

## 'The Wave of the Future': Part-Time Work Is Gaining Traction, and Partnership Is on the Table

Lawyers are increasingly seeking reduced-hour options since the pandemic started. Some firms have found success, and partners, on the reduced-hour track.

By Jessie Yount  
October 25, 2021

As burnout pervades law firms, associates continue to flee to virtual firms or in-house roles where the grass seems to be greener. But for those who hold tight to law firm partnership aspirations, reduced-hour programs are gaining traction.

"I think this is the wave of the future," said Sarah Van Steenburg, a managing director at Major, Lindsey & Africa who has seen a significant uptick in requests for part-time options from high-performers in the last six to nine months.

"With the pandemic and Zoom, the walls of separation came down," she continued. "There's more openness. People are more comfortable showing the messiness and the tiredness and asking for something different."

That's been the case for several law firms, including Morrison & Foerster, Gibson, Dunn & Crutcher and Perkins Coie, which have had part-time programs for over a decade each.

"Anecdotally, as I am sure has been the case at most firms, we saw an increase in the number of conversations we had with attorneys around the program, especially at the very start of the pandemic," said Carrie Cohen, co-chairwoman of the Women's Strategy Committee at Morrison & Foerster. In the past five years, the firm has promoted 10 women to partner who worked on a reduced schedule before promotion.

Morrison & Foerster's Natalie Fleming was promoted to partner on a reduced schedule in 2013.



"It was critical during the years when my children were small—and after two maternity leaves—to have additional flexibility to adjust to my growing family and still be able to work on exciting cases and develop my skills as a lawyer," she said.

Morrison & Foerster also reinforced its commitment to working parents amid the pandemic by enhancing its backup child care provider benefit. It previously allowed for up to 20 days of backup care through the firm's network of providers, but now it has no maximum number of days, and allows coverage even if users pull from their own network of caregivers.

Likewise, Gibson Dunn has encouraged attorneys to take advantage of its "flex" offering with additional

policies that aim to prove to lawyers that a part-time schedule is both acceptable and accessible to them.

“Five years ago, we instituted a transition policy, which brings all lawyers [on parental leave] back on a 75% schedule at full-time pay. No one needs to opt-in or decide whether they need it, and it allows people to acclimate back to work with a new child,” said Barbara Becker, chairwoman of Gibson Dunn.

“I think that resulted in more people taking advantage of our reduced-hours policy post-transition period,” she said.

The firm has seen a 25% increase in its reduced-hours program in the past five years. In particular, it has promoted six women to partnership on a part-time basis.

The fact that people can see “a path forward” with a reduced schedule shows others that it is not outside of the norm, added Zakiyyah Williams, chief diversity officer at Gibson Dunn.

“It’s an attitude that comes from the top, that we want to support each of our lawyers in all stages of their lives and career development,” Williams said.

And while historically, part-time options have been most often used by women with young children, there’s been a shift in recent years, in part due to a younger generation of attorneys demanding work-life balance, according to Major Lindsey’s Van Steenburg.

At Perkins Coie, there’s been an uptick in requests from parents with older children and those with elder care responsibilities, said Michael Gotham, senior director of legal talent at the firm.

In the past five years, about 20% of counsel and senior associates at the firm have been promoted to partner on a reduced-hours schedule, which can mean working reduced hours each week or ratcheting back hours when workload permits, he said.

Furthermore, the firm recently nixed its justification requirement to opt into a reduced schedule,

paving the way for more lawyers to take advantage of the offering.

“We decided we’re not going to inquire as to the merits for needing a reduced schedule,” Gotham said. “We felt we could leave it to the individual attorneys to make their own decision.”

For all of the efforts firms have poured into mitigating burnout, from salary increases and creative bonuses to wellness perks and Peloton challenges, the billable hour continues to dissuade many attorneys from law firm life. Therefore, the more firms create clear, written flexible work policies that function within the confines of the billable hour model, the better chance a law firm has of luring and retaining talent, Van Steenburg said.

She pointed out that while many firms are willing to consider candidates asking for a part-time schedule, firms with “a history and track record” of such programs are likely to be more heavily considered.

“Exceptions can be made for a known candidate, not an unknown entity,” Van Steenburg said. “Someone who is new to a firm and looking to make partner isn’t going to take the chance on being an exception to the rule.”

Another concern of aspiring part-timers is that they will be on a reduced schedule in theory, but in practice working just as much as some of their full-time peers. So firms that allow lawyers to “true up” at the end of the year are likely to win more candidates, Van Steenburg said. Morrison & Foerster, Gibson Dunn and Perkins Coie all allow lawyers to “true up” and earn compensation based on their true hours worked, rather than the part-time hours committed to at the beginning of the year.

That makes the benefit more meaningful, Perkins Coie’s Gotham added. “A differentiator for us is that our policies are truly accessible and associates truly benefit from the policies,” he said.