changes in Nature of Work

Generally speaking, those in the most specialized practices suffered the least adverse impact on their work assignments. Respondents in highly specialized areas such as health law and environmental law reported little or no change in the quality of their assignments. On the other hand, significant numbers of corporate and litigation Respondents reported involuntary adverse changes in their work. *See* Figure 6.

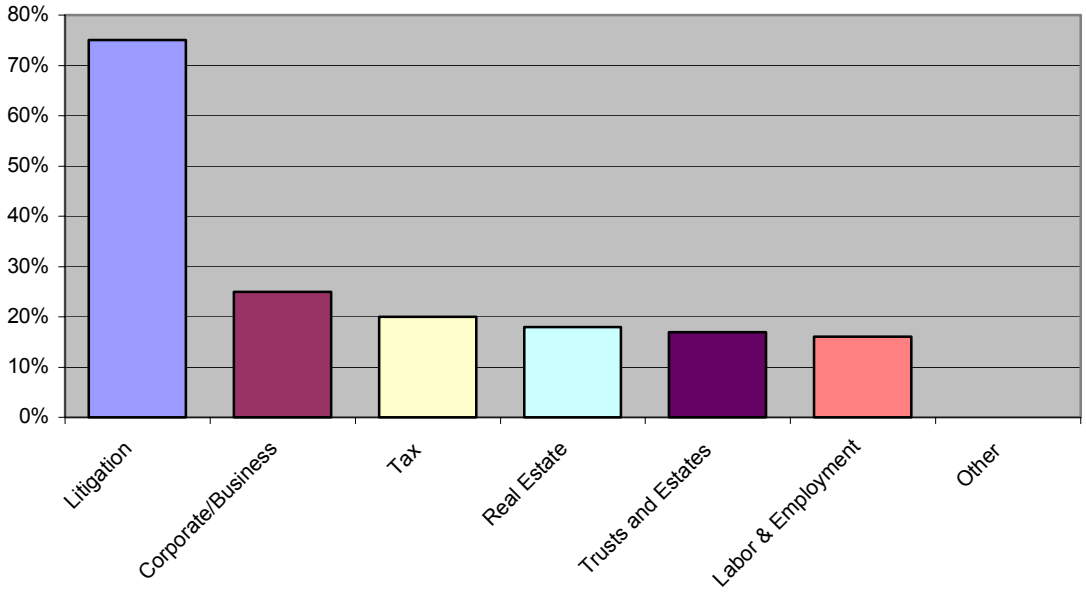
Twenty-five percent of the part-time corporate/business Respondents reported that their practice have been adversely affected after they began a reduced-hours arrangement. These unwanted, adverse changes include being moved from fast-paced, big deal transactional work and initial public offerings to fewer and smaller deals, being given fewer deals and more "project by project" assignments, and being delegated to "low profile" work and cases in which there are "no good results."

Seventy-five percent of litigation Respondents reported involuntary adverse changes in their practice. These unwanted adverse changes include being offered less courtroom experience and fewer trial opportunities than their

full-time peers; difficulty getting assigned to large, high profile cases; more "research and writing" assignments than their full-time peers, for junior litigation associates; less responsibility for running cases, for mid-level litigation associates; and "less autonomy" and "less managerial responsibility and authority," for senior litigation associates.

FIGURE 6

Percentage of Part-Time Respondents Reporting Involuntary Change in Work



D. Reduced-Hours Arrangements That Work

1. Making a Difference: Part-Time Success Stories

Although a great many Respondents expressed dissatisfaction with their firm's part-time policies or practices, this dissatisfaction was not universal and is not inevitable. Management's willingness to work with attorneys to develop and monitor the firm's implementation of mutually agreed upon arrangements, along with demonstrated support from the partners in the attorneys' department, can lead lawyers with a reduced-hours arrangement to feel that their contributions to their clients and the firm are valued and appreciated. The associates and partners who felt supported and respected often expressed great appreciation and loyalty to those who support them and to their firm. For example, a few Respondents noted:

> *[The availability of part-time work and the firm's support for it] has made me want to stay at the firm – I like the flexibility and the firm's commitment to try to make it work.*

> *I have more of a sense of loyalty and commitment to my firm in light of the flexibility they have shown me with my part-time arrangement. I feel my firm respects working mothers and tries to accommodate them appropriately.*

> *Although I need to be flexible, too, the firm's flexibility has caused me to turn down other opportunities. I work hard, but when I need to be with my family, I can be. If I hadn't been able to work a part-time schedule (or, more importantly, develop a schedule that worked for me), I would have left the firm several years ago.*

> *My firm has a real commitment to this arrangement, which in turn increased my commitment to the firm.*

A few Respondents noted that their firm adapted well to their reduced-hours arrangement and continued to help them develop professionally. For example, one associate noted:

> *They are very flexible and try to accommodate my schedule in a busy trial schedule – and they still do all they can to develop my career with great trial experiences.*

A few Respondents stated that their relationships had improved once they made their decision to choose an arrangement that fit their life. For instance, several associates remarked:

> *In some respects I actually feel I have gained additional respect. I am not a twenty-six-year old; this is my second career. I have seven- and eight-year-old children at home and I have made an intelligent decision regarding my work and my home life.*

> *If anything, some people view me as more committed, since I work so hard for 80% pay (or maybe they just think I'm stupid!).*

Another senior associate noted:

> *Most partners have been extremely supportive and have bent over backwards to accommodate my schedule. I appreciate the firm's working with me and giving me the opportunity to continue to advance. I feel much more valued by the firm than I did before going part-time. Of course, I was more junior then also.*

Several Respondents felt that their decision to pursue a career on a reduced-hours basis is having a positive impact on firm culture or can positively affect women who might consider staying long term if reduced-hours schedules become a satisfying alternative. For example, one associate noted:

> *Other women associates seek me out to ask whether my situation is working at work and at home. In a way it's as if I have just been admitted to the sisterhood.*

And a partner remarked:

> *My relationships with associates have changed for the better. Many female associates have sought me out as a "role model" or "example" of how to do part-time as a litigator.*

2. Effect on Recruitment and Retention of Women Attorneys

Over 90% of Respondents who worked part-time and were still with their firm stated that the availability of a reduced-hours schedule affected their decision either to join the firm or to stay at their firm. Respondents noted:

> *I would not be at the firm and probably not be a partner if it weren't for part-time.*

> *If a part-time schedule weren't available, I would leave without looking back. I **need** part-time at this point in my life.*

> *[The firm's part-time policy] was one of the main reasons I wanted to come to this firm.*

> *I would not have come here or stayed here without the firm's agreement to my part-time schedule.*

> *I had tendered my resignation. I came back under certain conditions, including a change in my practice focus and cutting back to 80% time.*
>
> *I was about to leave because of the demands at work and home and because the compensation was not worth it. However, my firm and I were able to work out an arrangement that I am very happy with.*
>
> *I would have been forced to quit if I had not been able to find a part-time position.*
>
> *I gave my notice initially, as I could not continue to work full-time. Following my resignation, a part-time arrangement was worked out.*
>
> *If I were not able to work a reduced schedule, I would definitely find another job. I have turned down other offers on that basis.*
>
> *If it weren't working out so well, I'd be job hunting.*
>
> *[Part-time work] has kept me practicing law. Before I worked part-time, I had begun to feel that law was going to be incompatible with involved parenting, and I was considering leaving the field.*
>
> *[Although part-time work has resulted in a] longer learning curve and less money, I have stayed at the firm because I've been able to work part-time. I would have left if I had been required to work full-time.*

These comments, in substance and volume, demonstrate that effective part-time policies can have a substantial impact on attorneys' long-term commitments to their firm.

3. Self-Fulfilling Prophecies

Although many women want and need a reduced-hours arrangement and will choose to work only for employers who offer them reduced-hours arrangements, when these attorneys are treated as less committed or less valuable than full-time lawyers with the same set of skills, they come to feel less committed to their firm even if they like their work, their profession, and the financial rewards that their firm offers. Essentially, an institutional perception of reduced-hours lawyers as "less committed" often becomes a self-fulfilling prophecy. Not surprisingly, lawyers who tire of being ignored, dismissed, or

unappreciated either leave their firm for other, more hospitable firms or seek positions outside of the private law firm context. On the other hand, firms that support part-time lawyers at all levels tend to engender great loyalty from their reduced-hours attorneys and to retain such lawyers for long periods of time.

III. INSIGHT FROM THOSE WHO LEFT

Many of the women who left their firm did so for the same reasons as most men. Notably, though, almost 40% of the women Respondents who left firms between 1996 and 1999 stated that they left their firm for reasons based at least in part on their firm's part-time work policies. Thirty percent of these Respondents had never worked part-time. These Respondents include both associates and partners. Some worked a considerable number of years at their firm before leaving; some left within a short time of arriving. For the most part, these Respondents are committed to their career and to continuing to work in the legal profession. Most went to other legal positions, and many reported they would have continued working at their prior firm had the firm been more supportive of part-time work.

A. Why Part-Time Women Attorneys Leave

Respondents who were working part-time and left their firm because of the firm's approach to part-time work arrangements left for the same reasons that those currently working in law firms are dissatisfied with their firm's policies and practices, namely (1) lack of institutional support from law firms for reduced-hours arrangements, (2) deterioration of professional relationships within the firm, and (3) adverse career consequences.

The majority of part-time attorney Respondents who left reported that no one at their former firm had regularly met with them to discuss how their part-time arrangement was working for them and their firm. Many of the part-time attorney Respondents who left, including several partners, complained that they were no longer viewed as committed, that they had worked well beyond their target hours and goals, that they consistently had to work on the days they were not scheduled to work, and that there was lack of respect for their schedule. For example, Respondents reported:

> *I was viewed as not committed.*
>
> *The perception was "real lawyers" don't work part-time.*
>
> *I was criticized for not being around.*

> *[I]n my department, part-time work was discouraged. The thought was you should stay at home if you were a good mother…. [M]y department head would not allow me to supervise the work of a junior male associate – "it wasn't going to happen in his department."*
>
> *Part-time work is not tolerated at [the firm]…. The macho [attitude] gets to you after awhile. Who needs it when you have other more agreeable options? The firm, of course, thinks that there is nothing wrong with the atmosphere. They like it and are blind to the effect on the women who must put up with it.*

Other issues that led women to leave include the lack of opportunity to advance to partnership and the lack of relative value afforded other senior positions. A majority of Respondents who left their firm because of the firm's part-time policies or practices reported that there was little or no possibility for advancement to partnership for those with a reduced-hours arrangement, even when working 1800 hours or more a year. Some Respondents reported that their firm explicitly refused to promote associates with a reduced-hours arrangement to partner, while many stated that it was the *de facto* policy although the firm's written policy stated otherwise. Various associates noted:

> *Part-time work is the "kiss of death" for advancement.*
>
> *[The] litigation department never made a part-time partner.*
>
> *[The firm] made [it] clear there was no chance for partnership.*
>
> *[A part-time schedule] made advancement impossible.*
>
> *[I] was "permanently stuck" at associate's level.*

Many part-time attorney Respondents who left stated that they experienced a decreased sense of belonging once they adopted a part-time arrangement. A number of Respondents wrote:

> *I felt like I wasn't "part of the team."*
>
> *I didn't get to know new people.*
>
> *Some male partners stopped being friendly.*
>
> *My interaction with everyone was affected.*
>
> *I wasn't able to participate fully in firm life.*

Another senior associate wrote:

> *Some partners were great but some were not willing to accommodate my schedule by responding to me on time. One relationship definitely soured as a result of my going to four days after the birth of my child. I left the firm a year after I went part-time.*

B. The "Ripple Effect" of Part-Time Policies

Thirty-one percent of those who identified their firm's part-time policies or practices as playing a role in their decision to leave were full-time attorneys who had never worked part-time. Most of these Respondents either planned to work part-time at some point but believed that their firm did not support reduced-hours arrangements or perceived that their firm's attitudes towards reduced-hours arrangements were emblematic of more generalized barriers to the advancement of and respect for women within the firm.

Like their part-time counterparts who stayed, full-time Respondents who worked at firms that did not have formal or written part-time work policies often interpreted the absence of a policy and of part-time attorneys as a sign that there was little or no willingness by their firm to address such issues. As one Respondent noted:

> *There was no policy that I was aware of. I was pregnant and did not want to stay in a job that was inflexible. There were no women lawyers with kids and/or part-time at the firm.*

Another Respondent remarked:

> *[T]he fact that the firm had no part-time policy impacted my decision to leave. I did not see how I would balance my work life … with having children … I am aware of one employee who worked part-time just briefly at the firm (after I left). She was given last minute assignments and asked to stay late even though it was known that she had to get home.… I think that the big firm [I was previously with] was actually more conducive to a part-time attorney making partner because the smaller firm required more client development.*

Another associate who stated that the absence of a formal firm-wide policy at her firm influenced her decision to leave for an in-house position, noted that the lack of a firm-wide policy had resulted in "deep divisions" over whether certain departments would allow their attorneys to work part-time.

Most of the full-time women attorneys who identified their firm's part-time policies and practices as a factor in their decision to leave worked at firms that have written part-time policies. These attorneys nevertheless believed, based on their perceptions of the actual firm practice concerning reduced-hours arrangements, that such arrangements were not a viable option. A full-time attorney Respondent who left her firm for an in-house position noted:

> *I saw how the part-time policy was not working for more senior attorneys at the firm… I knew eventually a workable part-time, flex schedule would be something that would be very important [to me], but I saw the handwriting on the wall so to speak….*

Another wrote:

> *To go 4 days, women received a 20% pay cut but still typically found they just crammed 5 days of work into four days. And their "day off" frequently required work at home…. So I accepted an in-house position with a client.*

Others wrote:

> *The two women who did work part-time (Mon-Thurs) took a cut in pay but still put in [the] same hours.*
>
> *"Part-time" for a working mother [at my former firm] was Monday through Friday, 8:30-4:30 and a 25% pay cut.*

Another Respondent who left for a full-time position with the government stated:

> *"Part-time" work was a joke. I believe only two women tried it. You essentially worked the same hours for less money.*

The responses from full-time attorney Respondents who left demonstrate that the "ripple effect" of a firm's part-time policies and practices extends beyond those attorneys who have a reduced-hours arrangement.[17]

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[17] A study conducted by the ABA Journal in April and May 2000 echoes the Respondents' sentiments: According to the survey, 81.3% of full-time and part-time women attorneys surveyed indicated that they believed taking a leave of absence or switching to part-time status to care for a baby is "very likely" or "somewhat likely" to adversely affect chances for advancement. Terry Carter, *Paths Need Paving*, ABA JOURNAL, at 35 (Sept. 2000).

C. Where the Women Who Left Went

Sixty-seven percent of Respondents who had been working part-time and who left because of their firm's part-time policies and practices continued practicing law and went to other legal positions. Thirty percent went to small firms or into solo practice, 15% moved into in-house positions, and the rest became contract attorneys for firms (7%), took government jobs (4%), or indicated that they were still practicing law but did not state their subsequent employment choice (11%).

Several of the Respondents who did not go to other legal positions stated that they would have continued working part-time at their prior firm had the firm been more receptive to such an arrangement; others stated that they intended to return to the legal profession in the near future.

IV. CONCLUSIONS AND RECOMMENDATIONS

The results of this study refute the notion that limiting part-time work opportunities or making them relatively undesirable will bring about a more profitable work force. In the absence of a supportive environment, attorneys leave – they do not become long-term, full-time attorneys. Most attorneys with a reduced-hours arrangement choose that arrangement because of family responsibilities and other commitments. These responsibilities and commitments do not vanish because their firm would prefer that all attorneys bill more hours. In fact, over 90% of Respondents who had a reduced-hours arrangement at the time of the survey stated that they would not be at their firm in the absence of part-time opportunities. Thus, rather than helping firms financially, ineffective part-time policies alienate a significant portion of the potential talent pool in an era when firms increasingly need attorneys to handle their workload. In contrast, effective part-time policies help firms develop more committed, long-term attorneys.

In short, firms must provide a supportive culture and real advancement opportunities for those with a reduced-hours arrangement if they are to retain full-time and part-time women attorneys. Based on the responses received from Respondents and Respondent Firms alike, the Employment Issues Committee makes the following recommendations for changes that firms can implement to make reduced-hours arrangements work for them and the women in their firm.

A. Policy Recommendations

Although having a part-time policy is not by itself sufficient to stem attrition or to create the necessary supportive environment, the existence of a clear, written policy is important – both in practical terms for those who want to

utilize it and in the message sent to everyone in the firm about the firm's commitment to part-time work.

(1) Formulate a clear, written policy on reduced-hours opportunities at the firm.

Although most firms have some type of policy, in some cases the policy is not in written form and in others the written policy states only that reduced-hours arrangements are possible and will be worked out individually. This lack of explicit statement of firms' expectations or policies was a source of frustration and dissatisfaction among many Respondents. In general, firms of all sizes should adopt a clear, written policy, and that written policy should set out the firm's approach to reduced-hours arrangements and any universally applicable rules. The Committee further suggests that larger firms have a clear, written policy that provides information on the types of arrangements available, any eligibility requirements or durational limits, rules regarding compensation and benefits, and the effect of a reduced-hours arrangement on the possibility and pace or track of advancement. Smaller firms (particularly those with fewer than twenty-five attorneys) may not need such a detailed written policy if associates already have frequent communication with policy decisionmakers and if responsibility and flexibility are already hallmarks of the firm's practice toward reduced-hours arrangements.

(2) Allow part-time attorneys to be eligible for partnership and to be considered for firm management positions.

One of Respondents' greatest sources of dissatisfaction was their observation that part-time attorneys are often excluded from meaningful opportunities for partnership. The fact that more than twenty of the larger firms in Massachusetts and many small firms currently have at least one part-time partner suggests that having a part-time partner is possible and can work for both the firm and the attorney. The Committee recommends that all firms, regardless of size, remove formal and informal barriers to full partnership for part-time attorneys. Furthermore, to attract and retain experienced attorneys with a long-term commitment, firms should offer a variety of career paths.

Respondents also noted the lack of opportunity to be considered for firm management positions despite their desire to assume such positions, either because the firm would not consider them or because the firm assumed they were not interested. The Committee recommends that part-time attorneys be appointed to management committees and other firm management positions, as the part-time attorneys desire.

(3) Eliminate limits on the duration of reduced-hours arrangements and minimum full-time eligibility periods wherever possible.

Although many firms have abandoned limits on the period of time an attorney may work a reduced-hours schedule, some firms still maintain such durational limits. Given that a significant number of women attorneys want to work a reduced-hours schedule beyond their children's infancy or for extended periods to care for elder family members – and, in fact, many women attorneys work reduced-hours schedules for many years in firms that permit it – limits on the period of time an attorney may have a reduced-hours arrangement lead to higher attrition, not to more committed full-time attorneys at the firm. Moreover, part-time policies that state that the term limits can be extended "in appropriate circumstances" can create unnecessary insecurity on the part of part-time attorneys and give all attorneys the message that part-time attorneys are "provisional employees" and that only some people merit consideration for longer part-time arrangements. The Committee, therefore, recommends that firms that still have durational limits consider dropping them.

The Committee also recommends that firms eliminate any requirements that attorneys work full-time for a specified period before being eligible for a reduced-hours arrangement. Such requirements discourage attorneys with children or those considering having children early in their careers from applying to firms.

(4) Compensate part-time attorneys for additional time worked.

Part-time attorneys who exceed their agreed-upon schedule or target hours should be compensated accordingly. Not surprisingly, Respondents who were being compensated at an agreed-upon rate but were billing more than their agreed-upon target to fulfill client or firm needs, expressed anger and frustration. To the extent that the firm gives bonuses, bonuses for attorneys with a reduced-hours arrangement should be calculated on a full-time-equivalent basis and then prorated, where necessary, based on the actual hours billed.

(5) Provide comparable fringe benefits.

The Committee recommends that firms provide full health insurance benefits to attorneys with a reduced-hours arrangement, as most firms already do. The Committee also recommends that firms extend retirement benefits to attorneys with a reduced-hours arrangement if they do not already do so. Firms that prorate vacation or sick time should re-examine these policies, especially because prorating vacation and sick time where the part-time attorney is already being paid a reduced salary serves little purpose in a billable

hours environment and conveys the message that part-time attorneys are less important or professional than their full-time counterparts. Firms might also consider paying, as one firm currently does, for day care expenses when part-time attorneys with a fixed-schedule, reduced-hours arrangement are forced to work on nonscheduled days.

B. Implementation and Practice Recommendations

While the adoption of a good policy is a necessary first step, the implementation of the policy plays a large role in the success of part-time arrangements at firms. To have a successful reduced-hours program, firms – from the highest levels of firm management through the associate ranks and the support staff – need to let their attorneys know that choosing to adopt a reduced-hours schedule will not mean an end to their careers or relationships at the firm. Just as the negative message that part-time work is unacceptable is, as Respondents noted, transmitted in a multitude of forms and from a variety of sources, the positive message that the firm supports reduced-hours arrangements and respects attorneys who have reduced-hours arrangements must be sent in a variety of ways and from all levels of the firm.

(1) Permit reduced-hours arrangements to be as individualized as possible.

Different attorneys have different needs, and the same attorney may have different needs at different times of the year or of her career. Therefore, policies or arrangements that assume "one-size-fits-all" will not be as successful as policies that are responsive to the participants' and the firms' needs by permitting individualized arrangements. For example, some part-time attorneys are primarily concerned with maintaining a consistent schedule, while others are willing to work varying numbers of days and hours for portions of the year. Some are willing to work full-time for a part of the year as long as there are less demanding periods during the year. Some attorneys want to take on high profile or time-sensitive cases or deals; others want more routine work. Some attorneys are willing to travel; others are not. Moreover, an attorney's needs regarding part-time work are likely to evolve as the attorney's career and the nature of his or her life commitments change. Therefore, firms should not assume that all attorneys with a reduced-hours schedule have the same needs, preferences, career goals, or limitations, and should work to ensure that each individual attorney's needs, preferences, career goals, or limitations are taken into account.

(2) Respect reduced-hours arrangements as a firm and foster respect for reduced-hours arrangements from those with whom the reduced-hours attorneys work.

One of the reasons that attorneys adopt a reduced-hours schedule is to try to gain more flexibility and control over the multiple commitments in their life. Nevertheless, when client needs or case requirements demand extra attention, many attorneys with a reduced-hours arrangement will attempt to meet those needs regardless of their general target hours or daily schedules. Where an attorney has made special arrangements to be flexible, the firm or department should recognize those efforts and encourage the attorney to take extra time after the emergency has passed. Flexibility should be part of the firm's commitment as well as the attorney's.

Firms should also look for ways to enable part-time attorneys to serve clients well consistent with their arrangement. For example, many part-time attorneys report working at home relatively more than they did when they worked full-time. While most firms already utilize technology to enable their attorneys to communicate with clients and the firm from off-site, firms should give special attention to the technology needs of part-time attorneys. Moreover, to ensure consistent client service when the part-time attorney is not in the office while minimizing the departures from the attorneys' agreed-upon schedule, firms should also provide competent, experienced secretarial support to part-time attorneys.

(3) Offer attorneys with a reduced-hours arrangement the same access to professional development as their full-time counterparts.

Many Respondents expressed dissatisfaction with the work assignments offered to them after they adopted a reduced-hours arrangement. Attorneys with a reduced-hours arrangement should not be assigned small units or projects while their colleagues are given greater responsibilities over larger cases or projects. Attorneys who are given "piece work" are less likely to feel involved in their cases and work and more likely to be seen as fungible by their colleagues. Furthermore, the Committee urges that firms ensure that part-time attorneys receive adequate mentoring by attorneys who are respected, who are in a position to be helpful to the part-time attorney's career, and who are supportive of reduced-hours arrangements. Also, firms should provide financial support for continuing education and other professional development programs to the same extent that they provided it to full-time attorneys.

(4) Do not tolerate disrespectful comments and actions toward part-time attorneys.

Both full-time and part-time Respondents believe that part-time attorneys are not treated with respect and are viewed as not committed by firms, and complaints about being treated with a lack of respect or not being viewed as committed were extremely widespread among Respondents. Management must not condone or ignore disparaging remarks or jokes regarding reduced-hours arrangements or those with other life commitments. Even when no attorneys with a reduced-hours schedule are present to hear insensitive comments, disparaging remarks have a negative impact. Often negative remarks are reported to part-time attorneys, and even when they are not, they affect full-time attorneys' perception of the firm environment and the firm's attitude toward attorneys who have a reduced-hours schedule.

Relatedly, firms should not condone or ignore attorneys who refuse to work with attorneys with a reduced-hours arrangement, nor should they ignore express or inferred conflicts between assigning attorneys and those with a reduced-hours schedule. Such conflicts can fester, to the detriment of all.

Firm management should also ensure that individual attorneys are respectful of the part-time attorneys' schedule and should mediate situations where a senior attorney regularly "tests" a part-time attorney's availability or ignores the reduced-hours schedule.

(5) Ensure that attorneys with a reduced-hours arrangement receive assistance and support on the development and implementation of their arrangement.

The Committee recommends that firms provide assistance in the development of reduced-hours arrangements and assistance and support throughout implementation. The development of reduced-hours arrangements should involve communication among the attorney seeking a reduced-hours arrangement, firm management, and those with whom the attorney works. Such communication serves three purposes. First, it provides an opportunity for the participants to develop the arrangement that best meets all their needs. Second, it encourages the parties to articulate critical aspects of the arrangement and fosters accountability on the part of the firm. Third, participation by management in the development of the reduced-hours arrangement provides the firm with the information that it needs to provide on-going support and oversight assistance.

The Committee recommends that some person or some group of people (such as department heads) be charged with regularly reviewing attorneys' reduced-hours arrangements to make sure that the arrangements are working

for both the attorneys and the firm. Large firms may want to consider establishing a firm-wide coordinator to monitor attitudes and practices within the firm, to ensure fairness in part-time attorneys' work assignments and evaluations, to identify areas of professional development on which the part-time attorneys need to focus, and to make sure that compensation and bonuses are commensurate with time, effort, ability, and results.

(6) Promote and help development professional relationships.

Firms should also affirmatively promote and support part-time attorneys' involvement in internal and external professional activities such as firm committees, continuing education, professional associations, or nonprofit boards or organizations. Many, but not all, part-time women want to continue expand their "extracurricular" professional activities. Part-time attorneys' professional activities should be discussed during periodic review of their arrangement to ensure that part-time attorneys plan for professional development that address their career goals, receive the tools to implement them, and are aware of firm support for their goals. One way to encourage and support part-time attorneys' professional involvement is to include such activities as part of attorneys' target hours commitment. Another way is to take into account the amount of time that full-time attorneys put into professional activities in establishing the "baseline" for the part-time attorney's minimum or in structuring the part-time attorney's individual reduced-hours arrangement.

Firms should encourage, but not pressure, their part-time attorneys to become involved within the firm, socially as well as professionally. Among other things, firms should consciously vary the times at which firm social events are scheduled so that part-time attorneys do not miss every event because events are scheduled at nights or on a part-time attorney's nonscheduled day.

(7) Capitalize on the benefits of having a diverse work force and encourage part-time attorneys to help the firm with its part-time programs.

The Committee encourages firms to look for and to capitalize on the benefits that part-time attorneys can bring to a firm, rather than focusing on speculative or imagined drawbacks. For example, some clients may prefer to work with an attorney with a reduced-hours arrangement who is handling half a dozen cases, rather than a full-time attorney who is juggling double that number of matters.

Firms may also want to consider holding a firm or department event that includes attorneys' and clients' families and children. Such an event can help clients and attorneys visualize other aspects of one another's lives and

strengthen bonds between attorneys and clients that lead to increased business and professional satisfaction.

Firms of all sizes should encourage sharing of experiences among attorneys with a reduced-hours arrangement and help senior attorneys with a reduced-hours arrangement serve as positive role models for junior lawyers. Senior attorneys who have, or have had, a reduced-hours arrangement can create a positive "ripple effect" on junior attorneys if they receive firm support for doing so. The Committee recommends that they be encouraged to serve as mentors, role models, or consultants to more junior attorneys and that firms recognize their contribution both verbally and via compensation.

Firms should also provide a forum for regular feedback about attorneys' experiences with their part-time policies and practices. Firms should inform attorneys who work reduced-hours when their suggestions or concerns result in changes to firm policy or practice. This feedback acknowledges that attorneys with reduced hours have influence over firm policies, practices, and cultural messages.

APPENDICES

APPENDIX A: METHODOLOGY

This report is based primarily on quantitative and qualitative survey data on part-time work arrangements collected by the Women's Bar Association of Massachusetts Employment Issues Committee (the "WBA") between 1998 and 1999. Data for this report were collected from three sources:

(1) the 100 largest law firms in Massachusetts;

(2) attorneys who, as of 1999, were working a reduced-hours arrangement at one of the 100 largest law firms in Massachusetts; and

(3) women who, for any reason, left one of these law firms during the period 1996-1998.

To gather data, the WBA developed three surveys: one directed to firms, one directed to attorneys in the firms who were currently working or who had ever worked reduced hours, and one directed to women who had left their firm, regardless of whether they worked part-time or full-time, during the previous three years. The survey directed to firms sought information on firms' part-time and reduced-hours policies and collected quantitative data related to the utilization of such policies. The firm survey was mailed to the 100 largest firms in Massachusetts. The largest of these firms had more than 300 attorneys, while the smallest had fewer than 20 lawyers. To maximize the number of responses, the WBA agreed to maintain the data provided by specific firms confidential.[18] The response rate from the firms was 45%, with Respondent Firms representing over 3,000 attorneys. A copy of the survey sent to firms is included in this report as *Appendix C*.

A second survey was developed for attorneys at the 100 largest firms who have personal experience with reduced-hours arrangements. This questionnaire sought demographic data, quantitative information on the attorneys' individual reduced-hours arrangements, and quantitative and qualitative information on the attorneys' experiences with their work arrangement. In particular, the WBA sought information on work assignments, advancement opportunities, relationships with partners and associates, the support or lack of support attorneys receive for their arrangement, and firms' attitudes toward reduced-hours arrangements. Because the firms were reluctant to give out information on the employment arrangements of specific attorneys, the WBA provided the appropriate number of surveys to the Respondent Firms and requested that they

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[18] The only data in this report that are identified with a specific firm have been drawn from other publicly available sources, such as information supplied by firms to National Association of Law Placement.

distribute the survey to their attorneys with a reduced-hours arrangement experience.[19] The WBA Employment Issues Committee made efforts to follow up with each of the firms to confirm that the surveys had been distributed. A copy of the survey was also included in the winter 1998-1999 Women's Bar Association of Massachusetts newsletter sent to over 800 WBA members and the survey was made available at the WBA Annual Meeting. Because Respondents were given the option to remain anonymous, and because the WBA took efforts to distribute and publicize the survey to attorneys at firms that did not respond to the firm survey, it is not possible to calculate the response rate for this survey with absolute accuracy. Based on the number of Respondents who did identify themselves or their law firm, however, the response rate was clearly very high – approximately 70% of the attorneys at Respondent Firms with a reduced-hours arrangement responded.[20] The Committee also received a number of responses from attorneys at firms that had not responded to the firm survey. A copy of the questionnaire directed to attorneys with alternative work arrangement experience is included as *Appendix C.2*. Altogether, the WBA received 143 responses from attorneys with a reduced-hours arrangement.

A third survey was developed for women who worked either full-time or part-time and who had left one of the 100 largest firms in Massachusetts during the three years prior to the distribution of the survey (1996-1998). This survey sought quantitative and qualitative data on the Respondents' reasons for leaving their firm, the role (if any) that the firm's part-time policies or practices played in their decision to leave, and their current place of employment and employment arrangements. This survey was distributed to firms' former women attorneys in the same manner as the second survey, described above. Because the WBA made efforts to obtain and did obtain responses from women who had left firms that did not respond to the firm survey, it is not possible to determine the response rate. The WBA received 105 responses from women who had left one of the 100 largest firms within the last three years. Thirty-eight percent of these Respondents had a reduced-hours arrangement at their former firm and 62% had worked only full-time. A copy of the questionnaire directed to women attorneys who had left one of the 100 largest firms in Massachusetts during the three years prior to distribution of the survey is found in Appendix C.3.

The surveys were distributed in the fall of 1998 and data was collected during the fall of 1998 and the spring of 1999. The WBA Employment Issues Committee analyzed the quantitative survey data question-by-question and then correlated responses to multiple questions. Committee members reviewed and summarized qualitative data and then organized the data into themes, which were analyzed question-by-question and collectively by the group. The Committee reviewed additional demographic information

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[19] The questionnaire provided to the firms also included a cover letter describing the project and instructing Respondents to return their completed surveys directly to the WBA.

[20] Because the questionnaire had been distributed through three sources, the WBA Employment Issues Committee members reviewed all of the responses to ensure that there were no duplicate responses.

from a variety of other sources that draw distinct but overlapping data pools. Committee members also consulted a variety of sociological journals and legal publications.

APPENDIX B: CHARTS

CHART 1

Percentage of Respondent Firms With Written Part-Time Policies by Size of Firm

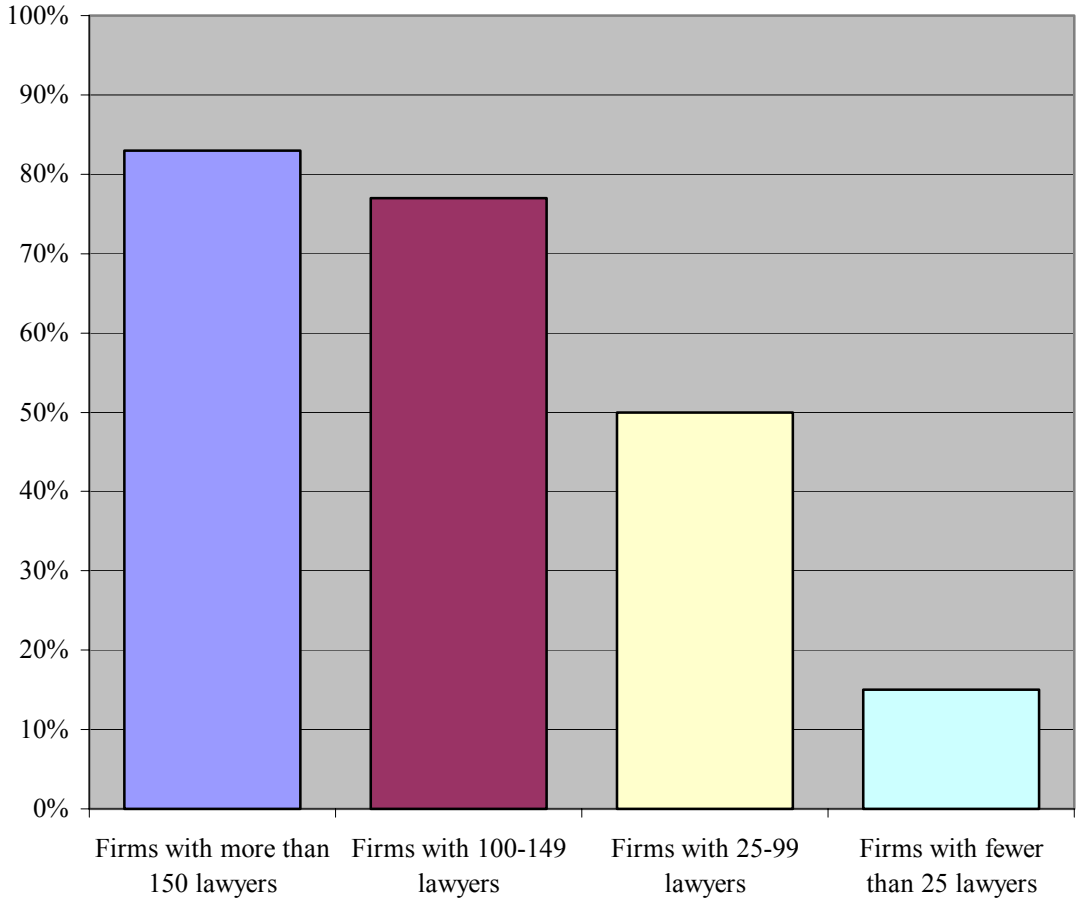
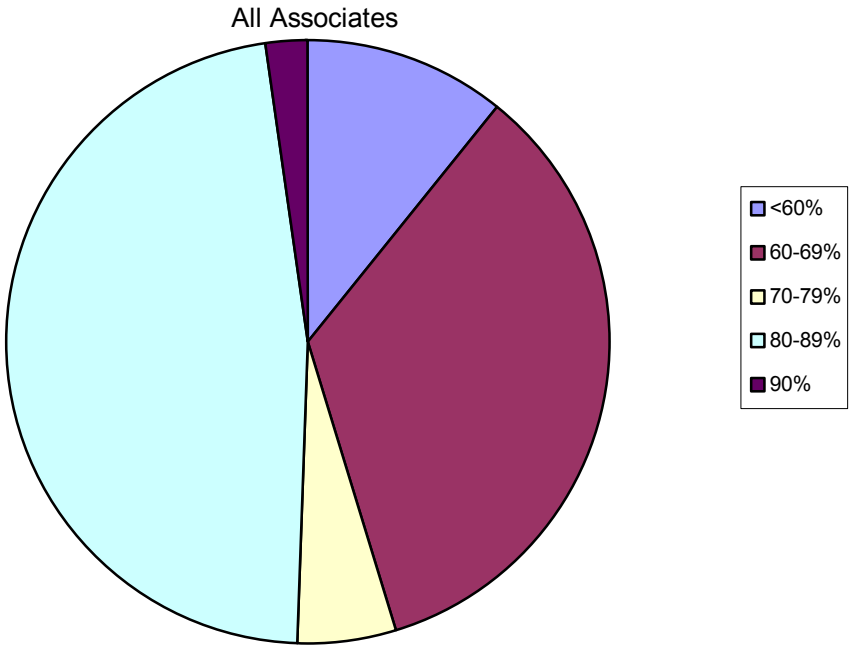
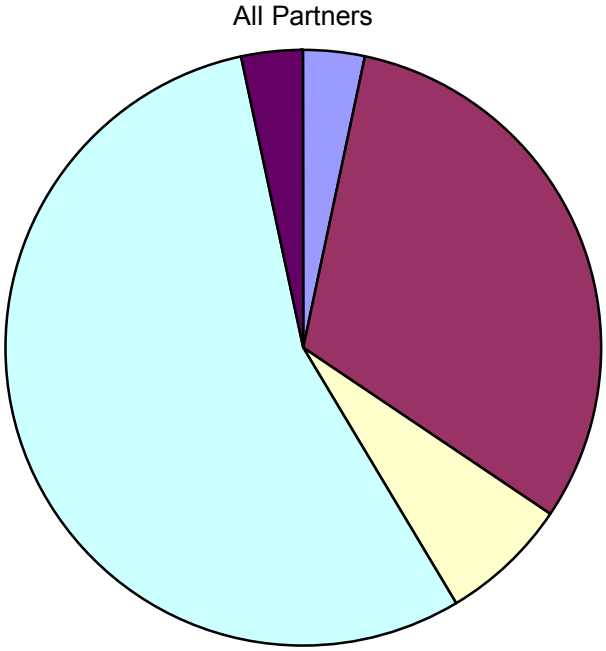


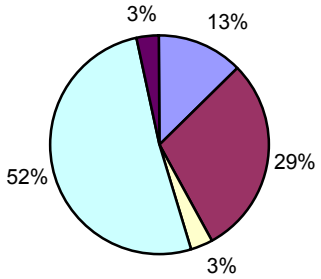
CHART 2

Types of Part-Time Arrangement, Reported by Associates and Partners

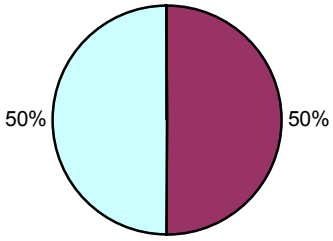




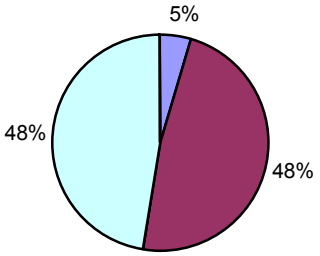
Litigation Associates



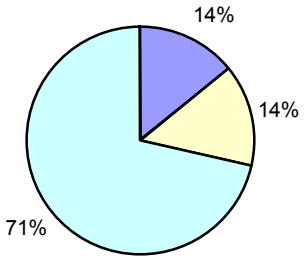
Litigation Partners



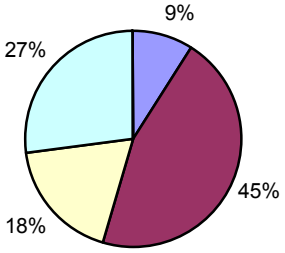
Corporate/Business Associates



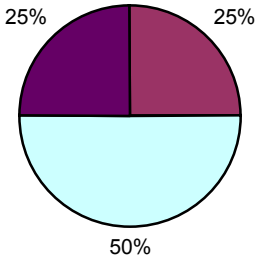
Corporate Partners



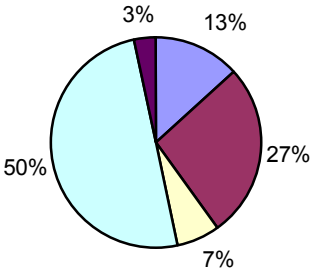
Real Estate Associates



Real Estate Partners



Other Associates



Other Partners

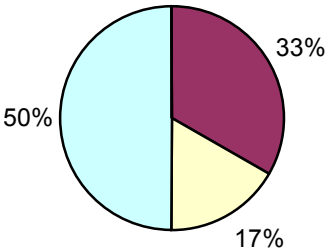


CHART 3

Attrition Rates at Respondent Firms

	Full-Time Men Attorneys	Full-Time Women Attorneys	Part-Time Women Attorneys
1/1/1996	8.6%	12.3%	13.0%
1/1/1997	8.8%	10.8%	22.0%
1/1/1998	9.4%	13.6%	23.4%
Average	8.9%	12.2%	19.5%

CHART 4

Percentage of Respondents, by Seniority, Who Received Assistance in the Development of Their Reduced-Hours Arrangement

Number of years at firm	Percentage of Respondents who received assistance	Percentage of Respondents who did not receive assistance
0-2	47.1%	52.9%
3-4	52.9%	47.1%
5-7	33.3%	66.7%
7+	36.4%	63.6%
Partner	29.4%	70.1%
TOTAL	**38.8%**	**61.2%**

CHART 5

Percentage of Respondents, by Seniority, Who Received On-going Assistance with Their Reduced-Hours Arrangement

Number of years	Percentage of Respondents who received on-going assistance	Percentage of Respondents who did not receive on-going assistance
0-2	18.2%	81.8%
3-4	25.0%	75.0%
5-7	40.0%	60.0%
7+	18.2%	81.8%
Partner	16.7%	83.3%
TOTAL	**22.0%**	**78.0%**

CHART 6

Percentage of Respondents, by Seniority, Reporting Adverse Impact on Relationships With Partners After Adopting a Reduced-Hours Arrangement

Number of years in practice	Percentage of Respondents reporting adverse impact
0-2	30.7%
3-4	33.3%
5-7	41.6%
7+	37.1%
Partners	35.3%
TOTAL	**35.8%**

CHART 7

Percentage of Respondents, by Seniority, Reporting Adverse Impact on Relationships With Associates After Adopting a Reduced-Hours Arrangement

Number of years in practice	Percentage of Respondents reporting adverse impact
0-2	34.5%
3-4	17.6%
5-7	40.0%
7+	30.3%
Partners	38.4%
TOTALS	**35.4%***

*Includes one Respondent who reported working part-time for two weeks after a maternity leave, one Respondent who worked part-time for three months after a second maternity leave, and one male partner who is working part-time due to illness.

CHART 8

Percentage of Respondents, by Type of Reduced-Hours Arrangement, Reporting Adverse Impact on Relationships with Partners or Associates After Adopting a Reduced-Hours Arrangement

Type of reduced-hours arrangement	Percentage of Respondents reporting adverse impact
Less than 60%	40.0%
60-80% / on partnership track	36.0%
60-80% / not on partnership track	45.0%
>80% / on partnership track	17.4%
>80% / not on partnership track	36.8%
Partners	43.0%
TOTAL	**35.3%***

* Excludes Respondents who did not indicate the nature of their reduced-hours arrangement and Respondents whose reduced-hours arrangements were less than six months in duration.

APPENDIX C: SURVEYS

PART-TIME WORK

LAW FIRM QUESTIONNAIRE

Employment Issues Committee of the

Women's Bar Association of Massachusetts

Name of Firm: _____

Contact at Firm: _____

	12/31/95	12/31/96	12/31/97
Number of lawyers at firm as of:			
Number of *women* lawyers at firm as of:			
Number of lawyers who left firm in the year ending:			
Number of *women* lawyers who left firm in the year ending:			
Number of *part-time** lawyers in firm as of:			
Numbers of *part-time* partners in firms as of:			
Number of *part-time, women* partners in firms as of:			
Number of *part-time, women* lawyers in firm as of:			
Number of *part-time* lawyers who left firm in the year ending:			
Number of *part-time, women* lawyers who left firm in the year ending:			

1. Please attach a copy of each of the firm's part-time policies that have been in effect since December 31, 1995 and the dates) of their adoption.

2. Does your firm address part-time work requests on an individualized basis? If yes, what role does your written policy play in the structuring of those arrangements?

* *For purposes of this survey, "part-time " means a reduced work schedule with reduced pay.*

LAWYERS AT FIRMS WHO ARE NOW WORKING OR WHO HAVE WORKED A PART-TIME* OR REDUCED SCHEDULE

Employment Issues Committee of the
Women's Bar Association of Massachusetts

1. How many years have you worked at this firm? _____

2. During how many of those years have you worked full-time? _____

3. During the period that you worked full-time, approximately how many hours (billable and total) per year did you work (give range if applicable)?

   Billable Hours _____Total Hours _____

4. What was the reason you decided to work part-time?

5. Describe your first part-time work arrangement with your firm.

6. Has your part-tune arrangement changed at any time (e.g., four days per week to three days per week)?

   Yes _____ No _____

   If yes, please describe the new arrangement(s) and the reason for the change.

7. Does your firm's policy on part-time work require a minimum number of hours or days per week? Yes _____ No _____

   If yes, what are the minimum number of hours or days per week? _____

8. During the period that you had a part-time arrangement, approximately how many hours (billable and total) per year did you work (give range if applicable)?

   Billable Hours _____ Total Hours _____

** For purposes of this survey, "part-time" means a reduced work schedule with reduced pay.*

9. During the period that you had a part-time arrangement, what was your stated target or required number of hours?

10. Has your firm's policy or practices with regard to part-time arrangements affected your decision to stay with the firm?

Yes _____ No _____

If yes, how?

11. Are you a partner? Yes _____ No _____

(a) If you are a partner and were part-time before you were made partner, did your part-time arrangement affect your road to partnership?

Yes _____ No _____

If yes, how?

(b) If you are an associate, has your part-time arrangement affected your road to partnership or do you anticipate that it will?

Yes _____ No _____

If yes, how?

12. Has your part-time arrangement affected how other members of the firm view your abilities and your commitment to the firm?

Yes _____ No _____

If yes, how?

13. Has your part-time arrangement affected your involvement with

(a) Firm committees? Yes _____ No _____

(b) Firm social events? Yes _____ No _____

If yes, how?

14. Has the quality or type of assignments you have been (or were) given changed during the period of your part-time arrangement?

Yes _____ No _____

If yes, how?

15. In what department(s) have you worked part-time?

16. Did you change departments when you went part-time?

Yes _____ No _____

If yes, from what to what? And why?

17. Has your part-time arrangement affected your sense of "belonging" to your firm?

Yes _____ No _____

If yes, how?

18. Has your part-time arrangement affected your interaction with

(a) Partners? Yes _____ No _____

If yes, how?

(b) Associates? Yes _____ No _____

If yes, how?

19 Has anyone at your firm worked with you to develop your part-time arrangement?

Yes _____ No _____

20. Does anyone at your firm meet with you on a regular basis to discuss how your part-time arrangement is working for you and/or the firm?

Yes _____ No _____

21. What long-term impact (if any) has your part-time arrangement had on your career?

22. From whom did you receive this survey?

_____ current or former employer _____ colleague

_____ WBA office _____ other

23. Are you male or female? (Circle one)

We may do follow-up interviews with some respondents. Please give us your name and number if you would be willing to be contacted.

(Optional) Name: _____ Name of Former Firm: _____

WOMEN LAWYERS WHO LEFT LARD FIRMS BETWEEN 1995-1995

Employment Issues Committee of the

Women's Bar Association of Massachusetts

1. How many years did you work at the firm? _____ What year did you leave? _____

2. During how many of those years did you work full-time? _____

3. During the period that you worked full-time, approximately how many hours (billable and total) per year did you work? (Give range if applicable)

   Billable Hours _____Total Hours _____

4. Did your firm's policy with regard to part-time* work affect your decision to leave the firm?

   Yes _____ No _____

   If yes, why?

If you had a part-time arrangement at any time while you were at your firm, complete questions 5-22; if not, skip to question 23.

5. What was the reason you decided to work part-time?

6. Describe your first part-time work arrangement with your firm.

7. Did your part-time arrangement change at any bane (e.g., four days per week to three days per week)?

   Yes _____ No _____

   If yes, please describe the new arrangements) and the reason for the change.

* *For purposes of this survey, "part-time" means a reduced work schedule with reduced pay.*

8. Did your firm's policy on part-time work require a minimum number of hours or days per week?

Yes _____ No _____

If yes, what are the minimum number of hours or days per week? _____

9. During the period that you had a part-time arrangement, approximately how many hours (billable and total) per year did you work (give range if applicable)?

Billable Hours _____Total Hours _____

10. During the period that you had a part-time arrangement, what was your stated target or required number of hours? _____

11. Did your treatment in the firm as a part-time lawyer affect your decision to leave the firm?

Yes _____ No _____

If yes, how?

12. Were you a partner? Yes _____ No _____

(a) If you were a partner and were part-time before you were made partner, did your part-time arrangement affect your road to partnership?

Yes _____ No _____

If yes, how?

(b) If you were an associate, did your part-tune arrangement affect your road to partnership or did you anticipate that it would?

Yes _____ No _____

13. Did your part-time arrangement affect how other members of the firm viewed your abilities and your commitment to the firm?

Yes _____ No _____

If yes, how?

14. Did your part-time arrangement affect your involvement with

(i) Firm committees? Yes _____ No _____

(ii) Firm social events? Yes _____ No _____

If yes, how?

15. Did the quality or type of assignments you were given change during the period of your part-time arrangement?

Yes _____ No _____

If yes, how?

16. In what department(s) did you work part-time?

17. Did you change departments when you went part-time?

Yes _____ No _____

If yes, from what to what? And why?

18. Did your part-time arrangement affect your sense of "belonging" to your firm?

Yes _____ No _____

If yes, how?

19. Did your past-tune arrangement affect your interaction with

(a) Partners? Yes _____ No _____

If yes, how?

(b) Associates? Yes _____ No _____

If yes, how?

20. Did anyone at your firm work with you to develop your part-time arrangement?

Yes _____ No _____

21. Did anyone at your firm meet with you on a regular basis to discuss how your part-time arrangement was working for you and/or the firm?

Yes _____ No _____

22. What long-term impact (if any) has your former part-time arrangement had on your career?

23. Are you practicing law? Yes _____ No _____

If yes:

(a) Where are you practicing? _____

(b) How many hours a week do you work now? _____ Is that full-time? _____

24. From whom did you receive this survey?

_____ current or former employer _____ colleague

_____ WBA office _____ other

We may do follow-up interviews with some respondents. Please give us your name and number if you would be willing to be contacted.

(Optional) Name: _____

Name of Former Firm: _____

APPENDIX D: A GUIDE FOR ATTORNEYS INTERESTED IN REDUCED-HOURS ARRANGEMENTS

Questionnaire for Interviewees

As they enter the legal profession, many women are concerned about the issue of reduced-hours arrangements at law firms where they are considering working. Surveys indicated that even more of them will become concerned about the issue as they advance through their career and assume familial responsibilities. It is important – for the applicant, for firms, and for women in general – that women law students and lateral candidates interviewing for positions with law firms make those concerns heard and obtain during the interview process the information necessary for their decision. To assist in their placement with a firm that is receptive to reduced-hours arrangements, law school students and lateral candidates should consider inquiring into some or all of the following areas during the interview process:

- Does your firm have a part-time policy?
- For what purposes can the policy be utilized, *e.g.*, child care, disability, elder care?
- What percentage of the total attorneys at your firm has a reduced-hours arrangement? What percentage of those attorneys are partners?
- What is the attrition pattern among attorneys who have had a reduced-hours arrangement? Do many part-time attorneys stay long times or is there much turnover?
- What is the compensation structure for part-time attorneys? How are benefits handled?
- What billable and non-billable hour target(s) does your firm have for part-time attorneys?
- How does the firm calculate the target(s)?
- How does your firm handle situations when a part-time attorney's hours fail to meet the target(s)?
- How does your firm handle situations when a part-time attorney's hours significantly exceed the target? For example, does the attorney receive additional compensation when exceeds the target(s)?

- What are the policies and practices of your firm with regard to the expected duration of reduced-hours arrangements?
- How many attorneys have been elected to partnership while they were in a reduced-hours arrangement? When was the last time a part-time attorney was elected to partnership while she was working part-time?
- What are the policies and practices of your firm with regard to the effect of reduced-hours arrangements on opportunities for partnership?
- Does your firm monitor the reduced-hours arrangements it has with its attorneys on an on-going basis? If so, how and how frequently?
- What specific steps does your firm take to ensure that the work assignments given to part-time attorneys are comparable to those give to their full-time counterparts (for those part-time attorneys who want that)?
- Does your firm specifically supervise and monitor the attorneys with a reduced-hour arrangement? If so, how?

Guidelines for Part-time Attorneys

The survey responses overwhelmingly indicate that flexibility – both on the part of the attorney and the part of the firm – is essential in formulating a workable part-time arrangement. Attorneys who are currently working a reduced-hour schedule, as well as those who anticipate working a reduced-hours schedule, should consider the following suggestions:

- The more you require a rigid adherence to a fixed part-time schedule each week (*e.g.*, leaving at 5:00 p.m. each day, regardless of the client's immediate needs), the greater the likelihood that the part-time schedule will have a detrimental impact on others' perception of your commitment. Attorneys who reported the most satisfaction with their arrangement were the most flexible with their day-to-day schedules. Reduced-hours arrangements can (and perhaps should) be measured over the course of a year, rather than on a week-by-week basis.

- Be direct with firm management about how your part-time status may or may not affect your willingness to participate in more challenging (and therefore usually more time-intensive) work. Communicate directly with the head of your department or firm if you wish to be considered for more time-intensive but short-lived cases or transactions; otherwise, the assumption may be that you do not want such assignments and you will not be provided the opportunity to work on them.

- When you establish your arrangement, ask if you can get regular (*e.g.*, twice per year) "check-ups" on how your part-time work is working out for you and the firm. Put effort into making sure that those "check-ups" happen.

- Attend occasional professional functions and continuing education programs. Take time to socialize within and outside your firm. Often, one of the first things to be cut from a part-time schedule is the time spent on professional development. Doing this may lead you to feel isolated within your firm and within the profession. While this may solve a short-term issue, it undercuts your ability to succeed long-term within the firm. A lack of professional involvement can stymie your ability to build vital relationships with colleagues, with peers in the community, and with prospective business contacts.

- If financially feasible, invest in full-time childcare (whatever type you prefer) or ensure that you have the ability to get childcare on short notice, especially if you are on a schedule requiring you to bill 80% to 90% of the ordinary yearly target. This "back-up" allows for greater flexibility when work emergencies arise; even when they do not, it provides you the opportunity to enjoy some time perhaps either alone with one child or to run errands on the day out of the office, all of which can make your part-time arrangement more manageable.

- If you are out of the office a day or more a week, consider designating a day other than Friday as your day off. Others tend to miss you less on other days of the week, and Friday is a very common day for deadlines.

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