

Definitely Mabey

Work-life balance up to lawyers, not firms

Lawyers Weekly in Australia recently polled over 500 lawyers and nearly 75 per cent of those polled said "their firm doesn't care about or allow for work-life balance" and drew the conclusion it was the firms' culture not their policies that were the blame.



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Law firms are, by and large, apparently abject failures in the quest for work-life balance.

The basis for this comment is when one thinks about all the monies and brain power firms have thrown at this nebulous thing called work-life balance and then you see the results of the latest compilation by *Career Bliss* of the **most and least blissful jobs** where "associate attorney" topped the list as the least happy job in the United States (I would be surprised if the results are dramatically different in Canada).

This failure comes despite firms offering "firm generated" solutions including:

- ⌘ Alternative work weeks;
- ⌘ Top-up of compensation during maternity and parental leaves;
- ⌘ Technology to allowing telecommuting;
- ⌘ Access to child-care facilities;
- ⌘ Child-care at firm meetings of lawyers;
- ⌘ Extrapolation of financial results caused by absences for family matters when considering rewards and admission to partnership; and
- ⌘ Provision of mobile technology.

The reason for failure by law firms is not rocket science. Work-life balance is an individual's decision not the firm's. In fact, this sense of failure is driven by three truths:

1. The focus of a law firm is to make money by performing quality, timely work and providing excellent service.

The unvarnished truth is law firms are established to make money and grown to make even more money. Partners should not be apologetic about this fact but nor should they try and hide it by filling associates' heads with notions of their firm's ability to accommodate a wide variety of workload levels. While they espouse clients are king, the real truth is for almost all firms cash is king and clients are an important member of the royal entourage. Money is made by maximizing revenue and minimizing expense in every commercial enterprise including law firms.

"out of sight out of mind" ...doesn't bode well with lawyers on alternative work arrangements.

Maximizing revenue is closely associated with how well you meet the clients' value proposition, which includes service and timeliness. In order to achieve both of these aspects of the value proposition, you have to be seen to be accessible even if they never call. It is, in part, this uncertainty of time commitment that causes stress for lawyers striving to balance income with what is meaningful in their life. An unfortunate truth is for many partners "out of sight is out of mind," which results in the more challenging work going to

the lawyers they are exposed to the most. Obviously this does not bode well for lawyers on alternative work arrangements.

There is a real challenge to minimizing expense if firms now have to hire more than one associate to handle the same work load that used to be handled by one associate. In many firms this has resulted in the creation of more, less-expensive staff lawyer roles; a reduction in the number of associates being hired; a reduction in the number of new partners and/or lengthening of the time it takes to achieve partnership; and less articling positions.

Declining profits over the past few years have resulted in an undercurrent of frustration and irritation with the whole topic of work-life balance, which in turn has resulted in solutions not necessarily receiving the full weight of partners' commitment.

2. There are a lot of lawyers who got a law degree either because of a belief in a myth or because it was the expedient thing to do and now feel trapped.

This sense of being trapped is not limited to just associates but touches partners too. This feeling is an incubator for disengagement. The myths that led such lawyers to the law included:

- z a guaranteed way to achieve financial success;
- z to fight injustice and affect changes needed in society;
- z I am not good with numbers but a great debater;
- z lawyers live high-powered/glamorous lives; and
- z the work is intellectually challenging.

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Some individuals obtained undergraduate degrees friends and parents suggested might qualify them to become taxi drivers (not that there is anything wrong with a good cabbie and many a day, I thought it would be a great safe haven but for my driving skills) and so chose the law.

Regardless of what caused them to enter the profession, what they have found is a vocation that includes such perceived negatives as:

- z high stress;
- z long hours;
- z client pressures;
- z a dramatically and constantly changing paradigm;
- z competitiveness, both internal and external; and
- z a poor public image.

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This disengagement can manifest itself in what is at risk of becoming a catch-all phrase of work-life balance issues.

Keeping disengaged lawyers in the medium- to long-term is costly not only in terms of morale and productivity but also in management time and attention. If management time is taken by working on the disengaged, who is working to engage the others?

3. Work-life balance isn't about the tension between work and life.

Work-life balance, says Peter Block in *the Answer to How is Yes: Acting on What Matters*, is "about more balance between engaging in what has meaning to the individual and doing things that are useful and practical, or in a sense, instrumental."

A law firm can and should explain to its associates what the economic fallout will be from choices they make to balance what is meaningful to them and their paycheque. But they should not tell an associate what the proper balance is. This is a decision best left up to the individual.

Once the associate or partner has made his or her decision, it is up to the firm to decide if it can accommodate the decision within the business parameters it has set for itself which includes factors such as: client service; profitability; talent retention; growth; expense management; reputation; and area of practice.

If as a result of the firm's deliberations it truly feels it can accommodate the lawyer's decision, then and only then should it make sure it has programs/solutions in place that ensure an effective facilitation of this accommodation.

Until next month, as Edgar Guest is reported as to have said:

"You are the person who has to decide. Whether you'll do it or toss it aside. You are the person who makes up your mind. Whether you'll lead or will linger behind. Whether you'll try for the goal that's afar. Or just be contented to stay where you are."

Comments or Questions?

*First Published in **Canadian Lawyer**
April 2013. Copyright © Applied
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