



HAPPINESS HANGS IN THE BALANCE

Task force finds that technology and demands for more billable hours mean more time at work and less with the family

BY RHEA HIRSHMAN

While the ancient laws of physics still prohibit a person from being in two places at once, the modern legal profession seems to make that demand on a significant number of its members.

“Lawyers have always worked hard,” says Robert W. Gordon, Chancellor Kent Professor of Law and Legal History at Yale Law School, “but over the last 15 or 20 years, the requirements of practice—particularly in large firms—have become enormous. Even people who love their jobs are becoming concerned.”

Combine those requirements with the realities of family life for both men and women and the result is that, as noted in a report issued last May by the Connecticut Bar Association: “Lawyers are finding it increasingly difficult to find a satisfactory balance between work and the rest of life. The demands of law practice are rising, and they are taking over ever-larger shares of lawyers’ lives.”

Generated by the CBA’s Task Force on the Future of the Legal Profession, of which Gordon was a member, the report covered a range of issues from multijurisdictional practice to legal services funding and alternative dispute resolution. “This issue seemed to be one of the most pervasive areas of discussion in relation to the future of the profession,” says Brad Saxton, dean of Quinnipiac’s School of Law and one of the task force co-chairs.

“Our alumni are confronting these issues daily, and we want our students to be thoughtful about them as they make career decisions,” he adds.

According to the CBA report, national surveys found that 70 percent of lawyers report conflicts between life and work, and two-thirds say they are “forced to sacrifice personal fulfillment outside of work in order to advance their careers.” This sacrifice, Gordon notes, while having a primary impact on families, also affects friends, cultural involvement, public service, charitable work and participation in the life of the larger community.

The problem appears most acute in the larger private law firms. Gordon says, “Clients expect to be able to reach their lawyers at all hours of the night and day, and we are reachable all the time with cell phones, faxes, e-mail, instant messaging and BlackBerrys. Often, clients do not have the same degree of loyalty to a lawyer as in the past and will switch if they don’t get the service they want.”

In addition, the CBA report observes, “To compete for new associates, firms believe they must raise salaries, and then require that they bill more hours to cover the cost. To compete for partnership, associates must demonstrate value to the firm both by billing hours and taking time to market the firm’s services and to cultivate and recruit new clients. To compete for status and compensation within the firm, partners must do the same. The result is continuous upward ratcheting of time spent at work. Many lawyers in private practice now bill more than 2,000 hours a year—some bill well more than 2,400 hours—and the number rises every year.”

According to Saxton, competition and the pressure for billable hours also has increased because of the Internet and the availability of legal software. “Clients will buy or download forms, fill them out and then bring them to attorneys for checking. At the same time, lawyers at firms are spending more time responding to requests for proposals from major clients who are looking for the best deals, and that time is not billable. The result: working more to make up the billable hours.”

Although time demands often may be less intense in smaller firms and for those practicing with in-house corporate counsels or with government, legal services or public defender offices, the CBA report notes that such demands are increasing in those settings as well.

The balance issue affects both male and female attorneys, but longstanding stereotypes and cultural mores make the impact on women in the profession particularly significant. There is irony in the fact that, as law schools now

**Child care responsibilities
are also a part of the
family/work balancing act.**



graduate classes that are nearly half women—and women traditionally are more focused than men on balancing work and family and still likely to be the ones working the “second shift” at home—the profession has been changing in ways that make that work-life balance difficult. And, as more women enter the workforce in general, a male attorney can no longer assume that a wife will be there taking care of the home front.

“Often, ‘work-life balance’ is identified as a women’s issue, and it is,” says task force member Jennifer Gerarda Brown, professor of law at Quinnipiac and director of the Center on Dispute Resolution.

“Women are disproportionately exiting the largest and even the medium-size firms, and not proportionally represented in partnership ranks.” According to the American Bar Association, while 44 percent of lawyers in firms are women, only 17 percent of partners are women.

Brown says women are entering at expected levels but not staying. “But when we see the high levels of dissatisfaction expressed by both genders, we also should be looking at these women as the classic ‘canaries in the coal mine.’ The profession is losing all this human capital that women represent; finding solutions to this ‘women’s problem’ is to everyone’s benefit.”

While significant numbers of women leave large firm practices, they don’t usually leave the profession entirely, instead going on to practice law in environments where time demands are not as severe and the workload may be more predictable. Regardless of where they work, female attorneys find themselves in what Marisa A. Bellair ’01 describes as “the constant struggle to maintain balance.”

Bellair often speaks with law students about the realities of legal practice. An associate with Lynch, Traub, Keefe & Errante, a general practice firm in New Haven, she says, “I always wanted to be a lawyer. I have a passion for the law, and I always assumed that I would have a family and figured that as time progressed, I would work it out. I have, with a supportive family network.” And good child care for her two young sons, she adds.

“But you cannot really comprehend the demands of the work until you are actually practicing,” Bellair cautions, something she says is also true for motherhood. “In a lot of ways the profession demands that we be somewhat robotic.... We as professionals have to set limits as well as provide access.”

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For her, technology—its capacity for its invasiveness notwithstanding—has been an essential tool in maintaining both her professional standards and family life. “I can pick up e-mails with a BlackBerry, and our firm provides computer programs that allow us to obtain files from home.

I can work at night after the kids go to bed. But you must be disciplined. If you have a sick child and a big case going to trial, then I would be lying if I said that a certain level of sacrifice was not involved.”

Brian Sibley ’98, assistant state’s attorney for the judicial district of New Haven, says finding balance is challenging and some sacrifices are necessary—especially when both parents are working full time. A prosecutor since 1999, he and his wife, Susan, have two children ages 14 and 16.

“The hardest time is when I’m involved in a trial, which is a 24-hour-a-day, seven-day-a-week process. When I’m in trial mode, it’s extremely difficult to balance. It involves constant shuffling and means you have to be extremely flexible.”

Sibley often finds himself staying up late or getting up early to find some quiet time to organize his thoughts. “You need that quiet time with no distractions,” he says.

Justice Joette Katz, the youngest-ever appointee to the Supreme Court of the state of Connecticut, considers herself among the trailblazers. “When I was in law school in the mid-’70s,” she says, “a lot of my women friends were from families who may have wanted them to have an education but couldn’t see the point of law school or any advanced degree.” Noting that she married young but intentionally had her children later, Katz says she felt she had to “work twice as hard, and be twice as competent” when she was appointed chief of Connecticut Legal Services in 1983. Katz joined the state Supreme Court in 1992.

Now at the peak of her professional life and at a level of accomplishment few achieve, Katz says, “My focus has always been on the work itself; I have never been caught up in the grandeur of the position, although I appreciate it. I can look at my titles and awards and committees, and they can be overwhelming. But I view my professional life through the lens of the task at hand. This is what allows me to have my family and my profession—to keep a mental balance.”

Being confronted with difficult choices is unavoidable if lawyers take their responsibilities seriously, Saxton says. “Sometimes the needs of the clients win out—they may be dealing with some of the most serious situations of their lives.”

As Brown notes, some of the problems are also reflections of larger cultural assumptions. “Some attorneys feel they are better off if a partner sees them on Friday afternoon playing golf rather than picking up their kids from school,” she says. “Clients benefit from the current model that stresses accessibility, but unless large firms begin to think creatively about structure, the chance for a healthy balance in lawyers’ lives is minimal.”

Gordon points out that many employers are recruiting with promises of more flexible lifestyles, and some publications—both legal and general interest—are printing lists of family-friendly workplaces. Some large organizations are sponsoring day care centers and smaller employers are pooling resources to finance day care for employees.

But Gordon also offers a caveat: “Research shows that 90 percent of all firms nationwide offer flexible time options, but only 2–5 percent of attorneys participate because doing so is almost always fatal to chances for significant advancement.”

Is change possible? “I hope so,” says Gordon. “People whose skills are in demand have to step back and look critically at the current system of incentives and rewards.”

Saxton adds, “We must integrate these issues into all levels of legal education. We bring in our own graduates and other practicing attorneys to serve as advisers and mentors to current students. Our externship programs allow students to get an idea of what their options might be.

“If we can help today’s students to be more sophisticated and proactive in understanding their choices, perhaps our profession will develop the flexibility to make the best use of the talents of all its practitioners.”



Marisa Bellair '01 with husband Randy and sons Connor, 2, and Carter, 6 months



Linda Currie-Zeffiro '03

Advice from the legal trenches

Linda Currie-Zeffiro '03, a special deputy assistant state's attorney in the New Haven judicial district, took a circuitous path to law school.

"I had been accepted 12 years before I enrolled, but when my first daughter made an appearance, I deferred admission because I did not think I could master school and motherhood together. Three children and a divorce later, I met my current husband, who encouraged me to revisit my law school dream," she says.

The couple still laughs about how she grabbed her Trusts & Estates book on the way to the hospital while in labor. "Now our four children range in age from college freshman to pre-K, and I am pursuing my law career."

Currie-Zeffiro says having a rewarding legal career and a harmonious family life are not mutually exclusive, but don't expect to attain them without personal sacrifice: "It comes with the territory." She has this advice for male and female lawyers about maintaining balance:

- Perfectionism is not your friend. "Sometimes 'good enough' is really enough."

- Stay focused on a task. "When at work, I focus 100 percent on work-related issues."
- Make dependable child-care arrangements and relax domestic standards.
- Expect that sometimes work will take precedence or vice-versa. Just try to re-establish harmony as soon as possible.
- Set long- and short-term goals, but don't look too far ahead.
- Accept that you will experience guilt—for missing a child's concert or leaving work early to attend to an emergency. "Explain to your children about your job responsibilities. Don't apologize to an employer for family responsibilities."
- Don't worry about being the first or last one in the office. "If you stay focused, you should be able to accomplish as much as those who profess to work late every night."

Don't suffer in silence. "Ask for help, but be specific. I haven't encountered a mind-reader yet."—*Rhea Hirshman*