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PHOTOS BY CHRISTOPHER BARR

Did you ever wish you could devote more time to your family, your community or other non-legal interests? Have you day-dreamed about asking the managing partner or your supervising attorney about reducing your work hours?

To many in practice, the term “part-time lawyer” is an oxymoron. The reality of practicing law is that most clients want their attorney available when they need him or her, which means, at a minimum, five days a week, eight hours a day, and quite often more. To accommodate their clients’ needs and to meet a never-ending stream of deadlines, the majority of lawyers work more than 40 hours per week.

Admittedly, finding and maintaining a part-time or reduced schedule as an attorney is difficult. According to statistics compiled by the National Association for Law Placement (NALP), just five percent of lawyers nationwide work part-time.¹ The majority of those lawyers (76.4 percent) are women.²

The statistics for Phoenix reflect those for the country as a whole. Of the 1,332 Phoenix attorneys polled, 4.7 percent work part-time schedules, and nearly three-quarters of those attorneys (73 percent) are women. NALP’s research reveals that although many law firms make part-time work available, attorneys continue to underutilize the option.³

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The opinions expressed in this article are those of the individual lawyers, and do not necessarily reflect the opinions of their employers, past or present.

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Part-Time Lawyers Spur
Firm Options



L to R: Jennifer Prendiville, Teresa Dwyer-Federhar and Pam Gates

Now you have the statistics. But don't be disheartened. The purpose of this article is to portray the experiences and advice of a group Arizona attorneys who have successfully managed to practice law on a part-time or reduced schedule. Perhaps by sharing their experiences and their ideas for how to make part-time lawyering successful, other lawyers and employers will come to appreciate the fact that part-time or reduced-hour work arrangements are not only feasible, but can be highly effective.

I was admitted to the Arizona bar in the fall of 1999. Since that time, I have spent four years practicing part-time, working between 15 and 25 hours per week. I have worked at both a large firm and a small firm and can testify to the fact that a part-time arrangement can be successful at any size firm, given the right commitment by the lawyer and the firm.

Like many other lawyers who are able to work part-time⁴ or reduced hours, I have benefited tremendously. I am able to spend ample time with my three children, while at the same time maintaining my skills and identity as a lawyer. Most days, I feel that I have the best of both worlds.

The Benefits of the Alternative Schedule

Time With Family

Many lawyers make the decision to reduce their hours in order to spend more time with their families, whether they are raising children or caring for an elderly or sick relative.

Keelan Bodow worked part-time for the Arizona Attorney General's Office for three and a half years so she could "spend more time with my children at a time when that was needed." Bodow was part of a job share position created in response to a formal proposal submitted by her and another lawyer. For Bodow, working part-time enabled her to realize "how important my career is to me, and the multitude of benefits I get from working, including being a better mother." She later returned to full-time work at the Attorney General's Office and was appointed to be a Superior Court Commissioner in 2007.

Her decision to return to full-time work after several years is not uncommon. There are many parents who wish to work a reduced schedule while their children are young, and then, for a variety of reasons, decide to return to the work force full-time.

This trend is important for employers to understand. An employer's decision to support a lawyer's choice to work part-time for several years may be the key to retaining a talented and productive attorney who may later transition back to full-time work.

Michele Feeney took the opposite approach. She worked full-time while her older children were young and later decided to

reduce her hours. She now works part-time for the law firm of Mohr, Hackett, Pederson, Blakley and Randolph, P.C. She maintains a mediation/ADR practice and assists with associate training.

Feeney has worked reduced hours for seven years, and she explains her decision to reduce her hours: "I felt that I had proven to myself and others that I could be successful as a trial lawyer and mother of three, but the pace was exhausting." She found that while working full-time, she had "no time to relax or pursue any personal interests." Rather than abandon the practice of law, Feeney elected to work part-time because she appreciated the intellectual stimulation, the interaction with other lawyers and the value of maintaining her professional skills.

Feeney reports that the benefits of working part-time to her are immeasurable. She explains that she has more time to devote to parenting, volunteer opportunities and personal interests, while at the same time maintaining her professional identity.

Other Career Interests

For other lawyers, working reduced hours provides them the opportunity to explore an alternative career.

Rebecca Masterson worked reduced hours at Cantelme & Brown, P.L.C., a small Phoenix law firm, working anywhere from 20 to 35 hours per week. One of the reasons she chose to go part-time was to dedicate more time to her part-time business. After working reduced hours for close to a year, she decided to leave the practice of law and devote herself full-time to her new business.

Notably, Masterson found that working reduced hours made her more efficient as a lawyer. "Ironically, the removal of the pressure to make a billable minimum actually made me more productive. My work product was better because it was not about how much I could bill, and I was more efficient while I was in the office."

Masterson's experience illustrates how a part-time lawyer can meet the needs of a small law firm, which may not have sufficient work to keep a full-time lawyer busy. For such firms, hiring a part-time attorney who is efficient and dedicated during the hours he or she works can be the perfect solution.

Keeping Your Career on Track

Some lawyers face the choice of either leaving the practice of law altogether for a period of time or working part-time. Certain lawyers choose the part-time alternative, because it permits them to maintain their legal skills and keep their career on track.

Catherine Brixen participated in a job share arrangement clerking for a judge at the Arizona Court of Appeals. Like Bodow and Feeney, Brixen chose to work part-time in order to spend more

Prepare a formal and detailed proposal showing how your flexible arrangement can succeed both productively and financially. If you are proposing a job share with another lawyer, consider preparing your proposal together.

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time with her children. She believes that working part-time enabled her to keep her career on track and ensured a smooth re-entry into full-time employment. Brixen now works full-time as in-house counsel for a corporation, and she recently submitted a proposal to reduce her hours there.

Indeed, working reduced hours does not equate to career derailment. Theresa Dwyer-Federhar, a director with Fennemore Craig, started with the firm in 1994 as an associate working reduced hours. Her billing requirement was three quarters that of a full-time associate.

Dwyer-Federhar explains, “On average, this meant that I simply arrived at work later and left earlier each day.” In 2000, while still working a reduced schedule, she was elected to become a director with the firm. While her experience may not be typical, her success proves that working reduced hours does not automatically negate one’s chances of becoming a director or partner in a large firm. Dwyer-Federhar subsequently returned to a full-time schedule.

At this point, you may have noted that the part-time lawyers who have contributed to this article are all women. As noted previously, NALP reports that more than three-quarters of part-time

lawyers are women.^v Although work–life issues are important to both men and women, women have traditionally been more in need of flexibility to juggle the demands of work and family. Thus, it is no surprise that women have taken the lead in creating flexible and part-time arrangements.⁶

Retention

Clearly, there are many benefits of part-time or reduced-hour arrangements for the lawyer. It is perhaps more difficult to recognize the benefits that an employer might realize from such

arrangements, partly because those benefits may be long-term, rather than immediate. Nevertheless, there are significant benefits to be gained by an employer who promotes and supports such arrangements.

Lori Higuera, who chairs the Hiring Committee at Fennemore Craig, P.C., is closely attuned to the importance of providing greater flexibility in attracting and retaining new associates, as well as lateral hires. Higuera has noticed that increasing numbers of lawyers at various stages of their career are interested in reducing their hours in order to meet all of their commitments. And what

are the benefits to the employer of accommodating lawyers' need for greater flexibility? In Higuera's opinion, by providing lawyers greater flexibility in billable hour requirements without penalizing them—for example, keeping them on track for partnership—law firms can reap the long-term benefit of retaining talented lawyers who are happy, loyal and devoted to the firm.

Some Advice

As set forth above, the benefits of working part-time are varied and many. At the same time, it is necessary to acknowledge that part-time arrangements are hard to come by and can be challenging to maintain. Here is some advice from those who have been through the trenches on how to propose a part-time arrangement and how to make the experience successful for yourself and your employer.

Prepare a Proposal—and Negotiate Hard

Here is a common daydream you may share about working part-time: You are approached by the partner you work for, who offers: "After your baby is born, would you like to reduce your hours?"

Or perhaps you are waiting for your supervising attorney to say, "I hear you are pursuing a career in photography on the side; would you like to go part-time?"

Time to wake up.

In reality, if you are interested in working part-time or reduced hours, you need to take the initiative yourself and present a proposal to your firm or organization explaining how such an arrangement can work to everyone's benefit. If your employer has a part-time or job-share policy in place, proposing to reduce your hours may not be difficult.

If the reverse is true, which it is in most cases, your task will be difficult, but not impossible. In such a case, it is highly recommended that you prepare a formal and detailed proposal showing how your arrangement can succeed both productively and financially. If you are proposing a job share with another lawyer, consider preparing your proposal together. If you need help getting started, consider searching for sample proposals online. (For some sample proposals and additional resources, see the sidebar above.)

Catherine Brixen found that by using online proposals, she was able to address concerns she might not otherwise have included. Her proposal addressed topics such as schedule, office space, management and supervision, delegation of work duties, quality of work, staffing, communication, budget considerations, approvals required, and costs. She also included sections addressing her commitment to the workplace and the reason she wished to go part-time.

As part of your proposal, be sure to present financial data show-

Sources for Proposal Samples

www.jobshareconnection.com/proposal.html

www.flexibilityalliance.org/findflex.php

www.workoptions.com/flexsucc-pt.htm

Alternative Schedule Resources

Flextime Lawyers, L.L.C. (www.flextimelawyers.com)

This company couples with Working Mother magazine to produce a list of the best law firms for women. Flextime is a consulting firm that provides advice to employers and lawyers on flexibility and balance issues. Its Web site provides a useful resource for employers and lawyers who are contemplating part-time or reduced hour arrangements.

Project for Attorney Retention (www.pardc.org)

You will find a great resource in the Project for Attorney Retention (PAR), an initiative of The Center for WorkLife Law at the University of California, Hastings College of the Law. As stated on its Web site, PAR's mission is "to improve recruiting and retention of talented attorneys through the use of work schedules that allow attorneys to better balance the competing demands of their work and their lives outside the office." PAR's site offers tips from attorneys who have worked or are working a reduced schedule, compiles best practices for the creation and implementation of balanced hour programs, shares the results of relevant research projects, and contains an excellent listing of relevant articles and books addressing work/family issues.

Yale Law Women (www.yale.edu/ylw)

Their mission is "to promote the interests of women within the law school and beyond." Among other things, they create a ranking of the top 10 family-friendly firms annually. As their Web site says, "YLW is a non-partisan organization committed to reflection and activism in all of its work."

ing how your arrangement will affect the bottom line, and how your part-time employment can be profitable for the firm. Some law firms are accustomed to allocating a certain dollar amount of overhead to each attorney. Therefore, if you are willing to share office space, support staff or other resources, point that out in your proposal. This may result in a decreased overhead allocation.

When it comes time to present your proposal to the firm or organization, Dwyer-Federhar advises that you should "negotiate hard for what you want and what you can realistically perform." Do your best to promote yourself in such a way that the firm or organization can see the value in retaining you as an attorney.

Remember, if you are committed to the part-time arrangement, you can make it successful for yourself and your employer.

Be Patient

If you are proposing to change a full-time job to a part-time job or to create a job share, be prepared to exercise patience. Most employers will not approve such a plan without obtaining support from senior management. Moreover, it may take the firm or organization time to get used to the idea of a part-time attorney.

If you are planning on leaving your current employment and searching for a part-time position elsewhere, or if you have been away from the practice of law and are looking to re-enter the work force in a part-time capacity, be prepared to exercise even greater patience. In my experience, there are very few formal postings or advertisements for part-time attorneys.

At the same time as you are searching formal job listings, spread the word that you are interested in a part-time position. Talk to friends, colleagues and law school classmates. You never know who might be looking for a part-time attorney. There are more part-time positions available than what is reflected in formal job postings.

Seek Employer Advice

Although the percentage of part-time lawyers in Arizona and elsewhere may be small, the actual number of lawyers successfully working part-time or reduced schedules is significant, notes Pam Gates, a partner with Bryan Cave, L.L.P.

Gates herself was promoted to partner while working a reduced schedule. She acknowledges that an employer will have many questions when considering whether to permit a part-time or reduced-hour arrangement:

- Will the arrangement work?
- Will the other lawyers in the office resent the lawyers working reduced hours?
- Will it mean more work for the full-time lawyers?
- Will the full-time lawyers feel abandoned in times of crisis?

For employers considering whether to promote part-time arrangements, Gates recommends seeking advice from other law firms that support part-time or reduced-hour arrangements, and specifically speaking with the full-time lawyers who work directly with the part-time attorneys on a regular basis.

Bryan Cave is one example of a law firm that actively supports part-time arrangements. This international firm was recently named one of *Working Mother* magazine's and Flex-Time Lawyers L.L.C.'s 2007 Best Law Firms for Women, scoring well in the "flexibility" category.⁷ Currently, the firm employs a total of 89 part-time lawyers, both female and male, which constitutes approximately nine percent of the firm's attorneys.

William "Wink" Pearson, a partner with Bryan Cave in its Phoenix office, works with three reduced-schedule attorneys on a regular basis. He comments:

In practice, working with reduced-schedule lawyers is no different than working with full-time lawyers. All lawyers have scheduling conflicts, so flexibility is essential for everyone. I've been able to schedule all my meetings and phone conference working with reduced-schedule lawyers to avoid their days off or earlier departures. In return, the reduced-schedule lawyers are always responsive whenever necessary: They promptly return phone calls and e-mails, and adjust their schedules when trial approaches or the workload demands more time at the office.

Pearson's experience suggests that part-time or reduced-hour arrangements need not inconvenience full-time lawyers in a firm.

Law firms increasingly recognize the value of such flexibility, and there are examples of firms and other employers that have excelled in that domain. For example, a number of firms have been named some of the "Best Places To Work in the Valley" by BestCompaniesAZ, a human resources consulting firm, in partnership with the *Phoenix Business Journal*. In 2006, those firms were Quarles & Brady L.L.P., Gallagher & Kennedy P.A., Burch & Cracchiolo P.A., Fennemore Craig P.C. and Snell & Wilmer L.L.P.⁸

And sometimes the recognition is national in nature. In September, Quarles & Brady won the number-one ranking in the Top 10 Family-Friendly Firms recognition. It was

awarded by the Yale Law Women, in a joint project with the Women's Law School Coalition. (For more on the award and the firm's commitment to flexibility, see story on page 14.)

Maintain Flexibility

Once you have obtained a part-time position, the best way to make it work is to maintain flexibility, both in the hours you work and the type of work you do. Some part-time lawyers work five shorter days, whereas others work an abbreviated week. Discuss the options with your employer, and find a mutually beneficial arrangement. If the schedule you decide upon isn't working out, be prepared to try an alternative arrangement.

Tim Berg, who chairs the Management Committee at Fennemore Craig, worked closely with Dwyer-Federhar during the time she maintained a reduced schedule. Given the clients they jointly served, Berg says he found it beneficial to have Dwyer-Federhar in the office for part of each business day. Berg also credits her willingness to stay late and put in extra hours as needed as a key factor in ensuring the success of her reduced-hour arrangement.

As a part-time lawyer, it also helps to be flexible regarding the type of law you practice. Chances are you will have to bid farewell to a heavy litigation practice or an intense transactional practice,

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and the hours and deadlines that go along with such practices (although exceptions exist: Christine Burns manages to maintain an employment litigation practice). Moreover, you should not work for clients who expect phone calls to be returned within the hour. Try to select a practice area and client base that permit you to have some degree of control over your schedule. For example, Feeney has found that her mediation practice is a good fit for her part-time schedule.

In addition, realize that your schedule as a part-time lawyer may be dictated by the work that comes into the firm or organization, and that it may ebb and flow. As Brixen stresses, “It is important to be available to occasionally work the longer day, or come in on a day off to get a job finished or to show your commitment to making the part-time schedule work.” If you are caring for children, maintaining flexibility will mean having back-up child care available.

Ultimately, if the firm or organization has made a commitment to being flexible with you, you will need to reciprocate that commitment.

Work Cooperatively

Be forewarned: You inevitably will encounter resistance by some lawyers and staff to your part-time arrangement. Prepare yourself for such resistance.

At the same time, seek out those lawyers and staff who are receptive to your arrangement, and who are committed to helping you succeed. Work cooperatively with those individuals. Your good relationships with other lawyers and staff will prove invaluable to you as a part-time lawyer.

If you are working part-time as an associate, try to find one or more partners to work with who are supportive of your part-time arrangement, and who will assist you in setting boundaries around your hours and workload. One of the greatest challenges of part-time work is to maintain a workload that can be accomplished within your schedule.

Remember that other lawyers and your support staff will serve as your contact point with clients and opposing counsel when you are not in the office. You need them on your side. A knowledgeable and reliable paralegal or secretary can be instrumental in ensuring that your part-time arrangement is successful.

Develop a Communications Plan

Another way to ensure the success of your part-time arrangement is to construct a plan for communicating effectively.

When you are not in the office, check your voicemail and e-mail regularly. A laptop computer can be useful for checking e-mail or drafting documents at home. Let other lawyers and staff know when you will be gone, and encourage them to leave you a phone message or send you an e-mail.

Commissioner Bodow recommends having a plan in place for how emergencies will be handled when you are not in the office. She stresses the importance of not putting your co-workers in the position of having to search for information when you are gone.

As much as possible, plan ahead. For those times when it is impossible to do so, make sure that key people in your firm or organization have a sure-fire way to contact you in the event of an emergency, by providing a cell phone or home phone number.


Consider the Impact

Undoubtedly, there are many benefits to working part-time or reduced hours as a lawyer. Nevertheless, it is important to acknowledge the drawbacks, as well.

The downside for me has been the realization that my career has not progressed in the same way it would have had I continued to work full-time. Prepare yourself for the fact that your decision to work part-time will alter and/or slow your career progression.

A decision to work part-time or reduced hours also will affect you financially. Everyone understands that if you work fewer hours, you are paid less. In addition, however, be prepared for the fact that part-time lawyers are sometimes compensated at a lower hourly rate than are their full-time colleagues. Moreover, in many cases benefits are not available to part-time employees. Therefore, if you are proposing a part-time position within your firm or organization, or applying for a part-time position elsewhere, consider the financial effects of working part-time.

Conclusion

As these lawyers can attest, the benefits of working part-time are many and varied. I believe that employers committed to hiring and supporting part-time arrangements can benefit significantly in their ability to attract and retain talented and dedicated lawyers. 

endnotes

1. See NALP Press Release Details, *Few Lawyers Work Part-Time, Most Who Do Are Women*, Dec. 7, 2006, available at www.nalp.org/press/details.php?id=65.
2. *Id.* at Table 4. It is important to note the lawyers surveyed by NALP come primarily from large law firms.
3. *Id.*
4. Throughout this article, I have employed

- the term “part-time.” Although I and several of the lawyers who contributed to this article truly work part-time, it is more common to work reduced hours, which is somewhere between part-time and full-time.
5. See NALP Press Release, *supra* note 1.
 6. See Maggie Jackson, *Part Timers Find Room at Law Firm*, BOSTON GLOBE, Nov.

- 5, 2006, at G1.
7. News Center, *Bryan Cave LLP Named One of “Best Law Firms for Women,”* Aug. 14, 2007, available at www.bryancave.com/news/detail.asp?NewsID=1561.
8. A complete list of 2007 winners was not available by press time. See www.bestcompaniesaz.com/bptw.shtml.