

Women Flex into Success

Contrary to Fears, Flextime Isn't Risky Business. It Can Be a Smart Option for Lawyers and Employers.

By G.M. Filisko

If your dream job involves a flexible schedule, have no fear. With smart planning, responsiveness, and a commitment to business and professional development, you can achieve your career goals. This is the message from accomplished lawyers who worked a flexible schedule as they made their way up the ladder.

"I had a conversation with one of our associates after she had her first child, and she was figuring out what was going to work for her," recalls Ziporah Edwards, a member at Horack, Talley, Pharr & Lowndes, P.A., in Charlotte, North Carolina, and cochair of its litigation practice group. "She was concerned that if she were to reduce her hours, would that make her seem less serious or maybe not as capable as other lawyers and so partners shouldn't continue to give her the same work? I felt very comfortable reassuring her that wasn't going to be an issue."

That's because a decade earlier Edwards had the same internal conversation about whether to flex her workload. "I was worried I was going to be told no," she says. "And, of

course, I thought, 'If I do this, am I not going to be progressing at the same rate as other people who started the same year I did?' But it was more of a priority for me to have the time at home with my children. So I was willing to take that risk."

The move turned out not to be a risk at all. In 1999, after working full time for about five years, Edwards had her first child and transitioned to working "fairly minimal hours," with her pay based on the number of hours she worked. She had a second child and continued on a limited-hour path until 2008, when she shifted back to nearly full-time mode.

Edwards still works flexible hours. "If I need to come into the office one morning at 10:30 or leave at 4 in the afternoon," she says, "it's a nonissue."

Flextime Is, Well, Flexible

Flextime involves a range of options, but they all come down to the ability to shape your work schedule to best fit your life.

"The definition is varied, and it can involve a number of different things,"

explains Amie Peele Carter, a partner at Faegre Baker Daniels LLP in Indianapolis, Indiana. "It can involve reducing the number of billable hours you commit to. It can involve flexing your day on your own and still billing the standard number of hours you agree to bill during a given year. That's the 'how much' factor. The other flexible piece is the 'where.' That means taking advantage of technology and telecommuting or not. It's deciding, 'Do I work best at the office? Or do I work at home or somewhere else,' such as at a hospital if you're taking care of an ill parent."

Peele Carter says she's taken advantage of all these options at different points in her career. With two children and parents who may need help as time goes on, she expects to continue doing so. "Some people want to go on a reduced-hour schedule for a short period of time, and then when their kids are in school or their parent gets well or passes away, they want to ramp back up to what you might consider a full-time billable load," she says. "Others prefer it as a sort of long-term practice evolution for them. There are

also situations where you might reduce your hours commitment because you have unknowns, but certainly nothing is stopping you from billing more and being compensated more.”

It’s not just women who are increasingly seeking alternative schedules. “I know male partners who’ve been on flextime,” Peele Carter says. “One specifically wanted fewer billable hours to spend more time with his kids while he was an associate. He made partner, and he’s been successful and supported by the firm.”

Asking Takes Planning

The best way to make your case for flextime is to prove yourself first. Ingrid Palermo worked for two years at the U.S. Department of Justice and two more years for a bankruptcy judge. Then she worked for three years as an associate.

“I wasn’t worried to ask because based on the cases I’d been involved with and the work I’d done, the partners knew I was serious about my career,” explains Palermo, now a member at Bond, Schoeneck & King PLLC in Rochester, New York. “I think they didn’t expect anything less because I was also serious about being a mom—I had proven myself.”

When you’re ready to approach your employer to propose a flexible schedule, you need to have considered every detail of how you’ll continue to succeed with your modified schedule. Tracy Gregar Ferak, a Chicago-based partner at Reed Smith LLP who spent about five years working 80 percent time, with Fridays off at home, recommends frank dialogue. “I was very thoughtful about my schedule—how I could make it work and still deliver top-quality work for clients but also be committed to my family—and I put all that into a memo,” she says. “I also had open communication with the head of the firm and practice group leaders about my schedule. I’ve seen a lot of women successfully do a part-time or flex schedule, and the arrangements work best when they’re communicated openly and everyone is on the same page.”

The most difficult part of the equation is being responsive while protecting the time you’ve carved out for yourself. “Be as clear as you can about what you’re asking for—whether it’s reduced hours or a certain amount of time away from the office—but also be clear you’ll still be available,” Edwards advises. “Then have clear boundaries. If your hours are Monday through Wednesday, you need to be clear you’re not working Thursday and Friday. On the flip side, it’s important to be willing to be available if there’s truly an emergency. It’s a tricky balance.”

However, it’s one you can master with check-ins and an able assistant. “I’d want your flex schedule to be irrelevant to your internal and external clients,” Peele Carter contends. “It doesn’t matter if you’re flexing your time on a given afternoon, you should still be checking e-mails and returning phone calls, or at least having your assistant checking those. You should also be getting back in touch and being responsive—but that may just mean setting up a phone call for next week. And if there’s a time you won’t be available, you want to have a backup.”

The right team often serves as that backup. “You can be responsive by being part of a group that can help you out,” Edwards says. “I knew if my schedule meant I wasn’t going to be in the office yet something did come up, I was working with people with the same level of experience who’d be able to step in and handle that last-minute thing.”

One of Edwards’ litigation associates has also succeeded with a flexible schedule by doing litigation work that typically doesn’t involve emergencies. “There are certain aspects of a case she handles,” Edwards explains. “She’ll do things like initial pleadings and discovery. But, for the most part, she doesn’t do things that require a lawyer to be out of the office, like court appearances and mediation. That’s worked well for her.”

See and Be Seen

Rebecca Moll Freed is also a proponent of underpromising and overdelivering. About two years into

practicing, Freed, now a partner in the Newark, New Jersey, office of Genova Burns, had her first child. This happened to coincide with the firm’s launch of a political activity practice group, which was overseen by a partner who couldn’t yet predict how much need there would be for associates’ time.

“It was perfect,” she says. “I worked by the hour and got paid by the hour. Some weeks, it would be 5 hours, and other weeks it would be 20 hours.”

The funny thing is that when Freed joined the new group, there was no expectation she’d ever head into the New York City office, where the group’s partner was based. But she did. “I’d find time to spend the day in the city with him and other members of the group,” she recalls. “I’d make sure I was at firm events. I’d schedule times to have lunch with the key people I worked alongside and the firm’s management. I was at every single client meeting I needed to be.”

In a pinch, Freed also found a way to jump in. “If the partner said, ‘We have work sooner than we thought. Can you help?’ I said, ‘Absolutely, but I need to do a lot of it from home,’” she explains. “If an opportunity presents itself and you’re stepping up, that helps, too.”

Your schedule should also continue to include networking. “Staying involved with industry groups and bar committees and sections—whether they’re national or local—tied directly to your practice area is also important,” Edwards says. “That may seem counterintuitive because it requires spending time out of the office with these groups. But it helps keep you visible, in touch with clients and other attorneys in your practice area, and on top of legal developments. Ultimately, the return on the time you expend is well worth it.”

Stay the Course

Whatever your schedule, keep working toward your goals. Do you want partnership? Perhaps it’s that general counsel position. Do all the things you’d otherwise do to get there, and don’t get

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discouraged if your path isn't as direct as you expected.

"Partnership was definitely a goal for me," Freed explains. "There were a couple of years where I thought, 'I should be made partner this year,' and I wasn't. A part of you wonders, 'Is this not happening now because I'm working a flexible schedule?' However, I was assured that had no bearing on becoming a partner."

Today, Freed believes she made partner when the time was right. "Because I wasn't full time—even though I was very responsible and responsive and had a seasoned book of business—I don't think I was fully

ready," she says. "When you work on a flexible schedule, you can achieve a lot, but it can take you longer. Managing people was the piece I needed more experience on. I had a lot of discrete projects I'd handle instead of supervising other people. That was an area I needed to fill to be at the partnership level."

The key is continuing to seek feedback. "It's always hard to ask, 'What do I need more of?' and not be afraid of the answer," Freed admits. "But you need to find out the benchmarks and where you need more experience, and that requires a dialogue"

Achieving your goals also requires being

flexible—just like your work schedule. "I was brought up to believe you can do and be anything and not to let anybody tell you differently," Freed says. "I have many friends who've worked flextime, and it always strikes me that no two situations are the same. But it seems like everybody finds what works best for her or him." 7

G.M. Filisko is a lawyer and an award-winning, Chicago-based freelance journalist who covers legal, real estate, business, and personal finance topics for such publications as the ABA Journal, Consumers Digest, REALTOR Magazine, AARP.com, and Bankrate.com.