

## **CBA Hosts a “Great Debate” to Discuss Whether Work-Life Balance is Achievable**

by Leah Carlson

The Colorado Bar Association’s 2020 Law Firm Initiative Committee recently hosted a CLE to discuss whether a balanced hour law firm model is realistic, especially given the current economic climate in which so many attorneys are willing to work longer hours. The discussion echoed some of the debates surrounding the Committee’s mission, which is described on their website as, “creating new models for practicing law in the future that address important issues and demographic realities, and provide a more balanced work environment.”

The two featured speakers were Ken Stern, founding partner at Stern, Elkind, Curray & Alterman LLP and CBA Committee Chair, and Jack Hanley, Executive Director of Reilly Pozner LLP. They presented opposing viewpoints during a staged debate where audience participation was encouraged.

### The Argument For Balanced Hours

Ken Stern argued in favor of a flexible hours model by announcing the creation of a new Denver law firm organized around a flexible hours program and culture. He painted a vision of happy, hard-working and loyal attorneys who are given the opportunity to choose how many hours they wanted to work, ranging from 1400 to 2400 hours per year, for pay commensurate with their hours. These attorneys, he said, are committed to being flexible and to making sure that a core number of hours are spent in the office. This structure ensures that there are always enough people to do the work, eliminating the cost of contract attorneys and placing value on face-to-face time with clients and colleagues. Leveraging technology to increase flexibility, the firm’s attorneys are able to work where and when they want, within certain standards, whether traditional business hours or between a soccer game and dinner.

By Stern’s account, this new firm attracts “the best and the brightest” because it appeals to all types of attorneys. Whether it be the baby boomer who is looking to scale back, the parent who wants to maintain a family life, or the younger generation – the “millennials” - who demand job satisfaction in terms of a balanced and flexible work schedule. A flexible hours program means that the firm also attracts more diversity. In turn, this diversity contributes to the increasing success of the firm not only because of the new and different perspective that diverse attorneys bring, but also because diverse firms attracts clients who use values to select counsel. Further, the balanced hour model itself serves as a marketing tool, allowing the firm to tout itself as innovative, creative, cutting-edge, and forward-thinking.

The new firm is aware of the potential short falls of the model, says Stern, but it feels these will be made up for by lower attrition rates. The firm will spend considerably less money on training new lawyers and on hiring efforts to replace lawyers that leave the firm. In fact, all of the positive benefits of a balanced hours work place will create an atmosphere where people want to work and want to stay, making continuity one of the firm’s greatest assets. As the economy improves, this firm is also perfectly situated to enhance its success.

Stern admitted at the end of his presentation that the Denver law firm he described was fictional. However, he confidently declared that he was, "convinced this could happen."

### The Argument Against Balanced Hours

On the other side of the debate was Jack Hanley, who argued against the balanced hour model. After assuring the audience that he was playing an assigned role and did not necessarily agree with all of his statements, he moved on to his main argument by stating that law firms are not structured to operate in the progressive manor that Stern described, particularly since "the glory days are over" and many law firms are struggling in today's market. Rather than focusing on attorney needs, Hanley argued that current trends will force successful legal practices toward a consumer-oriented model.

Hanley argued that all firms are being forced to acknowledge that the old law firm model is slowing. Productivity is dropping off while debt and expenses are increasing. Simultaneously, the savvier clients are scrutinizing their bills and don't want to pay for expensive lease holds or "fancy" offices. To combat this, Hanley argues that firms must look toward reducing overhead, or "right-sizing." In addition, accountability and performance will be more important than ever as the lock-step model disappears and attorneys are asked to work more hours. Attorneys will also have a higher degree of specialization and will be expected to choose clients more carefully but also put greater emphasis on client development.

Hanley recognizes that, like Stern's fictional firm, there are some downsides to his vision of the future. In particular, the costs for new technologies and increasing rent are necessary but cannot be passed on to clients in the form of increased hourly rates. Instead, more hours must be billed at the risk that attorney loyalty will be sacrificed. Despite this, Hanley's argument maintains that the balanced hours model is not a viable option for law firms because their structure and complexity do not allow for such a radical departure from the norm.

Following the debate, audience members raised concerns and questions of their own. The discussion revealed that many Denver area attorneys support the balanced hours model but feel that there are some barriers, whether real or perceived, that need to be addressed first. For example, one attorney asked whether, to reduce overhead, firms would face ethical barriers to sharing an office space. Another attorney questioned the financial feasibility of switching to the sliding scale billable hour model described by Stern, especially considering the one-to-three billing structure in place at most firms where an individual is expected to be bill three times their salary over the course of the year.

Members of the 2020 Law Firm Initiative Committee commented that this CLE was an important chance for them to hear the concerns of attorneys which they hope to address as their work continues. While they were able to address several of the questions, such as showing that current billing models did not take into account things like the cost of training a new attorney, they hoped to be able to figure out where the gaps were and to fill them with detailed answers. The

committee recognizes the need for these numbers if they are to convince large firms to switch over to the balanced hours model.

"Much of the resistance to a flexible hours program is attitudinal," says Stern. "Many firms feel that that is the way we have always done things and are resistant to change." In order for firms to warm up to the idea that changing traditional business practices doesn't mean compromising quality or revenue, they must first understand and embrace the benefits of the flexible hours program and see how technology can support the approach. The first firm or firms to fully incorporate a flexible hours culture will prove the concept by its success.

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The Project for Attorney Retention has compiled a table that summarizes several essential features of part-time programs at selected law firms. This can be found at <http://www.pardc.org/TheScoop/>

Leah Carlson graduated from Colorado Law School in May and hopes to enter the marketing side of the legal profession. She currently volunteers her time with CCIE and manages their marketing efforts.