

Big Law Firm Starts to Let Associates Work From Home

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When Morgan Lewis chair Jami McKeon started as an associate at her firm 36 years ago, there were no alternative work arrangements. No flex time. No reduced hours. No working from home.

"Everyone was in the office all the time," she said. "When I was raising children, I would go home to put them to bed and come back to the office. Some days I would stay there all night. The books were in the library in the office, the typewriter was in the office, the Xerox was in the office."

But now, as law firms have adopted more progressive policies in a war for talent, things are changing.

On Tuesday, Morgan Lewis announced a new policy that will allow associates with at least two years experience in the firm's U.S. and U.K. offices to work from home up to two days a week. The program, which was beta tested in Los Angeles over the past several months, officially begins on May 1 and came after McKeon directed the firm's advisory board to examine the issue.

"Not surprisingly, they concluded that this was something we should try, so we did, and not to my surprise, it was very well received by everyone," McKeon said. "Not only did it not at all diminish client availability or productivity, in fact it really did the opposite."

Flexible schedules caught on at big law firms before the 2008 recession, but when the economy tanked, such programs "flat lined," said Joan Williams, a UC Hastings College of the Law professor.

"Employers no longer felt the pressure," said Williams, who has been studying the legal workforce since the 1980s. "Maybe they've started to rise again, now that the labor market is tightening."

Law firms are certainly upping the ante.

In 2015 and 2016, Winston & Strawn, Orrick Herrington & Sutcliffe and Lowenstein Sandler announced modified parental leave policies to offer better flexibility to their attorneys. In the same time period, law firms such as Latham & Watkins, Kirkland & Ellis and Akin Gump Strauss Hauer & Feld announced that they would offer a student loan refinancing program to associates — done through the online lender SoFi — to offer lower interest rates.

On the alternative work arrangement front, Morgan Lewis is just the latest example. At Reed Smith, approximately 10 percent of the firm's attorneys have some kind of alternative schedule—be it working remotely, at reduced hours, or sharing offices, said Casey Ryan, the firm's global head of legal personnel.

Ryan acknowledged that this is partly driven by the firm's need to stay competitive: "You need to be flexible and make sure you're retaining the best and brightest," she said.

As for Morgan Lewis, its policy includes a full hardware set up in attorneys' home offices, including dual monitors, docking stations, and headsets. The firm announced the policy internally on Friday

and so far 100 out of approximately 800 associates in the U.S. and UK offices have signed up, said Amanda Smith, associate talent and pro bono partner.

"That's a real spend for us," Smith said. "We're trying to put our money where our mouth is."

Associate Esther Ro, who worked from home two days a week as part of the beta testing in Los Angeles, recovered 80 minutes each day that she otherwise would have spent in the car on her 40-minute commute to the firm's Los Angeles office. She spent the time working or — if she was all caught up — exercising or doing something for herself.

"It is a perk for associates to be able to work from home and for the firm to have a formal program that encourages that," said Ro, a litigator. "It's also a reflection of the trust between the associates and the firm."

Speaking generally about such policies, Deborah Epstein Henry, a consultant on women, careers, and the law, said that formal alternative work programs can break down gender-based stereotypes.

"When a woman's office is dark and she's a mother, the assumption is that she's on the playground whereas if the father's office is dark he must be at a closing or a court appearance," she said. "By formalizing these types of policies, it's a way to make them gender neutral and reduce some of those biases that are normally part of many people's thinking."