

MyShingle: Parents & Practice

A collection of posts on motherhood, solo practice and 21st century opportunities



by Carolyn Elefant

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A New Work Life Paradigm

Excerpts from Treating Family Like Business,
Carolyn Elefant, Special to Law.com
January 03, 2006

Skimming over the class yearbook distributed at my 20-year college reunion recently, I noticed that at least 80 percent of my classmates (myself included) who'd submitted a bio identified having children as the most significant milestone of our lives, with the remainder split between loss of loved ones or getting married. Not a single person mentioned career or even a job-related accomplishment.

The results from my class yearbook, while not scientific, reflect the feelings of nearly all of us who are mothers and lawyers: We value our children more than anything, including our jobs. But if that's the case, why do so many of us give our children short shrift, sacrificing bedtimes and first words and all the silly little rituals that grow out of the day-to-day routine of raising children for time at the office? Some would say it's because we don't value our children as much as the job, but as my class yearbook bears out, that's not the case. Instead, we value our children so much that we place our relationship with them on a pedestal, treating the relationship as something so sacred and cherished that we can't bring ourselves to strategize, negotiate or

advocate for it with the same intellectual detachment and vigor that we reserve for our clients.

As I describe below, if we mother-lawyers approached our fight (and yes, it is a fight, where, like it or not, the parent's interest is often adverse to that of her law firm employer) to accommodate our family and career in the same manner that we approach our clients' challenges daily, we'd be far more successful in achieving the balance that we -- and more importantly, our children -- deserve [...]

OUR LEGACY

For most of us lawyers, we strive for work where we can make new precedent rather than spend our time mechanically applying clear-cut, black letter law. Those female lawyers who came a generation before me set precedent for the profession and their children by working full time and showing that women could succeed as lawyers. But for me, as a mom and a lawyer, that precedent from a prior generation has already turned stale. The precedent that I want to set for my daughters is that today's women lawyers have the ability, courage and vision to create a whole new way of balancing work and family that never existed before and that works not just for us but for our children.

***Moms, Law and Change
Posted at MyShingle on May 8, 2005 by
Carolyn Elefant***

They say that necessity is the mother of invention. But motherhood itself is also the mother of invention - or more accurately, the engine behind creative, entrepreneurial ideas to make motherhood more compatible with legal practice. This article, The

Lawyer Moms, Boston Globe (5/8/05) reports on on such mom-lawyer-inventor, Patty Campbell Malone, who along with law partner David Lewis, has started a practice that will rely on stay at home mother lawyers as a primary source of labor. The article doesn't discuss whether Malone will stick with this model permanently - or whether it's just a way to keep a hand in the law until her children are older. But no matter what the future holds, Malone is able to enjoy "face time" with her children now.

The concept of mothers striking out on their own when their profession won't accommodate their schedule is not unique to the legal profession. This Business Week article (5/4/05) notes this trend:

Working mothers who can't get employers to offer flexible working arrangements are striking out on their own. "Women are starting businesses at twice the rate of all businesses," says Sharon G. Hadary, executive director of the Center for Women's Business Research, a Washington (D.C.) nonprofit. The center also found that from 1997 to 2004, employment at female-owned companies grew by 24.2%, more than twice the rate of the 11.6% logged by all businesses, and the pace of revenue increase was also higher -- 39% vs. 33.5%.

I know many moms who believe that by working grueling schedules at law firms, they set an example for their children, particularly daughters, that women can succeed. Maybe so. But the message that I'd rather send I hope is one better: not just that I can succeed in my legal career, but that I can do so on my own timetable and not someone else's.

Why Do So Few Women Reach the Top At Large Firms - And Why Do We Care?
Posted at MyShingle on March 20, 2006 by Carolyn Elefant

This past weekend's New York Times article *Why Do So Few Women Reach the Top of Big Law Firms?* (Timothy O'Brien, 3/19/06) makes me ask the question "Why Should We Care?" The article describes the oft-cited problem of why women aren't making it to the top at large firms or why they prematurely leave, blaming the usual suspects such as lack of mentoring, ingrained gender discrimination and even billable hours.

For starters, I'm not sure that I understand the problem here. Large firms are profit making entities, where billables and rainmaking count more than anything, for anyone. Large firms apply billable requirements across the board. Sure, large firms aren't willing to accommodate women who want to work part time - but they don't accommodate male attorneys who seek a more balanced lifestyle either. In fact, if male attorneys asked for the same types of schedule reductions that their female counterparts demand, they'd probably be bounced out of the firm even more quickly.

If women attorneys are willing, as some of those cited in the article, to come back to work full time after 6 weeks of maternity leave, to hire full time nannies and skip dinners with their kids, the gap would shrink. Most women lawyers aren't willing to do that - and more power to them for that. Indeed, many of my solo male colleagues weren't willing to make those sacrifices either - which is why they're working for themselves as solos instead of tethered to a desk in a big fancy New York or DC or Chicago office.

The other problem I have with this genre of articles is that they make it seem as if biglaw is the "be all and end all" of a legal career. In truth, only a small percentage of lawyers practice at large firms and real law is made day by day by solo and small firm practitioners and the clients we serve. But for some reason, when a woman heads her own firm, it's still regarded as an inferior position to serving as one of dozens of partners at a large firm. In fact, these articles almost never make mention of the hundreds of women making it on their own as heads or partners of solo and small law firms.

I know it's not PC to say so, but ultimately, the problem with large firms is that everyone, male and female, is held to an equal standard: generate more billables, bring in more revenue. It's an inhumane standard, sure, but it's gender neutral. The real success stories aren't the women who continue to whine for accommodations at large firms that aren't available to men, but rather, the women who go out and create their own firms so that they can have the best of both worlds, on their own terms.

Richard Susskind & The End of Lawyers and the Future of Women in The Law, excerpts from MyShingle post (March 26, 2009) by Carolyn Elefant

Richard Susskind's Book, *The End of Lawyers?* posits that over the next two decades, the role of lawyers will erode, or be displaced entirely by disruptive technology that automates many routine tasks. Given Susskind's emphasis on the dominant role that technology will play in the practice of law,

you might assume that Susskind expects women lawyers to lose ground. But instead, Susskind believes that women's stock will rise, largely because of our natural talent as holistic thinkers:

the legal world today is dominated by "left brain" thinkers who will not find it easy to empathize. And of course, there is an interesting correlation between the "male brain" and the "female brain" [in that] the typical male brain systematizes while the female brain empathizes....if the twin forces of commoditization and IT do indeed combine to create a legal environment in which much legal work is standardized and computerized, then we can well imagine that those individuals who are in the future responsible for innovating, designing, marketing and selling a multi-sourced legal service will not be traditional left brain males but far more creative, innovative, artistic an often female lawyers.

True, many of us women lawyers don't share the same crazy enthusiasm for gizmos and gadgets as some of our male colleagues. But that's not the point. Clients don't much care for technology for technology's sake. What we women bring to the table is our ability to recognize the possibility of technology as a tool to serve clients more efficiently, affordably and creatively, rather than an end in itself.

Reflections of A Mom and A Solo

The Path Not Intended
Posted on October 26, 2008 by Carolyn Elephant

One thing that you probably don't know about me is that when it comes to driving, I'm hopelessly and completely directionally impaired. On foot or bike, I can navigate easily virtually anywhere under the sun, but somehow, finding my way to a new location while driving at high speeds and trying to avoid an accident utterly confounds me. These days, Mapquest and GPS make navigating a little bit easier, but even so, they're not fool proof as I learned last week. While driving from the TF Green Airport to Roger Williams Law School in Bristol Road Island, I encountered road construction that distracted me from my designated exit. Since I was in a hurry, I had no choice but to continue on and put my faith entirely in the GPS.

But as I berated myself from my carelessness, I noticed that the road where I'd landed wasn't all that bad. In fact, with its panoramic views of bright blue water and blazing autumn leaves and classic New England architecture, this winding road turned out far more relaxing and scenic than the one I'd left. Ultimately, the road flowed almost seamlessly to the law school campus, and I arrived just a few minutes later than I'd originally anticipated.

Since my return, I realized how much our careers

in the law resemble my trip. Like me with my maps and GPS, we can plot and plan and chart a course to success. For some, that plan entails moving seamlessly from top tier law school to biglaw, while for others, it may involve opening a practice the day the bar results arrive in the mail. Yet bumps in the road - a layoff, inability to find clients in a coveted practice area, or doubts about our talent - throw us off course and leave us searching for a new plan.

Instead of panicking and desperately trying to stick to the script, why not take a few steps down a new road? Perhaps that means taking a CLE on a practice area that you never before considered or accepting a referral in a matter that sounds intriguing but that you've never handled before. Perhaps it even means exploring opportunities like starting a firm (if you've just been downsized) or taking a look at joining up with other lawyers at a firm, if you've been exclusively solo. Because at the end of the day you'll find that no matter what path you take, you'll discover you've arrived, and that you've enjoyed the journey more than you ever imagined.

A Salute To Sandra Day O'Connor, Former Shingler, Posted on July 2, 2005 by Carolyn Elephant

Sandra Day O'Connor leaves two legacies as she departs the United State Supreme Court. the legacy that will garner the most attention in today's weblogs and tomorrow's history books, of course, is that of her quarter of a century as the nation's first female Supreme Court justice. But Sandra Day O'Connor leaves another equally important and even more inspiring legacy that will likely be overlooked. That is O'Connor's legacy as an attorney who according to today's conventional wisdom, made all the wrong

career moves and yet amazingly, wound up at the top of her field.

These days, career experts will tell you that starting a solo practice or taking time off to raise kids (and possibly, following a spouse's job is potentially another career-ender) will send you down the path to nowhere. But look at O'Connor's experience (tip of the robe to Underneath Their Robes for coverage of O'Connor's personal side and this link to her Oyez Biography from which the below excerpt is taken):

Failing to find suitable work in private practice, O'Connor turned to public service. She accepted a job as the deputy county attorney for San Mateo, California. When O'Connor's husband graduated from Stanford a year later, the army immediately drafted him into the Judge Advocate General Corps. John O'Connor served in Frankfurt, Germany, for three years with Sandra by his side. While in Germany, Sandra served as a civilian lawyer in the Quartermaster's Corps.

When the O'Connors returned to the U.S. in 1957, they decided to settle down in Phoenix, Arizona. They had their three sons in the six years that followed.

O'Connor again found it difficult to obtain a position with any law firm so she decided to start her own firm with a single partner. She practiced a wide variety of small cases in her early days as a lawyer since she lacked specialization and an established reputation. After she gave birth to her second son, O'Connor withdrew from work temporarily to care for her children. She became involved in many volunteer activities during this time. She devoted much of her time to the Arizona State Hospital, the Arizona State Bar, the Salvation Army, and various local schools. She

also began an involvement with the Arizona Republican Party.

Yikes! Imagine what a career counselor would have to say about those career choices! But keep reading and look at where they lead:

After five years as a full-time mother, O'Connor returned to work as an assistant state attorney general in Arizona. When a state senator resigned to take an appointment in Washington D.C., Arizona Governor Jack Williams appointed O'Connor to occupy the vacant seat. O'Connor successfully defended her senate position for two more terms and eventually became the majority leader, a first for women anywhere in the U.S. In 1974, O'Connor decided to shift gears and run for a judgeship on the Maricopa County Superior Court. State Republican leaders urged her to consider a campaign for the governorship in 1978, but O'Connor declined. A year later, the newly elected Democratic governor nominated O'Connor to the Arizona Court of Appeals. Not quite two years later, President Reagan nominated her as the first woman to Supreme Court as a replacement for the retiring Justice Potter Stewart.

O'Connor's experience bears out the following lessons: First, that solo practice can provide career options where others don't exist and second, that stepping off the career path to raise children won't kill your career if you don't let it.

O'Connor made these choices at a time when women had few options available. Today, starting a law practice has never been easier and can be done with little up front investment. Moreover, with technology and weblogs and all types of networking activities, we have more ways than ever to keep abreast of legal developments and keep our hands in the law if

we decide to step away from practice to raise children. The problem is that because today, we women have so many options available, we also feel we have so much more to lose if we don't follow the tried and true paths to success. But Justice O'Connor's career reminds us of how much we can gain from a more circuitous route.

Now, even as some of her aged colleagues remain on the bench in what is no doubt an exhilarating but most grueling position, Justice O'Connor steps down, once again to honor family commitments. Justice O'Connor, we thank you for giving twenty five years of service to our nation - and more importantly, we salute you for showing us purely by example that the less traveled road can still carry us to the most amazing destinations.

What Michelle Obama Couldn't Have Found at The (So-Called) Fifty Best Law Firms For Women. Posted on August 26, 2008 by Carolyn Elefant

I'm not much of a political junkie, but I made a point of watching Michelle Obama's speech to the Democrat National Convention. Michelle (it's tough for me to refer to someone a few months older than me as "Mrs.") intrigues me, largely because she's a contemporary with many superficialities in common: we both graduated law school in 1988 (in fact, a high school friend of mine was in some of Obama's classes at Harvard); we both married in 1992 and we both have two daughters with lyrical names (Elana and Mira vs. Malia and Sasha) three years apart, though my girls are nearly 9 and 12 while the Obamas are 7 and 10. And more recently, Michelle Obama put her career on hold for family, specifically, to help with her husband's campaign while trying to retain a presence in her

daughters' lives. That's the same reason that I and most of my solo-mom (or solo dad) colleagues have eschewed more lucrative or prestigious opportunities in favor of running our own practices -- so that we have the flexibility to spend more time with our children.

After Michelle's speech, her daughters trotted out on stage. Perhaps I read too much into their appearance, but the daughters' confidence was palpable as was their easy familiarity their mom and hers with them. It was a familiarity that reminded me of my relationship with my own girls (when we're not bickering, which of course, we do) - we share a certain comfortableness born of time spent together, not really doing anything special but just hanging around.

I couldn't help thinking that even if Michelle Obama had worked at one of the fifty supposedly most family friendly law firms that she would have missed out on this type of experience. Michelle would have spent her time with her girls in carefully metered segment, from 7 pm when she arrived home until 8:30 pm when they went to sleep. And if Michelle Obama had brought her daughters to large firm meeting or conference (even on days when she was supposed to be working reduced hours), I'm sure she'd have been met with glowering stares or snide comments rather than the sheer delight that spilled forth from the convention audience.

Working on my own, I set my own rules for my firm and my family. No, of course, I don't bring my daughters to every meeting with me, but there have been days where I had no alternatives so they accompanied me to a conference or sat quietly reading while I gave a presentation or attended a meeting. Over time, my girls have learned how to shake hands firmly, make eye contact and keep themselves busy and

(reasonably) well behaved at professional events.

I know that my experience doesn't differ much from that of other moms who run their own firms. Yet oddly, you won't find solo practice ever mentioned on the list of "family friendly firms" or even discussed as a family friendly option. And yet, it's the one place where parents can practice law without constantly concealing our job as parents as well.

Michelle Obama isn't a solo and probably never will be, so career path is where our commonality ends. But we've both had the chance to experience the joy of taking our children to work and introducing our work to our children because we didn't hew to the biglaw path but instead, found a way to have it all, all at once.

4 pm: Another Reason that I Love Solo Practice, Posted on August 31, 2005 by Carolyn Elefant

At four p.m., my workday ends , at least until late at night. Four p.m. is when I leave the house to pick up my daughters, nearly 6 and 9 from the bus stop around the corner. I walk them home and we talk about their day. The older one generally blurts out a million events a mile a minute while the younger one needs a little more prodding. Some days they're grouchy or tired and don't say much; some days they're angry that I didn't bring the car or cook the dinner that they wanted.

I have my own practice so that four pm is mine. Sure, there are days every so often when I'm delayed downtown or have a lengthy deposition where my husband or mom have to step in for pick up instead. But in general, the four p.m. deadline is etched in stone, it's one of those aspects of my practice (probably

the only one!) that I'm committed to not compromising. And because I'm committed, I've been able to make it happen.

Four p.m. until 8:30 when my daughters go to bed is a fairly long time, long enough for them to get bored if they don't have an after school lesson that day or for me to get tired shuttling them around if they do. Long enough that much of our time together is quantity time rather than quality time with all kinds of creative activities programmed in. Long enough to sometimes even make me wonder whether at their age, I even need to be home for them at all. But then I remember that the reason that 4 pm is so important isn't because my girls need me every day, because they don't. Rather, it's for that one day every so often that they might want to confide about a bully or a friend who was mean or a teacher who was unfair and if I'm not there on standby everyday, I'll miss out when they need me most.

Do you have your own four pm in your life, an uncompromisable commitment that you abide no matter the cost? And if you don't, why not?

About the Author



Carolyn Elefant and her girls, Elana and Mira Israel, August 2008

Carolyn Elefant is practicing attorney in the Washington DC area specializing in energy regulation and innovation, appeals and select Section 1983 civil rights litigation. Back in 2002, before solo practice was cool, Carolyn created the blog MyShingle.com, a resource and inspiration for practicing and aspiring solo and small firm lawyers. She is author of *Solo by Choice: How to Be the Lawyer You Always Wanted to Be*.

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