WORK LIFE BALANCE AND THE ECONOMIC CRISIS: IS WORK-LIFE BALANCE DEAD?

-WHAT DO FIRMS WANT

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ABA

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MUST BALANCE BE ABANDONED TO THE PURSUIT OF RAINMAKING?

Upswing Economic Climate

Interviewer: Okay, so you have no work experience, no personality, no demonstrated way to make rain....any comments?

Prospective Lawyer: You haven’t mentioned salary....!

Present Economic Climate:

Lawyer-Candidate: I’ve heard your firm cares about its people and has a great work-life environment

Interviewer: Yes, how much do you want to pay us for the experience here?

In the present challenging environment, rather than searching for abstract answers to questions, the better approach is to see what successful lawyers are doing and how their habits may be emulated. For purposes of this work-life balance topic, “Successful Lawyers” refers to those who are able to navigate between maintaining clients, developing new clients, and having a healthy private life.

As a partner in a firm with over 450 lawyers, we are presented with all types of reports to show the productivity of our existing lawyers. That productivity is measured in the form of total hours worked on billable matters, total non-billable hours, gross receipts and AR’s. The issues surrounding these statistics are simple: Are the attorneys productive enough? Implicit in the concept of “productive enough” is a bias. It is a bias that more billable hours are a good thing and thus productivity is directly reflected in those numbers. While this has been a traditional approach and this ideas hangs on with many lawyers, it is changing and has been over the last 10 years.

Many firms have worked out alternate enforcement arrangements and tiered levels of participation within the firm.

For example, some lawyers may not desire a traditional partnership track and want more free time.

Some may wish to pursue the partnership track and sacrifice on the personal front. The “third leg” of these tracks is rainmaking. While rainmaking has always been a desirable trait, some believe it can be marginalized by more developed specialties creating a more exclusive posture. This leads to more business referrals and is seemingly a form of rainmaking.
However, at middle market levels, especially in today’s environment, networking/rainmaking/marketing are all a constant expectation. The old distinctions between “finders, minders, and grinders” have broken down.

In our environment, we look for marketing activities of lawyers, as a centerpiece to their development, importance of how a lawyer wants to divide work and personal activities.

If a lawyer wishes to be on a partnership track, business development will be examined and viewed for effectiveness.

If a lawyer wishes more personal time, the best way to support that choice is to have a definite marketing plan in place. In this way a lawyer may demonstrate value that can be easily incorporated into the lawyer’s routine without sacrificing an inordinate amount of time that might create an imbalance.

The best thing in marketing is that it is flexible and can match a lawyer’s personal strengths, the Firm’s strengths, the lawyer’s schedule and the lawyer’s personal interests.

Example of effective marketing include:

1) Targeting prospective clients and matching their needs to what the firm has to offer;

2) Arranging well planned lunches with firm members and clients/prospective clients matching needs and skills;

3) Participating in events that match personal interests but are also designed for client development;

4) Participation as speaker/writer in Bar or industry events designed for targeted audiences;

5) Formation of a blog or creation of a newsletter;

6) And whatever else matches the skills and available time commitment of the lawyer.

The key is having a demonstrated plan of marketing action that can be easily communicated and carried out.

Marketing activities can be easily planned and molded to the lawyer’s available time.

When interviewing candidates we look to the marketing history and future plans of the candidate. In this way, the candidate can demonstrate value that will offset the lost potential revenue of a work life move that may impact a hiring decision.

In challenging times a firm that is struggling to maintain revenue will clearly be looking to new and existing lawyers for productivity.
A lawyer wishing to maintain a work life balance must create value in order to support the balance, particularly in a downsizing environment, the lawyer's flexible skills and effective marketing strategies will give the lawyer more value to the firm and ideally avoid the abandonment of work life balance in favor of keeping the position with the firm. If downsizing lead to layoffs, the lawyer's marketing plan will likely be scrutinized by a new firm considering the lawyer for employment.

These comments assume that the lawyer recognizes and adapts the lawyer's marketing strategy based on changing economic times. The lawyer who can demonstrate a proven marketing method will be given more deference on personal billing requirements. This is not universal as some firms have a strict adherence to minimum billing rates and minimum marketing activities. However, this is changing as a modern firm recognizes the utility of flexibility in achieving a stable and satisfying work force of lawyers.

The take away of the above is as follows:

1. If you are a lawyer in a firm that is downsizing:
   a. Identify what skills you can develop to make you more marketable in an area that is growing despite the downsizing.
   b. Prioritize your marketing strategies that will accelerate new business. For example, an article written in a publication may yield results but not for a long time. A one on one lunch where you include another partner or associate to display additional firm skills, will yield a better and quicker return.

2. If you find yourself already downsized and looking for a new position:
   a. Make sure you carefully determine and communicate your work life balance expectations during the interview process. Add to this your complimentary marketing capabilities to demonstrate there will be no offset in total productivity because of work life balance considerations. The worst thing to do is to discuss your commitments in a manner that is misleading. The obvious problem is that it leads to disappointments later as work life balance issues are communicated after the hiring process. I know it is difficult. There is that temptation to oversell in the beginning and cut back later. Resist that temptation as it will only lead to more dissatisfaction and jeopardize the new found position.

In summary, downturns in economic times do not automatically translate to an abandonment of a work life balance. Obviously, adjustments are made based on individual circumstances. However, the modern law firm recognizes the lawyers expectations of balance and will make this a factor in the hiring and retention equation. However, it is the lawyer's responsibility to make sure that the expectations are communicated so that accommodations can be made and adjustments to scheduling and other lawyers' expectations of availability.

Firms are doing a better job of communicating the ability of flex schedules but has not quite worked out how this will translate into compensation and related firm benefits. Much of this development will necessarily be determined by a variety of factors including the firm's reputation, age, general reputation and the profitability of each practice area.
In a phrase, a lawyer who stresses work life balance issues with the firm should have clear and distinct ideas on what that means and how the lawyer intends to balance the firm's business needs against the lawyers personal wishes.

"You seem to know something about law. I like that in an attorney."

"...but did you study business development in law school?"