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BAR ASSOCIATION

THE CATALYST

The newsletter of the ISBA's Standing Committee on Women and the Law

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From the Chair

By Claire Manning

It is with honor and pleasure that I assume the position as Chair of the standing committee on Women & the Law. I have been involved with this committee for several years, at the urging of now ISBA President Irene Bahr. Throughout her legal career, Irene has been committed to promoting and securing the status of women lawyers in our profession.

This will be an exciting year for women in the bar. Throughout my years working with the standing committee on Women & the Bar, we have had many successful projects, including co-sponsorship of the hugely successful "Women Everywhere" day in Chicago. This year we are focusing on several areas. First, we are working on becoming a major substantive resource for the unique issues facing women and

families. Specifically, our committee is working on CLE projects that would address the legal issues attendant to domestic violence and also to the escalating and unfortunate issue of trafficking of young women.

Additionally, we are committed to continuing our networking and leadership activities throughout the state. One of the most successful and enjoyable aspects of the committee, from my perspective, has been the various receptions we have held, in an effort to exchange ideas and discuss issues with "fellow" female attorneys throughout Illinois. Often, we held these receptions at the various appellate courthouses throughout the state, as well as other public buildings, such as the new Abraham Lincoln Library & Museum in Springfield. This year, we will be holding our networking reception in the burgeoning Western suburbs, in an attempt to focus on "Women of the West" who practice law. Details will be forthcoming. Irene Bahr, herself from DuPage County, will attend the event.

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Hopefully, as with all our receptions, we will have a good compliment of practicing lawyers as well as sitting judges.

In keeping with our theme of building relationships and networking, we are also planning a reception during the annual mid-year conference. The reception will be held at the law offices of Jenner & Block on December 7, 2006 from 6:00 – 8:00 p.m. It will be a jointly sponsored event between ISBA Women & the Law standing committee and ISBA Minority & Women Participation in the Law committee. We also plan to co-sponsor with the Minority & Women Participation in the Law committee a diversity roundtable discussion which will take place at the conference. Again, more details will be forthcoming in another newsletter.

We look forward to a wonderful year and if you have any suggestions at all as to how we can improve our service to you or the bar, or items you'd like to see in the newsletter, feel free to call me or one of our committee members.

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Domestic violence: Silent witness, silent killer

By Shadia Haddad¹

We all know the difference between a battery and a domestic battery. It's obvious, right? Just add a relationship element to the equation and voi-law! Well legally, there are several similari-

ties, but the consequential differences, although subtle, are huge. A battery is committed when one "knowingly and or intentionally makes contact of an insulting or provoking nature with another person." A domestic battery is

committed when this is done to a family or household member. A household member is defined as a spouse (domestic partner included), a girl/boyfriend, an ex-girl/boyfriend, and anyone who shares a blood relationship with you, such as a parent or child. Even a roommate falls under the statute's definition for family member. That one added element of relationship brings the foreign fear of "stranger danger" inside the home, the place where one should feel safe. And since this is such an important distinction, thankfully, laws have been made more stringent for domestic batterers than non-domestic batterers. For starters, there is an automatic 72 hour "no-contact" provision that is made as a condition of bond, which also starts out as a "no bond." Additionally, a subsequent domestic battery conviction is a felony, and a conviction would repeal an existing FOID card, and inhibit someone from ever having a FOID card in the future. Not to mention all the typical problems associated with having a criminal record, such as deportation for non-citizens, and employment issues for citizens. Even other hard-core criminals dislike anyone who would put their hands on a woman or a child.

Last October, I was able to attend the National College of District Attorney's 15th Annual National Conference on Domestic Violence in Reno, Nevada. Attorneys, judges, law enforcement

agents, and victim advocates from as far as Alaska and as near as Chicago gathered for the conference. It was there I learned how widespread domestic violence is in the United States, and the detrimental cycle it has on generations of families. The most important thing I learned is that it should be a priority to make misdemeanor domestic batteries matter, since at this level, it is a warning sign of more violence to come, even homicide. Often these cases are difficult to prosecute since the victim or "complaining witness" as the defense calls them is not interested in prosecuting since they often reconcile with the abuser. Most people translate "back together" as "not guilty," which is the furthest thing from the truth, (although I have experienced firsthand some abuses of the system). This is an unfortunate assumption when there truly is abuse, but fortunate when there is no abuse. Remember, even alleged domestic batterers are innocent until proven guilty, not vice versa.

The judicial system is getting a little better at taking the focus off of the reasons why a victim remains with the abuser and is starting to focus on holding the abuser accountable, but of course it is far from perfect. So often, even people who work with domestic violence victims on a daily basis shake their heads in amazement and ask, "Why do they stay?" In fact, the true

question should be, "Why do the abusers abuse?" There is a wide spectrum of reasons, from financial, to fear, that a victim would remain with an abuser in order to "survive." This is difficult for a former domestic violence prosecutor to understand, let alone an average citizen, or juror. Therefore, it is essential to attempt to dispel this myth before the trial even starts and have the victim start to look beyond what the victim is actually saying now. After this is out of the way, it is easier to then focus on the crime of the domestic battery itself, rather than get sidetracked on the dynamics of the relationship. As soon as this new way of thinking can be embraced by all, misdemeanor domestic batteries can be taken more seriously. From the beginning of a case where evidence is gathered, to the end of a case, where a carefully selected jury makes a decision, it is everyone's job in the criminal justice system to allow victims to be heard, even if they say nothing.

For more information about Domestic Violence, or to get help, please call the National Domestic Violence Hotline at 1-800-363-9010.

1. Shadia Haddad is a former prosecutor and currently practices general civil law while concentrating in criminal law defense. She has offices in Orland Park, IL and services Cook and Will Counties.

The gift of fear: What listening to intuition can do for women lawyers

By Amie M. Simpson

Imagine fear as a gift. Imagine being able to fine-tune your intuition in such a way that you can anticipate dangerous situations BEFORE they become dangerous... In your private life, as an employer, as an attorney, and as a parent. In his book, *The Gift of Fear*, (Dell Publishing) Gavin DeBecker asserts that all of this is possible, and more.

DeBecker's book is based on the premise that intuition is not some mythical, unscientific concept, but is rather a scientifically-proveable clearing house of information which your unconscious

mind then processes to come up with "hunches," "gut feelings," and premonitions. And, he says, women have the corner on the market.

This will come as no surprise to most women attorneys, but it creates for us an interesting paradox. We don't want to admit to having or using "women's intuition," because we feel that to do so would damage our credibility in an already male-dominated, fact-based field. On the other hand, we know we have it, and we know it works. Intuition is what makes us know: when to ask that one last question during cross

examination; when our client is lying; when the judge is about to rule for us, and why; when to nudge that other attorney during negotiations, and when to back off.

Do men have and use intuition successfully? Absolutely. But DeBecker asserts that women are more attuned to their intuition because we are forced to use it more often as a survival mechanism. To illustrate, DeBecker asserts that a man's greatest fear of a strange woman is that she will laugh at him. A woman's greatest fear of a strange man is that he will rape or kill her. Like it

or not, woman are in general the more physically vulnerable sex.

DeBecker's book was on my list of "I'll get to it someday" reading in my capacity as a domestic violence attorney. It had been recommended at various seminars as a book that might provide good information for my clients. Once I picked it up, however, I couldn't put it down. The book hits on topics which are vital for women in all of our different roles. Included among the highlights:

- How to safely deal with problem employees, especially ones who won't leave.
- How to determine whether an admirer is a potential date, or a potential stalker.
- How to use fear – and intuition – to accurately recognize and respond to dangerous situations.
- How to distinguish worry from fear; how to lose one and use the other.
- How to teach our children to listen to THEIR intuition and participate in their own safety.
- How to choose a child care provider.
- How to gauge the lethality of domestic violence situations (for ourselves or for our clients) and determine the best response.

In all of these situations, DeBecker says that intuition tries to get our attention through (for example) nagging feelings, persistent thoughts, anxiety, hesitation, curiosity, and even dark humor. He tells the story of a group of office staff who were sorting through the mail at the California Forestry Association. In the mail was an unusual package addressed to the former president of the association. Much speculation was had on what might be in the package. When staff finally decided to open it, one man (Bob Taylor) said, jokingly, "I'm going back to my office before the bomb goes off." According to DeBecker: "He walked down the hall to his desk, but before he sat down, he heard the enormous explosion that killed his boss. Because of intuition, that bomb didn't kill Bob Taylor." (p.84). When DeBecker later talked with Taylor about the incident (attributed to the Unabomber), he was able to help Taylor recognize that he had seen the signs of danger all along: the strange way the package was addressed, its unusual weight,

excessive postage and tape. His subconscious put the signs together and nudged him out of the room.

Over and over, DeBecker recounts stories of people whose lives were saved by listening to that small voice inside. He also talks about signals that should alert you, even if your intuition doesn't. For example, a large portion of the book is devoted to recognizing and avoiding dangerous relationships. The major clue? Someone's inability to take "no" for an answer. "Which part of the word 'No' didn't you understand?" We've all said it, or at least thought it—to our children, our opposing counsel, our clients, our significant others. Every now and again, someone in our lives completely ignores the old adage that "no means no." But repeated failure to hear or accept the word 'no' can signal a dangerous personality.

The last section of the book discusses the difference between worry and fear. Fear, DeBecker writes, can save your life. Worry, on the other hand, can be dangerous. Worry has its roots in concerns other than real safety. As a result, it can be distracting to the point that when a dangerous situation actually occurs, we may be too wound up in our worries to notice. As an example, a woman may be terrified of walking through a dark parking lot by herself. When she reaches her apartment building she is so caught up in her relief at having survived the parking lot that the stranger in her lobby, who is dressed inappropriately and overly friendly, does not trip her radar.

Inner signals, outer signals... The Gift of Fear reveals a road map that had perhaps been there all along, but of which most of us are not aware. It is a map to safety by way of common sense and self awareness. DeBecker, as a security expert to a variety of government officials and celebrities, clearly knows his subject matter. His book is concise and engaging, and the information in it will make you think twice the next time your intuition tries to get your attention. Politically correct or not, "woman's intuition" may not only make you a better attorney... It may also save your life.

Amie M. Simpson is the managing attorney of the Will County Legal Assistance Program, Inc., in Joliet. She specializes in domestic violence litigation.

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Special needs of girls and women in prison: What can we do?

By Sharon Eiseman

During its 2005-06 term, the Women and the Law Committee welcomed special guest speaker Lori Levin, Executive Director of the Illinois Criminal Justice Information Authority, to one of our meetings. The Committee asked Lori to tell us about the ICJIA, its role in understanding how the criminal justice and juvenile justice systems deal with female prisoners, and the resources it is developing to serve those prisoners. The following discussion is based on information from Lori's presentation and a review of certain professional literature Lori distributed to us.

History and work of the ICJIA

Lori first described the history and mission of the ICJIA. This state agency, which is governed by a 21-member board of state and local government leaders, was founded in 1973 for the purpose of improving the administration of criminal justice in Illinois, in part by providing information to the public about the criminal justice system, and also by enhancing communications among the various law enforcement agencies in the State. A primary focus of the ICJIA has long been the gathering, analyzing and conducting of research on issues related to crime and criminals.

In addition, the ICJIA awards grants for residential substance abuse programs, for child advocacy groups, and to entities that provide services to victims of crime, to abused elders, and to women who are beneficiaries of the federal government's Violence Against Women Act. As a grantee, the Authority itself commissions research projects funded by various federal government law enforcement agencies. Another important task of the ICJIA is to identify and propose policies, programs, and legislation addressing ways to improve the functioning of Illinois' criminal justice system and facilitate the solving of problems within that system to benefit both the prison population and its administration. (For more information, visit the ICJIA Web site at www.icjia.state.il.us).

Special problems of female prisoners

Given its long standing commitment to the rights of women, the W&L Committee asked Lori to identify the special problems faced by the female prisoner population, both young women and girls, and the challenges faced by the prisons and correctional and detention centers that house this population. Some of the statistics she provided surprised many of us.

Data on inmates, especially on the basis of gender, race, and ethnicity, is not systematically collected by the State, and the data that has become available recently is only from certain geographical areas or correctional facilities rather than on a statewide basis, and it can be sparse and incomplete. However, we do know that the female prisoner population has been increasing steadily and dramatically since the early 1970s. In 1970, there were 130 females in the Illinois Department of Corrections, including parolees; in 2003, that number had increased to 6,183. The study does not appear to reflect the numbers of female juveniles in the system.

Through information obtained when women are processed into the prison system at the Dwight Correctional Center for Women, Lori noted that approximately 57 percent of female offenders are victims of domestic violence or sexual abuse. Adult female offenders also tend to be the sole or primary caretakers of minor children, are unemployed or underemployed, and are more likely than their male counterparts to benefit from nurturing programs.

Female juveniles

According to Lori, the ICJIA reports that there has been a 116 percent increase in the female juvenile population in the past decade(s), and that a majority of the girls who enter the criminal justice system as juveniles have committed crimes against property rather than violent crimes against persons.

In a 1999 data collection project based on arrests from a sample of law enforcement agencies across Illinois that was reported in the ICJIA'S November 2002 Research Bulletin, page 2 ("Bulletin"), the ICJIA found that, for the group of female juveniles studied, 14 percent of arrests were for violent crimes, predominantly aggravated assault; 74 percent were for property offenses, predominantly larceny and theft; and drug offenses constituted 11 percent of the arrests. Among juvenile offenders nationwide, most of whom are 15 and 16 years of age, a majority are members of a racial or ethnic minority (but in Illinois they are white), are victims of physical, emotional, or sexual abuse, and suffer from some form of substance abuse. (See the Bulletin, page 4).

A study funded by a U.S. Department of Justice grant and conducted under the auspices of the ICJIA in 2003 collected data from admissions to the Illinois Youth Centers from 1993 to 2002. This data revealed that more than half of the females were victims of some form of abuse at least once, and that in most instances, the victimizers were known by the females. ("Female Delinquents Committed to the Illinois Department of Corrections: A Profile," ICJIA publication, December 2003, hereinafter "Female Delinquents"). Other studies have shown that where "relational victimization" occurs, the impact on girls can include low self-esteem, depression, anxiety, aggression, and substance abuse, and that their families might contribute to these reactions by denying the occurrence or blaming the girl for the attack. (See the Bulletin, page 5.) Understandably, many of the female juveniles in the samples were having trouble in school and almost three-quarters had been diagnosed with a mental health condition, which may be another factor contributing to their criminal history. Lori noted the role of ICJIA in promoting this kind of research, which is crucial to the development and delivery of services that will help this group of girls survive

their victimization and possibly avoid becoming juvenile offenders or repeat offenders.

What next?

It is evident from these statistics that providing meaningful preventive and supportive services to a very vulnerable population of female delinquents is difficult and costly. Nevertheless, we have a responsibility to care for this neglected and troubled segment of society, and we know that everyone suffers when we incarcerate girls as well as women and forget about them because they are out of the public eye.

In order to address the critical needs of female arrestees, inmates, parolees, and delinquents, and to begin to reduce the incidence of criminal activity by—and against—women and girls, relevant services must be made available, and money must be found to fund the services, inclusive of staffing. Clearly, further research remains to be conducted, and soon, on larger or more representative groups of both girls and women, but that can certainly take place while currently proposed recommendations for working with incarcerated, detained, and arrested women and girls are implemented. Girls and women who give birth in prison and try to parent

their infants while incarcerated, or who want to actively parent their children from prison cannot wait very long for research project result.

To this end, the ICJIA has recently embarked on a two phase data collection project. In phase one of the project, women entering the DOC at Dwight will be given base line questionnaires asking for such information as medical history, abuse history, and age and other identifiers. After data from the questionnaire responses has been analyzed, the second phase of the project will proceed with in-depth intake interviews of a representative sample of the female inmates. During both phases, appropriate care will be taken to protect the privacy rights of the women providing information on the questionnaire and during the interview process.

Although a broad range of data is being sought through the phase one questionnaire process, a specific goal of the phase two interviews is to determine whether those women who were previously victims of domestic abuse either knew about or sought services for themselves. Results from these interviews will help the ICJIA and social service agencies figure out how to better communicate the messages

about domestic violence prevention and treatment programs to a population continually in need of such support services, and how to improve the effectiveness of those programs.

This research and other information being gathered will also enable the ICJIA and state agencies dealing with women and girls in prison to identify the kinds of programs that will help these prisoners manage their lives while they are incarcerated, whether in temporary detention facilities, juvenile centers, or jails and prisons. This goal might include the provision of mental health services, mentoring and tutoring, pregnancy counseling, sex education and parenting classes, and anger management and conflict resolution programs, all of which will also prepare the female prisoners to cope with life outside prison walls. (See “Programming recommendations” on page 9 of the Bulletin; and the Executive Summary, and Recommendations section, page 77, of “Female Delinquents,” supra.) The next challenge is to develop aftercare services and transitional living centers that are available during parole so that the recidivism rate is reduced.

A great deal of advocacy and work remains to be accomplished.

Negotiation and emotions, not mutually exclusive concepts

By Sandra Crawford, J.D.

Negotiation is part of the fabric of your daily lives and the key function of much of work as attorneys, as mothers, as spouses, as committee members, etc. Often times as women we hear criticism that we may be “too” emotional in our daily interactions. With all that in mind I offer to you an overview of a wonderful book entitled *Beyond Reason, Using Emotions as You Negotiate*, Roger Fisher and Daniel Shapiro (Viking, 2005). Fisher, a law professor (of Getting to Yes fame), and Shapiro, a psychologist, are both

directors of the Harvard Negotiation Project.

The basic premise of their work is that emotions, like breathing, don't just stop and cannot be ignored because we are engaged in negotiation. Shapiro and Fisher theorize that there are distinct primary factors which are present in all negotiations, whether one is negotiating with a child about bedtime or with a world leader about social issues. These basic factors can be categorized into what Fisher and Shapiro call the “five core concerns”: (1) Appreciation; (2) Affiliation; (3)

Autonomy; (4) Status; (5) Role.

The core concerns have two uses: (1) as a lens—to diagnose a situation; and (2) as a lever—to improve a situation. Core concerns are not emotions but stimulate emotions. Positive emotions simulate cooperative behavior which leads to productive discussion, consensus building and genuine agreement, even if the agreement is to disagree. The book contains several charts which clarifies and diagrams the effect meeting and not meeting concerns has on negotiation - example, Table 3, page 17, which shows:

Core Concern	This Concern is Ignored When...	This Concern is Met When...
Appreciation	Your thoughts, feelings or action are devalued	Your thoughts, feelings and actions are acknowledged as having merit
Affiliation	You are treated as an adversary and kept at a distance	You are treated as a colleague
Autonomy	Your freedom to make decisions is impinged upon	Other respect your freedom to decide important matters
Status	Your relative standing is treated as inferior to that of others	Your standing where deserved is given full recognition
Role	Your current role and its activities are not personally fulfilling	You so define your role and its activities that you find them fulfilling

The work focuses on the power of meeting core concerns and gives practical applications in real life scenarios. Table 4, page 19, diagrams positive outcomes which can be achieved by meeting core concerns.

My Core Concerns Are Met When:	The Resulting Emotions Can Make Me Feel:	When This Happens, I Am Prone:
I am appreciated	Enthusiastic!	To cooperate
I am treated as a colleague	Affectionate	To work together
My freedom to decide is acknowledged	cheerful	To be creative
My high status to decide is recognized where deserved	fond	To be trustworthy
My role is fulfilling; it includes activities that convince me that I can make a difference.	caring	
	amused	
	compassionate	
	ecstatic	
	Proud	
	accomplished	
	courageous	
	Happy	
	content	
	Calm	
	pleased	
	relieved	
	jovial	
	relaxed	
	comforted	
	glad	
	Hopeful	

Fisher and Shapiro suggest that in truly effective negotiation the core concerns can be used to stimulate positive emotions in ourselves and others by:

- expressing appreciation;
- respecting autonomy;
- building affiliation;
- acknowledging status
- shaping fulfilling roles

Much of which, I believe, is ignored in the “winner take all” traditional adversarial negotiations which we as lawyers encounter on a daily basis, even those of use who do transactional work. However, I believe, much of what Fisher and Shapiro describes is already incorporate into Collaborative Practice model of dispute resolution under the “respectful communication” and “team approach” ideals which are “core concerns” of that model. Some members of the Harvard Negotiation Project are also active in the International Academy of Collaborative Professionals (IACP), the international organization dedicated to the growth of the Collaborative Practice model. IACP will host its annual Forum this year in San Diego in October. I welcome you to see <www.collaborativepractice.com> for additional information regarding that model. I recommend this work as a “must read” for all negotiators and dispute resolution professionals, including litigators (who after all are dispute resolution professional too!). Thank you for Catalyst readers once again you time and attention.

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Flexible hours policies: Success strategies for you and your law firm

By E. Lynn Grayson

[The author would like to thank her Jenner & Block colleagues Erin Schrantz and Patricia Boye-Williams for their contributions to this article.]

All attorneys share a common aspiration—a career that allows for a rich, meaningful personal life coupled with ongoing opportunities for professional development and advancement. A recent survey by Edge International of 25-30 year old attorneys confirms once again that men and women alike are attracted by and motivated to stay at law firms that allow: 1) time for a personal life; 2) opportunities for advancement; 3)

professional growth; 4) achievement; and, 5) interesting, challenging work. Developing effective flexible hours policies is no longer a women’s issue but a business imperative for law firms that want to recruit and to retain the best and brightest attorneys.

The dilemma facing law firms is how to make their flexible hours policies effective recruitment and retention benefits. The Project for Attorney Retention (“PAR”), an initiative of the Center for WorkLife Law at the University of California Hastings College of Law, has concluded that most existing programs do little to stem attrition because

they do not offer usable and effective programs. A similar conclusion was reached in a report recently published by the Women’s Bar of Massachusetts. They found that lawyers using part-time programs often feel stigmatized and that many full-time lawyers desiring more flexibility leave their firms because of the perception that part-time programs are not effective. These conclusions are particularly troubling at a time when 60 percent of all associates anticipate leaving their current firms within five years and 69 percent do not believe they have advancement opportunities or are on partnership track, according to the

recent American Lawyer survey released in August, 2006.

Commitment is the key attribute in making a flextime policy a viable and workable one. Flexible hours arrangements can be successful both for a law firm as well as for the working lawyer but the commitment required is a two way street. While highly doable, both need to be committed to an equitable, fair work situation that results in timely, quality legal services to clients. Moreover, a firm needs to be committed to working with flextime attorneys so a policy can be reevaluated and revised if it turns out that in practice the policy is not working for the majority of participating attorneys. Success strategies for law firms and flextime attorneys are straightforward, well documented and in many instances, validated by research or actual law firm experiences.

For law firms, a flexible hours policy and its effective implementation should address key components:

- 1. Communicated Firmwide** -- the policy should be in writing and its existence and the process by which it can be utilized communicated to all attorneys;
- 2. Open to All Attorneys** -- a meaningful policy is available to both men and women attorneys including partners, of counsel and associates;
- 3. Compensation and Advancement** -- attorneys working flexible hour arrangements are entitled to proportionate salaries, bonuses and benefits as well as promoted to partnership based on the same criteria as other attorneys, taking into account the percentage of hours worked each year;
- 4. Professional Development** -- interesting and challenging work is key to retention of attorneys and opportunities to work on high profile cases or take advantage of leadership opportunities should be accorded equally to flextime attorneys; and,
- 5. Respect** -- a firm should respect flextime arrangements and value these attorneys in the same manner as all others for their contributions to the firm with no inappropriate stigma attached to an alternative work arrangement including the absence of any unwarranted "face time" obligations.

For flextime attorneys, a commitment also is necessary to provide every opportunity for an alternative work arrangement to succeed and be viewed

as a success by your law firm:

- 1. Good Legal Work** -- all attorneys, including flextime ones, need to produce high quality work product meeting client demands to be someone a firm values and wants to retain;
- 2. Be Flexible** -- flextime and full-time attorneys may be called upon to address critical client concerns at any given time or day and therefore flextime attorneys must be open to managing the unexpected, whether they are in or out of the office and/or have meaningful arrangements in place to handle such client situations;
- 3. Firm Contributions** -- attorneys seeking to balance their professional and personal lives often consider eliminating or greatly reducing their contributions to a firm but to the contrary, should take every opportunity that works for them to participate in firm governance including new attorney recruiting efforts;
- 4. Professional Development** -- a meaningful career in law requires something more than billing hours including a commitment to non-billable, pro bono and community service—flextime attorneys should conduct this work in a proportionate manner to their reduced schedule keeping in mind personal interests and their firm's expectations; and,
- 5. Support** -- flextime attorneys need to develop a support system in the office and at home that allows them to manage the unexpected—this should include human resources (other attorneys, spouses, partners, caregivers) as well as appropriate technology (Blackberry, laptop, fax machines, etc.).

In addition to the above recommendations, many resources exist offering insight and practical advice to firms and attorneys about alternative work arrangements. Such resources provide further guidance on the business case for alternative work arrangements, how to analyze a program's effectiveness and specific tips on implementation. Model policies also are available.

Flexible work arrangements soon will be commonplace in law firms seeking to recruit and to retain top legal talent. Given that replacing each attorney who leaves is estimated to cost between \$200,000 to \$500,000, such arrangements are a cost effective option. A new emerging trend, individual selection of a billable hours commitment, offers another opportunity for a more balanced life approach to the practice of law. Under this scenario, attorneys make the decision to work more or less and are paid accordingly. For example, a new attorney can commit to billing 1,800 hours for less pay or 2,000 hours for an increased annual salary. Typically, other benefits available to attorneys including bonus consideration and partnership track remain unchanged.

Moving forward, law firms can distinguish themselves in the legal marketplace by supporting and promoting successful, meaningful flextime arrangements for their attorneys. More important, all attorneys will benefit from a changing work environment that provides an opportunity for every attorney to succeed in a manner that works best for them.

1. E. Lynn Grayson is a Partner at Jenner & Block and Co-Chair of its Women's Forum.

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When: December 7, 2006

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Please save the date and plan to join us for a special reception jointly sponsored by the Women in the Law and the Minority and Women Participation Committees.

The reception will be hosted by Jenner & Block in its Chicago offices. Invitations will be sent out shortly. For more information, please contact Jennifer Shaw at (618) 692-9516 or Lynn Grayson at (312) 923-2756.

We hope to see you there!



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