

**California Law Firm  
Diversity Best Practices  
Research Study Report**

***Managing A Shift Toward Work-Life Integration***

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By Tina Shah Paikeday

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July 17, 2012

***California Law Firm Diversity Best Practices***  
**Research Background**  
**July 17, 2012**

The purpose of the 2012 *California Law Firm Diversity Best Practices* study is to advance diversity in the legal profession by identifying successful practices at large law firms which leverage work-life strategies to deliver powerful employment brands that attract and retain women and minorities. The recent turnaround in the growth of the population of women and minorities in California law firms is encouraging, yet there is still a large gap to close before diversity levels in the state's largest law firms mirror the diversity of California which is already a "majority minority" state. In Talent Advisory Board's 2011 study of best practice retention strategies for women and minorities, most firms with high attorney retention levels exceeded the industry's average percentage of part-time attorneys. Interestingly, the percentage of part-time non-partner attorneys in California law firms grew at a faster rate than women and minorities during the last year. Among *California Lawyer's* 2011 California 50 firms, the percentage of part-time non-partner attorneys increased significantly from 10 percent in June of 2010 to 12 percent in 2011.

Our initial research hypothesis was that work-life programs are particularly important for retaining women and minority attorneys. Many diverse attorneys believe they must work extra hard to stay on equal footing, so they often have difficulty achieving work-life balance in the demanding legal profession. Many attorneys striving to meet family responsibilities have left law firms for work environments that enable more work-life balance or integration. One measurable indicator of the ability to achieve work-life balance is the penetration of part-time programs. According to the Bureau of Labor Statistics, thirteen percent of individuals employed in US professional specialties (engineering, architects, and physicians) are part-time. Six percent of US law firm attorneys are part-time, and the acceptance of part-time programs at law firms has started to change in recent years. At some innovative California firms nearly one-fifth of attorneys work on part-time schedules. Other law firms have successfully delivered both part-time programs and partnership elevations to women and minorities at disproportionately high rates. We were interested in learning from these firms what they do to effectively deliver and communicate work-life strategies and how important work-life programs are to the retention of diverse attorneys.

As part of this research study, we explored two models utilized by employers to design work-life programs which are defined as follows for purposes of this study: (1) work-life balance – a satisfactory allocation of time across separate professional and personal spheres of life and (2) work-life integration – an integration of the professional and personal spheres such that that two positively affect each other. According to Ellen Ernst Kossek and Susan J. Lambert, editors of *Work and Life Integration: Organizational, Cultural, and Individual Perspectives*, most US employers originally structured the work environment for the single bread winner model of the 1960's in which the man was traditionally at work while his wife was at home taking care of family responsibilities. The ideal worker was one who went to work on time, stayed as late as needed and was not interrupted at work by personal matters. The demographics of the workforce have changed quite dramatically since then with an increase in dual income couples, same sex couples, and single parents for whom work and personal responsibilities are typically held by each individual. Generational preferences have also changed with the Millennial Generation seeking more time for personal pursuits than the Baby Boomer Generation. While many employers continue to be structured to enable balance, the shifts in workforce demographics and generational preferences have resulted in increased interest in work-life integration strategies.

***California Law Firm Diversity Best Practices***  
**Key Findings Summary**  
**July 17, 2012**

The line between work and personal matters has become increasingly blurry for many US professionals. Global competition, technology innovations, and the widespread use of social media have resulted in a longer work week, increased accessibility, and increased levels of transparency. These factors combined with an increase in labor force participation by individuals who also have primary caretaking responsibilities have further blurred the line between personal and professional aspects of life. Innovative employers have begun to introduce work-life integration strategies which enable employees to better meet both work and personal responsibilities. Especially in Silicon Valley, technology is a key enabler for this level of integration: smart phones integrate our personal and work emails, the cloud enables remote access to personal and work files, and VOIP enables porting our phones anywhere around the world.

Partly driven by this trend toward integration, our research at leading California law firms found that employees are more satisfied when they are doing work they love and in environments where they can feel authentic. We found that as employees live more holistically and authentically, they feel good about integrating their personal lives into work by making good friends with colleagues, inviting those colleagues into relevant personal pursuits, and also importantly recruiting their friends to join their workplaces. We interviewed many women and minorities who leveraged work-life programs to successfully integrate their lives. Work-life integration strategies that we identified in our case examples include using flex-time and telecommuting to meet both family and client scheduling needs, making friends with colleagues through women's affinity groups, and developing client relationships through minority bar organizations. However, we did see some evidence that cultural and gender differences made it more difficult for some women and minorities to feel comfortable feeling fully authentic at work. We found many attorneys at best practice firms who loved their work and the work environment so much that they found creative ways to overcome obstacles to achieve integration.

The best practice case examples developed as a result of this research illustrate the importance of choice between work-life models, the value of role models, the significance of cultural transparency and the importance of passion for the work. The workforce currently encompasses Baby-Boomers, Generation X and the Millennial Generation, and their differential preferences for work-life models will help firms that can offer choice to be most successful in employing a multi-generational workforce. It is important for senior attorneys who make work-life choices to know that they serve as important role models for attorneys seeking to achieve their work-life goals. Demonstrating work-life values consistently internally and externally with employment candidates, colleagues, and clients is critical with more integrated lives. Finally, we found evidence that those who were most satisfied with work and personal spheres were not necessarily those who worked fewer hours but those who leveraged strategies to integrate their personal and professional spheres in complementary ways. The following case examples illustrate best practice strategies employed by four large California firms, and full cases are included in the report.

1. Work-Life Arrangements Are Strategically Integrated Into a Transparent Culture at Cooley
2. Farella Firm Leaders Serve as Role Models in Achieving Work-Life Goals
3. Fenwick Provides Each Attorney a Choice of Work-Life Models
4. Wilson Sonsini Goodrich & Rosati Selects Attorneys Who Love Their Work

**California Law Firm Diversity Best Practices  
Research Participants  
July 17, 2012**

The four firms below were selected for inclusion as major California law firms which outperformed at least one California Large Law Firm Diversity Demographic Benchmark and at least one related California Large Law Firm Work-Life Benchmark derived from *California Lawyer* California 50 data by Talent Advisory Board Inc. The research was conducted using a series of interviews with firm diversity/work-life leaders and diverse attorneys. The interviews focused on five areas: (1) Work-Life Employment Brand, (2) Work-Life Goals, Policies and Programs, (3) Part-Time/Reduced Hours Program, (4) Work-Life Measurement and Management, and (5) Diverse Attorney Work-Life Perspectives. We extend our sincere appreciation to the following individuals for their significant contributions to this research:

<b>Firm</b>	<b>Name</b>	<b>Title</b>
Cooley LLP	Koji Fukumura Shira Nadich Levin Mark Pitchford Carrie Wagner Shannon Pelikan Lori Mason	Partner & Diversity Committee Chair Partner in Charge of New York Office & Women's Initiative Committee Chair Administrative & Legal Practice Partner Director of Attorney Recruiting Chief Human Resources Officer Director of Professional Development
Farella, Braun + Martel LLP	Steven R. Lowenthal Steven L. Vettel Deborah K. Tellier Anthony Grumbach Jennifer Peneyra	Partner & Firm Chair Partner & Diversity Committee Co-Chair Partner & Professional Development Committee Co-Chair Director of Professional Development Recruiting and Diversity Manager
Fenwick & West LLP	Kathryn J. Fritz Felix Lee Michael Shuster Ralph Pais Cheri Vaillancour Julieta Stubrin	Managing Partner Partner & Diversity and Inclusion Committee Co-Chair Partner & Diversity and Inclusion Committee Co-Chair Partner & FLEX and DMR Leader Director of Professional Development Manager of Recruiting & Diversity
Wilson Sonsini Goodrich & Rosati PC	Fred Alvarez Chris Boyd Stacey Layzell Nancy Lieberman Julie Beley	Partner & Head of Employment Law Practice Senior Director of Professional Services Senior Director of Human Resources & Office Administration Career Development Manager Compensation & Benefits Director

**California Law Firm Diversity Best Practices  
Talent Advisory Board Benchmarks  
July 17, 2012**

California Large Law Firm Benchmarks Over Time	CA 50 Average	6/15/2010	6/30/2011
% CA Attorneys Who Are Part-Time	Non-Partners	10%	12%
	Partners	5%	5%
% CA Attorneys Who Are Female	Associates	47%	48%
	Partners	21%	21%
% CA Attorneys Who Are Minority	Associates	28%	29%
	Partners	12%	12%

California Large Law Firm Diversity Demographic Benchmarks	CA 50 Average	6/30/2011
# California Attorneys	All Attorneys	244
	Non-Partners	140
	Partners	104
% CA Attorneys Who Are Female	All Attorneys	34%
	Non-Partners	45%
	Partners	21%
% CA Attorneys Who Are Minority	All Attorneys	19%
	Non-Partners	26%
	Partners	12%

California Large Law Firm Work-Life Benchmarks	CA 50 Average	6/30/2011
% CA Attorneys Who Are Part-Time	All Attorneys	8%
	Non-Partners	12%
	Partners	5%
% of Part-Time CA Attorneys Who Are	Female	16%
	Minority	7%
% of Part-Time CA Attorneys Who Are	Non-Partners	74%
	Partners	26%
	Female	69%
	Minority	17%

Source: California Lawyer 2011 California 50; Talent Advisory Board Inc. Calculations

**California Law firm Diversity Best Practices  
Research Study Sponsors  
July 17, 2012**

The research study has been generously underwritten by Fenwick & West LLP. The research has been conducted by an independent third party Talent Advisory Board Inc. which is committed to advancing workforce diversity. California Law Firm benchmarks were created by Talent Advisory Board using *California Lawyer's* 2011 California 50 law firm rankings and associated demographic data.

**About Fenwick & West LLP**

Established in 1972, Fenwick & West works closely with technology and life sciences companies that are changing the world through innovation. The firm has more than 40 years of experience crafting innovative solutions to the business challenges that arise at the intersection of technology and the law. Fenwick & West clients, who range from start-up ventures to global enterprises, value our attorneys' deep industry experience and understanding of their technologies. The firm is ranked by *Minority Law Journal* as one of the top five most diverse law firms in the United States. The Diversity and Inclusion Committee at Fenwick & West works closely with the attorney recruiting department to increase outreach at law schools targeted to diverse student communities and Fenwick has been actively involved in various groups and activities that work to promote diversity both in the legal profession and the community, including the Asian American Bar Association, Bay Area Lawyers for Individual Freedom (BALIF), the ABA Section of the Litigation Committee for the Minority Trial Lawyer and the Minority Corporate Counsel Association. The Firm has implemented diversity training, mentoring, assignment tracking and recruiting initiatives in order to strengthen diversity. In its efforts to embrace diverse heritages, the Firm hosts cross-cultural celebrations, including Cinco de Mayo, Chinese New Year and Juneteenth.

**About Talent Advisory Board Inc.**

With the social mission of fostering a greater understanding between people of diverse backgrounds, Talent Advisory Board Inc. is a boutique management consulting firm focused on advancing workforce diversity. The firm's consultants have experience in human resources strategy, diversity programs and employee research, and they provide leading edge diversity management consulting services to law firms. The firm uses an analytical approach to solve the most challenging diversity problems including recruiting, retaining and advancing diverse legal professionals. Talent Advisory Board enables diversity to be a powerful asset for clients to leverage for competitive advantage. The firm is minority-owned and woman-owned. For more information please visit [www.talentadvisoryboard.com](http://www.talentadvisoryboard.com).

This case example dated July 1, 2012 was prepared by Talent Advisory Board Inc. for the 2012 California Law Firm Diversity Best Practices research study to identify successful practices at large law firms which leverage work-life strategies to deliver powerful employment brands that attract and retain women and minorities. The firm below was selected for inclusion as a major California law firm which outperformed at least one California Large Law Firm Diversity Demographic Benchmark and at least one related California Large Law Firm Work-Life Benchmark derived from *California Lawyer* California 50 data by Talent Advisory Board Inc.

## Work-Life Arrangements Are Strategically Integrated Into a Transparent Cooley Culture

Cooley significantly outperforms the California benchmark average of women at both the partner and non-partner levels. The firm has a greater percentage of minority attorneys in California than the benchmark average. The representation of women, minorities, and non-partners in the part-time population is higher at Cooley than in the average California 50 benchmark firm.

June 30, 2011	CA Large Law Firm Benchmark	Cooley
% Female Attorneys	34%	40%
% Female Non-Partners	45%	48%
% Female Partners	21%	27%
% Minority Attorneys	19%	23%
% Part-Time Attorneys Who Are Female	69%	89%
% Part-Time Attorneys Who Are Minority	17%	23%
% Part-Time Attorneys Who Are Non-Partners	74%	86%

Diversity Committee investments in networking forums provide access to important relationships. A senior partner plays a unique role in helping to manage work-life arrangements across practice groups. And, many senior partners at the firm serve as important role models for how to integrate work and life pursuits. All three factors are critical in enabling the firm to achieve two of its seven stated values – diversity and work-life balance.

### Work-Life Employment Brand

With a mere click on Cooley’s website, visitors, clients and employees are able to access the firm’s seven core values, one of which is work-life balance. Administrative & Legal Practice Partner, Mark Pitchford, explains its importance: “The reality of law practice at this level and of this scope is that we are essentially open for business 24/7 and 365. We ask and expect a great deal from our associates and partners and in return must acknowledge the need for and facilitate the maintenance of some equilibrium between their professional and personal lives.”

### Work-Life Goals, Policies, and Programs

With offices located in some of the country’s most dynamic technology markets, including Silicon Valley, the firm has fostered an environment where colleagues and clients become friends. Capitalizing on this reality, in 2012, the Diversity Committee sponsored 15 different minority bar organizations that provide diverse attorneys leadership and business development opportunities in communities which are important to them, as well as opportunities to create personal and professional relationships in the industry. One minority attorney who has been involved in such organizations recalled a lunch with another law firm partner and a senior in-house counsel, all of whom shared the same ethnic background, and noted a heightened level of comfort and ease in developing business opportunities because of the initial common bond. Diversity Committee Chair, Koji Fukumura, is a leading advocate for providing both full and part-time diverse attorneys with broader opportunities for leadership in mainstream legal organizations so as to enable them to increase their profiles within their own firms and across the profession.

The Women’s Initiative Network (WIN) is an internal networking forum chaired by the Partner in Charge of the New York office, Shira Nadich Levin. In addition to recently launching a personal mentoring program for all women at Cooley, WIN held a firm-wide conference call of female and male associates featuring four partners who shared their own experiences of working part-time, along with Shannon Pelikan, Chief Human Resources Officer, who shared information on work-life arrangements and parental leave policies. Associates learned about available alternate work schedules in a proactive manner and heard real examples from successful partners at the firm. Levin believes that WIN is a special forum within which participants can help their colleagues while also benefitting from the overall sense of collegiality that is generated.

According to Director of Professional Development, Lori Mason, Cooley also leverages more traditional work-life programs, including emergency back-up childcare, a wellness program, generous benefits and flex arrangements to enable attorneys to remain at the firm as they cope with various life stages. Many alternative arrangements are accommodated to fit life needs, including parental and other extended leaves,

variable hours arrangements with no billable hour requirement and telecommuting. According to Director of Attorney Recruiting, Carrie Wagner, “It is not uncommon for our attorneys to work from home when appropriate. Everyone is afforded that flexibility, so long as their team knows where they are and it does not interfere with accomplishing the projects/tasks on deck for the day.” “Flexibility is a two-way street,” Pitchford observes, in that the level of trust that attorneys are afforded in a flexible arrangement, must be predicated on a common understanding that attorneys will do what it takes to meet client needs.

A full-time schedule at Cooley is 1920 billable hours, and part-time ranges from 50%-90% of that level. A request for a reduced hours schedule starts at the Practice Group level with ultimate approval from the Administrative Partner. If the Practice Group Leader feels the schedule can be accommodated, not many questions are asked about the reasons.

#### **Part-Time/Reduced Hours Program**

Across the part-time attorney population at Cooley, there is roughly an even split between litigators and corporate attorneys. However, there is a higher concentration of part-time attorneys in some specialized practice areas such as employment and compensation and benefits. One diverse, part-time M&A attorney, who is a parent, works Monday through Friday on an 80% schedule. When going through the process of defining a part-time schedule, this attorney came to the conclusion that taking off Fridays would not work well because of a need for availability and responsiveness in a high-end M&A practice. The 80% schedule provides the opportunity to say no to some projects, although that responsibility primarily falls on the attorney. The hours are not regular over the course of a day or week as peaks and valleys are normal, but they do even out over the course of the year. This arrangement works for the attorney’s family because of a flexible nanny and technology that enables the attorney to work from home after putting the kids to bed each night. While able to meet her client responsibilities, this attorney would like to find more time for non-billable activities, such as recruiting and business development.

In other practice areas, taking off a specified day is preferred from an efficiency and expectations perspective. Part-time attorneys can put in full days without needing to rush home at a certain time, and supervising partners have clearer expectations about

when part-time attorneys are not available. However, urgent matters sometimes result in client work bleeding into designated days off, and part-time attorneys are most successful when their support systems can be set up to allow for such flexibility. One part-time litigation attorney with children works on a fifty percent schedule three days per week. When needed, she has built-in support during the week through a flexible nanny and on the weekends courtesy of her spouse. Schedule control through direct client relationships is leveraged in this model. A love of both the job and the people help to make the model work as well.

#### **Work-Life Measurement & Management**

Cooley’s Administrative Partner works with each practice group leader to assess available capacity so as to ensure that multiple part-time schedules within a group do not interfere with work flow management and the timely delivery of client service. He will also discuss whether a request for a part-time schedule can be accommodated at a given time in view of other such schedules in the group. Monthly hours reports compare part-time billable targets to Full Time Equivalent hours. The Administrative Partner conducts monthly practice group calls during which part-time schedules are assessed on an individual basis. At year end all part-time schedules are reviewed.

Diverse Cooley attorneys who were interviewed discussed the importance of role models and how partner actions signal to associates what work-life strategies are acceptable as part of the culture. One minority female associate recalls a senior partner who was transparent with a client about her inability to schedule a conference call at the requested time because it was her child’s pick-up time. Another female associate discussed the importance of her role model who helped her learn how to manage competing demands through different stages of her career as an attorney and her personal life as a mother and wife. Partner and Compensation Committee member, Kay Chandler, was interviewed about her views and experiences with work-life integration. Among them, she recalled working at the office while her baby played in a portable crib and also generating business on the sidelines of her daughter’s school soccer games while talking with a fellow parent about her work. Experiences like these signal to associates that accommodating child rearing is not only welcomed in the Cooley culture, but can have some unique and unexpected benefits.



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## Farella Firm Leaders Serve as Role Models in Achieving Work-Life Goals

Farella outperforms the California benchmark average of female partners and minority non-partners. The firm’s percentage of part-time attorneys is nearly double the California benchmark average. Reduced hours schedules are embraced by both partners and non-partners.

June 30, 2011	CA Large Law Firm Benchmark	Farella Braun + Martel
% Female Partners	21%	23%
% Minority Non-Partners	26%	28%
% Part-Time Attorneys	8%	15%
% Part-Time Partners	5%	20%
% Part-Time Non-Partners	12%	15%

Farella has visible leaders who serve as role models for others who wish to achieve work-life goals. Firm Chair Steven Lowenthal says, “We all work very hard on behalf of our clients, regardless of whether classified as ‘full time’ or ‘reduced hours’ and we recognize the great value in our attorneys having a reasonable balance between their work time and personal/family time. The two concepts are not mutually exclusive.” In fact, several practice group leadership positions are held by partners who have worked reduced hours.

### Work-Life Employment Brand

The founders of the firm pursued a variety of personal pursuits while practicing law, so work-life is part of the DNA of the firm. For example, Frank Farella is passionate about wine and founded his own winery. Recruiting and Diversity Manager Jennifer Peneyra says the firm seeks out attorneys who have personal passions and are involved in their communities. Lateral hires have found Farella’s full-time billable hour requirement – which is comparable with other law firms the same size – to be more manageable than the requirements at larger firms. According to diverse attorneys who joined Farella from law school, a focus on work-life was important for some when they joined the firm, but for most it was more important in the continued decision to stay at the firm as they entered a life stage with young children.

Lowenthal believes that both responsiveness and consistent relationships with outside counsel are important for servicing clients well. He believes that enabling work-life goals for all attorneys, full and part-time, is important for retaining them so work-life investments make good business sense. Lowenthal has been involved in the Project for Attorney Retention (PAR) and says that while only a handful of in-house counsel are asking outside counsel to provide reports on work-life programs, many companies believe the issue is important because it mirrors their own values while also helping ensure continuity with attorneys who know the clients’ business and have developed relationships with them.

Farella’s management has also stayed ahead of the work-life issue because they believe it is necessary to remain competitive in the talent marketplace. Lowenthal recognizes that the changing demographics of law school students makes it more likely that attorneys will elect reduced hours schedules at some point in their careers for family and other reasons. He refers to PAR research that shows attorneys from different cultural backgrounds may face varying levels of responsibility for household, child and elder care duties, making work-life investments especially important for the retention of minority and women attorneys.

### Work-Life Goals, Policies, and Programs

According to Diversity Committee Co-Chair Steven Vettel, Farella Braun + Martel is focused on building an inclusive work place including non-traditional family structures that may change over time. Professional Development Committee Chair, Deborah Tellier, says that the size of the firm offers more flexibility and the culture is one in which people have lives, take their vacations and still service clients well. She says that allowing work and personal pursuits to “blend together” makes such a culture possible when client work is not adjustable.

The firm’s work-life integration investments include internal meetings of diverse associates led by the Diversity Committee and dinners with diverse partners and associates (and their spouses/partners) hosted by partners at their homes. The women partners also host dinners in their homes to welcome new women associates,

and one-on-one lunches between women partners and associates are scheduled regularly, to help build relationships for attorneys who may not regularly work with each other. These affinity group meetings help minority and women attorneys create social relationships at the firm, and such friendships are also reinforced through broader firm social events including a ski trip to which all family members are invited. Moms Making It Work is an internal affinity group in which partners and associates can discuss strategies for raising kids at different stages of life and work. The firm also sponsors events for minority bar organizations in which diverse attorneys serve as leaders, thereby enabling attorneys to invite the firm into pursuits that are important outside the firm. These are all examples of how work and personal spheres blend together for Farella attorneys.

Women and minority attorneys with younger and older children who are either part-time or full-time find ways to integrate work and life using such strategies as leveraging technology to be available remotely, working from home one or two days per week by setting up an effective home office, or being available for meetings during general business hours and then getting back online after dinner and their children's bedtime. Several business development strategies were also mentioned, including investing time during the day over lunch rather than evening receptions which often occur during dinner-time, cross-selling existing clients, and developing their own client base so they can have more control over the work.

For those seeking more balance between time spent on work and personal endeavors, the firm has sabbatical and reduced hours programs. The firm offers a sabbatical to associates for one month after four years of service and to partners for two months after every six of years. This program is important for attorney retention, and a number of attorneys take sabbaticals each year. The firm's long-standing reduced hours policy was recently updated by the Professional Development Committee. A reduced hours schedule at Farella is anywhere from 70-90% of the full-time billable requirement of 1850 hours. A reduced hours schedule may be elected for any reason, including family reasons. Reduced hours schedules are tailored for each individual by practice groups to allow for the highest levels of client service and attorney retention. Questions

about policies including reduced hours schedules may be answered through mentoring circles which are comprised of one partner and four to five associates who also serve as peer mentors to each other. Associates who are interested in electing a reduced hours schedule are requested to complete a part-time request form which is reviewed and approved by the Practice Group Chair, the Director of Professional Development and the Firm Chair.

### **Part-Time/Reduced Hours Program**

Attorneys who were most satisfied were those who enjoyed both the work they do and the people with whom they work. Director of Professional Development, Anthony Grumbach, serves as workload manager for the Litigation Practice in which working part-time may be more difficult due to trial demands. Grumbach manages the staffing of all assignments and monitors the work that attorneys are receiving on a regular basis. His prior experience as a practicing attorney puts him in a good position to effectively manage case staffing while serving as a liaison to associates to facilitate appropriate workloads, and legal and client development skills. As the Professional Development Committee Partner Chair, Deborah Tellier works with the Professional Development Director to advise associates who are in or interested in participating in the program.

### **Work-Life Measurement & Management**

The Professional Development Committee and staff are responsible for achieving work-life goals. Partners play an important role in creating a culture that supports work-life integration by treating associates with respect, trusting they will get the work done, and recognizing their responsibilities outside of the workplace. Partners also validate work-life integration through their own actions. For example, diverse attorneys who were interviewed referred to partners who serve as role models by taking their vacations, making the time to be involved in their children's sports games, and adjusting their schedules to meet both client needs and personal commitments. Firm management is committed at the highest levels to achieving work-life goals, while providing outstanding client service.

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## Fenwick Provides Each Attorney a Choice of Work-Life Models

Fenwick & West significantly outperforms the California benchmark average of minority attorneys. The firm's percentage of part-time attorneys in California is double the California benchmark average. Reduced hours schedules are embraced by both partners and non-partners.

June 30, 2011	CA Large Law Firm Benchmark	Fenwick & West
% Minority Attorneys	19%	25%
% Part-Time Attorneys	8%	19%
% Part-Time Partners	5%	21%
% Part-Time Non-Partners	12%	18%

In addition to the traditional large law firm full-time and reduced-hours schedules, the firm has employed attorneys using new business models including discovery and diligence work with more predictable hours.

### Work-Life Employment Brand

Attorneys are attracted to Fenwick & West primarily because of the firm's technology focus and cutting edge clients. According to Julieta Stubrin, Manager of Attorney Recruiting & Diversity, work-life issues are important to the millennial generation attorneys who join the firm because they place higher value on personal pursuits than did prior generations. Managing Partner Kate Fritz supports work-life issues, including through the firm's continued involvement in the Project for Attorney Retention, and believes that attorneys deliver higher levels of client service when they avoid burn-out at work and remain satisfied in all aspects of life. The firm's work-life reputation improved a number of years ago when industry trends increased the annual billable hour expectations for associates nationwide. Historically the firm had a single billable hour requirement at 1800 hours. When industry hours trends increased to 1950 with compensation increases, the firm adopted a practice in which associates could choose to elect a 1950 hour billable hour requirement with the increased compensation, or elect an 1800 billable hour requirement, with pro-rated compensation.

### Work-Life Goals, Policies, and Programs

All first year associates start with an 1800 billable hour expectation. After the first year, associates can elect either a full-time 1800 hour or a 1950 hour expectation. In addition, all attorneys can request a reduced-hours schedule as a percentage of that level for any reason including non-family reasons. "Reduced hours" is a term that is used at the firm for attorneys working below an 1800 hours expectation level. Professional Development Director Cheri Vaillancour says that the firm's work-life focus has been for the most part on helping attorneys achieve the right balance between work and personal time through offering reduced hours and part-time schedules. Diversity Committee Co-Chairs Felix Lee and Michael Shuster believe each attorney can choose a model that works best between the more traditional work-life balance model and the evolving work-life integration model in which work and personal spheres intersect in a way that enables experiences from one sphere to positively affect the other. Partner Ralph Pais who has served as a Liaison to attorneys working on reduced-hours schedules believes that drawing clear boundaries is difficult, and it is ideal to talk about work-life issues individually in a more holistic way.

Fenwick offers a wide variety of tools to help attorneys integrate work and life, including an on-site gym in the firm's Mountain View office, and nearby back-up emergency childcare through Bright Horizons, both of which have been effectively utilized. Attorneys also participate in affinity groups such as the Women's Leadership Initiative and minority affinity groups through which they have developed personal friendships with colleagues – another way in which social relationships become integrated with work. In addition, the firm sponsors external diversity organizations based on attorney involvement and initiative, and these sponsorships enable diverse attorneys who are passionate about issues to invite colleagues into their personal pursuits. Many partners have become friends not only with fellow partners but also with the clients they serve – reinforcing the integration of work and personal spheres.

In addition to investments that support work-life balance and work-life integration, the firm has developed new business models of attorney staffing. These business models have attracted a wider pool

of attorneys, including through Fenwick's DMR and FLEX programs which were launched to meet client needs. DMR is an internal discovery and diligence team that offers a predictable schedule to participating attorneys which is attractive to an alternate segment of the labor market. FLEX is geared towards external attorneys with seven to eight years of experience including in-house experience. The firm recruits these attorneys to deploy them on temporary in-house assignments to companies with a business need for additional temporary internal support. Partner Ralph Pais, who developed, launched and oversees DMR and FLEX reports that FLEX attorneys are roughly evenly split by gender, while DMR attorneys are very diverse.

### **Part-Time/Reduced Hours Program**

In a Silicon Valley practice serving high growth clients, Professional Development Director Cheri Vaillancour says it is difficult to provide an even flow of work on a daily basis, but balance is more feasible over a longer horizon for those who desire to work long hours for a period of time and enjoy downtime for personal pursuits.

Some female and minority litigation and IP attorneys with young children have achieved balance on a daily basis by electing reduced-hour schedules at 60% to 80% of 1800 billable hours to reduce billable pressure while being available for meetings at the office during business hours on most days from Monday to Friday. For the most part, schedule elections are not communicated to clients because managing time across multiple clients and projects is commonplace as attorneys rarely dedicate 100% of their time to one project. This model enables attorneys to exceed internal and external client expectations while meeting or exceeding billable hour goals and having some time to contribute to administrative and business development activities. Reduced-hours attorneys who exceed their specific billable hour expectations get trued up, and those who are most satisfied have built in buffer time into their work schedules during the day, early morning, or late night so they can still spend the evenings with their children. To the extent that they are able to control their schedules themselves or enlist a partner to help manage it, reduced-hours attorneys are more satisfied. The most satisfied attorneys integrate personal and professional schedules by letting some work bleed into the home after bedtime and also allowing select personal appointments

bleed into work hours in a way that still best serves client needs. Most reduced-hours attorneys have friends at work many of which developed through affiliation with affinity groups such as the Women's Leadership Initiative and the reduced-hours lunch group, whereby attorneys meet monthly over lunch to discuss and advance issues that are important to them. They have planned a survey to assess what is working well and what needs improvement. When asked about the compensation trade-off, most thought the time with their families was worth it.

### **Work-Life Measurement & Management**

A Work-life Committee was formed in 2006 to review the firm's then-existing part-time policy and adopt best practice work-life strategies. Over the course of one year, the Committee established that anyone could elect a reduced-hours schedule rather than limiting the policy to election for family reasons and made other changes that made the policy more user-friendly. The professional development staff now measures all target and actual hours to monitor variances.

Partner roles in supporting work-life goals vary. For example, one supervising partner helps a reduced-hours attorney achieve the attorney's elected schedule by singlehandedly providing almost all billable hours to this attorney and setting realistic deadlines for work product. Others have successfully convinced reduced-hours associates to stay on partner track and helped to sponsor their promotion.

The Diversity Committee recently hosted a panel on reduced-hours schedules at the firm's bi-annual Diversity Retreat to provide best practice examples of reduced-hours associates and partners with whom they have successfully worked. The panel was followed by a roundtable discussion by practice group. The Diversity Committee also surveys annually the full attorney population about various talent management issues including work-life issues to better understand acceptance levels of reduced schedules and any challenges to overcome. In its Diversity Dashboard, the Diversity Committee measures the difference between reduced-hours and full-time attorneys on various recruiting, retention and advance metrics at both a firm and practice group level to drive accountability and responsibility for positive change. This emphasis on measurement helps the firm make progress in supporting the work-life choices made by each individual attorney.

This case example dated July 1, 2012 was prepared by Talent Advisory Board Inc. for the 2012 California Law Firm Diversity Best Practices research study to identify successful practices at large law firms which leverage work-life strategies to deliver powerful employment brands that attract and retain women and minorities. The firm below was selected for inclusion as a major California law firm which outperformed at least one California Large Law Firm Diversity Demographic Benchmark and at least one related California Large Law Firm Work-Life Benchmark derived from *California Lawyer* California 50 data by Talent Advisory Board Inc.

## Wilson Sonsini Goodrich & Rosati Selects Attorneys Who Love Their Work

Wilson Sonsini Goodrich & Rosati significantly outperforms the California benchmark average of minorities at both the partner and non-partner levels. The firm has a greater percentage of women attorneys in California than the benchmark average. The representation of women and minorities in the part-time population is higher at Wilson Sonsini than in the average California benchmark firm.

June 30, 2011	CA Large Law Firm Benchmark	Wilson Sonsini Goodrich & Rosati
% Minority Attorneys	19%	29%
% Minority Non-Partners	26%	35%
% Minority Partners	12%	20%
% Female Attorneys	34%	36%
% Part-Time Attorneys Who Are Minority	17%	25%
% Part-Time Attorneys Who Are Female	69%	80%

Wilson Sonsini has been a long-standing leader in diversity. Rather than invest heavily in committees and programs, the firm focuses on selecting people who love what they do and making accommodations for people as they enter phases of life when personal matters need more attention. For example, one full-time female minority partner who is also a mother of young children has carved out a schedule that enables her to work on high-stakes litigation, support of M&A deals, and clients in Asia while making time for her children every night between 7pm and 10pm. She has an extreme focus on work during business hours, is completely off-line between 7pm and 10pm, and then leverages technology to get back online and conduct calls with Asia late at night. This model works for her because she loves her work, and she has also become friends with her clients while maintaining personal relationships with friends outside work on the weekends. She says that in order to do well, she integrates her work and personal spheres while maintaining boundaries which enable her to be fully present in each.

### Work-Life Employment Brand

A love of the work and entrepreneurial law firm environment is something that the firm is able to screen for in the attorney selection process. Senior Director of Professional Services Chris Boyd, who leads the firm's recruiting and training efforts, says that the firm has provided for several years behavioral interview training for on-campus and call-back interviewers, and those who are invited to conduct interviews are selected for their keen ability to identify candidates who would thrive at the firm based on their experiences and interests. This process enables the firm to identify those who have a demonstrated passion for law and technology through on-campus activities or prior work experiences, and interviewers often ask about examples of challenges that candidates have had to overcome or how they handled difficult client situations in order to assess key competencies. Boyd says that, similar to other large law firms, attorneys at Wilson Sonsini work hard, and the firm is known primarily for "great work and great clients" in the employment market. Based on a survey of law school students who interviewed with the firm, the most important factors when selecting a firm were (1) practice area, (2) geography, and (3) client base. Work-life balance was fifth on the list for law students, but lateral attorneys who are farther along in their careers and may have families inquire about work-life arrangements more often.

Several years ago the firm formed a task force to develop a policy that addresses the changing workforce and ensures that talented women and men were not lost as they began to have or adopt children. The task force was chaired by Partner Fred Alvarez who currently serves on the ABA Commission on Women. A part-time policy was developed by the task force to focus on family needs. The policy for part-time schedules is limited to those with family reasons, leaving those who wish to write the Great American novel to fully pursue that passion without trying to also practice law.

### Work-Life Goals, Policies, and Programs

According to Stacey Layzell, Senior Director of Human Resources and Office Administration, the firm's part-time schedules and compensation arrangements are pro-rated from a baseline 40-

hour work week. Work-life policy information is posted on the intranet, and Career Development Manager Nancy Lieberman coaches attorneys on how to arrange for part-time schedules including talking to other part-time peers. Advice that is often given is that reducing the total number of hours worked over the year is easier to achieve than reducing the total number of hours worked per week.

Informal flexibility is important to attorneys who are not required to be in the office from 9am to 5pm. Many informally use flexible start and end times and also leverage technology to enable telecommuting when needed. These tools take the pressure off attorneys to go part-time. Utilization is primarily informal and varies widely from practice group to practice group. According to internal survey data, over half of men and women are at least satisfied that their practice group supports flexible arrangements.

#### **Part-Time/Reduced Hours Program**

The firm does have part-time corporate attorneys on 60-80% schedules. Some do at times work on M&A deals as part of teams, and there is no write-off account. A large part of their practices focuses on venture backed start-up clients, which require responsiveness but do not require attorneys to sacrifice their personal lives for extended periods. The model that has worked successfully for these attorneys is to set up their personal lives in such a way that they can handle the peaks and valleys of high-intensity matters. One attorney is able to manage a part-time schedule by utilizing telecommuting arrangements and allowing personal life to fit into the peaks and valleys of work. Another part-time attorney who is a parent has live-in childcare support at home to enable a fully flexible schedule for work and enjoys the downtime with family when it's available. Neither of these attorneys works a standard schedule of 9 to 5 on Monday through Friday, but their schedules which are much more erratic are typically seamless internally and externally. Important personal appointments are calendared so that they don't get missed during down times. In this way, these attorneys can work on important projects that are meaningful to them while integrating into their lives important personal pursuits.

In other groups, diversity of work-life choices is respected at the associate and partner levels.

Some attorneys choose to eat dinner with their families each evening at 6:30pm, while others carve out time on Fridays to participate in children's pre-school activities. The mindset that is most accepted within the firm's culture is one in which part-time or full-time attorneys are flexible enough to be available for an important matter or emergency that might disrupt personal time. For example, "taking Fridays off" is less accepted than "generally being out on Friday mornings but available if needed." This model can be described more as a work-life integration model in which the personal and professional spheres blend into each other. A critical success factor for such a model is a love for one's work. One attorney leveraged this blending of spheres to her advantage by landing a new client by bonding over daycare issues. She has found that female clients are generally understanding of work-life demands.

In recent history, two part-time associates have been promoted to partner (the firm has only equity partners). Alternative positions off the main associate-to-partner track provide additional career flexibility. Counsel typically have specialized skills; Of Counsel are typically senior attorneys who have deep experience and important client relationships but who are not necessarily seeking partnership in the near term.

#### **Work-Life Measurement & Management**

The firm's management team is in charge of work-life goals and uses data to manage toward them. Director of Compensation & Benefits Julie Beley runs a report that analyzes monthly chargeable hours and calculates a full-time equivalent figure for each attorney. The firm uses this report to monitor attorney workloads and address capacity issues. Staff formally meets with each practice group twice per year to review the organization chart and plan workforce needs based on demand vs. utilization. Exit interviews provide meaningful information on how to increase the acceptance of part-time schedules and the satisfaction levels of full-time associates who would like to achieve work-life goals at the firm rather than seeking in-house positions. The bi-annual associate survey also captures data on satisfaction with work-life arrangements so that the firm can continue to retain and advance its diverse attorneys to the partnership.