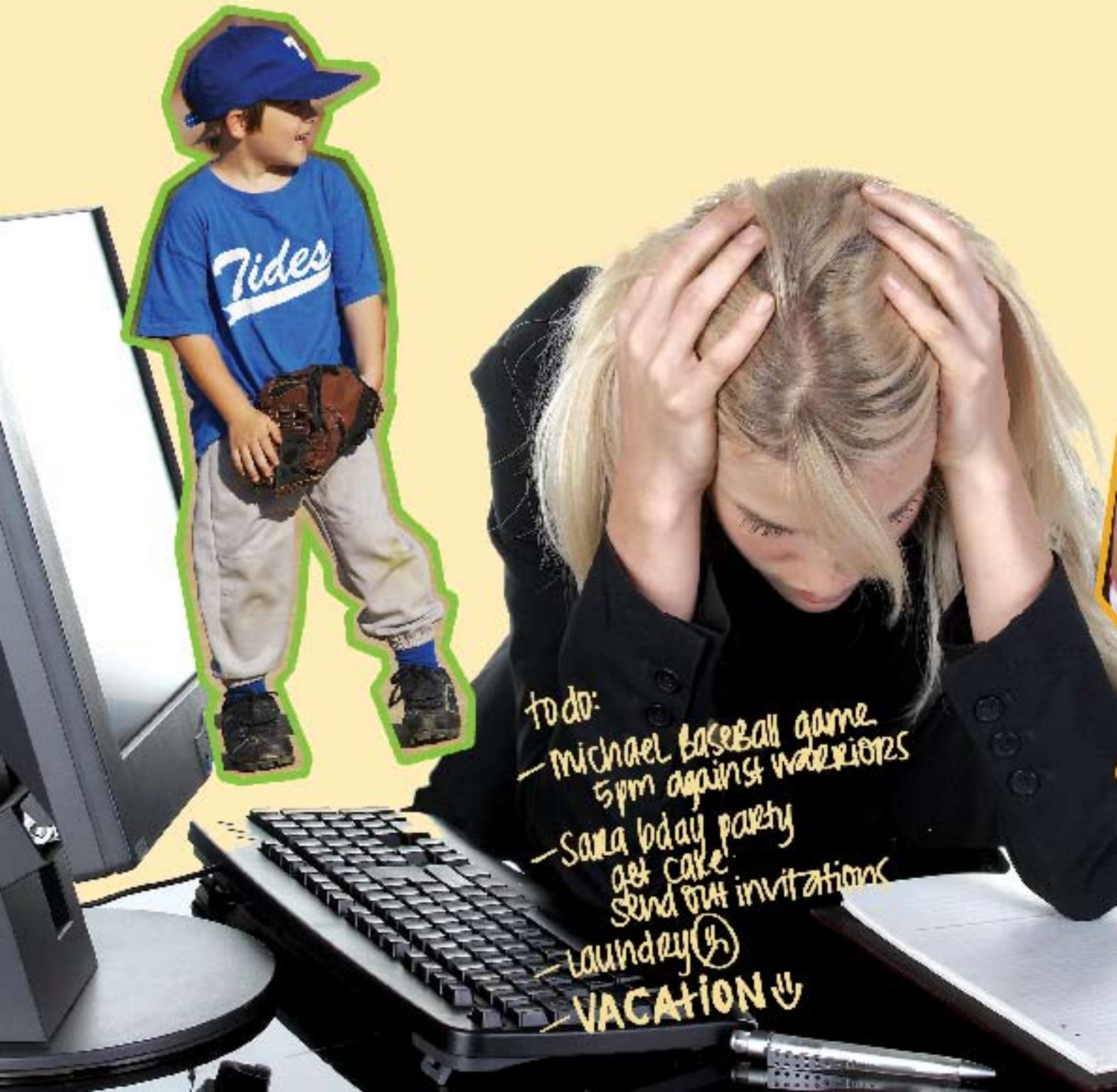


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NG the Work-Life Balance Myth:

IS it **FACT** OR **FICTION**?

All you have to do is type the term “work-life balance” into an internet search engine to realize that everyone these days is searching for some type of elusive balance in their lives. Yes, even, shock of all shocks, *attorneys*—the last bastion of professionals who have, historically, stubbornly refused to recognize any notion of life outside of work. Even the EEOC has jumped in on the work-life balance bandwagon, recently issuing guidance, entitled Unlawful Disparate Treatment of Workers with Caregiving Responsibilities. But while professional life coaches, full-day programs, and (even) work-life balance “calculators” abound, it is often difficult to fit these programs or advice into the lawyer’s paradigm.

Everyone knows that law firms create an environment that some proclaim as impossible to fit into a work-life balance formula. But, despite the fact that many attorneys seeking more time away from the law firm grind migrate to corporations, many of the same life-balance concerns continue to plague corporate law departments as well. The pressure isn’t eliminated; it’s just different. So is finding the perfect work-life balance for in-house counsel a reality or a myth? If it is a myth, just what is the problem? And if it is a reality, what works and what doesn’t?

By Lisa Barrett and
Teresa Rider Bult



Do We Care What Madonna Says About Work-life Balance?

Before we delve into the issue of work-life balance much further, it is important to understand this overused term. We hear it all the time, but what exactly is work-life balance, and why is it such a hot topic?

The conundrum on how to implement balance may have best been summed up by none other than the singer Madonna. In a recent interview with a British newspaper, Madonna expressed her own frustrations with balancing work and family life; “It is a struggle to balance my career with my children,” she said. “I’m always going, ‘I want to get home and put my kids to bed.’ And then sometimes, if I’m spending a lot of time with my children, I think, ‘I just want to be an artist.’ And you know, it’s hard.”

Many factors may have contributed to the evolving dialogue on the subject. Much of the interest has been sparked by the influx of women in the workforce and legal profession. Working women, particularly those with children, have gradually been gaining more responsibility in their careers, and with it, a greater degree in management and decision-making; they are often credited for bringing this issue to the forefront. And issues of work-life balance affect not just the working mothers, but their spouses who can no longer rely on having someone take care of all the home needs on a regular basis. Thus, men are also forced to examine the possibilities of balancing out family life and work life. There is no question that there is a new generation of attorneys who are simply unwilling to devote their entire lives to work.

In today’s society, most of us, male or female, parent or not, face work-life balance issues at different times in our lives and careers. Someone who has been in the work force for decades but is not yet ready to retire may want flexibility to travel or care for an aging parent. A young, single employee may look for a company that allows sufficient time off to take graduate courses or to compete in triathlons. In a recent survey by the Society for Human Resource Management (SHRM), participants from all walks of life were asked to rank the importance of over 20 factors relating to job satisfaction. Work-life balance ranked in the top five (along with compensation/pay, benefits, job security, and feeling safe in the work environ-



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ment), with 70 percent of participants ranking this category as “very important,” the highest possible ranking.¹

Indeed, balancing out the different areas in our lives is important. Charlie Neese, a television meteorologist and creator of “The Balance Zone,” compares the importance of the lifetime balancing act to the way weather patterns work. His program purports to provide step-by-step guidance on how to design a balanced lifestyle, and claims that just as a lack of balance in the weather results in chaos in the form of thunderstorms, tornadoes, and even hurricanes, a lack of balance in our day-to-day lives will also create stormy weather patterns. This manifests itself, Neese says, in the typical American, who is tired, stressed, and overweight.²

Of course, most lawyers would scoff at Madonna’s advice on work-life balance. After all, she is an artist—what does she know about deadlines, or grumpy judges, or juggling 20 litigation matters, or managing clients (internal and external)? But interestingly enough, her sentiment seems to sum up what most people feel about the work-life balance problem, at least when we’re talking about the family part. We all want our cake and to eat it too. And of course, in the most literal interpretation of the phrase, that is simply impossible. In fact, some have postured that work life “balance” is bunk. According to one article by Keith H. Hammonds entitled, in fact, “Balance is Bunk!”, the best way to achieve balance is to embrace imbalance (i.e.,—understand that anything worth doing requires 100 percent investment),—so when we have a big project at work, we have to

devote 100 percent of our time to that project.³ The same percent applies to family life when we have a sick child or parent. There will also be times when we have to tip the scales in favor of ourselves to balance out the imbalance. Others argue against use of the term “work-life balance” at all. One attorney we know argues, “Isn’t work a part of life?” So it is.

The truth is that balance is different for different people. The ultimate, and perhaps simplest, definition of balance is being able to focus on work when we’re at work and home when we’re at home. Even so, each individual has to define how they obtain that balance based on their values and goals, definitions of success, and the stressors

in their lives. Generally, it seems, work-life balance is accomplished when we have:

1. a sense there is enough time in the day to effectively accomplish work-related tasks;
2. an ability to get through our daily work and family responsibilities without feeling drained; and
3. the ability to participate in activities we enjoy on a regular basis.⁴

If you think that is a bunch of mumbo-jumbo, then perhaps you just haven't achieved the right level of balance in your life. Or perhaps, you are, like most logical and hardworking attorneys out there, confused because there is no simple right or wrong formula to follow. Keep reading, because we're going to try to help you sort this out.

Americans are the most over-worked people on earth, even surpassing the Japanese.

Studies, Lies, and Statistics

Of course, as one might expect, studies have been done to flush out whether work-life balance has been achieved. Generally, studies bear out that despite the focus on the work-life balance topic, Americans are the most overworked people on earth, even surpassing the Japanese.⁵ So this issue isn't unique to in-house counsel, but attorneys' penchant for extremely long hours and hyper-focus on their practice seems to heighten the problematic aspects of the issue.

One attorney interviewed in Nashville, Tennessee, wrote, "I have worked at companies (and law firms) where the first shift started at 7:00 am and then went for 16 hours, with expectations that Saturdays and Sundays were just more workdays—with a focus on nothing but meeting revenue goals. The companies were not interested in their employees except as a means to profitability. The firms seemed to be a bit more calloused in this regard, however (and I worked at one firm where every partner was at least on their second spouse—an indication that home life wasn't really a priority in the professional environment)." Not surprisingly, the attorney no longer works for those organizations.

According to a study done by the Defense Research Institute (DRI) on gender issues in litigation, one of the primary reasons women attorneys moved to in-house positions was to achieve life balance, because they felt they could not balance trial work with their desire to spend more time

with their children.⁶ According to that study, once those women moved in-house, they felt they had a better quality of life than they did in private practice, despite the fact they continued to put in fairly long hours at work.

In 2000, the Project for Attorney Retention (PAR) performed a study on exactly this topic—analyzing whether the quality of life for an in-house attorney is better than in law firms, and whether in-house attorneys were better able to balance their work and personal lives.⁷ The study found that while some corporate law departments work similar hours as law firms (and one cannot presume that going in-house will yield a more balanced schedule), many attorneys felt satisfied with exciting work on a more reasonable schedule. It also found that the corporate law departments varied widely in their ability to focus on life/work balance, depending on the model used for running the department. As far as alternative work arrangements, most in-house counsel reported that there were more creative ways to create alternative arrangements which were almost impossible at law firms, including compressed workweeks, job sharing, and telecommuting. They also reported, however, that for some reason, part-time schedules are still more difficult to come by in law departments, and that a severe stigma seems to attach to those who use them. Repercussions came in the form of receiving less than satisfactory work assignments and losing promotional opportunities.

The Challenges: Meeting the Needs of a Business and Managing a Law Department's Work-Life Balance Needs

Of course, even when the statistical analysis and information is compiled, it is difficult to determine what to do with the information. Those running the law departments face a difficult challenge as they figure out how to balance running the business and taking care of internal clients' needs against its attorneys' needs related to professional satisfaction, job advancement, and health, family and personal life issues.

A female attorney who is part of a seven-person law department in the insurance/telecom industry says of her internal clients, "Because they also have families and 'lives' I don't run into too many situations where people try to encroach on after-hours time. That said, I am busier than I ever was in private practice and have to be very efficient to keep everyone satisfied."

And another writes, "As long as you communicated often, as long as you showed respect and were inclusive, even if timelines were delayed or specific deals had problems, the client was understanding. And while in-house, I know that there was always a tendency of the business cli-

ent to say it was “legal’s fault” when a deal didn’t happen or was not on time; developing a team approach tends to negate these types of criticisms (and persistent communication creates such an evidentiary trail such that clients seldom use “selective memory” in assessing blame). I have also had internal business clients specifically extend timeframes for deals when they knew that the deadline would interfere with my personal plans. Again, when you work as a team, you think as a team and you try to value each team member’s life, choices, and eccentricities.”

You should take a **good look** at your **business** and see how you can **accommodate** **those** who are **seeking** **more flexibility**.

The first step, it seems, is to recognize the challenges that a law department faces in achieving work-life balance. The law department itself has to balance running the business and taking care of its internal clients’ needs. This means making a determination of how and when flexible schedules will work.

- Is telecommuting an option?
- Would job sharing work in your corporate environment?
- What about part-time schedules?
- Can you implement alternative arrangements without stigmatizing the attorneys using them?

The only caveat to this self-introspection is that if you answered “no” to all the above questions, the reality may be that you simply don’t like change. You should take a good look at your business and see how you can accommodate those who are seeking more flexibility. If you do not, in today’s work environment, you will lose out on quality candidates, and lose quality employees. And your work environment will suffer overall.

Erin Flanigan, director of strategic initiatives and human resources with The Timberland Company in Stratham, NH, perhaps sums up the best advice to companies beginning to analyze how a work-life balance program might operate within their organization:

“Companies and departments should think “out of the box” and take chances to find new ways to conduct business and create an environment where employees are comfortable coming forward with new ideas.

Many of Timberland’s most successful work-life initiatives have come from employee suggestions. Although lawyers are trained to identify the worst-case scenarios—sometimes it pays to take a chance and assume that a situation will work—rather than come up with the reasons not to move forward.”

Echoing that sentiment is Teresa T. Kennedy, assistant general counsel for Cox Communications, Inc., in Atlanta. When she was asked to give her best advice for corporations which hope to implement work-life balance initiatives, she wrote:

“Don’t assume, don’t get discouraged, and (most importantly) don’t give up. Don’t assume that work-life balance means the same thing to everyone. The elements of a quality life are highly individual, and constantly changing. Keep the dialog open, honest, and continuing. Don’t assume that certain programs (such as flex-schedules) work well for all employees or for every job. Consider first the customer’s needs, then look at the particulars of each employee’s job requirements and personality.”

Your Responsibility in Defining Work-Life Balance

But the buck doesn’t just stop with the law departments. As in-house counsel, you have to figure out your own definition of work-life balance and how that fits with your life and current employment. For some of you who have unreasonable work demands, this means either working with your current employer to alter those demands, or finding a new work environment that fits with your goals. It does not mean asking your employer to alter the work environment overnight to meet your needs, nor does it mean making demands based on needs you have not yet defined.

For many attorneys, however, it is not so much the environment you work in as much as the environment you create for yourself. To quote one female attorney in a law firm, “People often comment on the fact that I seem to be so ‘balanced,’ despite a full-time law practice, two children, a husband, two dogs, and a house. Those comments seem comical to me in one sense, but in another sense, I know that, for the most part, I “feel” balanced. I feel balanced because there are very few things in life that I try to perfect. I know that I am not a perfect mother, wife, housekeeper, or lawyer. I am going to try my darndest at each of these, and occasionally, when there is extra time, will try to “perfect” one or the other, but I know if I fall short in one or more categories, it is not the end of the world. Perfection is overrated, and only leads to stress.”

But that is just one perspective on the whole issue, and, according to that attorney, is only possible because of two key components: a supportive work environment and a supportive spouse. Those of us with a perfectionist mentality (you know who you are), a more pessimistic outlook on life, or a less supportive environment, may not find it as easy to take the “just be laid back” approach to the work-life balance issue.

Attorneys are infamous for not being able to say enough is enough when it comes to work and expectations. So they move through this fog called life, with often a vast majority of it spent in the office or on their computers at work. Others manage to throw in a spouse (or two or three) and kids, but are unable to continue the expectations at work while managing the expectations at home.

ACC Extras on... Work-Life Balance

ACC Docket

- *Caging the Beasts* (Small Law column, 2007). Read up on one in-house attorney's approaches for maintaining more control over his work life and balancing it with his away-from-work life. www.acc.com/resource/v8498
- *New Horizons: Managing a Career Transition* (2006). At first you loved the job, but now...? You've been there. You've done that. You've licensed and distributed the t-shirt and it's time for a change. Read about how you can reassess your options, reformulate your goals, and plan for a new opportunity. www.acc.com/resource/v7304
- *Taking Charge of Your Career: Best Practices for Women Lawyers* (2006). This *HandsOn* will give you some insight (and not for women only!) into what it takes to get ahead, how to network with grace, and when you should walk away. www.acc.com/resource/v7307

ACC Top Ten

Top Ten Tips for Keeping Up Without Burning Out (March 2007). This ACC Top Ten focuses on time-saving tips on keeping up with your career, your department, and your work without burning out. www.acc.com/resource/v8367

InfoPAKsSM

Career Options for In-house Counsel (2006). Finding a new, rewarding position in the legal field is never a quick and easy task. This InfoPAK will present key techniques for pursuing new positions as well as strategies for the successful management of your career. www.acc.com/resource/v5833

Minority Corporate Counsel Association (MCCA) Articles

- *The Business Case for Flexibility: Why Flexible and Reduced Hours are in a Legal Employer's Financial Interest*: www.mcca.com/index.cfm?fuseaction=page.viewPage&PageID=1393&d:\CFusionMX7\verity\Data\dummy.txt.

Program Materials

- *Hallmarks of a Successful In-house Practitioner* (2007). A must for any new in-house practitioner, this seminal overview teaches you how to provide the legal support your client needs, including how to set priorities, communicate legal concepts to management, and understand the legal issues relevant to all businesses. www.acc.com/resource/v8440
- *Moving Up the Ladder: How to Advance within the In-house Profession* (2006). Here, some meaningful ways for you to approach advancement so that when the next big position comes along, your resume will get you in the door. www.acc.com/resource/v7435
- *Where Do You Go From Here? Proactive Career Development for In-house Counsel* (2006). Learn ways to build your skill set. www.acc.com/resource/v7446

Sample Forms

- *Off-Site Work Policy* (2006): www.acc.com/resource/v7647
- *Telecommute Policy* (2006): www.acc.com/resource/v7646
- *Telecommute Policy* (2005): www.acc.com/resource/v5976

Other Resources

- ACC In-house JoblineSM. ACC's JoblineSM includes a comprehensive database of over 1,000 job listings that allows you to search by legal specialty. www.jobline.acc.com
- Robert Half Legal. An ACC Alliance Partner, Robert Half Legal's website features a searchable database of job listings as well as career tips. www.roberthalflegal.com
- Work/Life Balance Calculator: www.envoyglobal.net/jdbliss/test/calculator2.htm

According to *In Pursuit of Attorney Work-Life Balance: Best Practices in Management* (2005), a study conducted by The National Association for Law Placement (NALP) Foundation, more than 75 percent of supervised attorneys report having moderate to major problems in meeting their personal/health needs. More than 70 percent of them also report having problems in handling family needs, household responsibilities, and finding time for leisure activities. Hardly a surprise then, that some people posture that achieving work-life balance is “bunk.” So what is the answer?

Unfortunately, there are no easy answers. The ideal balance for one person may feel unbalanced to another. That is, much of the balance conundrum is in the eye of the beholder.

A recent article recommends balancing your life by (among other things):

- figuring out what your values and priorities are (and beginning to say no to things that move you away from your priorities and goals, and yes to those things that further your goals); and
- identifying your balance “blockers” (such as living for the expectations of others at work and home, fear of change, and perfectionism).⁸

More pointed, practical advice instructs you to start defining your priorities. At the end of the year, what do you want to look back on, both personally and professionally? How will you measure success? Your priority may be to attend every one of your child’s little league games or to make time to exercise three days a week. Maybe you want to take at least one long vacation to a place you’ve never been. Professionally, you may decide that this is the time in your career to join a board of directors. Or volunteer to chair a bar committee. Or even write an article like this.

While most of us can come up with a list of the things we enjoy and want more time to do, combating the balance blockers can be more difficult. Some balance blockers are legitimate—taking a year long leave of absence to sail around the world may sound like fun and be personally rewarding, but being without a source of income for that time, not to mention leaving your clients and company in the lurch, may mean you should more realistically review your goals and priorities. More often, however, the blockers we set for ourselves can be addressed creatively. For example, coming in early so you can leave on time for those baseball games, or finding a group to run with after work or during your lunch hour.

Emerging Trends and Best Practices to Enhance Work-life Balance

Despite the seemingly overwhelming challenges, some law departments have been very successful in implement-

Some **balance blockers** are legitimate—taking a year long leave of absence to **sail around the world** may sound like fun and be personally rewarding, but being **without** a source of **income** for that time, not to mention leaving your clients and company **in the lurch**, may mean you should more **realistically review** your goals and priorities.

ing programs to assist their in-house attorneys in reaching their work-life balance goals. These include things like health and fitness programs, career advancement tracks for part-time lawyers, job share programs, online training programs for time management and management skills, and onsite programs such as child care, dry-cleaning, banking, and fitness facilities. Overwhelmingly, former and current in-house attorneys point to flexible work arrangements and the option of working from home as being some of the most valued. Others point to the creation of an overall positive work environment, and recommend sponsoring social events outside of work for lawyers, staff, and their families, so that the atmosphere is fostered.

In addition, wellness programs which focus on the overall well-being of company employees go a long way to keep the focus on work-life balance. For example, Brookdale Senior Living in Brentwood, TN, has implemented a program called “Optimum Life,” which is applied company-wide, not just to the legal department. Jack Leebron, senior vice president—legal services, reports that their wellness program focuses not just on work-life balance, but on obtaining baseline health for each person, recommending diet, exercise, quitting smoking, and any and all other avenues for longer, happier, and healthier lives. The result, they say? Healthier, happier employees, and less time missed from work.

Some law departments and companies take the work-life balance initiatives a step further. The Timberland Com-

pany, for example, has implemented what they call a “Path of Service” program which they say is the “cornerstone of their community involvement.” Through this program, Timberland employees get 40 hours of paid time per year to volunteer in their communities. The company feels this program is mutually beneficial, in that it provides “much needed resources to our communities and allow[s] employees to invest time in the causes and organizations most meaningful to them during the work week.” Timberland believes “this is a particularly important benefit for those employees who value their personal life and want to give back to their communities.” Erin Flanigan, director, strategic initiatives, human resources, reports that the legal department takes full advantage of the program by volunteering both independently and together through community service projects.

“To make the work experience as rewarding as possible, we match the types of legal matters handled by our lawyers to their particular areas of interest and skill sets...[and]...continually monitor each lawyer’s work load to assure that no one is getting overloaded.”

Timberland also provides other unique benefits, such as eight days of “lifestyle leave” each year beyond vacation, allowing employees to take it for illness or to manage personal business that cannot be conducted outside of regular business hours. They also offer a benefit called “Friday Flex,” which allows employees to leave early on Fridays if they meet their work requirements at other times during the week.

Similarly, some law departments focus on the quality of the day-to-day assignments provided to their attorneys. Novant Health, Inc., an organization in Winston-Salem, NC, which just won Constangy, Brooks & Smith, LLC’s 2006 work-life balance award, is one such company. The corporation cites its approach for allocating work among the department’s lawyers and balancing workloads between Novant’s lawyers and outside counsel as top on its list of the most instrumental initiatives offered to the lawyers in the law department to

achieve life-balance. Larry McGee, senior vice president and general counsel at Novant Health, Inc., says: “To make the work experience as rewarding as possible, we match the types of legal matters handled by our lawyers to their particular areas of interest and skill sets...[and]...continually monitor each lawyer’s work load to assure that no one is getting overloaded.” Novant feels that approach has helped them attract and retain talented and accomplished lawyers, as well as “contributed significantly to a department in which teamwork and personal excellence are valued, and there is camaraderie and mutual respect among its members.”

Other work environments may not be so unique, but rather include fairly simple initiatives. One attorney reported the environment she so admired included straightforward initiatives such as free health screenings, vaccination programs, involvement in the community (food drives, mentoring programs, providing space for after-school tutoring), and paid leave for employees to work on community cleanup and Habitat for Humanity projects. Still, this attorney, who now works at a firm, says she feels the company “continues to make a positive impact on the lives of its employees” and was “an excellent example of a company that is dedicated to this type of environment.”

One thing seems clear, however. Attorneys who have experienced a law department with a clear vision of work-life initiatives are certain that the commitment to work-life balance “must come from the very top of the organization, the governing board, and its senior leadership,” so says McGee. Indeed, he suggests, “[i]t should be reflected in the organization’s goals and vision and be linked to management compensation.” He also suggests, “the commitment to work-life balance must be constant, not temporal.” Indeed, the overall message coming across from companies who have successfully implemented these programs is that it is critical that company practices support these types of arrangements, not just by putting policies on paper, but actually encouraging employees to take advantage of what is offered.

And the Pay-off is . . .


Indeed, law departments are reporting that their efforts are paying off in terms of the benefits their lawyers and corporate legal departments are reaping as a result of their work-life balance initiatives.

The primary pay-off seems to be in overall morale and retention. Law departments report that when they are focused on their lawyers’ well-being, the lawyers are more able to focus on work when they are at work and home when they are at home. In other words, law departments have the opportunity through these programs to create the true win-win situation.

Further, as a result of retaining experienced, satisfied attorneys, the quality of legal services thrives. This is what one company describes as creating an “energized, passionate, and committed legal affairs team.” Kennedy says that the pay-off for their work-life balance initiatives is “beyond measure.” She says that over the last several years, their legal team scored the highest marks on internal customer service surveys, especially in terms of responsiveness and providing practical solutions. Their legal department believes this is a direct result in the investment they have made in their individual attorneys.

Those implementing wellness programs also feel there is a direct payoff. For example, Brookdale Senior Living, the company implementing the “Optimum Life” program, reports that they have seen a decline in the number of days missed at work. Other companies report these programs provide a general sense of senior management’s commitment to quality benefits and employees’ overall well-being.

Indeed, once you sort through the advice and examples, it appears achieving work-life balance is probably more fact than fiction. It is fact for those law departments who have listened and responded to the needs of their attorneys, and for the attorneys who recognize the work-life balance limitations and take steps to resolve the issues. However,

it is certainly fiction if in-house counsel are still trying to achieve perfectionism in this balancing act, or if corporate law departments are unwilling to consider any changes to a traditional work model. Together, however, the balancing act can be achieved and the myth debunked. 

Have a comment on this article? Email editorinchief@acc.com.

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