



HOLD YOUR PARTNERS ACCOUNTABLE FOR SUPPORTING FLEXIBLE LAWYERS

No matter how carefully crafted, a flexible work program will fail unless the firm's partners make it work on a daily basis. Partners control lawyers' assignments, opportunities, access to information, evaluations, compensation, and promotion – which means they can undo even the best flexible work program through bias, inattention, or worse, in how they treat lawyers who work flexible schedules. It is essential that partners be invested in making flexibility work.

An increasing number of firms are ensuring their partners' backing by holding the partners accountable for supporting flexible lawyers. Following best practices from Corporate America that align compensation and promotion with achievement of organizational goals, these firms are using a variety of methods to ensure that their partners are responsible for the retention and development of flexible lawyers, and for supporting the firms' flexible work programs. These methods include:

- Requiring partners to include in their annual compensation-setting narrative a statement of how they supported flexible work at the firm during the year;
- Providing bonuses or additional compensation to partners in recognition of their efforts to support flexible work; and
- Deducting compensation from partners whose practice groups experience significant attrition among flexible lawyers.

Accountability requires setting goals or creating other methods to determine whether partners have supported the flexible work program. Some firms provide their partners with suggestions for how they can show their support – leaving room, of course, for partners to create their own ways to advance the firm's flexibility objectives. Here are some examples of activities that firms could suggest their partners participate in to support flexibility:

- Participate in training to understand flexibility bias
- Successfully supervise a flexible lawyer on an ongoing matter of some significance, respecting his or her schedule and providing meaningful feedback
- Mentor a flexible lawyer
- Take a flexible lawyer along on a business development meeting
- Take flexible lawyers to lunch
- Participate in training or coaching to be a better supervisor of flexible lawyers
- Attend a conference about flexible work for lawyers
- Participate in a committee that oversees or promotes flexible work

In addition to holding individual partners accountable, firms can hold practice groups or offices accountable by measuring their progress toward the firms' flexibility goals. One way to measure progress is to look at demographics, including: the usage rate for flexible work options, broken down by level (partner, associate, of counsel) and gender; attrition among flexible lawyers or lawyers who could have been retained through flexibility; compensation of flexible lawyers compared on a pro-rated basis to lawyers who work standard hours; and promotion of lawyers who are working or have worked flexible schedules. Another – and very effective – way to measure progress is to conduct periodic surveys of lawyer satisfaction, including satisfaction with how the firm supports lawyers' needs for work/life control.

The Diversity & Flexibility Alliance (the Alliance) is a think tank dedicated to creating work environments centered on inclusion and innovative thought leadership. We provide practical solutions, increase organizational effectiveness, and create high performance cultures leveraging diversity and flexibility. Our firsthand experience in law firms and corporations drives us to make a difference. Using our collective expertise and skills, we create strategic approaches and conduct critical research that bridges the gap between policy and practice. Visit us at: www.dfalliance.com to learn more or contact the Alliance's President & CEO, Manar Morales at: manar@dfalliance.com.