



Report Of The New Jersey State Bar Association's Work-Life Balance Task Force

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**Submitted by the
NJSBA Work-Life Balance Task Force:**

Kathleen N. Fennelly, Esq. co-chair

David Jay, Esq., co-chair

Christine A. Amalfe, Esq.

Laura M. D'Orsi, Esq.

Garineh Dovletian, Esq.

Mitzy Galis Menendez, Esq.

Grace Park, Esq.

Hon. Lisa Perez-Friscia

Rebecca Rakoski, Esq.

Aaron Van Nostrand, Esq.

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Introduction

The New Jersey State Bar Association's Work-Life Balance Task Force was formed in May 2008 by then outgoing NJSBA President Lynn Fontaine Newsome and then incoming NJSBA President Peggy Sheahan Knee. This marked the first time the Association would have back to back woman presidents. Both women felt strongly about encouraging family friendly workplace policies, not just for women, but for lawyers generally, and about encouraging younger lawyers to thrive in the profession instead of "opting out."

The Task Force was charged with developing recommendations for work-life balance initiatives within the bar association, model policies for law firms, and suggestions for the legal profession generally to assist lawyers in developing their professional careers without sacrificing their personal lives.

Task Force members reviewed reports on the topic from other organizations, such as the Report of the New York State Bar Association's Special Committee on Balanced Lives in the Law and the Project Report from the Opt-In Project, the Women's Bar Association of the District of Columbia Report entitled, "Creating Pathways to Success." The Task Force also collected and reviewed a wide variety of newspaper and magazine articles, including Working Mom's Top Law Firms.

The Task Force held two in-person forums, which were open to all lawyers. The forums were attended by a cross-section of attorneys – from private practice in large, mid-size and smaller firms, solo practitioners, lawyers who had "opted out" and were seeking to get "back in," corporate counsel and government attorneys. Management and associates were both represented at the forums.

A special e-mail address was established – balance@njsba.com – to enable anyone who could not attend the in-person forums to provide the Task Force with comments, questions and other information.

As the Task Force collected information and spoke with many people from diverse backgrounds, it became obvious that a single set of model policies could not be fashioned to fit all employers and all situations. Every situation presents unique issues and considerations for both the employer and the individual employee. Therefore, this report attempts to identify and discuss several issues relating to work-life balance that should be considered when establishing work-life balance policies, whether formal or informal.

In the end, the Task Force concluded that achieving work-life balance in the legal profession is possible, but only when both the employer and employee are committed to the arrangement's success. Furthermore, achieving such balance is not a "one size fits all" proposal, but must be tailored to meet the particular needs of those involved at the time. The concept is also an evolving one, so that all of the participants must be flexible and open-minded. Finally, the Task Force found that the NJSBA can play a vital role in assisting members with work-life balance issues by acting as a conduit and resource for information, support and continuing dialogue.

This report attempts to summarize the information collected by the Task Force, and provide insight and guidance for both employers looking to maximize their ability to hire and retain the best and the brightest attorneys, and for attorneys attempting to pursue a satisfying professional legal career while maintaining some semblance of a personal life as well. This report is not the last word on this issue. It builds on the work of the NJSBA's Alternative Work Arrangements Committee from over ten years ago, and encourages the NJSBA and the entire legal community to continue to work on work-life balance issues for the betterment of the profession as a whole.

I. Work-Life Balance – Still a Relevant Issue?

Issues surrounding work-life balance, particularly in the legal profession, have been discussed on and off for at least the past two decades. Indeed, the New Jersey State Bar Association examined the issue in depth in a Quality of Life Survey commissioned in 1990 by then NJSBA President Alan Pogarsky. In the early 1990s, a special Committee on Alternative Work Arrangements was formed to examine the issues as well, resulting in the Board of Trustees adopting a series of recommendations presented by the Committee in 1993. The Association's Women in the Profession Section has worked to keep the NJSBA community abreast on evolving work-life balance issues, and organizations such as the New Jersey Women Lawyers Association have been formed to focus on such issues, particularly as they pertain to women attorneys. Most recently, at the 2007 NJSBA Annual Meeting a key program focused on the issue and brought together attorneys and commentators to discuss recent trends surrounding work-life balance.

Why, then, should the NJSBA be so concerned about work-life balance issues to form a special Task Force to study the issues for a full year and make a report to the Board at this point? Hasn't the topic been discussed ad nauseum?

Actually, quite the contrary is true. Lisa Belkin, a popular New York Times journalist, began the conversation anew with a New York Times Magazine article in 2003 entitled, "The Opt-Out Revolution," in which she theorized that women were redefining the traditional definition of success, which focused so much on money and power. Ms. Belkin claimed that women instead were beginning to describe success by using words like satisfaction, balance and sanity. That article began an avalanche of similar articles and led to publicity about studies chronicling highly educated, bright women who had achieved high levels of success in the workplace and then, mid-way through their professional careers, "opted out."

Statistics show that girls today outperform boys academically from the first day of school, through elementary school, high school and into college, and are more apt to be involved in school activities. Louise Story, another New York Times writer, surmised in an article "Many Women at Colleges Set Career Path to Motherhood" that at Yale and other top colleges, women are being groomed to move easily into leadership roles on an equal basis with their male classmates. But a study of various Yale alumni classes consistently showed that by the time the graduates reached their forties, the percentage of women still working was far less than that of men. A similar study of Harvard Business School graduates found that, by the time women graduates reached their mid to late thirties, 31 percent of them were working only part time or on a contractual basis, while another 31 percent were not working at all.

The legal profession has not been left out of this loop. According to the research, the average law school graduating class tends to be evenly split between men and women, and the number of first-year associates at major law firms is similarly proportional. Many women, however, leave the practice of law as they begin to climb into the upper tiers. Beginning in the fourth or fifth years, women depart in greater numbers than men, leaving fewer of them in the partnership pool. It is difficult to ascertain if that is because of women attorneys dropping out of the legal profession completely, taking alternative career paths, or just settling for something less. The

Task Force, however, found that even some of its own members had opted out of the profession for a period of time because of increased time demands and the inability to do everything all at once. Forum attendees and e-mail writers also spoke of leaving the profession themselves or knowing at least one or more individuals from law school who had done so.

Work-life balance is no longer just a women's issue, however. The issue impacts male and female attorneys with child care, elder care and other family and personal issues. Although the information is still more anecdotal than empirical, men -- particularly gen-y men -- are expressing high levels of dissatisfaction and often leaving the profession, especially during the first 10 years of practice. While women have long been the catalysts for change, men in growing numbers are joining the work-life balance debate.

In addition, male and female law school graduates are beginning to cite work-life balance policies as a factor in their employment decision making process. Article after article in legal periodicals note an increasing demand, by men and women alike, for lifestyle considerations due to growing generational concerns about traditional work arrangements. Most recently, a New Jersey Law Journal article reported that top law school graduates were banding together to establish a website to grade law firms on their lifestyle policies which could be used by students in determining where to seek work after law school.

Law firms, too, have recognized the problem of unwanted attrition in the legal profession. Twenty-three of the nation's leading law firms have joined together to form the Project for Attorney Retention to promote work-life balance and the advancement of women in the profession.

With all of this evidence, it is clear that work-life balance is indeed still a relevant issue. Bright, young attorneys should not be forced to "opt-out" of the profession because of legal employers' inability to provide adequate mechanisms to permit a reasonable balance between professional and personal time demands. There should be other avenues available for these attorneys to pursue challenging, satisfying careers without sacrificing a family life.

And for those that do "opt-out," there should be a clear path to re-entry. Many forum attendees noted frustration at their attempts to opt back in. Attorneys should not have to start back at square one upon re-entry, both in regard to financial considerations and recognition. There should be a mechanism to provide recognition for previous "years served," especially in peer programs such as serving on an early settlement panel, which requires a certain number of years' experience.

The Task Force believes that work-life balance issues continue to be relevant and should be at the forefront of any conversation about the future of the legal profession. Rather than being passé, in order for the legal profession to thrive, it is vital that such issues continue to be discussed and debated and that the practice of law continues to evolve.

II. The Business Case for Work Life Balance

In light of the above discussion, any firm that wants to employ the best talent must not only attract, but also retain and develop lawyers beyond their first four or five years of practice.

The loss of continuity and productivity when an attorney leaves a firm and her entire caseload must be transferred to other attorneys is damaging to the firm's overall operation, client service, and the bottom line. Years of training and valuable investment are lost in the process. Analysts consistently recognize that an unwanted departure by a mid to senior level associate results in substantial loss to a firm's bottom line, with conservative estimates putting that loss in the \$200,000 range and some estimating the loss as high as \$600,000 per associate. The lack of work life balance or family friendly policies is often cited as a contributing factor in such departures.

At the same time, in this challenging economic environment with law firms competing for valued clients, companies specifically seek out and exceptionally value service providers with a diverse workforce that includes women at all levels, both because they themselves increasingly have women in key decision-making positions and because diversity of viewpoints leads to the best possible work product. The business world is no longer an "old boys' club," as client companies often have women making decisions about which service providers to choose. At one of the Task Force forums, an in-house attorney noted that, when looking for outside counsel, she specifically seeks firms with attorneys that resemble the potential jury pool and not the country club pool.

Companies have launched initiatives demanding better diversity initiatives from their vendor law firms. The "Call to Action" and other company based initiatives are only the latest efforts by corporate America to diversify their vendor relationships. Such pressure by purchasing companies has put increased emphasis on the need for law firms to do a better job in retaining and promoting women and minorities. Law firms are now attempting to answer the call.

There have been numerous successful programs established to help women attorneys balance their work and personal lives. For example, many firms have adopted reduced hours policies. Under these policies, an attorney can opt to return to work on a reduced hours basis, sometimes 60, 75, or 80 percent. The successful policies do not affect an attorney's ability to be promoted and make sure that the attorney who works more than the requisite hours because of client demands is compensated for such extra work. While it may take longer, a reduced hours associate should not automatically be taken off partnership track.

Emergency child care programs have been shown to be an effective way to ease the stress and anxiety often associated with the difficulties of work life balance. Many law firms pay a large percentage of the costs associated with this service, and have made arrangements for such services in close proximity to the firm's office location. Thus, a breakdown in child care does not require the attorney to choose between family and work.

Law firms also have used technology initiatives to help attorneys achieve work/life balance by affording attorneys the flexibility to work remotely as necessary. Many firms now allow

attorneys to connect seamlessly to the firm's network and all other technology capabilities, whether they are in courthouses, client meetings, or home offices. Others allow employees to have calls automatically forwarded to their mobile phones, PDAs, home phones, or even other locations. Firms have outfitted attorneys with laptops, or with the appropriate software for their home desktop computers, to enable remote access to the firm's entire network, replicating the employee's office desktop at home. These technology initiatives allow for increased client communications, with attorneys being reachable from a variety of locations.

Work-life balance initiatives allow firms to obtain a competitive advantage by helping law firms increase the number of women partners, as well as the number of women in executive management and leadership roles. The programs also help provide opportunities to all attorneys who are balancing their work and family lives by designing and recommending policies and platforms that keep talented attorneys actively engaged in the practice while also handling their many personal responsibilities. Work-life balance and women's initiatives within law firms also can work to nurture and expand client relationships and provide an outlet for relationships separate and distinct from the legal matters attorneys undertake for clients.

The most convincing evidence of the success of work-life balance programs and diversity initiatives is the impact on the firm's bottom line; there is no better measure of success within a law firm. Successful law firms in this area, including several in New Jersey, have reported that millions of dollars in business each year are directly attributable to their women's initiative and/or diversity or work-life balance programs. No matter how large or small the firm, creating a program to help all attorneys rise through the ranks from associate to rainmaker can greatly assist the firm in achieving its long term goals.

Firms that have decided to proactively address work-life balance concerns have seen a resulting increase in the diversity of their workforce, a decrease in the unwanted losses of lawyers along the way to partnership, and an increase to bottom line revenues and profits. Attracting the best talent, retaining the best lawyers, and ensuring that all lawyers, including women lawyers, grow and prosper within the law firm makes excellent business sense.

III. Adopting and Implementing a Policy that Works – Some Considerations

As of 2007, nearly all law offices included in the NALP Directory of Legal Employers, 98 percent, allowed part-time schedules, either as an affirmative policy or on a case-by-case basis. *2007-2008 NALP Directory of Legal Employers*. Although work-life balance policies are not one-size-fits-all, this section of the Task Force Report attempts to provide general guidance to legal employers of all shapes and sizes in drafting flexible work policies that adequately meet the wants and needs of both the employer and the employee.

A. Types of Flexible Work Arrangements

In general, flexible work arrangements are arrangements that allow an attorney to work less than full-time hours or outside of a traditional office setting. For purposes of this Report, “flex-time” refers to attorneys working full-time hours with flexibility built into their schedule as to when or where they work. “Reduced hours” refers to an arrangement where an attorney works fewer hours than full-time. Both types of arrangements fall within the general phrase “flexible work arrangement.” There are no boundaries on the creativity of flexible work arrangements as long as they are practical, fair, and mutually address the needs of both the individual attorney and law firm.

B. Formal Written Policies Versus Informal Policies

Although most firms have implemented some type of flexible work policy, some firms have not memorialized the policy in writing and others have adopted a written policy to evaluate each request on a case-by-case basis. Informal or ad hoc policies enable firms to customize each arrangement based upon the attorney’s unique circumstances.

Forum attendees expressed varying viewpoints on the value of having formal written flex-time policies as well as the optimum level of detail in any such policy. The prevailing view is that the complete absence of an explicit statement of the firm’s expectations and clear guidance of the process can lead to confusion and frustration among firm attorneys arising from ad hoc decisions. In general, firms should adopt a clear written policy that at least sets forth the firm’s general approach to flexible work arrangements. A written policy enables those considering flexible work arrangements to understand the eligibility criteria, their obligations, and the impact on salary and advancement.

In terms of the level of detail and flexibility that should be built into such policies, again, one size does not fit all. The policy should be specific enough to apprise attorneys of the firm’s approach but may allow for flexibility to meet individual needs. The size of the firm also may factor into the level of detail the firm feels is appropriate. Smaller firms may not need a detailed written policy if the supervising attorneys effectively communicate the firm’s philosophy on alternative work arrangements and the firm culture embraces flexibility. Some larger firms may seek to more thoroughly define their policies to avoid the appearance of disparate treatment among attorneys seeking flexible work arrangements. Others may favor leaving their policies

vague to enable them to deal with unique, individual situation on a case-by-case basis. Both approaches have certain benefits.

C. Suggested Considerations for a Policy

1) Eligibility criteria

First, the firm should identify the criteria it will apply in determining eligibility for a flexible work arrangement. For example, who within the firm is eligible for a flexible work arrangement? Will the arrangement be available to partners? Associates? Staff?

Additionally, the firm should consider whether it will offer flexible work arrangements to all attorneys, regardless of the reason. Raising children is probably the most commonly expressed reason for using alternative work arrangements. Other reasons include caring for elderly parents, medical reasons, educational advancement, teaching, and other professional and personal pursuits.

Limiting the availability of a flexible arrangement may raise a number of issues. Limitations based on gender, for example, may expose the firm to claims of sex discrimination. Additionally, limitations have the potential for creating ill will among attorneys desiring a flexible arrangement for other reasons. Requiring the requesting attorney to provide an explanation also puts the firm in the awkward position of having to judge the validity of the reason. Ultimately, if the firm's goal is attorney retention, then the reason for the request may not matter. Rather, the evaluation should turn upon whether the proposed arrangement furthers the interests of both the firm and the individual.

Another consideration is whether to impose a minimum seniority requirement, either based on number of years practicing or employment by the firm. A minimum requirement may help ensure that the attorney acquires sufficient legal training and development before undertaking a flexible work arrangement. Conversely, such a threshold may hinder recruitment and arbitrarily preclude hiring otherwise qualified candidates.

Other factors the firm may consider include: the needs of the firm and its clients; any burdens imposed on the attorney's co-workers; the attorney's performance evaluations; and the level of flexibility that the attorney is able or willing to demonstrate.

The firm should delineate all relevant eligibility criteria in its written policy.

2) Expectations and Responsibilities

The policy should clearly identify the firm's expectations of attorneys on a flexible work arrangement. If the firm has billable and non-billable requirements, the policy should clearly define what the proportionate requirements are for flexible work arrangements. If the firm expects full-time attorneys to devote time to professional development and pro bono activities, the policy should state whether and how those standards apply to flexible work arrangements. A

flexible work arrangement should not discourage attorneys from engaging in marketing and civic activities, as they are essential to an attorney's professional development.

The policy also should memorialize the firm's expectation regarding the attorney's availability. For example, the policy may require the attorney to keep consistent and predictable hours. Additionally, the firm may expect the attorney to communicate regularly with co-workers and clients. The policy should expressly state the firm's need for attorneys to demonstrate flexibility to accommodate unexpected demands of their time. In turn, however, the firm should respect the parameters of the flexible work arrangement and support the proper functioning of the arrangement.

3) Compensation and Benefits

The written policy should clearly state the method that will be used to determine compensation for reduced-schedule attorneys. Many firms simply pay an amount proportionate to an attorney's full-time colleagues and by using a pro rata reduction. For example, if an attorney works 80 percent of a full-time schedule, the attorney would receive 80 percent of a full-time salary. Attorneys seeking reduced hours schedules must recognize, however, that an attorney working a reduced schedule may be less profitable to the firm than a full-time attorney because certain elements of fixed overhead cannot be proportionally reduced to suit the reduced schedule. For example, an attorney working a 70% schedule generates 70% of the revenue, but costs attributable to that attorney such as health insurance and malpractice premiums, secretarial assistance, and office space may be the same as for a full-time attorney. Thus, a reduced hours attorney may be less profitable if his or her compensation is not adjusted accordingly. Firms should explain in their reduced hours policies how and when such factors will play into compensation. Compensation packages should be structured in a manner that is mutually beneficial for the attorney and the firm.

Firms should also address bonuses in their policies. Bonuses based on billable hours should be considered on a proportionate basis (again taking account for fixed overhead where necessary). Additionally, the firm should consider paying full bonuses based on criteria other than billable hours, such as business origination. Reduced hours attorneys who bring business into the firm should not necessarily be compensated differently on that business than their full-time counterparts.

When reduced-schedule attorneys work more hours than required under the arrangement, the firm should compensate them. Additional hours worked may be a sign of schedule creep, which prevents the reduced hours attorney from realizing the benefits of his or her flexible schedule. Firms should recognize the additional work through a supplemental bonus or by giving the attorney additional time off to compensate them for the extra time worked. Firms should also provide at least a proportionate share of vacation time.

4) Eligibility for Advancement

Firms should continue to encourage professional development and growth for attorneys working alternative schedules. Providing flex-time and reduced-schedule attorneys with advancement opportunities is beneficial not only to the individual attorney but to the firm as well. The firm may potentially benefit from reduced attrition and increased diversity in its partnership ranks.

An alternative work arrangement should not alter the evaluation process or the advancement criteria applied. Nevertheless, attorneys working a reduced schedule may not be eligible for consideration contemporaneously with full-time colleagues of the same class. Depending upon the proportion of hours worked, the reduced-schedule attorney may be subject to an extended partnership track. At minimum, firms should not automatically exclude flex-time and reduced-hours attorneys from partnership consideration.

D. Implementation of the Policy

Although adopting a good policy is a necessary first step, implementing the policy plays a large role in the success of flexible work arrangements. To have a successful policy, firms must embrace a culture of acceptance, beginning from the highest level of management through the associate ranks. A written policy will have little value if attorneys feel that requesting a flexible arrangement will effectively end their career at the firm.

Some firms have appointed advisors to oversee flexible arrangement policies. This is an approach that may be feasible and advisable for medium to large-sized firms. The advisor plays a key role in the policy's success by serving as a liaison between the attorneys seeking or working flexible arrangements and supervising shareholders. The advisor could serve as a contact for requests and make recommendations regarding approval, denial or modification of flex-time or reduced-hour proposals. The advisor could also troubleshoot issues as they arise and regularly monitor assignments, hours and opportunities for professional development and exposure.

In implementing a policy, firms also should consider whether to limit the duration of the arrangement. In lieu of designating an arbitrary durational limit, a better practice may be to periodically review the arrangement to evaluate its success. At that time, the parties can make adjustments to the arrangement as necessary to further its effectiveness.

Law firms also must finally embrace the fact that "face time" is counterproductive. "Face time" refers to the pressure attorneys feel to be in the office when they do not need to be there for the purpose of performing work. Face time breeds dissatisfaction and contempt. Lawyers work long hours to begin with. Younger lawyers, in particular, often feel the need to be present when their supervising partners are present. Yet an associate's schedule need not match his or her boss's schedule for the associate to be efficient and effective. With today's technology, an attorney can readily be reached by cell phone or email at all times. The attorney need not be sitting in his or her office to be accessible.

Affording attorneys the flexibility to attend to personal and family obligations as needed is a win-win. An attorney who is empowered by his or her law firm to pick up a child at school, take the child to a doctor appointment, or attend a dance recital or little league game usually will go the extra mile to make sure assignments are timely completed and -- in the long run -- will demonstrate greater loyalty to the firm. Attorneys who take advantage of flex-time arrangements often put in extra hours in the early morning, at night, or on the weekends to ensure that client obligations are met. When firms and lawyers operate in such a give and take manner, the traditional bitter "us v. them" mentality can be avoided, and associates typically will be happier, more efficient, and more loyal.

To successfully implement flexible arrangements, supervising attorneys also must recognize that not every situation is an emergency. Reduced and flexible schedules should be respected to the greatest extent possible. Of course, on the other hand, the flex-time attorney must then recognize that he or she must be available when a true emergent matter arises.

Any successful work-life balance program must have management commitment and support. The importance of the business strategy must be reinforced continuously because results are not apparent over night. Successful programs can take months or years to bear fruit and the benefits of a successful program, while significant, are not easily quantified.

IV. Judicial Impact on Work-Life Balance

The Task Force understands that a lawyer's ability to attain an appropriate work-life balance is not solely within the control of the lawyer or his or her firm. Indeed, a lawyer's schedule is often dictated by third parties, such as judges and clients. The Task Force investigated and explored during the forums the impact that the judiciary can have on work-life balance issues.

The primary issues that members of the bar raised at the Task Force forums were judicial treatment of adjournment requests for family and child care commitments and extended court days, i.e., beginning the court day earlier or ending later than customary. The New Jersey judiciary has not adopted any specific guidelines addressing these issues.

As to the first issue, there is no court rule addressing adjournments. For the most part, attorneys who attended the forums indicated that the New Jersey judiciary has been receptive of adjournments for family reasons, especially with the consent of the adversary. Several attendees related anecdotes of particular judges showing significant compassion and understanding for work-life balance issues, and, for the most part, the judiciary is receiving high grades from practicing attorneys in this regard. A handful of members related isolated experiences in which judges were not accommodating of adjournment requests, but it does not appear that such an attitude is widespread in the judiciary.

There appears to be a greater disparity in the attitudes of members of the judiciary concerning the length and schedule of the "court day." As it stands, some judges begin their court day at 8:30 while others do so at 9:00. Similarly, some judges adjourn at 4:00 or 4:30 while other may stay past 5:00. Unplanned extensions of the court day can pose substantial dilemmas for practicing attorneys, many of whom have family and child care commitments that require some degree of certainty in the attorney's schedule. For example, a child care center may close at a certain time, thus requiring an attorney to leave court in sufficient time to pick up his or her child. Unexpected extensions of the court day may lead to an attorney missing family events or to a child being stranded at, for example, soccer practice without a ride home. The disparity among judges with respect to the length and schedule of the court day makes it difficult for members of the bar to schedule their family commitments so that they dovetail with their court appearances. Attendees at the forums suggested that judges be mindful that attorneys may have family commitments outside the "normal" court hours when conducting proceedings, as well as being accommodating to adjournment requests from attorneys when such issues arise during afternoon court sessions.

Some forum attendees expressed a desire for uniformity in the court day. Certain county bar association and the NJSBA previously supported the adoption of a "uniform court day" throughout the State. In 2004, the NJSBA General Council adopted a resolution supporting adoption of a uniform court day of 9:00 to 4:00 with a lunch break between 12:30 and 1:30, except "upon special circumstances, upon advance notice, and upon consent of appearing counsel." The resolution recognized that "practicing attorneys have numerous and other professional and personal commitments including child care arrangements, family obligations and have the right to enjoy a reasonable standard of 'quality of life' and professionalism" and

“the inappropriate extension of court hours negatively impacts upon all of the above, including the ‘quality of life’ of lawyers.” The General Council resolved that the NJSBA endorse “the principles that uniform court hours will result in an improved ‘quality of life’ for practicing lawyers.” The resolution was presented to the Supreme Court but was rejected. In the absence of such a uniform rule, attorneys must rely upon judges’ fairness and good judgment, which may be an imperfect solution, but one that seems to be getting a reasonably positive response from the bar in recent years.

V. Bar Association Activities and Work-Life Balance – Not so Perfect Together?

“When you’re really trying to juggle life, to me, unfortunately, one of the first things to go is your community service, your bar activities.”

This thought was echoed by many attendees at one of the Task Force forums. While bar association involvement is important, the reality is that meeting billable hour requirements, picking kids up from school, visiting sick/elderly parents or focusing on client service all take precedence. There are many actions a bar association can take, however, to encourage involvement of even the most pressed-for-time attorneys, to make it easier for such attorneys to participate, and to provide services that attorneys with young children or relatives that need special care would appreciate and find useful.

Scheduling Meetings and Programs

In-person meetings are difficult, especially if they are far away from one’s office or home and if they are scheduled in the evening. Those evening hours represent precious “family time.” Scheduling meetings at the beginning of the work day (but after school drop-off times) seemed to be preferable to most of those who attended the Task Force forums. Conference call meetings were also popular, but again, as long as they are scheduled at the right time. The Task Force itself scheduled its meetings by conference call during lunch time. This way, even if members were in court, they could participate by cell phone during a lunch break.

Having 2 or 3 choices of a meeting or program date makes it easier to be able to participate as well. Forum attendees commented favorably on the choices offered by the Task Force for forum attendance – both because they offered different dates and different locations, which permitted attendees to have a choice about what worked best for them.

Recognition

Bar associations should encourage law firms to recognize the importance of bar activities, not just focus on convincing individual attorneys of the advantages of bar participation. An ideal law firm policy would provide for some credit toward billable hour requirements for bar association activities. Recognizing that will not always be possible, forum attendees noted that participation might be easier if there was at least some recognition given by law firms to an individual’s bar association work. In evaluating an attorney’s overall work performance, bar association activity should count for something.

Participation in substantive programming that carries CLE credit or some other tangible business benefit is an easier “sell” to law firm employers as well. It is easier to argue that such participation is beneficial and should be encouraged by the employer even if it does take away from billable hours or client time. Therefore, bar associations should structure their programming accordingly.

Resources

Forum attendees noted a number of areas where a bar association could provide much-needed resources, as follows:

1. Provide information on law firm/governmental agency policies relating to part-time, reduced hour or other flexible work arrangements.
2. Provide a list of facilities/nanny agencies that provide last-minute emergency child care for days when a child is sick and cannot go to their normal school or child care activity, but the attorney is still expected to be in court or at a deposition or doing some other business-related function.
3. Provide information on exploring and obtaining adult day care services.
4. Provide advice on how to “sell” oneself to a law firm when seeking an alternative work arrangement situation.
5. Establish support groups or networking groups for individuals to share information about seeking, obtaining and managing flexible work arrangements.
6. Facilitate a mentoring program where less experienced attorneys can be paired with more experienced attorneys who can serve as mentors, role models, confidantes and counselors.
7. Hold programs for law students focusing on the realistic demands of the legal profession and the unique needs or flexibility of specific practice areas.
8. Provide access for members to a network of small or solo practitioners willing and able to “cover” for another small or solo practitioner in emergency situations.
9. Offer programs or online resources about practice management techniques, efficient use of technology and time and stress management tips to help attorneys make the most of their time.

Keeping the Issue in the Forefront

Perhaps the greatest action a bar association can take to have an across-the-board impact in the area of work-life balance is to constantly keep the issue on the front burner as a hot topic of conversation. The more a bar association encourages members of the legal profession to think about work-life balance policies and initiatives, the more programs on the subject it sponsors, the more articles on the subject it publishes, the more likely that such initiatives will become commonplace. While some may say that work-life balance has been discussed and analyzed ad nauseum, the reality is that a new generation of lawyers face the same issues every year, and while the topic may have been talked about, the frustrations still persist. The bar association is in a unique role to continually educate law firm management and new associates about options, considerations and, hopefully, to work towards solutions.

Conclusion

Based on the foregoing, it is apparent that work-life balance issues are indeed still prevalent in today's legal profession – perhaps even more so today than ever before. It is important that legal employers, including law firms, corporations and government agencies, consider work-life balance issues when establishing workplace policies in order to attract and keep the best and brightest attorneys. It is equally important for employees to have a realistic view of the accommodations an employer can make, and remember that ultimately, the needs of the client and the legal employer's ability to service those client needs must be considered in the work-life balance equation. Finally, it is important for the bar association continue to highlight work-life balance issues in its programming and in the resources it makes available to members. The Task Force hopes that this report provides useful information to legal employers, employees and bar association leaders to help make the pursuit of work-life balance a little easier for the betterment of the profession as a whole.

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Veritext
National Deposition and Litigation Services
25B Vreeland Road, Suite 301
Florham Park, NJ 07932
P: 973.410.4040
F: 973.410.1313
www.veritext.com

Depolink Court Reporting & Litigation Support Services
One Cape May Street
Harrison, New Jersey 07029
P: 973.353.9880
F: 973.353.9445
www.depolinklegal.com

Greenberg Traurig, LLP
200 Park Avenue, Box 677
Florham Park, NJ 07932

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