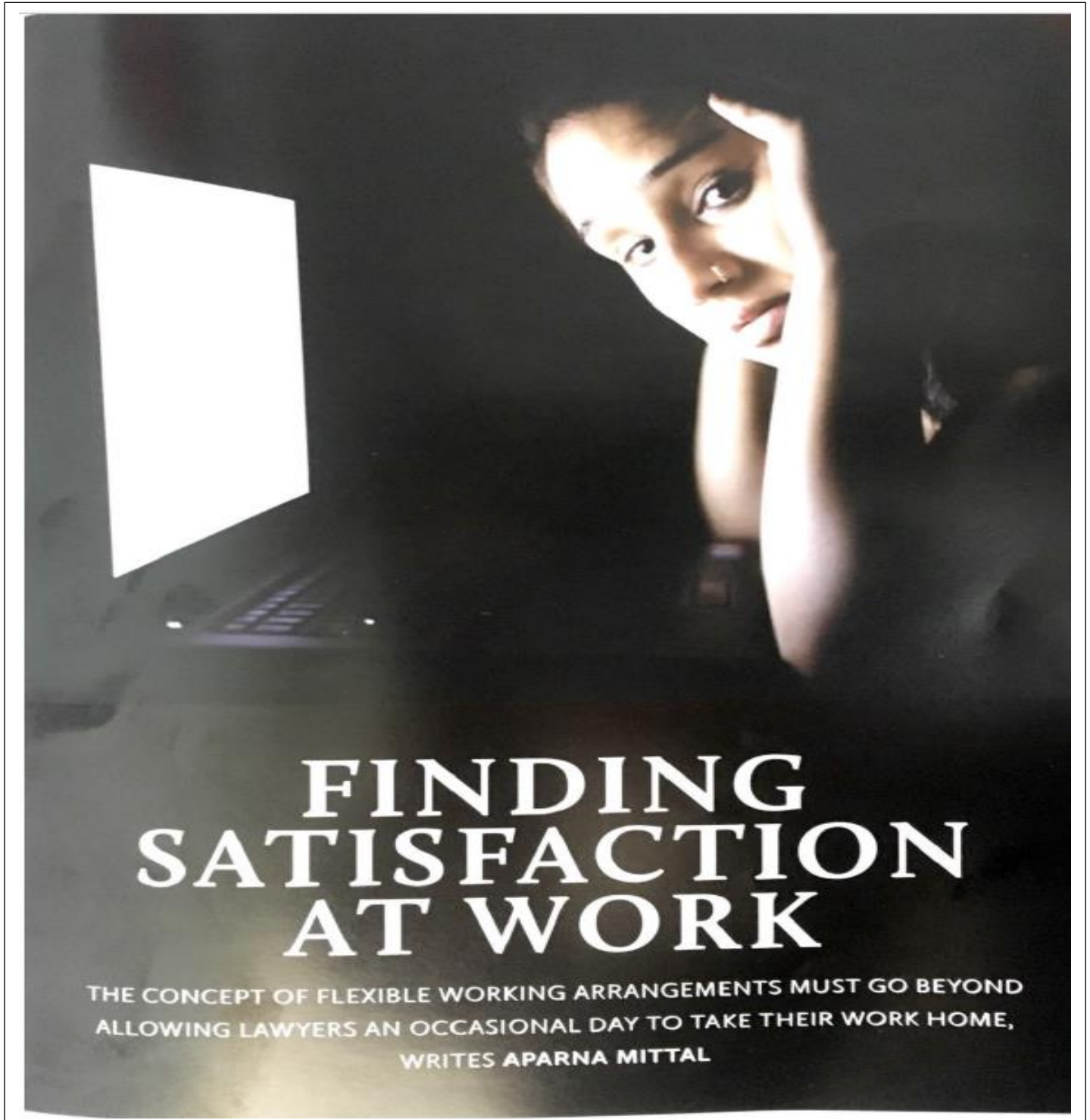


*Our Founder Aparna Mittal authored this article published in the IBLJ in the May 2018 issue*



**C**orporate culture characterizes the qualities of a work environment such as the way employees work, think and act. Having flexible work hours and work-life balance are often discussed topics, especially in the context of law firms where long working hours are common. At Indian law firms, the question is whether more needs to be done to allow "flexibility" in its truest sense in the workplace.

### PRIMARY APPROACH

When we talk about flexibility many law firms today do allow the flexibility to work from home – either on a regular basis (such as after 8pm on a workday) or in special circumstances (such as when a specific request has been made by a lawyer on account of personal reasons). Firms have also invested heavily in infrastructure such as secure systems that facilitate remote login, 24x7 connectivity and access to systems including the server, emails and billing software, and even provide laptops and data cards which can be issued on request.

While these are great initiatives and definitely a step in the right direction, they are limited in scope, as they seem to construe flexibility only in the physical sense. They allow working physically away from office, but perhaps not flexibility in the larger sense of the word. In addition, some argue that such initiatives also tend to extend the work hours indefinitely as they blur the line between office and home.

### REVISITING FLEXIBILITY

A broader and perhaps truer meaning of flexibility would entail three essential aspects:

1. Having predefined alternative arrangements/career paths available as part of established HR policy allowing flexible work hours, both in the short term and long term, for lawyers who have personal constraints (such as caregiver responsibilities, health issues, etc.), or those who endeavour to pursue work-life balance and do not wish to conform to a gruelling work week that often entails 70+ work hours on a weekly basis;
2. Implementing the above without any significant overall hindrance to the kind of legal work (and exposure) and career advancement provided to the lawyer in question; and
3. Putting in place systems that remove unconscious bias, or pejorative connotations associated with having chosen such a path.

### KEY PERSPECTIVES

While this seems easier said than done, there are some key perspectives from both sides that need to be borne in mind to enable evolving suitable solutions.

**Client retention.** In an ever expanding legal market, where almost every client wants their work done at the most competitive price and also timelines, law firm managers often bear the direct pressure of client retention. Further, in certain practice areas, given the scope of large mandates including those involving cross-border aspects, the pressure on timelines increases manifold. In such scenarios, managers, who are juggling multiple overlapping commitments and deliverables, shy away from involving lawyers who have expressed a need for flexibility.

**Perception issues/peer pressure.** Being inherently competitive, lawyers working at law firms also have to deal with parameters of performance that are perceived to be indicative of their true professional capabilities or merit. Such parameters may not per se be specified or intentional from the management's side, but most lawyers (especially the younger ones), nevertheless, feel the peer pressure to conform to them. Some such parameters that over time have gained a lot of perceived importance include overall time within which one was elevated to partnership, number of overall billable hours clocked in a year, frequency with which one burns the midnight oil at work, any long periods of leave (albeit for legitimate reasons), regularly working through weekends for routine office work, etc. While not wishing to take away from those who have managed to perform well along these parameters, it is necessary to point out the overwhelming peer pressure and pejorative perception such parameters create in the workplace, especially on younger lawyers, and hence make a case for addressing such parameters.

**Bench strength versus profitability.** Over the years, and again owing to the unprecedented expansion of the legal market, law firms today place a lot of focus on profitability per team (which is mostly a numeric target based on annual billing raised and annual revenue generation), with predefined targets stipulated at both the team and individual levels. Seven partners from leading Indian law firms, who spoke on the condition of anonymity, confirmed this.

Managers, who are directly responsible for teams feel the added pressure to meet targets, and are forced to keep a regular tab on profitability. In light of this, managers, however well intended, are often driven, consciously (or subconsciously) to make decisions related to hiring and staffing while keeping this goal in mind. In the long run, this

converts into teams handling work disproportionate to their size, working on low or no free bandwidth, lesser available bench strength per team, and the ever increasing number of assignments that each member (of the team) is simultaneously given. In such scenarios, devising policies for flexible work hours is relegated to the background, and only case-by-case exceptions are made based on how dire the requirement of the lawyer in question is.

**Kind of work.** As a corollary to some of the above, lawyers who seek flexibility (specially for longer periods) are regularly staffed on more "day-to-day" matters such as compliance work, knowledge management or other internal administrative functions. While per se there is nothing wrong with such work, as all professional work is (and ought to be) given the same importance and respect, the problem arises when this invariably becomes the exclusive domain of the lawyer seeking flexibility and may not be in tandem with the professional merit, experience or aspirations of the lawyer. In short, it is unfortunate that often choices ordained on account of biological or societal realities become an unfair hindrance in career advancement.

### GENDER REALITIES

Corporate law has over the past two decades in India become a viable and sought after option for legal professionals, both men and women, with law firms now recruiting the highest number of legal graduates from top-tier law schools in India. The work is intellectually stimulating, the pay is (more than often) great, and the potential for growth and achievement (both at an individual level and for law firms) is enormous. From a gender ratio perspective, too, this has created enormous potential for women lawyers, with more women now joining the legal profession than 20-30 years ago.

While the issues around flexibility are faced by both men and women in the short term, it is important to explore the long-term consequences of such issues. For example, one cannot ignore the disparity in: (i) the number of women lawyers who initially join law firms at the associate level; and (ii) those who eventually continue from there to partnership and further through their professional lives; as opposed to their male counterparts.

Similarly, it is difficult to refute the correlation between the numeric differential, as above, and the societal realities where women (albeit working professionals) are still the primary caregivers and bear the load of day-to-day domestic responsibilities (though the latter is changing, albeit rather slowly).

### WAY FORWARD

It is pertinent, in this context, to ask, can Indian law firms do more to allow flexibility in the wider sense. Some suggestions that can be considered include:

- Devise and notify internal policies that seek to create flexibility beyond the limited requirements mandated by law, and in a manner that conforms to real life realities. This could include well defined options such as reduced hours on a long-term basis, shared work arrangements, alternate growth tracks and sabbaticals. Of course one size doesn't fit all, and hence further nuances based on practice area requirements will need to be thought through. Having said that, such policies should aim to cover the three essential aspects recommended above, and most of all it is important to ensure that those who choose flexibility are not seen as second class citizens or less deserving.

Many foreign law firms have conceptualized such policies and undertaken a commitment to create workplaces that balance out work and significant personal commitments. By way of example, Baker McKenzie, one of the largest (and leading) international law firms, has a laudable programme called "bAgile" in North America, based on the premise that "offering our people flexibility in when and how they work, consistent with our clients' needs, will allow them to pursue a fulfilling life both outside work and in it."

- Work in a dedicated and committed fashion to tackle systemic peer pressure, and reduce reliance on superficial parameters of performance, whether actual or perceived.
- Focus energies to create an atmosphere where sustainable living and work-life balance is encouraged in real terms across all designations, and where managers are mentored and encouraged to accordingly undertake mindful hiring and staffing practices.
- Specific to tackling the long-term gender ramifications, promote "gender consciousness" and undertake a gender-based evaluation of internal policies and HR statistics and devise progressive policies that aim to correct the imbalance. ▲

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**APARNA MITTAL** is the founder of Samāna Centre for Gender, Policy and Law ([www.samanacentre.com](http://www.samanacentre.com)), which advises organizations on gender mainstreaming in philanthropic/CSR activities; gender equality, diversity and capacity building through HR policies; and leads selective interventions in law and policy related to gender. She has more than 12 years of experience as a partner at leading Indian law firms, and can be contacted at [aparnamittal@samanacentre.com](mailto:aparnamittal@samanacentre.com)

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