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Part Time Partner Redux: So We Solved the Problem, Didn't We?

Thomas A. Kochan

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Teaching Case

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Abstract

“Part Time Partner Redux: So We Solved the Problem, Didn’t We?”

WPC #101

A teaching case on the reality of part time policies for associates and partners in law firms. This case shows that formal policies have failed to overcome the informal norms or culture that penalized professionals for deviating from what was engrained in the minds of senior partners and others in the profession as the “ideal worker.” It asks the reader to develop a strategy, considering the different stakeholders, to solve this problem.

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Contact: Thomas A. Kochan

Email: tkochan@mit.edu

Postal: Massachusetts Institute of Technology (MIT)

Sloan School of Management

Cambridge, MA 02142 United States

Phone: 617-253-6689

Fax: 617-253-7696

My husband's first law firm, one of the most prestigious in the city, offered a three-month paid parental leave to anyone who had just adopted or had a baby. When our son Jacob was born, my husband took his full leave because it coincided with the term I was finishing my PhD dissertation and lecturing for the first time in the Sociology Department. There is no way I could have accomplished these things without him at home. It allowed me the maximum amount of time to devote to my writing and teaching. But it was so unusual for men to take advantage of the leave policy that it hurt him professionally and he eventually realized that he was going to have to leave the firm if he was going to advance.

He was at a new firm (equally well known and prestigious) when June was born. This time he did not dare to take advantage of their equally generous leave policy.

I faced a different type of problem when I was planning my academic career. After Jacob was born, it became clear to me that I was only going to be able to devote eight hours a day to my profession if I wanted to live up to my own standards of parenthood. The problem is, those who are most successful in academia are the ones who have the freedom to read, think, and work from the moment they get up until they go to bed. This situation is not going to change, even if it becomes more acceptable to split one's time between work and family. My guess is the same could be said of careers in business and medicine. It is certainly true in the world of law, where one bills by the hour. I find it hard to envision a world where entire fields reduce their standards of excellence when even a fraction of its practitioners are willing to make that extra effort.

By the turn of the century, nearly 90 percent of law firms had implemented formal part-time policies for associates and partners. Most thought they had solved the problem encountered in the part-time partner case.¹ Formal policies regarding time and criteria for promotion, part-time compensation arrangements, and related human resource policies were in place to support individuals choosing reduced hours option.

But the reality was something else. A study by the Women's Bar Association of Massachusetts² found that:

1. Consistent with the national pattern, over 90% of major Boston firms offered a part-time or reduced hours option;
2. Less than 5% of associates took advantage of it; less than 2% of all partners used it.
3. One third of those that used it (and an equal number who did not use it) believed that it hurt the careers of those using this option because they were perceived as being less committed to either the firm or their profession than

¹ Managing for the Future: Organizational Behavior and Processes. OH: South-Western College Publishing, 1996 (2nd edition 1999). See Module #7, Pages 63-72.

² More Than Part-Time. A report of the Employment Issues Committee of the Women's Bar Association of Massachusetts. Boston, MA 2000.

those who continued to work full time, long hours;

4. The biggest barrier to use reported in both surveys and focus groups of lawyers was the stigma attached to breaking the norms of the profession, and;
5. Women constitute 28% of the attorneys in Boston law firms but account for 40% of attorneys leaving these firms. Approximately 40% of those who left their firm reported the attitudes toward the reduced hours arrangements affected their decision to leave.

The letter quoted at the opening of this case, written in response to a work family report,³ captured the real experiences of those who took the parental leave option. The problem was far from solved. The formal policies failed to overcome the informal norms or culture that penalized professionals for deviating from what was engrained in the minds of senior partners and perhaps in the minds of others in the profession as the “ideal worker.”

Yet there continues to be evidence that a substantial proportion of lawyers would individually prefer to work shorter hours. But as one study demonstrated, no individual is likely to take this action as long as others do not follow suit.⁴ Thus there is a collective action problem at work here. And, if we take the last point in the quote seriously, even those who would prefer shorter hours worry that by promoting use of this policy, standards of excellence in one’s profession may erode.

This is the state of affairs today. Most organizations offer reduced hours options for family reasons; few people take them, and both those who take them and those who would like to but don’t because they worry about the negative career stigma it connotes. Meanwhile, the inability to manage these policies effectively appears to induce high rates of turnover and all its associated costs of recruitment, training, and lost productivity.

Clearly, this is a problem with multiple stakeholders—employees who, given their family needs, would prefer shorter hours; managing partners who are concerned about attracting and retaining talented professionals; clients who want high quality services when they need them; family members who bear the costs of unusable policies or policies that add more stress to those who use them. Or, is it an unsolvable trade-off, as the last sentence of the letter quoted above seems to imply?

The Question

What, if anything, can or should be done to solve this problem? In developing a strategy, consider both what the different stakeholders might do individually or separately and what they might do if they worked together in a coordinated fashion.

³ Lotte Bailyn, Robert Drago, and Thomas Kochan, Integrating Work and Family Life: A Holistic Approach. MIT Sloan School of Management, 2001.

⁴ R. Landers, J. Rebitzer, and L. Taylor, “Rat Race Redux: Adverse Selection in the Determination of Work Hours in Law Firms,” American Economic Review 86, 1996, 329-48.

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