

# Wisconsin Law Journal

## Firms flexing their hours to retain talent

by [Jack Zemlicka](#)

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When attorney Ann M. Rieger graduated from law school in 1988, the concept of flexible work schedules was something of a novelty.

The managing partner at [Davis & Kuelthau SC](#) said even firms that did offer an alternative to the regular workday were reluctant to publicize that option, for fear it would impact productivity.

Given firms' lack of enthusiasm for flex time, "it was generally frowned upon if an attorney took advantage of an alternative work schedule," she noted.

But times have changed. Now many firms, including some of the largest in Wisconsin, offer some type of flex time.

In some cases, flexible schedules are used to help retain talented lawyers, rather than risk losing them to a competitor.

Davis & Kuelthau has offered flex time for several years.

"It's really a tool to accommodate quality attorneys and staff that otherwise might not be available to us if we were extremely rigid about needing them to be here on a full-time basis," Rieger said.

During the recession, Deborah Epstein Henry, founder of New York-based Flex-Time Lawyers LLC, has encouraged firms to explore flex-time scheduling as a way to increase profitability and keep quality lawyers.

She co-launched an initiative called Balanomics in 2009, which analyzed the benefits of a work-life balance on a firm's bottom line.

The study revealed that firms are better served economically by reducing attorneys' hours through an alternative schedule, rather than by simply laying them off.

"Now more than ever flex time is a cushion for firms to retain good talent and pay less for working fewer hours," Epstein Henry said. "And when the market turns, firms don't have to incur replacement costs."

### No virtual office

Milwaukee-based [Reinhart Boerner Van Deuren SC](#) has had a flex-time plan in place for 15 years for attorneys seeking to work reduced hours because of personal or family reasons.

Managing partner Jerome M. Janzer said the firm also lets attorneys essentially manage their own calendars when it comes to court appearances, depositions or client meetings.

"Our policy is not to micro-manage," he said. "When our attorneys need to be out of the office, everyone is kind of on flex time."

While the firm tries to accommodate attorneys who want to be more mobile with their practice, or work remotely, Janzer noted that the vast majority of attorneys still spend the bulk of their days at the office.

"It's not going to be a virtual office with nobody here," he said.

Senior lawyers sometimes take the position that attorneys are more productive in the office, because it's the way they did it, suggested Bruce Wichmann, firm administrator at [Axley Brynelson LLP](#).

The Madison firm does offer flex time, although Wichmann said it's not something the firm advertises to young

lawyers with little experience.

“If we have a young lawyer who needs constant coaching then we’re not necessarily going to want to get into that situation,” he said. “[But] for seasoned, lateral hires that bring something good to the table and need some flex time, it’s something we’ll consider.”

Similarly, Eau Claire firm [Weld, Riley, Prenn & Ricci SC](#) does not advertise its flexible schedule when interviewing for law clerks.

Attorneys that do adjust their schedule or request to work part time often do so temporarily, said managing partner Christine A. Gimber.

“It’s not something we say ‘here is one of our benefits.’ We deal with it on a case-by-case basis,” she said. “But we do offer flex time for the purpose of maintaining and retaining good attorneys we don’t want to lose.”

Firms typically consider flex time as more of privilege than a right, and Henry noted that during the recession, some lawyers have been reluctant to even ask for an alternative schedule.

“They are anxious to be drawing attention to themselves for fear that they may become more vulnerable as layoff targets,” she said.

But Rieger said that Davis & Kuelthau has never delayed advancement for anyone who took advantage of a flexible schedule.

Nowadays, she said, an attorney’s workday is dictated by client needs and requires the ability to be flexible. “The 9-to-5 schedule isn’t a reality for anyone.”