



THE PERILS OF PART-TIME

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I've managed many firms over the years. At one of my first firms, the phrase “quality of life” was the punchline to a bad joke regarding the interview process for new attorneys. There were no part-time work options back then. Female attorneys who were employed by the firm a year or more, were allowed between 8 to 12 weeks of paid maternity leave, depending on tenure with the firm. They were expected to return to a grueling full-time work schedule at the end, or not to return at all. It was not uncommon for an attorney to work up to the delivery date, in order to secure the most time off post-birth.

One sharp associate was within a year or two of making partner. She distinguished herself by working until an hour before her water broke. Her leave was temporarily and unapologetically interrupted when she was called in to handle a thorny client closing just two weeks after giving birth. She was “requested” to cut her leave short by a week at the end, due to client demands. She did. In those days, it was clear, although unspoken, that if one was “serious” about becoming a partner of the firm, these were the sacrifices to be made.

The only choices offered to childrearing women attorneys back then was to either sacrifice any semblance of quality of life, or to off-ramp. I witnessed the derailment of many a career track from off-ramping. Even if the absence was just a few years, it could take a decade to catch up to one's peers in compensation. And any partnership opportunity was lost, with rare exception.

The inequitable treatment of women who returned after some period of non-employment led me to strongly advise women attorneys never to off-ramp. I had lots of advice on how to try to compensate for all the hours spent at the office, while still creating some semblance of balance with family obligations. I implemented the first technologies to enable work to be done from home. I did whatever was possible to help my attorneys avoid off-ramping.

It wasn't until sometime in the mid 90's that part-time work became an option. It was far from ideal, but it was a whole lot better than off-ramping. And

with time, and the enlightenment of law firm management, it became a better option.

Enlightenment didn't happen overnight. There was a negative mindset regarding part-time attorneys that had to be overcome. Misconceptions abounded. And even today, this negative mindset lingers in the shadows at many firms. The most serious misconceptions and obstacles to successfully implementing part-time programs include:

- **PROFIT.** A big concern is that a part-time attorney will not be sufficiently profitable for the firm. In the early days of part-time opportunities, many firms were incapable of finding the middle ground. In most instances, the part-time attorney earned significantly less per work hour than full-time counterparts.

However, there were many firms which erred at the opposite end. Lacking the sophistication to perform profit-centered analysis by attorney, some firms actually did suffer financially. At one midsize firm, there were so many part-time partners, that the firm's financial performance dipped dramatically.

The firm's malpractice carrier refused to renew the policy until the ratio of full to part-time attorneys improved. The real "culprit" however, was — and usually is— in the miscalculation of the cost of direct overhead consumed by, and benefits provided to, the part-time attorneys, as well as lackluster revenue generation and a lack of accountability for failing to meet goals.

- **SERVICE.** Client service remains a concern, and has been since the inception of part-time arrangements. The part-time attorney must be available to clients when needed; as well as to other lawyers at the firm. Calls must be returned promptly. Inbound communications require fast response. Emergencies must be handled.

Today's increased client expectations for 24x7 service exacerbates the concern. Flexibility of work schedule is necessary on the part-time attorney's part to meet these challenges. Fortunately, with the advance of affordable superior technologies which enable handling all forms of communication and work production from anywhere at any time, this challenge is easily overcome.



- **PRACTICE AREA.** For quite some time it was thought that part-time lawyers could not successfully work in certain areas of law. Choosing a part-time option often meant being removed from one's practice area to one more "suitable." That deterred many attorneys from taking advantage of a firm's part-time option.

Over time, and with positive experience, firms have come to realize that the commitment and skill of the lawyer are the determinants of success; not the area of practice. One essential element to achieving that success is, again, flexibility in one's schedule.

Rather than characterize a part-time lawyer as one who works certain days or certain hours, the firm must enable the lawyer to work a certain goal of hours over the course of the year. That flexibility will enable the lawyer to handle the intense crunches that some practice areas require, and then work less during lulls. As long as the caseload is reduced proportionately to the part-time status (e.g. 80%, 60% etc) it can work out effectively over time in any practice area.

- **STATUS.** Some firms still regard part-time attorneys as ineligible for partnership. They may be removed from or ineligible to serve on firm administrative committees. They may suffer the indignity of snide remarks from supervisors, coworkers or assistants regarding their part-time status. They may lose business development opportunities. They may be denied mentoring or pro bono opportunities.

While doing research for this article I came across an article in the December 7, 2003 issue of the Pittsburgh Post-Gazette. The most salient point was that Sandra Mihok had been elevated to partner status while working four days a week at Eckert Seamans Cherin & Mellott. She was the firm's first part-timer to become a partner.

Certainly we've seen improvement in the past decade in terms of elevation to partnership for part-time lawyers. I won't say great improvement, but improvement nonetheless. However, it is still a constant reality that the need for the part-time attorney to get maximum productivity out of every hour at the office results in some tragic sacrifices for the attorney.

Sure, there are fewer snide comments. Those are now made less often, and almost always out of hearing range. But there is a severe loss of collegiality when there is no time to schmooze over lunch, coffee, or chance



hallway encounters. Lack of participation on committees and at impromptu social events creates an alienation from the firm’s culture, and a loss of organizational knowledge and familiarity. And only the most determined of part-time lawyers has a chance at business development opportunities.

In fairness to firms, what I see far too often nowadays is the lawyer’s attitude that any non-billable hours are “unpaid” and therefore optional. I see that poor attitude in both full-time and part-time attorneys. Somehow the notion that one’s salary requires and pays for both billable and non-billable time commitment seems to have faded. I believe that the increase in the use of contract attorneys, who are only paid for billable hours, has served to create some of that. But to be clear, it’s an attitude which hurts the individual lawyer as much as or more than it hurts the firm.

An attitude adjustment will go far in eliminating some of the status inequities for part-time attorneys.

The most comprehensive statistics on part-time attorneys are available from NALP. They began gathering statistics in 1998, providing a breakdown of the percentage of part-time partners and associates each year. At some point they further broke the numbers down by adding “Others” (Of counsel, senior counsel etc) and further breakdown by gender in each of the three categories. Take a look at how “far” we’ve come over the years.

Year	% part-time Partner		% part-time Associate		% part-time Other	
	Female	Male	Female	Male	Female	Male
1998	1.5		4.5			
2003	2.6		5.4			
2010	2.3	1.3	4.7	0.6	12.4	9.7
2012	2.3	1.2	4.5	0.5	11.4	8.1



What is most apparent is that there is almost no increase in part-time associates and just a bit of an increase in part-time partners in over a decade. The highest percentages of part-time lawyers are now in the “other” category of senior lawyers, of counsel, and contract attorneys.

You can reach your own conclusion. What I see is that most of those who desire a part-time career, especially men, choose —or perhaps see no other option than to choose — an alternate career track as well. My belief is that the majority of attorneys choosing a part-time path elect to opt for an alternate career track, where they can have greater control of the requirements and engagement terms.

Of course, I am a person whose glass is always half full. Someone more cynical might conclude that the part-time options firms offer are only for those who are made of the “right stuff” or plan to return to full-time in the future. Those are the small percentages we see as part-time partners and associates. Those who do not fall within that narrow definition may actually be pushed into the “Other” category as their only viable alternative.

To this point, I have discussed part-time lawyers working in traditional law firms. I would be remiss if I did not address the special considerations of part-time solo attorneys. For the solo, the challenges above are moot. (Although certainly some made a decision to become a part-time solo because it seemed an easier path than attempting to navigate the obstacles to do so in a firm.) Regardless, there is one primary challenge for the part-time solo; earning enough to make it worthwhile to have a practice at all, while still working part-time.

I must admit that my viewpoint may be a little distorted. I do get hotline calls about topics such as technology, HR, marketing and so forth from part-time solos who are doing well financially. And I have the privilege of calling a few successful part-time solos my friends. But the reality is that solo attorneys in general have been experiencing significant financial strain for a number of years. The squeeze has impacted part-time solos more severely, to the point that many have decided it is no longer financially worth it to practice. Especially when one takes into account the administrative burden —time required— to run the practice.

There are a number of variables I see repeatedly which set apart those who are successful from those who are not. Again, my viewpoint is based on a small universe compared to all the part-time solos I have never met or spoken to. [If you’re one of them, I’d love to hear from you! Tell me whether or not you agree with my conclusions which follow.] My perspective is that the following factors are significant determinants of success.



- **OVERHEAD.** Keeping overhead to a bare minimum is a must. It improves profit, and reduces administrative time investment.

Not all practices require a brick and mortar office. Creating a home-based office, combined with renting a spare office or conference room from a non-competitive firm, or using the conference room of an Executive Suite only when necessary, eliminates one of the largest expenses.

Staff, e.g. labor costs, is usually the largest expense at most firms. For that reason it's essential that you use technology to minimize your need and be as staff-independent as possible. You should be paper-independent, and electronically store and organize all of your case-related data, from phone numbers and names to documents and notes, and everything in between. Your efficiency will improve as much as 40% by doing so. Use digital dictation, and consider voice recognition as well.

Use a cloud-based system which provides you with all the software tools your office needs, plus a VoIP phone system, like RingCentral. That way your office is "with" you wherever you are, and you've got all the latest and greatest tools, like your larger-firm competitors, without any of the support or upgrade headaches, or any big capital investment. All you need in addition is a good laptop, a good internet connection, a top-quality headset, a Smartphone, and a great multi-function printer/scanner/copier.

If you want to indulge yourself, add a docking station to provide a second monitor, a mouse, and power always connected without crawling to the outlet. You will probably also want to treat yourself to a tablet, an X-Printer so you can print directly from your Smartphone or tablet, and maybe your own private cloud device, which is surprisingly affordable and simple to set up, and much more secure than something like Drop Box.

If you need administrative assistance, whether it be transcribing or paralegal-level, consider a remote (virtual) worker who will only charge for the work they do. If you need some assistance from another attorney, find one who, like you, wants to work part-time, and work with them on a virtual office basis. Use free tools like Skype, FaceTime, or FreeConferenceCall.com for your meetings with virtual staff and clients, and save travel expense as well.

Remember, there are a ton of talented people, like you, who don't want to



work a “traditional” nine-to-five. You will be surprised to find you can get as good or a better quality assistant than if you were looking to hire full-time.

DO invest money and time participating in events which put you in touch with prospects and referral sources. You need to be visible, and that’s not easy when you’re a solo.

- **PRACTICE FOCUS.** Those who are most profitable are those who have a tightly defined niche practice. Niche work usually allows for higher rates. People come to you because of your focused knowledge and skill. With lower overhead, and an ability to charge a competitive rate, your return on each hour will be greater than your competitors.

Know what you do best, and market your brand. You have limited time to focus on rainmaking. Niche marketing is faster because it’s focused and therefore more effective. Learn how to use readily-available social media tools to leverage every minute you spend on marketing.

Be prepared to meet client demand for other services by building a tight network of other focused solos, and refer work back and forth. You want to make sure anyone in that network treats your clients like you would want them treated. So be sure to follow-up with clients you refer to make sure you have no duds in the network.

I’ll close by offering one last thought for struggling part-time solos. Mid to large-size firms are doing everything they can to increase efficiency of legal service delivery, while reducing or stabilizing costs. The Altman Weil *2014 Law Firms in Transition* Flash Report indicates that over 46% of these firms are shifting work to contract and temporary lawyers as a strategy. In the same report, when asked whether the firm was already employing alternative staffing, over 59% stated they use contract lawyers, and over 55% also use part-time lawyers. Further good news is that over 70% of respondents opined this trend is going to be permanent.

I’ve helped many a solo through lean times by suggesting they contact larger firms in their vicinity for a piece of the excess work. It’s a good strategy for the firm to meet temporary staffing shortages without long-term commitment or increased ancillary overhead, and it can be equally good for you. Plus, you may get to work on some projects you might not be able to get on your own. All excellent experience to further your skills. Once they get to know your work product, you can also be sure that prospects below their profit threshold will be shuffled your way.

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It's been rewarding to live and work in the legal industry long enough to see so many remarkable transformations. I've been around since carbon paper, the first fax machine, the beginning of word processing, and yes, a time when the "holiday" mailing list was either "Men" or "Staff". When the first woman lawyer was hired by my first law firm, they never thought to rename the list from "Men" to "Lawyers". Doh!

Not all changes have been for the better, of course. But for the most part, the technological, cultural, and social transformations have created a wider variety of career choices and the possibility of inclusion for all who are determined to succeed. Remember, I'm here to help.

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