



Value Comes from Better Work-Life Balance

BY LAURA STEIN

Let's start off by agreeing that while this article is designed to explore the importance of work-life balance, during my career, I haven't always had it. I'll bet most of you reading this also share the challenges of balancing work and family obligations.

Most of us spent the early years of our careers working every hour we could clock to prove our value to clients, employers and — yes — even to ourselves. We stayed late, worked weekends, traveled, volunteered for every assignment that would offer us new experiences, and we never turned down a good opportunity.

Hard work is a good thing. You need to spend time, especially early in your career, to learn and grow, and develop skills that will make you uniquely valuable later on. You also need to establish with your leaders and peers that you are dedicated and dependable. No one is denying any of these abiding truths. Indeed, I expect hard work from everyone who reports to me.

And yet, my understanding of the role of hard work — and what it means to work hard — has changed. The core business goal is not to work as long and hard as possible. It's to create value. Value for any organization is not based on the amount of labor, but on the efficient accomplishment of business objectives. And there is no one formula for driving that result. That's what I'd like to explore in this article — the relationship between hard work and maximizing the value we offer to our organizations.

A few thoughts:

- The traditional model for firms and departments has been to have a limited number of partners or senior lawyers and numerous associates, all working full-time or more, who are supposed to handle any project that comes their way.
- In the past, those who could not dedicate full-time or more were not typically viewed as attorneys worth retaining or promoting.
- The new model we need to implement must recognize that there is considerable talent, and thus, value, lying untapped in available resources not traditionally considered suitable for a career-focused legal position.
- This untapped talent includes part-time, remote and contract attorneys, as well as those who prefer to be narrowly focused in their areas of expertise.
- Major demographic trends are leading to increased numbers of attorneys falling in the new categories, while those willing to perform in traditional roles are declining.
- Leaders in the legal profession need to shift our focus from *hours worked* to *value created*.

We need to make changes so that today's workplace is responsive to today's business imperatives, and so that we take advantage of the changing labor pool to effectively and efficiently deploy legal services. A good approach,



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as always, is to start with the right information; a valuable resource is the Project for Attorney Retention (PAR). I got involved with PAR when I started becoming more concerned about the value proposition for legal employers. PAR documented how employers lose money when one employee after another leaves in search of better work-life balance. ACC's Value Challenge further developed this line of thought and found that clients often pay increased costs due to law firm employee turn-over, and firms' leveraged business model. PAR combines rigorous research with on-the-ground savvy,

and gathers terrific ideas to help legal employers go the next step in retaining women, attorneys of color and all employees. PAR provides best practices in such areas as work-life balance policies and practices, performance evaluation processes, and work allocation and compensation systems.

PAR has shared some preliminary findings of its current *Corporate Counsel Study* with ACC. Here's what they've found.

Work-life balance is not a gender issue — it's a workplace issue

It used to be that the people talking about work-life balance were mainly women. The issue was often defined by the challenges faced by mothers who were trying to balance the needs of their work with those of their families.

Increasingly, balance is an issue that impacts both men and women. Preliminary findings from the current *PAR Corporate Counsel Study* indicate that men and women are equally likely to make use of work-life policies such as ad hoc and formal telecommuting, or a compressed work week. Men are even more likely than women to use paid volunteer days.

Fathers today, particularly younger ones, would like more opportunity to be a bigger part of their children's daily lives. Many lawyers have additional responsibilities for the care of aging parents or other family members. And then there are lawyers who seek to combine a serious career commitment with a serious interest in other areas. Many lawyers want the flexibility to pursue passions such as pro bono and community service. Finally, baby boomers are aging; many want to continue in professional life — but at a different pace than when they were younger. The bottom line is that, during the course of their careers, many lawyers will require more flexibility at some point. In light of this, a sobering fact is that more than one-third (35 percent) of respondents to the *PAR Corporate Counsel Study* so far report that their workplaces do not provide policies that promote work-life balance.

ACC Extras on... Work-Life Balance

ACC Docket

- *Increase Profits and Savings Through Work-Life Balance* (Nov. 2009). With such an emphasis on value these days, law firms may be judged on their ability to shed the confines of the billable hour, improve efficiency and resourcefulness. But the most rewarding results may come from mastering the age-old concept of work-life balance. www.acc.com/docket/work-life_nov09
- *Finding Balance in the Pain* (Oct. 2009). In this moving column, written following the experience of personal tragedy, Whitnie Henderson reflects on the importance of balancing work with other key elements of one's life. www.acc.com/docket/balance-pain_oct09.
- *How Colleen Kotyk Vossler (Tries to) Get it All Done* (July 2008). Being able to juggle the responsibilities of being a busy in-house counsel and an active family member can prove to be especially difficult for a woman. Here, Vossler, associate group counsel at BearingPoint, Inc., explains how she has been able to reach a harmonious work-life balance and how each individual must do so in their own personalized way. www.acc.com/docket/vossler_jul08
- *Debunking the Work-Life Balance Myth: Is it Fact or Fiction?* (July 2007). Authors of this article look at the obstacles standing in the way of in-house counsel

attempting to strike work-life balance, seeking whether a balance is, in fact, possible to find, or if it is merely a myth. www.acc.com/work/life_myth_jul07

Leading Practices Profile

- *Legal Department Leading Practices for Adding Value and Moving Beyond the Cost-Center Model* (Sept. 2010). In this Leading Practices Profile, 10 participating corporations share their best value-generating and value-sustaining practices in law department staffing, targeted practice areas, outside counsel management, strategic planning, and the use of metrics to measure and track value practices. www.acc.com/lpp/add-value_sep10

Article

- *Easing Workplace Stress on Overtaxed Legal Teams* (April 2010). This article discusses strategies to help ease the negative effects of stress on a lean legal team. www.acc.com/ease-stress_apr10

ACC has more material on this subject on our website. Visit www.acc.com, where you can browse our resources by practice area or search by keyword.

I can remember when “hard workers” were defined as those who dedicated themselves to their jobs and possessed the talents to lead and accomplish great things. It did not mean working to the exclusion of other interests and responsibilities. There were people who were admired for their ability to have an impact in their workplace that was complemented by the impact they had in other places as well — with their families, in their communities, in their profession and in their pursuit of personal interests. Increasingly, talented men and women are demanding that we return to that model, and so it is important not to let the definition of a “hard worker” imply someone who works long hours without looking at the value they provide. To do so risks the loss of talented, dedicated employees, who are becoming increasingly dissatisfied, and who might be more likely to leave the profession to find personal and career satisfaction. By providing greater flexibility, legal leaders can inspire great performance, valuable contributions and retention of talent.

Early findings from the current *PAR Corporate Counsel Study* show a strong association between the availability of policies that support work-life balance, and job satisfaction

and retention. In-house attorneys whose employers make work-life policies available report greater satisfaction with the professional opportunities available to them. And they are less likely to leave their company within the next five years. Given the high cost of turnover, this is an important message for in-house leaders.

Providing nonstigmatized work-life balance is a business imperative

In-house attorneys need to be available to provide timely legal advice to offices in San Francisco, Buenos Aires and Shanghai. That business reality requires flexibility to meet our increasingly cost-driven, complex and global legal services needs.

A robust conversation has arisen that questions the efficacy of the “traditional” legal service business model. We are part of a profession that has measured our value primarily by the increasing number (and cost per unit) of the hours we worked in an office setting. More legal leaders now question whether the push for hours and face time is producing better legal services, or simply more expensive and time-consuming practices.

The “value movement,” in such initiatives as the ACC Value Challenge, promotes the concept that there is greater value for clients in controlled costs, improved efficiencies, and new ways to staff and price legal work. And there is decreasing value in rewarding lawyers for simply working more hours at increasing costs. And firms are hearing this message and are often bewildered by its consequences.

For in-house counsel, this focus on value is consistent with business and management practices that our employer-companies excel at driving. We are rewarded when we demonstrate the ability to perform legal work as efficiently and skillfully as possible, deploying our human resources most intelligently, and against the greatest needs and priorities of our companies.

Law firms that represent the majority of the legal spend in most companies are not incentivized to efficiently provide legal services or cost-controlled legal solutions. This presents challenges for us. Since most in-house staff and leaders were trained in law firms, we’ve “come up” with the same presumptions that we should reward firms and staff for time spent, when we should instead be focusing on the outcomes achieved. While change is hard, I now focus my efforts on driving value by changing how I will hire, retain, budget and pay for the legal services that my client needs in order to accomplish its business goals globally. To do that, I work with lawyers based on a performance (rather than hours-based) assessment of their value.

The “value movement” suggests smarter ways to deploy talent

Firms and in-house departments are actively exploring concepts such as value-based fee structures, alternative staffing, process and project management, and greater deployment of outsourced and automated processes that cut down time spent (improving turnover time), and unnecessary replication of work or inefficient billing practices. As they do so, they find new and innovative ways to take full advantage of a legal workforce that produces solutions in less time and uses a wider array of legal talent, including part-time workers, contract lawyers, remote or virtual legal teams and project specialists.

These workers do not need to be at the office from the crack of dawn until late at night to show they have the right stuff to contribute value.

Part-time

We should deploy talent on a demand-management basis, and seek to deliver quality legal services in the most efficient way possible. This includes attorneys who may have extensive experience but no longer wish to work full-time. If a part-time attorney works efficiently, then everyone benefits.

Help Make the Legal Profession a Better Place

Take 15 minutes to share your experiences about work-life balance in-house by filling out PAR’s online survey at: https://www.surveymonkey.com/s/PAR_CorporateCounsel.

For more information on The Project for Attorney Retention (PAR) — a not-for-profit initiative of the Center for WorkLife Law at the University of California, Hastings College of the Law — visit www.attorneyretention.org.

Remote

Early responses to PAR’s survey indicate that “face time” is less important for in-house lawyers and less relevant to perceptions of commitment to work and productivity, especially when employers have policies that promote work-life balance. Companies are starting to realize that what matters is that the legal work is performed skillfully and efficiently; the location of the attorney providing that service is increasingly irrelevant.

Contract

Contract work is often project-based and aligned with how companies often govern other work besides legal services. There is no need to staff a full-time employee for a particular subject matter if questions only arise intermittently, and a talented resource is available to address them when they do.

We deploy talent on a demand-management basis, and seek to deliver legal talent in the most efficient way possible — including workers who fit all of the above examples. In support of our model, we have looked to institutions such as the *Harvard Business Review*, that have conducted studies suggesting a correlation between the most successful companies and companies that offer flexible options for their workers. The provision of work-life policies is consistent with and supports the “value movement” away from hours worked toward value created.

Attracting and retaining the best talent in each generation


Most experts agree that the war for legal talent now and in the future rests on being able to offer more than a strong compensation package. New generation workers wish to join workplaces where they can lead more diverse lifestyles than previously afforded, and many stay longer in

those environments because the value of flexibility is often greater to them than that of more money at someplace that doesn't offer them the same flexibility. Older generation workers no longer necessarily have the stamina or desire to work extensive hours, and yet have accumulated a lifetime of experience that is invaluable.

It is imperative for firms and departments to find and engage top talent who will pipeline into the legal workforce and replace the "Boomer" generations, who will increasingly retire from the workforce over the next decade and beyond. Given the mobility of the job market and the ease with which lawyers can transition into related fields, I suggest promoting work-life balance as a mandate for law departments, law firms and the business clients they serve.

Overall, the preliminary findings from the PAR study indicate that attorneys whose companies provide policies that support work-life balance are more likely to stay in those companies. These early findings suggest that companies that offer greater work-life balance can reduce expensive churn and burn, and do a better job of retaining women and attorneys of color. Thus, to the extent that companies plot a better course toward work-life balance, they will be rewarded with diverse employees who are increasingly satisfied and more

likely to stay, adding value to the organization over time. For further reading consider the following resources:

- "Project for Attorney Retention: Better on Balance?" *The Corporate Counsel Work-Life Report* (2003). www.attorneyretention.org/researchprojects/corporatecounselproject.shtml.
- Calvert, Cynthia, Williams, Joan C., *Project for Attorney Retention, Flex Success: The Lawyer's Guide to Balanced Hours* (2010).
- Henry, Doborah, *Law and Reorder: Legal Industry Solutions for Restructure, Retention, Promotion and Work/Life Balance* (2010).
- Hewlett, S. A., Luce, C. B., Shiller, P. and Southwell, S., "The Hidden Brain Drain: Off-Ramps and On-Ramps in Women's Careers" (2005). Center for Work-Life Policy. *Harvard Business Review Research Report*. <http://hbr.harvardbusiness.org/2005/03/off-ramps-and-on-ramps/ar/1>. 

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