

It's the Right Time for Part Time

Dickstein's Quest For Family Values

BY MICHAEL E. NANNES

Fall 1998. In the midst of the fall hiring season, attorneys from Dickstein Shapiro Morin & Oshinsky arrive on the campus of a "Top 10" law school armed to make the best possible pitch for the firm. Approaching the entrance to the placement office, they are greeted by the prominently posted picture of a Dickstein Shapiro partner and her triplets, under a headline, "Part-Time Policy Aids Families," and an accompanying discussion in which the firm's policies on part-time work are characterized as progressive by D.C. and national standards.

That partner, and the firm's programs, are also the subject of a two-page spread in a D.C. news magazine, which describes the firm's commitment to its part-time policy and explains how the policies helped people achieve a balance between work and family.

Calls come from the D.C. Bar requesting that members of the firm appear on the winter program to discuss quality of life. When the firm's name is mentioned at a holiday party, two women attorneys respond favorably, noting they have read about Dickstein's progressive, family-friendly policies and observing that it must be a great place to work.

Flashback to the fall of 1995: The firm gets a bottom-of-the-heap ranking in a survey of women in law firms that hits law school library shelves smack in the middle of the hiring season. There is no chance for the firm to respond. Attorneys cannot comprehend how our many fine programs can get such a poor evaluation. Our fall hiring season concludes with a disappointingly low level of acceptances by women. Women partners report that they have been asked at social functions how they can work at the firm.

What happened in three years?

When first confronted with our public image in the fall of 1995, we did what many do in the face of bad news: We questioned the perception and rationalized the results. We doubted the validity and results of the survey because only four of our 51 women lawyers had responded to the survey, one of whom had already left the firm when she submitted her response. We assured ourselves that our firm is very demanding of itself and sets a high grading standard. We found factual errors in the survey, reported our findings to the publisher, and received a letter of apology that is now buried in someone's file somewhere. We found comfort in our existing family-friendly programs and in the expressions of support from the many women who indicated that, had they responded, we would have scored very well in the survey.

This first phase soon gave way to a second and eminently more productive phase. Our women partners saw an immense opportunity: The firm, while disagreeing with the survey results, clearly did not like having them. The adverse publicity, even if not well-founded, was something that the firm would strive to reverse. The women partners seized the initiative, and a responsive executive committee encouraged their efforts. Everyone agreed that the image reflected in the publication must be improved and that we faced a significant challenge in doing so.

Over the next few weeks, these leaders recognized that, to make progress, we must first determine where we stood, and that to do that, we needed to undertake an internal survey. The women lawyers elected a survey committee. This committee worked diligently in deciding what to ask and, equally important, in assuring anonymity in the responses. We retained a professional to assist us. The survey forms were distributed, responses submitted, and the results tabulated.

In the presentation detailing the survey, it became clear that there were significant differences in perceptions between men and women, partners and associates, old and young lawyers. Anecdotes were presented—eye-openers in a number of cases. The results

were presented to the executive committee. We agonized over whether to disseminate the results to the entire firm—confidentiality had been assured to the respondents and some of the survey responses (including those that were based on legend rather than fact) could be damaging in the wrong hands. We decided to share the results with all attorneys.

Upon analyzing the results of our survey, we recognized that many of the problems identified were not peculiar to women but related to all attorneys, perhaps with particular poignancy to those with families. We also recognized that many of the problems “come with the territory” and seem to be a necessary consequence of the private practice of law in a high-quality, pressured environment. The firm decided, however, that this was not a sufficient answer for us and that action was required. The executive committee, adopting a key recommendation of the survey committee, appointed a gender and quality of life committee, which it entrusted with developing policies and programs designed to move the firm into the forefront of the places where both men and women can thrive.

The firm designated the first woman lawyer it hired many years ago (also the firm’s first woman partner) to chair the committee. The committee also included a strong business originator (active in both the executive committee and the partner compensation process) who, in addition to his commitment to the cause, brought a well-respected business sense and a knowledge of how to get things done.

To ensure strength and balance in the committee, additional members included vocal and involved associates, evenly balanced between men and women. And lo and behold, we began a serious dialogue, a discussion of how to develop a better place to work.

Over time and with the assistance of the gender and quality of life committee, the firm began to realize that flexible work policies would, among other things, help the firm both attract and retain top-quality lawyers.

IDEAS AROUND

Our committee did not suffer from lack of ideas. Different people found very different ways to accommodate the twin principles, to which virtually everyone subscribed, that we must be flexible and supportive without compromising our ability to service the needs of our clients. Our clients, after all, while saluting our initiatives, expected no diminution in the quality of their service and, indeed, were imposing even greater demands on the firm.

We found, almost without exception, that the fears spoken of by skeptics (present in any organization) in opposing the committee’s initiatives did not materialize. And some of those skeptics later became among the strongest proponents of the new initiatives.

We implemented the following:

- A backup day care program, through an affiliation with a child care facility within two blocks of our office. The firm substantially subsidizes the cost of the care, more so for staff than for attorneys, but at a level sufficient to make the program a genuine assistance to people with such requirements.

- A nanny care program to backstop the day care program for those many instances when day care is not viable, because children are either too old or are ill. The firm substantially also sub-

sidizes the cost of this in-home care, making it a viable option not just for attorneys but for staff too. We are the first law firm in the District to make such a program available.

- The most progressive part-time program of which we are aware. An attorney may work as little as a 50 percent schedule and still remain a candidate for partner. Moreover, if an attorney agrees to, say, a 70 percent schedule and unavoidably is required to work an 80 percent schedule, his or her salary is adjusted at the end of the year to a full 80 percent payment.

This program is supported by a part-time adviser—an attorney who is exceptionally well-regarded by the partnership and who is herself on a part-time schedule—with whom attorneys interested in contemplating part-time work can confer without fear of criticism for showing “lack of commitment” for considering such a schedule.

The adviser is responsible for ensuring that the entire firm is committed to making the part-time program work and that an attorney is not met with any “pockets of resistance.” (“Sure it can work in your practice area, but not mine.”) Additionally, the adviser ensures that the part-time attorney continues to receive challenging assignments that will enable him or her to progress.

- A strong, zero-tolerance program for addressing improper conduct within the office—not limited to sexual and similar harassment, but any inappropriate conduct. We also thought long and hard and determined that, for us, a proper balance would not include a prohibition on dating between firm employees, but would include appropriate guidelines on the matter (e.g., persons dating shall not work together, supervise or evaluate the other, etc.).

To continue the gender dialogue, the committee periodically purchases and presents educational programs for attorneys, such as Dr. Pat Heim’s videotapes on the differences in communication style between men and women, the “invisible rules” that interfere with collegial work and fair evaluations. A number of partners, male and female, after seeing these tapes, borrowed them for home viewing with their own families.

For the future, the committee is developing a stronger mentoring program and has other initiatives in the works.

We also got lucky that our strategic business decisions complemented our internal initiatives. Lateral acquisitions brought Jerry Oshinsky and Scott Gilbert to the firm, with substantial practices from Anderson, Kill, Olick & Oshinsky and from Covington & Burling, respectively. Oshinsky and Gilbert also brought with them progressive attitudes, as well as six additional women partners, including one who leads our New York office. Two more part-time attorneys were admitted to partnership. Other attorneys had additional children. Our newly developed and hard-earned reputation brought us an additional part-time partner whose schedule could not be accommodated at a prior firm.

And perhaps most important, the firm didn’t fall apart. The floodgates didn’t open. Some people still work full time. Men and women talk openly regarding the programs, sharing their concerns and opinions. Our standing committee on gender and quality of life continues its efforts.

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