

Legal Lives

Research Report

Retaining talent
through a
balanced culture

Sponsored by

ADDLESHAW GODDARD

Foreword



Life is more complex and frenetic than ever before. We enjoy more choice and opportunities than ever. We also find ourselves – as everyone in the legal profession knows – facing increased demands and stress. And there is no greater conflict than between the increasingly 24/7 demands of our work, the need to fulfil family responsibilities and the desire to have a life as well as a career.

In the last few years I have seen firms across the legal sector recognise these pressures and try to help their staff meet them. But, there is a great deal more to do to change both working practices and mindsets. It is absolutely essential that we do.

We can't afford, as a profession, to keep losing the talents and experience of those who want to enjoy a family and a career. We need to do more to give mothers – and fathers – the chance to balance work and family.

Nor can we ignore, in a world in which the competition for the brightest young people is going to intensify dramatically, the changing expectations of the younger generation.

They no longer expect a job for life. But they do – and rightly – want a job which allows them a life. They expect, in a global economy, to work hard and often long and unsocial hours. But they also want a career which can change with their changing ambitions and needs. If the legal profession wants to continue being a destination of choice for the brightest and the best, it has to meet this challenge.

It is in the interests of the profession as a whole as well as each of us as individuals that we accelerate the progress we have seen in recent years. We need to work harder to change the view that work-life balance is a concession for the few at the expense of the many. We need as well to seize the opportunities that new technology provides to let us meet client needs and achieve better balance and control in our working lives.

This report helps set out why this change is needed and how we can make it happen. I commend Working Families and Addleshaw Goddard for this report and acknowledge all the legal firms involved for their willingness to collaborate and invest resources in developing a clear 'route map' to guide the legal sector. It is now up to all of us to follow it.

A handwritten signature in blue ink that reads "Cherie Booth".

Cherie Booth QC

Legal Lives

Retaining talent through a balanced culture

Research Report

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Sponsor statement



**Addleshaw Goddard is delighted to be the sponsor of
*Legal Lives – Retaining Talent Through a Balanced Culture.***

The story of this research began in 2006 when we entered the Working Families Employer Awards with the aim of benchmarking our own progress around work-life balance in our firm, and learning from the best practice of others. It transpired that Addleshaw Goddard was the only entrant from the legal profession, a fact that indicated to us that work-life balance needed to move up the collective agenda of the legal sector. Work-life balance was, and continues to be, consistently identified as one of the most challenging issues affecting retention in the legal environment. That is why the principle aim of this report is to provide a practical call to action for law firms – enabling each of us to forge an agenda that meets the needs and expectations of individuals, teams, firms and clients as well as defining a vision of a profession fit for the 21st century.

We suggested to Working Families that there was room within the debate for a piece of collaborative research which focused solely on the particular challenges facing the legal profession. This in itself would be ground-breaking in a sector not known for its sense of collaborative spirit. From the outset, we were overwhelmed by the enthusiasm and commitment shown by our fellow participants, clearly borne out of a genuine desire to break down the barriers that prevent many of those working within the profession from achieving work-life balance. Throughout the process of scoping, design and indeed participating as one of the thirteen firms taking part, our experience has highlighted the unique benefits of collaboration with our peers as well as drawing on the immense wealth of experience and understanding that Working Families possess.

When we set out on this journey, we had not yet experienced the constraints of a tighter economy and conditions which we now all face. Against this backdrop it is tempting to allow this issue to slip down the business agenda. However the qualities required to achieve a work-life balance – flexibility and nimbleness – are also essential to sustain the health of our sector during these uncertain times. There has never been a better time to embrace change and the recommendations of this research present us all with an opportunity to create a fulfilling working environment for all in our profession.

We have been stimulated by what we have learned, and inspired to continue our own efforts to retain talent through a balanced culture. We hope you will be too.

Paul Lee, Senior Partner

Section 1

Executive summary

Addleshaw Goddard commissioned Working Families to investigate the possibility that specific barriers, unique to the legal profession, exist which militate against work-life balance. This report is the result of qualitative research carried out by Working Families within legal firms in the period April to June 2008. While specifically focused on identifying barriers to work-life balance for fee-earners in the law, it builds on earlier research around work-life balance cultures in the City of London (*Quality of Life in the City*, Parents at Work, 2001; *Moving Mountains: The Culture Change Challenge*, Working Families, 2006). Further details of our research methodology can be found in section 5. Our key purpose was to identify how law firms can attain a better work-life balance; and research participants were asked to define how this would look.

Why balanced working matters

The legal sector is a major contributor to the economy and Britain is the second largest exporter of legal services in the world. In the last decade the economic and social environment in which the sector operates has undergone significant change. Differing generational expectations around work-life balance, a greater readiness to embrace mobile working and demographic shifts are redefining workplace culture. Enabling work-life balance is seen as a key challenge for 21st century organisations, and is a vital part of talent attraction and recruitment strategies. Without action the private practice part of the legal profession risks falling behind in the global 'war for talent' as employers continue to compete for scarce skills. Section 2 explores this context in more detail.

Our calls to action for private practices

Law firms are aware of the challenges and, in particular, the gender imbalance at senior levels that flexible working might impact on and improve. Our research suggested the will to improve and build on flexible work initiatives certainly exists in participant firms. Policies are in place and in many cases it is now the softer issues that need to be addressed. This forms the basis of our calls to action for those who manage private practices, which comes with explicit responsibility for the development of talent:

1. Review work processes to encourage smarter working.
2. Focus on changing the culture to support balanced working.
3. Foster better out of office working.

Our three calls to action come from people working within the profession, and are explored in more detail in section 3. It is our desire that this research will enable the people who manage law firms to take flexible working to the next level and embed it into the culture and mainstream of their businesses. Accordingly, we have supplied a 'route map' of the necessary steps at section 2.

Key findings: the current challenges

Our key purpose was to identify how a better work-life balance could be attained in law firms. Research participants were asked to provide us with the elements of the definition and to identify the key challenges for private practice. We have grouped these into three categories:

1. Working practices:

Focus group participants identified a number of working practices traditional to law firms, in the way work is assigned, managed and evaluated which can create obstacles to more flexible working for individuals and across teams.

2. Culture:

Focus groups identified six cultural factors perceived to be barriers to more balanced working. It is our contention that while many fee-earners are achieving balance, the prevailing culture inhibits open communication resulting in a lack of role models or case studies which can form the basis for the development of further good practice in individual firms.

3. Out of office working:

Given the considerable expenditure by firms on IT infrastructure we believe that fostering home and remote working is both the easiest and quickest step firms can take to improve work-life balance. Furthermore, action is likely to result in savings on office overheads and contribute to the cultural shift discussed above.

It is important to note from the outset that for the majority of fee-earners the desire for work-life balance is not a plea for reduced working hours, or a signal of lowered commitment to their careers. Indeed, most legal professionals welcome challenging work and recognise the inevitability of long hours which will often accompany this. What they are looking for are better ways of balancing excellent client service with control over other aspects of their lives. Our findings and key challenges are discussed in detail in section 3.

A desire to provide excellent client service is sometimes viewed as a potential obstacle to balanced working. Our research suggested the perception is not reflected in reality. All lawyers work for clients who are themselves likely to be employees of organisations that are attempting to address the challenges of work-life balance. The clients who responded to our survey confirmed their support for balanced working and recognised the benefits it brings. A further discussion about client opinion can be found at section 4.

It is the intention of all parties involved in this research that the resulting report should provide a practical 'route map' to guide the legal profession in making the necessary changes. Our recommendations are designed to support the process law firms are undergoing to embrace 21st century ways of working. We have concentrated on providing practical steps and best practice examples; and we invite everyone in law firms responsible for the performance of people to engage in the journey with us.

Section 2

The importance of balanced working for successful private practices

Background

The legal sector makes a considerable contribution to the British economy. In the financial year to April 2007 the sector's turnover was £23.3 billion, which has more than doubled since 1997. Britain is the second largest exporter of legal services in the world – exports of legal services grew to £2.6 billion in 2006.

The economic and social environment in which the sector works has changed dramatically in the last decade with the following results:

A greater need to actively attract and retain talent:

"It remains vital for law firms to recruit and retain the most talented individuals, regardless of ethnicity, gender, disability or sexual orientation. I want the UK's law firms to be the most admired and sought after in an increasingly competitive international market."

Speech by Jack Straw, Secretary of State for Justice, March 2008 at the Law Society

Changing demographics:

The number of women holding practising certificates has increased by 100% in the last 10 years, and women now make up 60% of admissions to the Law Society. However, retention of women remains a challenge in private practice. Our research participants confirmed this combination is likely to result in long hours worked with annual billable hours targets of 1,800 and above in many firms, set alongside an expectation of a significant time commitment on other work activities. Yet only 23% of partners in private law firms are women. Those from a BME background account for 9% of the total number of solicitors in private practice, (however 30% of first year law students are from a BME background).

Differences in generational values:

Successful employers compete for talent by reflecting the changing values of successive generations within their

employment policies and working practices. A number of recent studies, including those by IBM, PwC and Boston Consulting Group, conclude that managing work-life balance is more important than ever to attract and retain employees. We are told that Generation X (senior managers and leaders 'in waiting') and Generation Y (those born after 1978) place considerably more emphasis on aspects of their life outside work than the retiring 'baby boomers'. They have also grown up in a technological age and are used to accessing technology in their home, work and social lives.

Changing expectations around working practices:

Some working practices traditional to the profession that inhibit flexibility and balance are cited by those within the profession as one explanation for the lack of women at the top of private practice. These working practices also seem unattractive to the younger generation who are now entering the profession.

Attitudes of lawyers in private practice:

Closer to home, the Law Society *Quality of Life* survey conducted in 2007 confirmed that retention was positively impacted by opportunities for career progression, part time and flexible working schemes. Work-life balance came sixth in a list of key ingredients for staff retention and job satisfaction. Despite these findings, an article in the *Law Society Gazette* in June this year [*Early Days*, Polly Botsford, 17th July 2008] estimated the number of fee-earners working flexibly as low as 10-20%. *Legal Week's 2008 Annual Employee Satisfaction Survey* reported in the same month that "the consistent message that has come through since the first edition of the survey in 2005 is that the path to a stable and productive workforce lies in creating a supportive and fulfilling working environment, one in which lawyers feel valued and enjoy a **healthy balance between their working and personal lives** and that the old carrots of money, partnership and prestige are moving past their sell-by date." The same survey reported that "mid-levels (3-5 years PQE) are noticeably less impressed with their work-life balance than either their more junior or senior colleagues." This research also revealed that the number of female lawyers seeking partnership is still significantly lower than the number of men – possibly a reflection of the previous findings.

Section 2

Working in private practice: the current scenario

1. According to *Legal Week [Annual Employee Satisfaction Survey, June 2008]* the majority of lawyers make their decision to join the profession because of the perceived intellectual stimulation and financial rewards.

From the start of their career they invariably work in an environment where the law firm's internal time recording systems monitor their hours, an hourly charging rate is the standard model for calculating fees, and their bonus is based at least in part on an annual target of billable hours; a combination of factors likely to result in a culture that encourages long working hours and often presenteeism. This was reflected in our focus groups discussions.

Lawyers are typically highly motivated, talented individuals with the potential to create high value for firms through their intellect and know-how. Several senior partners interviewed by us as part of this research suggested that working long hours is a result of the 'driven' nature of many people attracted to the law. Professors Rob Goffee and Gareth Jones of London Business School call them "clever people" and concur with the view they are highly driven [*The clever way to lead clever people*, Worldlink V18, No1, 2008]. Within their firms they relish the challenge of solving complex client problems and will focus considerable amounts of time and energy on providing exceptional levels of client service. Since many lawyers hold the view long working hours "go with the territory", it is unlikely the culture will change radically in the short-term and at best its consequences need to be managed.

The link between prolonged working hours and employee mental and physical ill health, including heart problems, has been conclusively proven. Working long hours can give rise to poor lifestyle habits such as heavy smoking, inadequate diet and lack of exercise – all of which can lead to health problems. Research from the *British Household Panel Survey* found health problems were particularly evident in employees who had worked persistently long hours over a five-year period. Stress and burnout are well documented issues for high performing executives and the firms they work for. Given this evidence firms need to consider the costs

associated with raised sickness and absenteeism rates and the risk of lower performance and productivity levels. Reductions in working time will not necessarily lead to financial losses. One study revealed that prolonged work hours of fifty-sixty per week resulted in a loss of efficiency while other research showed a reduction in work hours having no impact on productivity. [cited in *Well-being and occupational health in the 21st century*, Sparks, K, Faragher, B & Cooper, CL, 2001].

Providing greater individual control over when and how people work may prove easier than reducing long working hours. Feelings of a loss of control over work lives and careers are likely to have been exacerbated in recent years by the increased pace of work and constant advances in technology to which the profession has had to adapt. Higher levels of perceived individual control have been shown to be associated with increased job satisfaction, commitment, involvement, performance and motivation. Ways to improve perceived control include greater freedom over work start and finish times, the ability to work away from the office and more participative decision making.

2. Increasing globalisation, use of information technology, 24/7 organisations and radical restructuring have transformed the workplace in the last forty years and there is a wealth of literature charting the strategic change processes underway.

Against this background the CIPD (Chartered Institute of Personnel and Development) began an investigation into 'Smart Working' in March 2008. Recognising the widespread changes to the world of work, the purpose of their research is to establish how these are feeding through into organisational thinking and structures, and to identify key concepts, ideas and frameworks being used to tackle issues of work organisation and job design. The CIPD report proposes an emergent organisational paradigm – 'smart working' – which assumes increased organisational flexibility, more freedom of action for employees, the use of virtual teams, outcome-based measures, IT-based working practices and high trust relationships.

The changing nature of the physical work environment is one theme the report explores. This comprises both the increased take-up of homeworking and changes to the physical environment in the office to maximise space and resources through, for example, hot-desking. New technologies such as BlackBerrys, 3G and social networking also create opportunities for knowledge workers to be more mobile. Finally the report identifies the emergence of virtual organisations without traditional corporate centres – an emergent trend in the law where firms such as Halebury and Scomo offer fee-earners the opportunity to work on a flexible freelance basis.

Organisations which have embraced home or ‘teleworking’ have reported improved productivity and quality of work with reductions in absenteeism and labour turnover. BT says its teleworkers are between 15% and 31% more productive than office-based staff, and the company gains an extra £5-6 million in productive time saved while stress related absence has been reduced by 25%. Recent CIPD research found that 60% of employers say they offer working from home, up from 33% in 1999; but a gap exists between rhetoric and reality. In practice 69% of employers remain reluctant to agreeing requests for homeworking.

Despite progress made by other professions in addressing the challenge of work-life balance, private practices continue to struggle with making it a reality. There is a risk they will be left behind in the drive by employers to embrace the working practices needed to maintain a competitive edge in a 21st century economy increasingly reliant on the creative skills of knowledge workers.

It is interesting and relevant to note that not one of the participants from the thirteen firms involved thought that flexible working (either away from the office or on a reduced hours basis) could not be done. One might conclude from this that there is nothing inherent in a law firm’s business that means flexible working is impossible, albeit that flexibility in the transactional area was acknowledged to be more difficult.

“Private practices continue to struggle with making it a reality. There is a risk they will be left behind.”

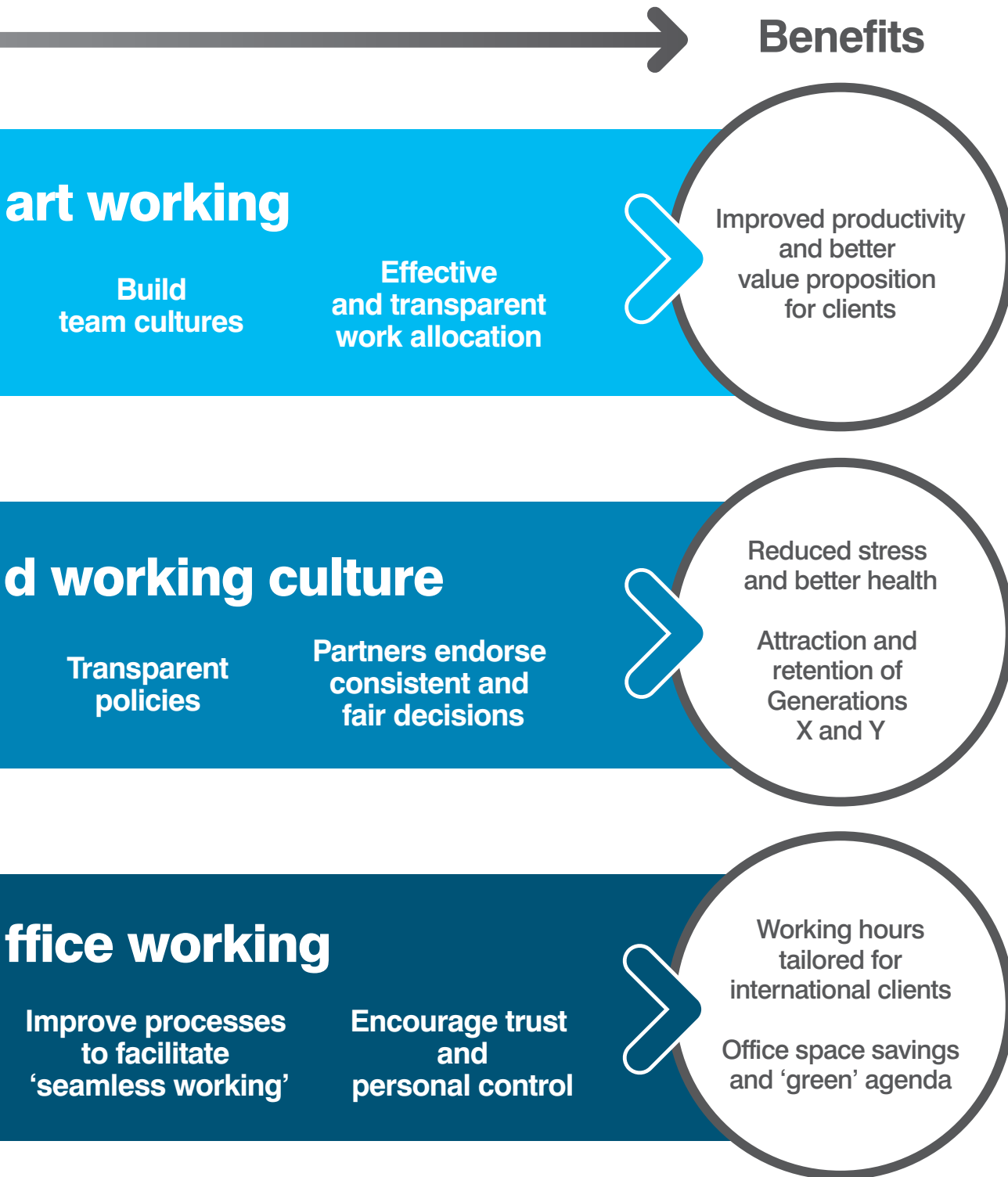
Section 2

The Route Map

Challenges



Although our calls to action appear as three separate 'work streams' on the route map; in reality action taken to address one will positively influence the other two.



Section 3

Defining and developing a balanced culture: current challenges and calls to action

Purpose, extent and scope of the research

The purpose of this research, conducted between April and June of this year, was two-fold:

1. **To identify how fee-earners in private practice define a healthy balance between their working and personal lives;** and
2. **To gather evidence of how law firms might go about enabling this.**

Our research did not start with a prescriptive list of flexible working arrangements or ‘add on’ services which might make work-life balance possible. We did not define what the phrase ‘work-life balance’ meant, leaving research participants to ascribe personal meaning. We simply asked “how would you know if fee-earners in this firm were achieving work-life balance?”

The definition of what a balanced working culture in private practice looks like emerged from focus group discussions. Specifically, it comprised three elements: encouraging smarter working practices, a culture supportive of work-life balance; and more opportunities for out of office working.

We asked focus groups what steps firms need to take in order to make work-life balance happen, and, we asked senior partners what they felt were the major barriers to work-life balance in private practice.

In both our research and our recommendations we have kept a pragmatic focus. *The Legal Services Act 2007* will provide the legal profession with an opportunity to review working practices, consider alternative business structures and adopt smarter ways of working to meet the challenges of the 21st century global economy. Whether or not law firms do adopt alternative business structures, this report is our contribution to that thinking. We have provided examples of current good practice among our research participants and suggested steps that firms can take to move towards a more balanced working culture.

From the outset we would like to stress that the debate about how to achieve a healthy balance between work and personal lives is not a debate about reduced hours working or a lack of commitment on the part of lawyers. None of the participants in the research questioned their own commitment and many worked very long hours.

Defining and developing a balanced culture in private practice

Focus groups, comprising fee-earners and qualified lawyers in thirteen law firms, were asked to rate how easy their employer made it to achieve work-life balance. Views were entirely subjective, and participants were left to define work-life balance for themselves. In two firms scores were sufficiently high (7 out of 10) suggesting that different ways of working to achieve better work-life integration were already available for all lawyers who wanted it.

Groups were then asked how they would know when fee-earners in their firm had a good work-life balance. Descriptions were sufficiently similar between the firms where it was still to be achieved and those where it was already possible to suggest a consistency in what fee-earners in private practice are looking for in balanced working.

The three elements of the definition are considered in turn on the following pages:

1. **Encouraging smarter working practices**
2. **Developing a culture that supports balanced working**
3. **Fostering out of office working**

1. Encouraging smarter working

The current challenges and our first call to action

Assignment of work

Focus group participants highlighted that a number of traditional working practices in the assignment of work to associates can create obstacles to more flexible working for individuals and across teams.

Managing work allocation and teams

Participants described scenarios where busy partners repeatedly allocate work to the same associate that they have worked with before. The distribution of work across a team then became uneven, and unnecessary work pressure was put on one busy associate whilst other team members were left with spare capacity and a perception that favouritism was taking place. Focus groups identified a need for greater transparency and awareness of current workloads to be factored into the assignment of work to create better balance.

Whilst most law firms structure their working groups into teams, team-working practices that would facilitate greater flexibility are not that well established. As a result, it is not commonplace for team members to be encouraged to cover for others when they are busy or not around. A lack of team organisation in ensuring that work gets completed can create feelings of resentment when colleagues are asked to pick up work that has not been directly assigned to them.

Team structures within law firms are often established around individual partners and focused on that individual's expertise or client portfolio. Partners retain significant personal responsibility for the generation of work and the supervision of service delivery. Whilst some firms recognise the potential for flexibility, knowledge sharing and cross selling when clients are seen as a firm-wide resource, and are experimenting with operating resource planning and larger teams, traditional working practices prevail in many areas. The challenge is therefore to increase the pace of change to respond to the global competitive environment in which firms now operate.

Presenteeism

Research participants suggested tasks are often assigned on the basis of who is around in the office when work comes in. Thus being in the office to be able to complete work and 'being available' for new work is an important way of gaining experience and developing a career. Alternative ways of working break this pattern of presenteeism but require a different approach to work distribution and allocation.

Client deadlines

All focus groups understood and acknowledged the importance of meeting client deadlines but felt that greater dialogue between client partners and clients about the timing of work delivery could, at times, remove some of the time pressures on deadlines. There was a general consensus that busy partners did not always explore with clients the way their deadlines operated to uncover where greater flexibility could be achieved. This was a sentiment also endorsed in the conversations with senior partners.

Reward outputs

"What gets measured gets done" is a familiar business maxim and the focus groups identified the fact that some of the most accepted performance measures used in law firms today can hinder more flexible, and potentially more productive, ways of working. A focus that places heavy emphasis on billable hours, particularly if coupled with a culture of presenteeism, works against flexibility but also generates inefficient working practices that ultimately work against the interests of firms and their clients. Focus groups suggested firms develop ways to better measure performance based on quality of outputs and productivity.

Career progression and career management

Partner roles today tend to be significantly broader in scope than they used to be and the focus groups recognised the need for ambitious associates looking for

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future promotion to be able to demonstrate they too have developed a range of technical, management and relationship skills. Involvement in client development events, often held in the evening, professional training and other activities alongside their client service roles often results in very long working days for ambitious associates. Alongside this reality, encouraging balance means allowing professionals to have greater control over their working arrangements so that whenever it is possible people are able to work shorter but more focused working hours and be trusted to deliver the necessary outputs.

We recommend that firms take the following steps:

Better assignment and management of work

Firms need to introduce effective and transparent processes for assigning work to individual fee-earners taking account of the need to balance workloads and deadlines amongst team members.

Operating team-based structures and introducing team-based work practices, even within small groups, will provide a 'resource pool' for more flexible planning and allocation of work and, where it exists, tackle the problem of perceived favouritism or unfairness.

Case Study

Herbert Smith: Job-sharing transactional work

Molly Smith has been doing transactional work on a job-share basis for almost 3 years. Returning to Herbert Smith on a 3-day week after the birth of her first child, the experience led her to conclude "job-share is better than part time in transactional work". When a colleague's first maternity leave coincided with Molly's second she suggested they consider job-sharing.

A transactional job-share would be a first for the firm, but partner Iain Rothnie was open to the possibility. "It is more difficult to operate a transactional role on a flexible working basis for less than 4 days a week, certainly in our part of the practice," he explains. "Hence the attraction of covering, through flexible arrangements, the whole of the working week." Retaining 2 sets of high quality skills was an added bonus.

Having absolute trust in your partner is the key to success according to Molly. "You can't share with someone unless you both have the same approach to work," she explains. That means sharing an approach to how organised and methodical you like to be, and how much of a perfectionist you are and how dedicated

you are to the job as a whole. Having worked out the operational details, Molly found the job-share arrangement worked so well she recruited a new job-share partner when the original one again went on maternity leave and chose not to return.

A job-share request in transactional work can appear daunting, but Iain recommends a measured appraisal of the possibilities. "Talk it through thoroughly and completely before taking any steps to implement the arrangements, thinking through the practicalities for the firm and the job-sharers," he suggests. "Be completely open with your clients because although we met with some initial scepticism, in practice there have been few, if any, problems. And think carefully about the type of work that can be dealt with on a job-share basis as many transactional pieces of work can be dealt with in this way but, although we have not tested it to the hilt within the current job-share, there may be highly time-intensive transactions which are simply not practical to be done within a job-share."

More details about Molly's job-share arrangement can be found in the appendix at the back of this report.

Tackle presenteeism by measuring outputs not inputs

Focus groups identified that certain working practices reward presenteeism over efficiency. Adopting performance measures and promoting people according to how productively they work on the right things, not how many hours they spend in the office, will provide benefits for clients and law firms alike.

Become smarter at managing workloads

Feedback from the client research confirmed, not surprisingly, that clients care most about results. Although speed and responsiveness is important, clients care less about how and where the work is done. Partners should be encouraged to discuss more proactively issues around deadlines and work management so that they can establish with the client where there may be the potential to complete work to a less pressured timeline or via a different working pattern. (More on this topic can be found in section 4: 'What about the clients?').

Take into account the impact of non-chargeable activities

Ensure that consideration is also given to the impact of non-chargeable activities when assessing the workload of associates and that, when available, they can access suitable support to help them operate most efficiently, for example, by tapping into the expertise of business development staff in relation to work generation and client relationship building.

Embrace the benefits of smarter working in an economic downturn

At the time of writing this report the UK is facing an economic downturn which is likely to impact on fee income for law firms and put profit margins under pressure. Reviewing working practices with the goal of achieving more focused work and improving productivity would not only enable fee-earners to achieve a better balance but could also improve the value proposition to clients and help firms respond to increasing economic pressures.

People experiencing better balance are likely to be more motivated and more engaged with their employers and their work. Busy partners will find them easier to manage and they will stay longer, feeding the future talent pipeline.

Our first call to action for private practice:

review work processes to encourage smart working

In summary:

Introduce a more transparent work allocation

Operate in teams to better utilise all resources and leverage the skills of other functions, (such as Business Development), to assist fee-earners to use their time effectively

Ensure better deadline management – more discussion with the fee-earner and the client

Develop a range of output-based performance measures that focus on productivity and effectiveness

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2. Developing a culture that supports balanced working

The current challenges and our second call to action

The focus groups identified six cultural factors perceived to be barriers to more balanced working:

Perception of flexibility

The uncompromising message was that ‘flexible working’ is still seen in some firms as synonymous with ‘reduced hours working’ which equates to a ‘lack of commitment/ interest in a career’. There is a perception that flexible working (in the form of reduced hours) is a concession made to parents of young children – typically women.

Those who work reduced hours in an effort to balance career with family commitments expressed their desire to feel valued equally with colleagues working full time. While prepared for the pro-rata pay cut which reflected their reduced working hours, they were generally unhappy about the further ‘part time penalty’ they believed they had paid in terms of reduced access to the best assignments and career opportunities, and a perception that they were not as committed as their ‘full time’ colleagues.

Trust and autonomy

People were also emphatic that in the main, flexibility is not about working less. Most people join private practice on the understanding they will be expected to work long hours in return for the rewards of challenging work with major clients. What they want is more autonomy over where and when those hours are worked. The focus groups identified a need for the firms to clarify what is meant by ‘balance’ – the participants thought it was about greater control and trust, not just about people wanting to work less hours. Focus groups consistently asked to be given more control over where, when and how they work, whilst fulfilling the client needs, and for the people with whom they work to trust that they will deliver.

Open communication about work patterns

The participants thought that private practice operates in a way which seems to result in firms shying away from publicising or promoting flexible arrangements. The result is an environment (evidenced by our findings) where many

lawyers do enjoy working on informal flexible arrangements (particularly on reaching partnership where the workload is under greater personal control) but their arrangements operate under the radar screen and are not communicated openly to the firm at large. This lack of openness can be perceived as secrecy and can have the effect of creating a culture which treats these arrangements as one-off exceptions rather than an established and acceptable working practice.

The lack of open communication also results in fewer visible role models and case studies to guide those wanting more balance. In practice, we came across many examples of individuals managing to achieve personal flexibility through a give-and-take approach with their employer. But most of this activity is going on ‘below the radar’ and exponents are reluctant to stand up and be counted as role models – thus contributing to a culture which devalues the expressed desire for balanced working.

Consistency in the application of policies and decisions

In most firms there was a perception that flexible working policies leave the final decision about arrangements with individual partners rather than it being a joint partner/ HR decision. This is generally driven out of differing transactional needs and practices in different divisions of the firm. Nevertheless, coupled with the apparent lack of transparency and openness discussed above, the result can be perceived as an inconsistent application of policies. While the participants understand the rationale for a refusal on the basis of business needs, and acknowledge that no one working arrangement will always be appropriate, the inconsistency of approach can give rise to refusals apparently driven by an individual partner’s reluctance and sometimes opposition to changing working practices.

Clarity around ‘alternative careers’

In the last few years firms have begun to address the challenge of retaining skilled and talented staff who do not wish to take on a full partner role by introducing ‘alternative career structures’. The rationale behind these was not always clear to focus groups, who primarily

believed they were an alternative vehicle for balance provided for those without young children.

Changing the culture

Supporting work-life balance has become an essential element of the 21st century employment proposition, and can contribute towards workplace diversity. Recognising fee-earner desire for better balance will have a positive impact on retention and create larger talent pools from which a firm can select future leadership candidates. Research by Working Families and Cranfield School of Management into flexible working and work-life balance [*Flexible Working and Performance*, 2008] revealed that the benefits of achieving work-life balance are also linked to better motivation, effectiveness and long-term loyalty.

Another piece of research by Working Families [*Moving Mountains: The Culture Change Challenge*, 2006] concluded that moving towards a work-life balance culture is likely to be a three to five-year journey.

Our research into the private practice part of the legal profession leads us to conclude that the journey has begun and there has been widespread adoption of informal flexible working practices. Many lawyers (both male and female) – particularly once they reach partner level and have a greater degree of autonomy – are making small adjustments to their schedules to accommodate family and other non-work commitments. The momentum is building and is, in our opinion, now unstoppable. However, much of it currently remains ‘under the radar’ as it is perceived as being at odds with the prevalent high performance culture defined by long hours and presenteeism.

Case Study

Eversheds: Living the vision

Being a great place to work is as important to Eversheds as becoming the most client-centred international law firm. It’s a vision the Chief Executive, David Gray, has been driving through the firm for several years. The firm’s award-winning Lifestyle programme has been (according to Caroline Wilson, Diversity Director) responsible for a significant increase in the number of women reaching partner. “It was far more than just part time working,” says Caroline. Open to everyone, including partners, it meant flexible working arrangements were no longer a barrier to progression.

It’s not all necessarily been plain sailing though. After the original launch the firm experienced a period where it became known as the soft law firm to work for and fee-earner chargeable hours began to drop. Research into branding revealed Eversheds was indeed perceived as a ‘soft option’ by potential employees/partners and

therefore the firm needed to focus on repositioning its brand. “Flexible working continued to be important”, Caroline stresses, “but we shifted the emphasis onto the exciting, challenging work with international clients that Eversheds offers.”

Lifestyle was relaunched in October 2007 with a new emphasis on harnessing technology to enable people to work where and how they want. Managers are now encouraged to offer as much flexibility to people as they feel they can. There are no forms to complete, they can just agree on the spot to the requests that come through to them.

“It’s too early to measure the impact of the Lifestyle re-launch but with most businesses facing pressure on travel costs and property costs we think we are likely to see a large increase in remote working options coming through,” explains Caroline.

Section 3

We recommend that firms take the following steps:

Communicate openly and share experience

We came across many examples of good practice which have not been widely publicised or shared within the relevant firms. On several occasions our research agenda centred around discussions by fee-earners wanting to find out from colleagues how they managed to obtain agreement to flexible arrangements. We interpreted this as evidence of the latent demand among lawyers for more open discussion about work-life balance. Greater openness around what is happening, what works and what does not, within different transactional disciplines will also enable firms to build a database of experience around the management of flexible arrangements for fee-earners who are new to this way of working.

Encourage role models and communicate case studies within firms and across the profession

Role models and case studies which show flexible arrangements being successfully managed give people confidence to ask, and for those managing, confidence to provide organisational support. Role models can also be a source of expertise to whom individuals turn if they wish to explore the issues. Additionally, case studies which demonstrate flexible working at senior levels help to send the powerful message that a balanced workload and career progression are not mutually exclusive, thus aiding recruitment and retention. Case studies can prompt people to reconsider their own situation or challenge them to find a solution where one is not immediately apparent.

Provide more transparency around policies

It is not clear from our research whether all legal firms have formal flexible working policies applicable to fee-earners, although many of the ones we spoke to said they did. Focus group members were often unclear about whether a formal policy existed, and to what extent individual partners could override it. If firms are seen to be genuinely implementing these policies then people need to be

reminded regularly that options exist and that they are open to everyone. Firms should encourage all leaders and managers of the business to familiarise themselves with their particular policies and protocol, engendering greater consistency of approach to requests.

Develop a consistent and fair approach, encourage dialogue and discuss alternatives

Wragge & Co. introduced a 'Bespoke Working' policy this year which promises that where individuals want to talk about their own working arrangements the firm promises to listen and to consider seriously how it can be made to work. The idea is to encourage adult conversations leading to negotiated solutions. Supporting requests for flexible working is about acknowledging people's individual circumstances and being seen to treat them fairly. With this openness a culture supportive of balanced working is more likely to flourish.

The widespread misconception that a desire for balance reflects a lack of commitment to one's career or is always a request for reduced hours working, needs to be challenged. Time and again focus groups confirmed that while long hours may "go with the territory" the need to spend them in the office does not (see below). The combination of openness, promoting role models and case studies (particularly by those in senior positions) all contribute towards the cultural shift that enables the individuals to make decisions about work-life balance with confidence and trust.

Clarify 'alternative careers'

Some focus group participants appeared convinced the 'alternative career paths' (such as PSLs) introduced by many firms in recent years were the prime vehicle for achieving balanced working. It is important that firms clarify the purpose and role of 'alternative career paths' and are clear about whether they are 'off ramp' temporarily or the final step in career progression.

A balanced working culture, as defined by the legal participants in this research, is about more autonomy in terms of when, where, and to some extent, how, people work. And it's about trusting that they will deliver. The documented benefits of giving people more control over their work include increased loyalty and commitment, job satisfaction and reduced stress levels.

Our second call to action for private practice:

focus on changing the culture to support balanced working

In summary:

Openly communicate flexible working patterns and case studies

Be more transparent about policies and practice and ensure they are fairly applied

Clarify alternative careers

Identify and encourage role models

3. Fostering out of office working

The current challenges and our third call to action

Our conversations with senior partners identified high levels of investment in technology to support out of office working, (despite this, there appears to be a lack of take up of homeworking opportunities by fee-earners). Despite the fact that participant firms have all invested heavily in IT, homeworking continues to prove difficult for fee-earners. Facilitating better access to homeworking is the easiest of our calls to action and can provide firms with a ‘quick win’. Also, the exercise of reviewing how work might be reorganised to accommodate remote arrangements will help firms look at their working practices.

The findings in this section are particularly important to the recruitment and retention of young talent into law firms. An article in the Observer on 25th May, 2008 cited a study which found that 85% of those aged between eleven and twenty-five – Generation Y – wanted to spend between 30% and 70% of their time working from home. More than half wanted flexible working arrangements.

The focus groups identified the following issues:

Lack of trust to meet deadlines and maintain quality

Focus groups felt the biggest barrier to allowing homeworking was a lack of trust on the part of partners that fee-earners would deliver on time, and that they would produce work of a sufficiently high quality.

Where people work rather than for how long they work

The focus groups did not see long hours as the issue rather where and when they must be worked. This relates back to the presenteeism referred to in earlier sections of this report. There was an issue identified as an important barrier to where people worked, which was the need to supervise more junior staff.

An infrastructure to support homeworking

The focus groups acknowledged the need for clients to experience a ‘seamless’ service regardless of where a lawyer is working and suggested firms needed a better infrastructure to facilitate this. This was not about kit to

Section 3

work way from the office, which was readily available, but the support that existed in the office to ensure that documents were available, phones diverted and support staff aware of how calls and incoming documents should be dealt with.

Remote access still cumbersome

Despite major developments in technology focus group

members complained that remote access to firms' intranets and services, continues to be slow and at times unreliable.

What equipment would be supplied by the firm?

People were unclear about what equipment the firm was willing to pay for and what they would need to purchase for themselves.

Case Study

Addleshaw Goddard: Facilitating better homeworking

Addleshaw Goddard knows that, fundamental to achieving the firm's ambitious growth plans, it needs to attract and retain talented individuals who want to grow and develop their careers with the firm. Feedback received directly from its people, as well as analysis of trends within the legal marketplace, indicate that work-life balance issues are important to many. For this reason the firm has been working hard over the past two years in developing a culture which not only recognises the importance of flexible working, but which is proactively encouraging it.

Implementing more flexible working practices, with a greater emphasis on homeworking, is a key aspect of the firm's flexible working programme. Instead of adopting a 'one size fits all' approach the firm has been careful to spend time investigating what works, and what does not, within the various practice departments which make up its four legal divisions. To develop this understanding, in January 2007 the firm launched a 'pathfinder' in the corporate division of its Manchester office.

The aim was to find appropriate solutions to the practical issues associated with flexible working such as the use of IT and premises in order to achieve the overarching objective of working productively in a flexible environment. Fifteen volunteers came forward from all roles (including partners, associates, trainees

and support staff) and they moved from their existing offices into a desk-sharing environment with the intention that they spend more time working from home. Each was provided with full IT support (including laptops, BlackBerrys, mobile phones, printers and scanners) as well as full guidance notes to help them deal with all the logistical issues associated with how they approached and carried out their work. Feedback was essential, both from those taking part and from those who continued to carry out working in a more traditional manner. The response was overwhelmingly positive and, where adjustments were highlighted, the project team responded to these quickly.

The principles of the 'pathfinder' have now been extended to other areas of the firm.

Additionally, to facilitate greater homeworking generally across the firm, IT investment has increased substantially. The firm has also been actively adapting its culture, moving away from presenteeism to more focus on each individual's achievements. Monica Burch, Partner, explains "It's not about working any less hard, or showing that you have less commitment – it's more about recognising that we all have lives outside work. The important thing is that the work gets done in a way which ensures we continue to provide a superior level of client service, and not whether the individual is in the office or not."

We recommend that firms take the following steps:

Encourage a culture of greater trust and personal control

According to focus groups, the biggest barrier to people working at home remains the perception they are not trusted to produce quality work away from the office. No amount of improvements in technology will address this cultural issue. Firms need to recognise that highly committed and skilled professionals understand the need to maintain quality and meet deadlines, and will continue to do so regardless of where they are working. The ability to work hours at home means that work can be scheduled around family activities such as the bedtime of young children or family meals.

Remote supervision

Focus groups suggested the second key factor keeping people in the office was supervision of junior staff. Whilst this is acknowledged to be an important aspect, the suggestion in this report is not that fee-earners work from home full time, but rather that there is sufficient flexibility to enable them to do so and the supervisory element of their role ought not to suffer as a result of some homeworking.

Work type no barrier to homeworking

There was a general consensus in the focus groups that a great deal of the work – even in transactional areas – could be done at home. Clients are used to working via email and phone which does not need to be location specific. Client meetings were one of the few times when fee-earners needed to be in a particular place. With international clients, homeworking provides an additional benefit as people can work round different time zones.

Define clearly what equipment the firm is willing to pay for and support

There is a cost to the provision by firms of relevant equipment at home. However the benefit to firms, not only in terms of promoting more flexible working but also in

terms of availability and ultimately lower office costs may outweigh the cost of providing the relevant equipment at home. Even if firms in this economic climate are not willing to make additional investment, as a first step firms should ensure they have a clear, accessible policy letting people know exactly what will be paid for and what is needed, if people wish to work remotely. A second recommendation would be for firms to fine tune remote access to office systems to make sure this is as efficient as possible.

Consider whether more documents can be processed electronically

Participants mentioned they were increasingly using e-filing of documents to facilitate remote access, but the high number of documents – particularly those originating from clients – which continue to turn up in paper format can be an obstacle to homeworking. The widespread habit of scanning documents as well as clear guidelines for support staff and clear communication, in terms of despatch of documents to homeworkers, may well provide a solution.

Educate support staff to facilitate 'seamless' working

A combination of technology and clear guidelines can enable services which are seamless to clients and which allow fee-earners greater flexibility in where they work. Calls from clients can be put through to home or mobile phones, but support staff need guidelines. Secretaries taking calls in the office must know where to transfer them; post rooms receiving paper documents from clients must know where to send them; and team members working in the office should be aware that if colleagues are working from home that this does not mean 'do not disturb'.

The benefits of improving access to homeworking for fee-earners are considerable: Deadlines can be met more effectively without office distractions, while fee-earners working for international clients in differing time zones can adapt their working patterns accordingly.

Homeworking forms part of the 'green agenda' for an increasing number of organisations and can produce savings on office overheads – particularly where it is linked with hot-desking.

Our third call to action
for private practice:

facilitate better home and remote working

In summary:

Trust people to deliver quality work to deadlines when working out of the office

Have a clear and communicated policy on what IT equipment will and won't be paid for, what equipment is needed and what equipment is compatible

Educate both fee-earners and support staff in the office in the necessary procedures to ensure seamless service for clients

Case Study

Wragge & Co: Homeworking

A homeworking policy can be found on the intranet at Wragge & Co., but even the HR Director, Linda Bellis, rarely refers to it. "It's not about policy and procedure," she stresses, "it's about a culture of flexibility."

"We're trying to create an adult to adult relationship," Linda continues. "It comes from the top, from Ian Metcalfe, the Managing Partner and it's emphasised right from induction on the first day. People are told if you don't need to be here then don't be here. There's a sense of personal accountability."

While only seventeen formal homeworking arrangements exist, many more people work at home on an ad-hoc basis when a little more flexibility is needed. Fee-earners say that compared with other firms, there is no 'bums on seats' culture at Wragge & Co., and long working hours are not expected as a matter of course. People rarely come into the office at weekends (although they may work at home or on their BlackBerrys) and

supervisors are typically flexible with fee-earners working at home.

"We don't reward people for being flexible," Linda explains, "but we don't penalise them either. We work on the basis that everyone is different and we try to accommodate their needs." The message is that working flexibly will not get in the way of career progression. Examples such as the corporate director made up to partner while working reduced hours and the husband and wife solicitor team who work alternate weeks of flexible hours are listed in the firm's 'Bespoke Working' policy – which encourages fee-earners to negotiate creative working arrangements tailored to their needs and those of the business.

The benefits to Wragge and Co. are evident. "People feel grateful that the business has understood they need a little flexibility in their lives. They're more loyal and more flexible in return," says Linda.

Section 4

What about the clients?

It is important to note that none of the focus groups identified clients as a barrier to a better work balance – rather the way in which partners might discuss work assignments with clients was perceived to be an issue.

All lawyers work for clients, who in turn, are likely to be employees of organisations that also face the need to address the challenge of work-life balance. It is reasonable to assume, therefore, they too are getting to grips with issues around flexible working. Our ‘straw poll’ of a small number of clients, all major players in sectors including financial services, transport, property, FMCG and leisure services, confirmed this is indeed the case.

Clients across a wide range of sectors both worked flexibly themselves and had teams that did so within a broader organisational context where flexible working arrangements were widespread and varied. Common arrangements reported spanned homeworking, reduced hours, job-sharing, term-time working and taking time off in lieu when having worked long hours.

Roughly half had come across external legal advisers who worked flexibly and this did not typically affect their decision to send instructions to the individual in question.

Clients are realists. They understand there are times when flexibility might affect deadlines and others when it will not. For example, one client said:

“Working fixed hours reduces the availability and responsiveness of external lawyers. This matters for material deals where timing is tight and external lawyers are required to attend a meeting during the day, and then work on the draft documents in the evening or overnight. However, there are matters where timing is not tight and those working flexibly could be accommodated.”

Furthermore, they trust their legal advisers to ensure quality of service:

“As a client I would expect the firm to ensure that flexible working by its staff did not affect the quality of service provided.”

And they are pragmatic:

“It’s the hours of availability that are important. I don’t care where they or are sat at any point in time as long as they can be reached.”

When asked to rate what was important to them in selecting a firm of legal advisers, clients ranked the expertise/reputation of the individual; the expertise of the team assigned and the quality of the legal advice to be

of the highest importance. None of these factors are location dependent, and indeed allowing flexible working could be one way a firm retains this valuable expertise.

Legal Lives BT Case Study

BT’s lawyers have been a part of the transformation that has taken place within the organisation over recent years to create a truly flexible working environment. BT’s legal team helped to create the legal framework to support the BT Workstyle Project and many of the team now themselves work flexibly. Arrangements include full and occasional homeworking, compressed hours, agile working (technology assisted... working anywhere), part time etc.

Anne Fletcher, BT’s General Counsel, is a strong supporter of the BT Workstyle Project and the wider diversity and inclusiveness initiatives within BT.

“I believe it’s important that BT’s supplier community shares BT’s values, and when we interview legal firms as prospective suppliers I always ask about how they are supporting diversity and what flexible working options they offer as part of that. BT wants the best lawyers, both as employees and as external legal advisers. Being the best may not mean sitting full time at a desk in the City of London, the best may be anywhere in the world and with a variety of flexible arrangements.”

In an extension to BT’s corporate focus on diversity Anne and her team recently launched the 21st Century Lawyer (21CL) initiative and network. This is helping to stimulate the debate about what diversity means to the legal community and its impact for all lawyers, both personally and for the businesses they serve. An event to launch the initiative in January 2008 was an opportunity for colleagues from a range of organisations including law firms, the Law Society, Bar Council, other in house law departments, as well as BT to discuss diversity issues, to network with other legal professionals and to share knowledge and ideas. Further events have taken place and are planned and BT’s lawyers are actively promoting the 21CL project online: www.btplc.com/21clawyer

Section 5

Methodology

Background

Whilst an increasing number of law firms are appearing on lists such as the Sunday Times 100 Best Companies to Work for and the Financial Times 50 Best Large Workplaces in Europe, it seems that law firms continue to struggle with creating and embedding a culture that supports and promotes work-life balance. The implications of failing to embrace this cultural change is evidenced elsewhere in this report and in previous publications [*Flexible Working and Performance Working Families* and Cranfield School of Management, 2008; *Moving Mountains: The Culture Change Challenge Working Families*, 2006]. Against this background, Addleshaw Goddard commissioned Working Families to investigate the possibility that specific barriers, unique to the legal profession, exist which militate against work-life balance.

In January 2008 members of the Addleshaw Goddard Diversity Committee invited their contacts in other legal firms to attend a briefing outlining their research plans. Thirteen firms (including the project sponsors themselves) agreed to participate. Following preliminary discussions with participants, a four-part research process was agreed:

1. **Focus groups with qualified lawyers drawn from the potential and actual junior partner talent pool**
2. **Semi-structured interviews with a representative of each firm's managing board**
3. **Semi-structured interviews with a Transactional Head in each firm**
4. **A brief questionnaire sent by email to selected clients and returned directly to Working Families.**

Research activities were conducted during April to June 2008.

Focus groups

Each participating firm was asked to host a ninety-minute focus group. We wanted to talk with qualified lawyers comprising the firm's partner talent pool. It was left to each participant firm who they approached, and ultimately participants were self-selecting. On this basis it is possible only those unhappy with their current work-life balance took part. However, the range of responses to questions designed to measure the extent to which work-life balance

is currently available leads us to believe we spoke to a representative sample of fee-earners. Across the firms we met with a total of almost 120 lawyers, of whom two-thirds were female.

Our efforts to understand work-life balance for fee-earners focused on the descriptive not the prescriptive. We neither defined what the phrase 'work-life balance' means, nor suggested any potential components. Questions were phrased using a 'solutions focus' approach. The resulting picture was the participant's own definition of what a balanced culture would look like.

Meetings with Managing Board Members

These comprised semi-structured interviews with partners of the participant firm's Governing or Managing Boards. The interviews explored a number of issues mirroring those arising in focus group discussions. All meetings were conducted face-to-face. It was readily apparent that senior people in law firms both fully understand the benefits and challenges around work-life balance for fee-earners, and are committed to supporting change.

Interviews with Transactional Heads

We were specifically asked to talk with Transactional Heads of Department as they were most likely to articulate the pressures of managing flexible work patterns within the context of actual transactions and deals. However a majority were again highly supportive of the notion of balanced working, and even those who were less so were able to describe in theory how practices might be managed to allow better balance. Only one transactional head flatly refused to even countenance the possibility of balance within the transactional arena.

Client questionnaire

The final step in the process was the distribution of a brief questionnaire by email and via participating firms to a small number of participants' key clients. Responses were returned directly to Working Families but only a few were received; possibly the result of the tight timescales.

Section 6: Appendix

Job-sharing transactional work at Herbert Smith

Background

When Molly Smith was due to begin her second maternity leave a colleague approached her to ask about the practicalities of working reduced hours. Following her first maternity leave Molly had returned to work three days per week. On the basis of her experience she became convinced “job-share is better than part time in transactional work”, so she proposed the idea to her colleague.

Iain Rothnie, partner at Herbert Smith, could also see the benefits. “On an operational level the fact that it is more difficult to operate a transactional role on a flexible working basis for less than four days a week, certainly within our part of the practice,” he explains. “Hence the attraction of covering, through flexible arrangements, the whole of the working week.”

In October 2005 Molly began job-sharing and was so pleased with the results, she recruited a second job-share partner when her first went on maternity leave again and chose not to return to work. Molly Smith now has a job-share arrangement with Anna Stanley where Molly works three days a week and Anna does the other two days. Handovers are by both phone and email.

Benefits of job-share

- As the case study in the main body of the text and the comments above have already mentioned, the firm retains cover for the full five days of the working week. This puts less pressure on both the partner and the rest of the team than a ‘reduced hours’ arrangement would.
- When one job-sharer is not around (either because he/she’s not working or because he/she is on holiday) there is someone else available to whom colleagues can turn for more information about the cases on which the two are working.
- The firm retains highly skilled resources in which considerable time and money have been invested; and on a purely personal note two employees who are ‘known quantities’ continue to be part of the talent pool.

The Practicalities – a few essentials:

- Decide how the work will be shared. Which deals will you both work on, and which will remain in your single portfolio? Keep in mind you may need to respond to each other’s clients on their days away from the office, even if you are not working on that deal.
- Advise clients of the arrangement. Given that many clients will be familiar with job-share arrangements in their own organisations, they are likely to be more concerned their deadlines will be met than in how this will be achieved.
- Arranging access to each other’s emails and phones will ensure you can offer a ‘seamless’ service to clients and respond to each other’s portfolio on days off.
- Agree on the most effective handover arrangements so you both are ‘up to speed’. While Molly felt this should involve both sharers being in the office together for half a day in the week, that arrangement did not suit Anna so they update each other by telephone and email.
- Ensure you have a clearly agreed trial period with regular review dates associated with it so that issues and concerns can be identified early and addressed.

See also the checklist on the next page.

A word from the wise

When Iain and Molly developed the details they had to start from scratch. Based on their experience, they have the following advice for colleagues in the law:

For partners faced with a request:

- Having a flexible working policy helps set the context. While it’s not essential for implementing a job-share, it helps if the firm has done some thinking on the issue first.
- Talk it through thoroughly and completely before taking any steps to implement the arrangements, thinking through the practicalities for the firm and the job-sharers. “I am amazed by the number of people who seem to think that they must give in to any request for flexible working or job-sharing and get into a mental muddle because of that,” says Iain. “From my perspective job-sharing is about a partnership between the job-sharers and the firm.”

Section 6: Appendix

Job-share checklist

- Write down, in simple form, what you have agreed.
- Be prepared to terminate the arrangements at the end of the trial period if they are not working.

And for lawyers considering a job-share arrangement:

- Take enough time to feel confident you have absolute trust and faith in your potential job-share partner.
- Have an open discussion about how you will both deal with the long hours that inevitably arise in transactional work; and how you will work together to both feel you have an even workload.
- Understand the two of you must always keep each other 'up to speed' either by telephone at the end of the day, or by having an 'overlap' period in the office.

Iain concludes:

"We have been lucky in that Molly Smith has done a job-share with two individuals, the first of whom did not return from maternity leave, both of whom have worked on the same wavelength and with complete trust in each other. I wonder, therefore, whether it takes a more experienced and mature practitioner to result in an effective job-share but this is not something that we have had to test yet."

- Do you have a sound business case for proposing this arrangement?**
- Is this arrangement new to the firm, or are others already working this way to whom you can turn for guidance?**
- Are you and your partner confident that you share a similar approach to:**
 - Being methodical?
 - Being organised?
 - Being a perfectionist?
- How will you split the working week?**
- Will you have an 'overlap' period in the office?** (recommended) If so, when?
- Where will you both sit during the overlap period?**
- If you do not have an overlap how will you update each other?**
- How will you split your workload?** Separate caseloads, shared clients or a mixture?
- How will you ensure you have balanced workloads and one partner is not regularly working longer hours?**
- Have you put the administration arrangements in place?**
 - Access to each other's inbox and phone
 - Ability to send emails in each other's names
 - Secretary briefed that you are sharing and to direct clients/enquiries etc to whichever partner is in the office?
- How will you arrange holidays?**
 - Take them at the same time?
 - Take at different times but the partner covers?
 - Take at different times and partner does not cover?
- How will you be appraised on your work?**
- What happens if one of you goes sick?**
- Have you agreed a trial period (say six months) with a formal evaluation at the end of it?**
- What happens if one of you leaves/goes on maternity leave?**

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List of participants

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