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Prepared for Re-Entry

Gina Passarella

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Say you're running a law firm and looking for experienced talent at the senior associate or junior partner level. What if you could bring in talent that was already trained in your style of practice and management?

No, this isn't a classified ad. But there is an untapped pool of lawyers looking to re-enter the workforce, and industry insiders are urging firms to take notice.

The idea of formalizing programs that encourage the re-entry of professionals into the workforce is creeping up across the country, but, as with many management developments, the legal industry is behind the accounting and business worlds on this one.

"Law firms are just, just, just beginning to think about this," University of California Hastings College of the Law professor Joan C. Williams said.

"This" is the idea of creating a system that will allow for attorneys to leave the practice of law for a certain number of years while maintaining contacts with their firms and keeping up with legal developments and continuing legal education requirements.

Williams, a co-director of the Project for Attorney Retention and the director of the Center for WorkLife Law, has helped create a re-entry program at the law school that assists attorneys in the "softer skills" of resume writing, job searching, networking and dealing with the family dynamics of returning to work.

While programs like the one at Hastings are geared toward a general goal of getting professionals back into the workplace, companies can create a program aimed specifically at bringing back the talent they have already trained.

Business schools and companies like Deloitte & Touche and Booz Allen Hamilton have led the way in formalizing such programs, but the legal industry has started to catch on.

Deborah Epstein Henry, founder of Flex-Time Lawyers, said a lot of firms and legal groups are looking into the idea of formal programs. She said with the National Association for Law Placement Foundation reporting that 78 percent of associates leave their firms within five years, law firms aren't facing an entry issue but a retention issue of trained talent.

The New York and Massachusetts bar associations have programs to help lawyers in transition.

The American Bar Association's business law section created a pilot program in New York called "Back to Business Law." The program is a series of CLE courses that are open to any attorneys, including non-ABA members.

Ann K. Ford, the managing partner for DLA Piper's Washington, D.C., office, liked the idea so much that she helped facilitate a similar program in the nation's capital. The nearly 20-member advisory board is in the process of identifying potential users of the program and formulating a list of substantive topic areas that would be useful to people in the area, Ford said.

Programs would vary by region, she said, with Philadelphia, New York and Chicago focusing more on business CLE programs while Washington would include more of the lobbying and litigation areas of law. It is important to have programs that are broad-based enough to attract repeat attendees, she said.

There are no formalized programs in the Pennsylvania legal field, but the Wharton School of the University of Pennsylvania rolled out its program this last weekend.

While it may be beneficial for individual law firms to have programs, Ford said "there's strength in numbers" and bringing together leaders of several firms has been helpful in discussing some of the challenges to creating these programs.

Skadden Arps Slate Meagher & Flom rolled out its re-entry program, known as Sidebar, in the fall of 2006. It is too early to reap any statistics from the program, but the firm already has a few enrollees out of the New York, San Francisco and Chicago offices, according to the director of professional personnel and attorney development, Jodie Garfinkel.

"It's part and parcel of our general view that when we hire lawyers ... we spend a lot of time training them once they're here and we want to retain them," corporate restructuring partner and diversity committee co-chairwoman Kayaloti Marafioti said.

Garfinkel said the goal of Sidebar is separate from the firm's longstanding alumni program.

"This is designed to make these people not become alumni but to rejoin the firm," she said.

The problem of retention and the formation of re-entry programs are not in conflict, Williams said. Most attorneys looking to re-enter the workplace do not want to come back to work 60 hours a week.

"The types of quality, non-stigmatized, reduced-hour programs are the same for re-entry as for retention," she said.

Skadden Arps' program is open to employees, associates and non-equity partners or counsel who wish to take a leave of absence from the firm for a period of up to three years. During that time, they are not allowed to look for other employment.

The firm pays for CLE and bar association fees and invites the attorneys back to departmental meetings and social events. Each attorney is assigned a partner contact to help them keep in touch with people at the firm.

If the opportunity arises, the attorneys on leave could be given some spillover contract work to help them stay fresh and make some extra money. The program isn't only open to attorneys on maternity or paternity leave but could be used for attorneys who want to write or act or just take a break from law, Marafioti said.

While they couldn't put an exact cost on the program per attorney, Garfinkel said it couldn't compare to what recruiting fees would cost a firm.

Henry said Deloitte & Touche's program costs about \$2,500 per person, per year, and only 30 of the

company's 35,000 employees were enrolled in 2006.

"It is a very savvy business endeavor for a law firm," Williams said.

There are two main objectives, she said, that attorneys need to think about when leaving the profession. They must keep up to speed with substantive issues of law and changes in their practice area and keep up with relationships and contacts, Williams said.

There are some challenges for both the law firms and lawyers in a re-entry situation, Henry said.

"The traditional model of law firm lawyers is very methodical and hierarchical," she said.

It becomes difficult when employers are trying to figure out where to put an attorney who came back three years after leaving as a fifth-year associate. In order to combat that problem, Henry said attorneys should explain at the beginning of a resume or cover letter their life experiences while out of practice and should state at what level they feel they should be placed.

Another challenge for employers is keeping tabs on attorneys who leave once e-mail and phone numbers change, she said. In order to combat that problem, some corporations offer current employees incentives on bringing in candidates.

Lawyers looking to re-enter the workforce are often concerned about how to explain the gap in time, and are unsure of their worth to the profession, Henry said. There is also a concern at times about age bias, she said.

Shari Solomon left the Philadelphia office of Wolf Block Schorr & Solis-Cohen as a fourth-year associate more than 10 years ago. She had one daughter when she started at the firm, two more while there and one after leaving.

Solomon kept in touch sporadically with one or two people from the firm, and when she was having lunch with one of the partners in September 2005, it had come up that there was a market need for experienced real estate attorneys. Within two months, she had rejoined the firm.

"Wolf Block had already made that investment in me," she said of why it made sense for her to fill that need.

Other than spending time catching up on CLE credits, Solomon said she has been doing as much as she can to re-familiarize herself with the practice of real estate law since she returned to Wolf Block.

One of the biggest challenges was the change in technology, she said. When she left the firm, closings were handled by 12 people in a conference room over two days and now they are done via mail, she said.

Having a mentor within the firm has also been really important, Solomon said, in helping to assess where she needs to grow and what she needs to learn.

"I can't wait for a formal review every six to 12 months," she said.

Solomon wouldn't say at which associate level she returned, but said the firm gave her credit for her life experiences.

"I relate to clients and opposing counsel so much better [now] than I did in my 20s," she said.

Williams completed a review of media reports on the issue of work and family balance, and reported that the press paints an inaccurate picture of the ease of returning to the workplace.

"It's very difficult," she said.

In a general study done across professions, Williams said there is on average a 30 percent wage penalty for

those who have been out of the workplace for two to three years.

The statistics look much better for attorneys who take advantage of flex-time schedules, where there is about an 11 percent wage penalty, she said. The problem is, however, that most flex-time programs are "stigmatized," Williams said.

The Project for Attorney Retention has begun looking beyond what firms have flex-time programs and more toward whether the firms actually support those attorneys who participate in the programs.