

WORKLIFE LAW REPORT

A Publication of the Center for WorkLife Law at UC Hastings College of the Law

Winter 2008

PAR to Study Best Practices for Part-Time Partners in Law Firms

When WLL's Project for Attorney Retention (PAR) entered the field, part-time partners at law firms were rare. Because advancement opportunities are vital to the success of part-time programs, PAR set out to pave the way for an increase in the number of part-time partners. PAR's Balanced Hours Model Policy provided that balanced-hours attorneys stay on partnership track and that they receive, at a minimum, proportional advancement.

Now, the days when law firms limited partnership to full-time attorneys are long gone. The past decade has seen an increase in part-time partners. In

2006, 2.8% of all law firm partners worked part-time. That number was even higher in San Francisco, Washington D.C., and Boston with 6.3%, 4%, and 3.7% of partners, respectively, working part-time.

However, the recent advent of part-time partnership, the wide variety of compensation systems used by law firms, and the secrecy that surrounds part-time arrangements has resulted in little guidance for law firms seeking to provide continuous career paths for part-time lawyers. As a result, most part-time partner arrangements are informal and ad hoc.

In November, PAR embarked on a new study designed to identify best practices that law firms can use to develop effective policies and practices for part-time partners. Through in-depth interviews of part-time partners, supervisors, and law firm management, PAR will collect information on compensation, revenue generation requirements, service to the firm and other practices for part-time partners at law firms. The interim report on the study will be released at PAR's Conference in May 2008. ✕

For more information on PAR's part-time partner study, please contact PAR's Director of Research, Linda Chanow, at LindaChanow@pardc.org.

Worklife Law Examines Gender Bias In Academia

Last month, the Center for WorkLife Law launched a series of focus groups, funded by the National Science Foundation, to explore the patterns of gender bias in academia. These focus groups are designed to increase our knowledge of how gender and racial bias may impede the advancement of women in science and engineering. Drawing from the experiences gleaned from the focus groups, we are creating resources for colleges and universities to use to advance women.

The first set of focus groups were held at the Grace Hopper Conference in Orlando Florida on October 18th, 2007, in partnership with the Anita Borg Institute for Women and Technology. These groups were

composed mainly of women of color in science and technology. Their experiences largely reflected the concerns of many women in the legal profession:

"A man who takes a big risk, and makes a mistake, that's considered risky, but he's taking a chance. If a woman does it, that's just a big mistake." (Asian American woman participant)

"In my experience, there are procedures everywhere, but generally they're not followed unless you're a woman. You follow these procedures and above. And the men, it's no big deal. It's not a big deal." (African American woman participant)

We believe that our work in science and engineering will not only help to disseminate the lessons we have learned in working with the legal profession, but will also strengthen or work to explore the intersection

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WORKLIFE LAW

UC Hastings College of the Law

The Center for WorkLife Law (WLL) is a nonprofit research and advocacy organization located at UC Hastings College of the Law that seeks to eliminate employment discrimination against workers with family responsibilities. WLL works with employees, employers, attorneys, legislators, journalists, and researchers to identify and prevent family responsibilities discrimination.

Joan Williams

From the Director



Most advocacy groups have a broad mission (e.g., to help women) and a narrow approach (e.g., litigation). At WorkLife Law, we have a narrow mission (to reduce work/family conflict and FRD) and a broad approach (mobilizing varied stakeholders). Each of the groups with whom we work—employers, attorneys, policymakers, unions, social scientists, and the press—has a vital role to play in sparking social and institutional change.

Employers shape the policies that affect their employees. Our Project for Attorney Retention helps identify best practices so employers don't have to reinvent the wheel. When one law firm adopted key elements of our balanced hours model, its retention of women associates rose from 29% to 46%.

Employment attorneys—both those who represent employees and those who represent employers—can reduce FRD. We educate plaintiffs' lawyers to provide high-quality representation to employees with meritorious cases. But, because the best lawsuit is one that never happens, we educate management-side employment lawyers on how to help their clients prevent discrimination in the first place.

Unions can better represent workers fired or disciplined due to work/family conflicts—a topic we continue to track by studying union arbitrations. Public policymakers are also essential: this year, WLL helped shape a state statute—passed by the California legislature but vetoed by the Governor—that would have clarified state law for employers and prohibited FRD against employees.

Social scientists are key to documenting the problem. We conduct, and spark, original research: our work with social scientists helped document that motherhood is a key trigger for gender stereotyping, which leads to the "maternal wall" at work. And our work with the press continues to focus attention on work/family issues.

With our narrow mission and our broad range of stakeholders, WLL's approach may be unique among advocacy organizations, but it is proving effective at fostering social change.

Joan Williams is 1066 Foundation Chair and Distinguished Professor of Law at UC Hastings College of the Law and co-founding director of the Center for WorkLife Law.

Project for Attorney Retention Membership Program

On September 4, 2007, the Project for Attorney Retention launched a membership program for firms willing to make a commitment to work/life issues and the retention of women. To date, 27 firms have joined PAR. Those firms are:

Sustaining Members

- Arnold & Porter*
- Bryan Cave
- Carroll, Burdick & McDonough
- Coblentz, Patch, Duffy & Bass*
- Fenwick & West*
- Fulbright & Jaworski*
- Howrey*
- Powell Goldstein*
- Shook, Hardy & Bacon*
- Sonnenschein Nath & Rosenthal*
- Womble Carlyle Sandridge & Rice*

Supporting Members

- Andrews Kurth*
 - Arent Fox*
 - Crowell & Moring*
 - Dickstein Shapiro*
 - Farella Braun + Martel*
 - Hogan & Hartson*
 - Jackson Lewis*
 - Mayer Brown*
 - McCarter & English*
 - McCarthy Tétrault
 - Miller Law Group*
 - Morrison & Foerster, LLP
 - Orrick, Herrington & Sutcliffe*
 - Outten & Golden*
 - Schiff Hardin*
 - Sidley Austin*
- * = Founding Member

Joining PAR offers firms the unique opportunity to further the research

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Resources for Attorneys

Attorneys, whether they represent management or employees, must be familiar with Family Responsibilities Discrimination (FRD) in order to advise their clients adequately. WorkLife Law (WLL) provides resources for all attorneys, including:

- Answering questions relating to FRD. Both plaintiff and management attorneys may e-mail their questions to Attorneys@worklifelaw.org.
- Providing teleconferences and in-person briefings about trends in FRD litigation for plaintiff and management attorneys. We also provide presentations to various bar groups. To get information about upcoming teleconferences and briefings, please visit our Upcoming Events page or send an e-mail to Events@worklifelaw.org.
- Maintaining a list of recent cases on its website (www.worklifelaw.org/RecentCases.html).

- Publishing WorkLife Law's guide to family responsibilities discrimination law. The Guide can be ordered at www.worklifelaw.org/OrderFRDGuide.html.

In terms of resources specifically for plaintiffs' attorneys, WLL provides:

- The Attorney Network: a free service for qualified attorneys and potential parental discrimination plaintiffs. The Network matches potential plaintiffs with member attorneys who are experienced in discrimination litigation and who have knowledge about the law of family responsibilities discrimination. In addition, the Network assists member attorneys by providing up-to-the-minute news about parental discrimination cases, consultation on litigation-related issues, access to a forms and briefs bank, and opportunities to share information with other member attorneys.

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New Jersey Council on Gender Parity Commissions Survey of NJ Attorneys

In 2002, the New Jersey Council on Gender Parity in Labor and Education identified the legal profession as an occupation facing critical gender parity issues. In 2006, the Council launched the Women in Law Initiative and commissioned the Rutgers Center for Women and Work (CWW) to research the effects of workplace policies and practices on the recruitment, retention, and promotion of women attorneys.

PAR has partnered with CWW to conduct a survey on the experiences of women lawyers in New Jersey, from those at the top of their organizations to those who have left the practice, paying particular attention to the factors which lead to success, choices regarding work-life balance, and reasons for staying or leaving the practice of law. So far, nearly 400 New Jersey attorneys have

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Hastings Leadership Academy for Women

In the Spring and Summer of 2007, the Project for Attorney Retention (PAR) sponsored the first leadership academy designed exclusively for women law firm partners. With a curriculum designed for high-achieving women who wanted to develop skills and strategies to enhance their leadership potential, the program was an instant success.



One participant referred to it as “transformative.” Another wrote “I suspect that every participant will send one of her partners next year, and the reputation of the program will grow very quickly.”

The dates for the 2008 six-day program, which is directed by Ida Abbott, a law firm consultant, are MAY 29-31 AND JULY 17-19. Once

again the program will take place at the University of California Hastings College of the Law and will feature a distinguished faculty of practitioners, consultants and law school and business school professors.

Leadership Academy participants learn skills, knowledge and techniques that will enable them to assume leadership roles and make their contributions visible, valued, and rewarded. Learning is enhanced by opportunities to build a strong network of other women partners with leadership aspirations.

The registration fee for the Leadership Academy is \$7,500 for single registrant and \$6,750 for each additional registrant from the same firm. Firms that are members of the Project for Attorney Retention (PAR) are entitled to a 10% discount on all registrations.

For additional information about the Leadership Academy, call 415-565-4640 or go to www.pardc.org/LAW for an online version of the brochure and to register. ✕

Opting Back In Program

In the fall of 2006, the Project for Attorney Retention (PAR) launched a new program to help attorneys return to law practice after having left the field to care for their families. The program was repeated in the spring and was so successful that PAR decided to repeat it, as well as to expand it by partnering with Lawyers Life Coach LLC.

The expansion of the Opting Back In Program makes it available to attorneys throughout North America by offering it as a virtual telephone coaching group. Participants from diverse locations call into a single

teleconference bridge line at a regular day and time and receive professional coaching to craft and implement their return-to-work plans.

Ellen Ostrow, Ph.D., CMC and Principal of LawyersLifeCoach, and **Linda Marks**, Director of Training and Special Projects at the Center for WorkLife Law at Hastings, are the two coaches leading the group.

In order to ensure that every participant receives sufficient time and attention to effectively craft and implement a re-entry plan, the group is limited to 10 people. Calls include:

- Clarifying job and career goals.
- Self-assessment of strengths, transferable skills and training needs.
- Effective networking.
- Finding jobs.
- Self-marketing.
- Interviewing skills.
- Working with family members to pre-prepare for the transition back to work.
- Negotiating for part-time work schedules.
- Work/life balancing strategies.

For further information, go to www.pardc.org/Optin or call Linda at 415-581-8826. ✕

The Center Welcomes Linda Chanow to its staff!

Linda Bray Chanow, Esq. is Senior Counsel and Director of Research at the Project for Attorney Retention. Since 1997, Linda has worked to advance women lawyers and promote work life integration in law firms. Linda serves as Co-Chair of the D.C. Women's Bar Association Initiative on Advancement and Retention of Women and was instrumental in the WBA Initiative's groundbreaking final report, *Creating Pathways to Success*. She is the author of the nationally-referenced work, *Results of Lawyers, Work & Family: A Study of Alternative Schedule Programs at Law Firms in the District of Columbia*.

In addition to her local bar association work, Linda recently designed and implemented, *Ready to On-Ramp?*, for the National Association of Women Lawyers to help women lawyers develop their own personal strategy for re-entering the legal workplace. Until recently, Linda was head of the Women's Career Development practice at Shannon & Manch, L.L.P. Linda began her legal



career as a bankruptcy lawyer and commercial litigator at WilmerHale. At WilmerHale, she played a leadership role in assessing and developing policies and programs related to work-life balance and the advancement and retention of women lawyers. Linda is a graduate of the Washington College of Law where she served as a legal assistant to Distinguished Professor of Law Joan Williams and assisted Professor Williams with her book *UnBending Gender*. She is a frequent speaker and author on topics relating to women lawyers and flexible work arrangements. ✕

Project for Attorney Retention Membership Program

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that has already led to a slowing of the drain of women attorneys from law firms, and gain valuable assistance with their own balanced hours program. PAR is committed to helping member firms retain valued attorneys and, in the process, increase profitability and client satisfaction.

PAR recently held its first teleconference for member firms. This hugely successful teleconference focused on practical strategies for maximizing success and satisfaction while working on a flexible work schedule. PAR will continue to hold teleconferences. On May 15, 2008, PAR will hold its first annual conference in Washington DC to present its current research, address recent issues involving balanced hours and the recruiting and retention of women attorneys, and provide participants with best practices recommendations. ✕

5 WAYS TO SUPPORT WORKLIFE LAW

... and help us continue our vital work on behalf of all workers with family responsibilities.

1. Donate. Help WorkLife Law secure a better future for all working families by making a financial contribution. Your donation will help WLL continue its research and advocacy work to end employment discrimination against workers who have family responsibilities.

Mail your check or money order, payable to "UC Hastings College of the Law," to:

UC Hastings College of the Law
Center for WorkLife Law
200 McAllister Street
San Francisco, CA 94102

2. Workplace Giving. Many employers match the charitable contributions of their employees. By informing your employer of your contribution, you may be able to double the amount of your donation at no additional expense to you. Contact your employer's Human Resource office to see if your employer offers a matching gift program.

3. Online Shopping. Are you interested in supporting WorkLife Law, but don't have the extra funds to make a donation? Now you can support WLL while shopping at hundreds of online stores. It is easy to register and it's free. Just register at iGive.com and designate WorkLife Law as your charity. iGive will donate a percentage of every purchase to WLL at no additional cost to you.

4. Outreach. Help WorkLife Law educate the public about issues affecting workers and their families by inviting WorkLife Law to speak to your company, organization, or professional association. You can give others information about WLL's website and encourage local media to cover family responsibilities discrimination.

5. Join the Attorney Network. The Network is looking for plaintiff-side employment attorneys who are experienced in discrimination litigation and who are knowledgeable about family responsibilities discrimination. There is no charge to join the Network. More information about the Network is available at <http://www.worklifelaw.org/AttorneyNetwork.html>

A New Path to Excellence: Balanced Hours 101

Cynthia Thomas Calvert and Natalie Hiott-Levine recently co-authored an essay, "A New Path to Excellence: Balanced Hours 101," which is included as chapter 8 in *Raising the Bar: Real World Solutions for a Troubled Profession*, a new book published by the ABA.

Balanced hours programs differ from traditional part-time programs as they are designed to meet the firm's business needs while maintaining the attorney's ability to continue working and developing professionally without stigma while achieving a more satisfying work/life balance.

In their essay, Calvert and Hiott-Levine explain the business case for implementing a balanced hours program that is available to all law firm attorneys—men and women, parents and non-parents. They set forth six factors that firms should examine—the PAR Usability Test—to measure the viability of the firm's current part-time program, and offer pragmatic tips for developing an effective balanced hours program.

The book is available on the ABA's website. ✕

Resources for Attorneys

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- Tips for Recognizing an FRD Claim. (www.worklifelaw.org/ForPlaintiffsAttorneys.html)

As for management attorneys, WLL provides:

- Monthly Employer Alerts (sign up at employeralerts@worklifelaw.org)
- Tips for Preventing FRD in the Workplace. (www.worklifelaw.org/ForManagementAttorneys.html) ✕

Out & About

(EEOC) Commissioners Meeting on April 11, 2007 about the causes of the discrimination and the various ways caregivers are discriminated against in the workplace.

Joan Williams was featured in an article in the *New York Times* called, "Family-leave values" (July 2007).

Cynthia Calvert spoke about family responsibilities discrimination in employment, alternative work arrangements, attorney retention, and women in the law. One speech included "Emerging Family Responsibility Claims under the Family and Medical Leave Act and Sex Discrimination Laws" (ALI-ABA, Boston, May 2007).

The Equal Employment Opportunity Commission released guidelines high-

Joan Williams testified at an Equal Employment Opportunity Commission

lighting how current laws protect working caregivers, addressing what it calls an "emerging discrimination issue." **Joan Williams**, as quoted in the *Boston Globe*, noted, "The guidelines show that you can't treat mothers and other caregivers differently based on assumptions of how they will or should behave."

Cynthia Calvert was the featured speaker at the Council for Gender Parity in Labor Law and Education's Forum on Workplace Practices Fall Dinner and Roundtable Event in New Jersey in October, 2007.

USA Today referenced the Center in its article, "More employers face caregiver-related suits" (October 2007).

Manar Morales presented an overview of Family Responsibilities Discrimination to the IAM Women's Specialized Training in August, 2007.

The "Opting Back In" Program was mentioned in the *New York Times* (November 2007).

New Jersey Council on Gender Parity Commissions Survey of NJ Attorneys

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taken the online "Survey on Career Decisions in the Practice of Law." Although the survey's main focus is women lawyers who live, practice, or have practiced law in New Jersey, men who have worked alternative schedules are also encouraged to take the survey, which is available at www.cww.rutgers.edu.

In addition to the survey's multiple choice responses, CWW has received rich comments from those taking the survey and will further supplement that data by conducting focus groups and interviews. PAR will assist CWW in analyzing all the data and will draft a report to the Council including recommendations for policies and programs that promote the recruitment, retention, and promotion of women in law in New Jersey. ✕

WLL Thanks

The Center for WorkLife Law would like to thank the follow staff, volunteers and research assistants who have played an invaluable role in the success of the center in the past year.

Mark Aaronson	Sheena Jain
Jennifer Baker	Lisa Mak
Jaqueline Ervin	Monica Moukalif
Sharon Goodman	Kristopher Nelson
Matthew Halling	Debbie Tran
Penny Huang	Florence Yu

Worklife Law Examines Gender Bias In Academies

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of gender and racial bias. More focus groups are planned at Cornell University and U.C. Berkeley.

For more information, contact donnaorton@worklifelaw.org. ✕

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