

Beyond a Reasonable Doubt:
Creating Opportunities for Better Balance



*The Catalyst series on flexibility
in Canadian law firms*

ABOUT CATALYST

Catalyst is the leading research and advisory organization working with businesses and the professions to build inclusive environments and expand opportunities for women at work. As an independent, nonprofit membership organization, Catalyst conducts research on all aspects of women's career advancement and provides strategic and web-based consulting services globally. With the support and confidence of member corporations and firms, Catalyst remains connected to business and its changing needs. In addition, Catalyst honors exemplary business initiatives that promote women's leadership with the annual Catalyst Award. With offices in New York, San Jose, and Toronto, Catalyst is consistently ranked No. 1 among U.S. nonprofits focused on women's issues by The American Institute of Philanthropy.

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Creating Opportunities for Better Balance**
The Catalyst series on flexibility in Canadian law firms

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TABLE OF CONTENTS

Foreword	1
Introduction	4
Chapter 1: Lawyers' Satisfaction with Work-Life Balance	8
Chapter 2: What Influences Lawyers' Satisfaction with Work-Life Balance?	18
Chapter 3: Conclusions and Recommendations	30
Acknowledgments	36
Appendix 1: Methodology and Respondent Profile	38
Appendix 2: Performance Norms, Firm Management and Leadership, and Work-Life Balance	41
Catalyst Canada Board of Advisors	46
Catalyst Board of Directors	47

FOREWORD

Today, just over one in four Canadians report that the demands they face at work make it difficult to meet their non-work responsibilities.¹ In comparison, roughly one in two lawyers in Canada report that they feel challenged managing the demands of their work and personal/family life. At double the rate of the overall workforce, law firm lawyers represent an extreme example of the work-life balance challenges faced by a growing number of individuals across industries.

Notwithstanding the fact that some turnover is clearly desirable for many law firms, at Catalyst we know that those firms that foster and support their lawyers' abilities to effectively manage work and personal responsibilities stand a better chance of retaining both their men and women lawyers.² The latter point is important: Work-life balance challenges are not exclusive to women lawyers and "working moms." Men lawyers, too, face work-life balance trade-offs and pressures, as this study demonstrates. Work-life dissatisfaction and conflict is common to men and women lawyers, a fact critical to those law firms committed to managing their talent—all talent—effectively.

That said, there are some significant differences in men's and women's work-life balance attitudes and perspectives. One notable difference is the degree to which, across several factors, men partners differ in their work-life balance perspectives from women partners, men associates, and, in particular, women associates. Indeed, more men partners than other lawyers:

- are satisfied with their firms' work environments;
- are satisfied with their levels of informal flexibility; and
- perceive their firms to provide effective leadership and role models around work-life balance.

And fewer men partners than other lawyers:

- report difficulty managing the demands of work and personal/family life; and
- feel successful performance at their firms demands putting work before personal/family life.

These gaps in perception suggest that men partners, who constitute the majority of law firms' partnership and leadership ranks, differ substantially from other lawyers in the nature of their work-life balance experiences and their perceptions of the law firm work environment. Ultimately, law firms interested in addressing the subject of work-life balance need to do so with the understanding that key groups within the firm may hold very different perspectives on this issue, with correspondingly different perceptions of its importance and urgency.

¹ Dr. Linda Duxbury, Dr. Chris Higgins, *Work-Life Conflict in Canada in the New Millennium*, Health Canada, 2003.

² Catalyst, *Beyond a Reasonable Doubt: Building the Business Case for Flexibility*, 2005.

Additionally, the perception gaps revealed in this study are instructive to those firms interested in furthering the representation of women in their partnership ranks. Although women now constitute, on average, more than one-half of law school graduates and a growing proportion of the client base of law firms, women continue to be over-represented among unemployed lawyers and leave the profession in greater proportions than men.³ Despite the influx of women into the legal profession in the past two decades, there remains a relatively small proportional representation of women in the legal profession, particularly at more senior levels within law firms. With this study, we provide insight to firms as to why these trends continue, and how they can be changed.

Indeed, there are tangible steps law firms can take to diminish lawyers' work-life balance challenges. A central message of this study is that aspects of the law firm work environment, such as performance norms, informal flexibility, and leadership behaviour, impact associates' and partners' perceptions of their ability to manage their work and personal/family responsibilities effectively. Satisfaction with work-life balance is not simply a matter of personal preference and inclination, but also an outcome of organizational norms and practices that shape men's and women's attitudes in different ways. In short, there are opportunities here for firms to make change in concrete and meaningful ways that can positively impact lawyers' satisfaction with work-life balance.



³ Jean E. Wallace, "Work-to-Nonwork Conflict Among Married Male and Female Lawyers," *Journal of Organizational Behavior*, vol. 20, no. 6 (September 1999): p. 797-816.

This report is relevant reading for law firm management, practice group leadership, directors of personnel and human resources, as well as groups and taskforces promoting diversity within their firms. We emphasize that addressing lawyers' work-life balance challenges is not to come at the expense of firms' business goals and market realities. But we urge you, as you read and reflect on the findings of this report, to consider opportunities within your firm to better understand the business impact and opportunity costs of not promoting greater *work-life effectiveness*⁴ among your lawyers. The questions below provide a starting point for your firm.

Do you know...

- How your firm's lawyers perceive their work-life balance at your firm?
 - Are there meaningful differences across level, gender, regional office, etc.?
- How many lawyers leave your firm for work-life balance reasons?
- What opportunities exist for your firm to promote greater work-life effectiveness among lawyers?
 - Are there cultural norms around performance that obstruct workplace flexibility?
 - Are there work processes that contribute unnecessarily to work-life conflict?
 - Do lawyers with management responsibilities at your firm provide effective leadership and team management in a manner that promotes workplace flexibility?

⁴ While we use the term "work-life balance" in this report because of its popular usage, we recognize some of the inherent limitations to the term in our recommendations to firms. The term "balance" connotes that lawyers need to limit the amount of time they work, and implicitly suggests that there is an ideal amount of workload, and if we find that magic number, everything will be fine. Catalyst recommends an "effectiveness" model that enables a more pragmatic approach by focusing on dynamics at the individual level and firm level (i.e., cultural norms, work design issues, managerial competencies) that may enhance or detract from lawyers' ability to best manage work and personal/family responsibilities. Work-life effectiveness is about realizing that people work better when they are refreshed and focused and helping the lawyers in your firm find the balance that makes them peak performers. It is also about recognizing that flexibility options in the workplace are, ultimately, a management tool to help lawyers be more effective, resilient, and productive. The work-life effectiveness concept is expanded on in Chapter 3, Conclusions and Recommendations.



INTRODUCTION

In 2001, Catalyst released *Women in Law: Making the Case*,⁵ a U.S. study exploring the lack of women in leadership positions in the legal profession, and how legal employers can fully capture the talents of women. In this 2001 study, a large proportion of both men and women lawyers⁶ reported difficulty balancing the demands of work with the demands of their personal lives. As well, Catalyst found that the careers of women law graduates are significantly affected by work-life issues, both in terms of advancement and career paths.

Following the release of *Women in Law: Making the Case*, Catalyst engaged in a series of discussions with stakeholders in the Canadian legal community. A clear theme that emerged in these discussions was the desire on the part of Canadian law firms to better understand how to address the challenges lawyers in law firms experience around flexibility and work-life balance. This desire emerged, in part, from a recognition that increasing demands for balance on the part of incoming lawyers appear to be in direct conflict with the realities law firms face as they adapt to an increasingly competitive marketplace for legal services (e.g., rising billable hours demands, lengthening partnership tracks, increasing client demands for “24/7” access to their counsel).

The *Flexibility in Canadian Law Firms* series is Catalyst’s contribution to Canadian law firms’ efforts to address work-life balance issues among their lawyers. In the first report of the series, *Beyond a Reasonable Doubt: Building the Business Case for Flexibility* (March, 2005), Catalyst focused on associates and determined that:

- work-life considerations are of paramount importance to both women and men associates when making decisions about which firm to work for;
- an environment that is more supportive of family and personal commitments and offers more control over work schedules is a top consideration for associates;
- associates with negative perceptions of their firms’ work-life cultures intend to stay with their firms for a shorter period of time than associates who view their firms’ work-life cultures positively; and
- the average turnover cost per associate to a firm is \$315,000, approximately twice the average associate’s salary.

⁵ Catalyst, *Women in Law: Making the Case*, 2001.

⁶ Please note that in this report, the terms “associates” and “lawyers” are **not** used interchangeably. “Lawyers” denotes both partners and associates.

In the second report of the series, *Beyond a Reasonable Doubt: Creating Opportunities for Better Balance*, we expand our analysis to examine both associates' and partners' perspectives of work-life balance within their firms. With this report, we:

- provide a baseline of how associates and partners perceive work-life balance within their firms;
- explore possible factors that influence and predict lawyers' work-life balance perceptions and attitudes; and
- determine the differences in work-life balance perceptions and attitudes between women and men lawyers.

Catalyst surveyed a total of 1,439 lawyers (638 women and 801 men) in law firms across Canada, exploring several dimensions including lawyers' experiences managing their work and personal responsibilities, perceptions of the law firm environment, and attitudes towards the use of flexible work arrangements.⁷ In this report, survey findings are periodically supplemented by qualitative data from interviews and focus groups to provide the reader with greater context for interpreting the findings. The key findings and messages from this report are summarized on the next page.⁸



⁷ Lawyers' perceptions of and experiences with formal flexible work arrangements are reported on in the third report of the series, planned for early 2006.

⁸ For details on the respondent profile and general methodology, see Appendix 1.

KEY FINDINGS

Law Firm Snapshot

- Roughly one in two lawyers report they are satisfied with the work environments of their firms.
- Notwithstanding their satisfaction with the work environment, approximately one-half (57 percent) of lawyers who report being satisfied with their overall work environment also report being satisfied with their ability to manage their work and personal/family responsibilities.
- More than one-half of partners and two-thirds of associates report they often or very often put work before personal/family life.
- Nearly two-thirds of all lawyers in law firms report difficulty managing the demands of work and personal/family life.

The Work-Life Balance Perception Gap

- An environment more supportive of family and personal commitments is a top priority for a majority of lawyers, except for men partners, when evaluating a law firm as a place to work.
- More women lawyers than men feel advancement in their firms depends on putting career before personal/family life.
- More associates, particularly women associates, than partners perceive "face-time" norms within their firms.
- More men partners than other lawyers are satisfied with their informal flexibility.
- Billable hours targets pose difficulty to more associates' ability to manage work and personal/family responsibilities than they do for partners.
- More men partners than other lawyers think their firms' leadership is supportive of helping partners and associates better manage work and personal/family responsibilities.

Opportunities for Change

- Perceptions of commitment-related performance norms predict lawyers' work-life balance satisfaction.
- Lawyers' satisfaction with informal flexibility is positively related to their satisfaction with work-life balance.
- Lawyers' perceptions of their firms' leadership and management directly influence their satisfaction with work-life balance.



KEY TAKE-AWAYS

1. Men partners perceive and experience the law firm work environment differently from women partners, women associates, and men associates, sometimes dramatically.
2. Firms need to recognize that, while both men and women lawyers experience work-life balance difficulty, the challenge of managing work and personal/family responsibilities is felt disproportionately by women lawyers, especially women associates.
3. Law firms can positively impact the work-life balance experiences of lawyers.

THE FLEXIBILITY IN CANADIAN LAW FIRMS SERIES

For those firms that desire a leadership role on the issue of work-life balance, this series is intended to provide information, insights, benchmarks, and tools that will enable them to better manage the omnipresent work-life balance challenges faced by the majority of today's associates and partners, men and women. With this series, Catalyst will:

- provide insights that augment firms' retention strategies and contribute to building a business case for flexibility in law firms;
- develop an understanding of how attitudes and perceptions of, and experiences with, work-life balance and flexibility affect levels of commitment, satisfaction, and, for associates, aspirations to partnership;
- generate greater awareness and understanding of the factors that facilitate or obstruct flexibility and work-life balance in law firms; and
- address existing assumptions and perceptions of flexible work arrangements in law firms.

Report Releases

Currently, the *Flexibility in Canadian Law Firms* series includes two reports, described below.

Beyond a Reasonable Doubt: Building the Business Case for Flexibility

In the first report of the series, Catalyst demonstrated that work-life balance is a prominent consideration for associates, both in terms of how they assess a firm as a place to work and why they choose to stay with their firms. Second, the report put a dollar value on associates who leave their firm, arguably due in part to dissatisfaction with balance. For law firms, the potential dollar cost of not addressing dissatisfaction with work-life balance can amount to millions of dollars each year in lost investment due to turnover.

Beyond a Reasonable Doubt: Creating Opportunities for Better Balance

In the second report of the series, Catalyst demonstrates that law firms can positively impact the work-life balance experiences of lawyers by addressing key aspects of the work environment, namely performance norms and the behaviours and actions of firm leadership and management. Additionally, the report demonstrates that men partners' perceptions and experiences of work-life balance are often different, sometimes dramatically, from those of women partners, women associates, and men associates.

Future Report

The third report of the series will focus on associates' and partners' perceptions and use of flexible work arrangements in law firms. The release of this report is planned for early 2006.

KEY FINDINGS

- Roughly one in two lawyers report they are satisfied with the work environments of their firms.⁹
- Notwithstanding their satisfaction with the work environment, approximately one-half (57 percent) of lawyers who report being satisfied with their overall work environment also report being satisfied with their ability to manage their work and personal/family responsibilities.
- More than one-half of partners and two-thirds of associates report they often or very often put work before personal/family life.
- Nearly two-thirds of all lawyers in law firms report difficulty managing the demands of work and personal/family life.
- An environment more supportive of family and personal commitments is a top priority for a majority of lawyers, except for men partners, when evaluating a law firm as a place to work.

Chapter 1 provides a snapshot of how lawyers perceive their general work environments and work-life balance within their firms. While roughly one in two lawyers report they are satisfied with the work environments of their firms, many still report difficulty managing the demands of work and personal/family life at their firms. Indeed, a majority of lawyers indicate that an environment more supportive of family and personal commitments is the top consideration when evaluating a firm as a place to work. The exception is men partners, who generally diverge from women partners and all associates in their perceptions of the law firm work environment. While the fact that there are perceptual gaps may be expected, the order of magnitude is often significant and, in some instances, surprising.

Roughly one in two lawyers report they are satisfied with the work environments of their firms.

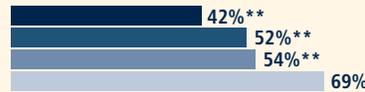
Sixty percent of men lawyers and 45 percent of women lawyers report they are satisfied with the work environments at their firms. This gap in satisfaction levels between men and women lawyers is most pronounced between men partners and women associates: While 69 percent of men partners report they are either very or extremely satisfied with their firms' work environments, a significantly lower 42 percent of women associates report they are similarly satisfied. Generally speaking, men partners report higher levels of overall satisfaction with the work environments of their firms, regardless of variables such as practice group, region, firm size, or age.

⁹ Greater control over work, the nature of one's immediate supervisor, the opportunity for professional development, and the availability of mentors are all known sources of overall work satisfaction for men and women in the legal industry (Catalyst, *Women in Law: Making the Case*, 2001). While an exploration of factors informing lawyers' overall satisfaction with the work environment is beyond the scope of this study, we report on the general finding to provide firms with a "big picture" look at lawyers' experiences in law firms today.

Figure 1: Satisfaction with the Overall Work Environment, by Gender and Level

Women Associates
Men Associates
Women Partners
Men Partners

(% Very/Extremely Satisfied)



**Response is statistically significant at $p < .01$.¹⁰

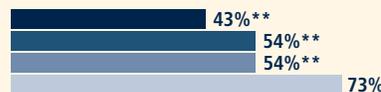
Notwithstanding their satisfaction with the work environment, approximately one-half (57 percent) of lawyers who report being satisfied with their overall work environment also report being satisfied with their ability to manage their work and personal/family responsibilities.

However, lawyers' positive perceptions of the general work environment do not always go hand-in-hand with their perceptions of work-life balance. Notwithstanding their positive perceptions of the general work environment, only 57 percent of those lawyers satisfied with their overall work environments report they are satisfied with their ability to manage their work and personal/family responsibilities. Of this group, only 43 percent of women associates are satisfied with their ability to manage their work and personal/family responsibilities, followed by 54 percent of women partners and 54 percent of men associates. More men partners with positive perceptions of their general work environments report being satisfied, with 73 percent indicating they are satisfied with their ability to manage work and personal/family responsibilities.

Figure 2: Satisfaction with Ability to Manage Work and Personal/Family Responsibilities, by Gender and Level

Women Associates
Men Associates
Women Partners
Men Partners

(% Agree/Strongly Agree)

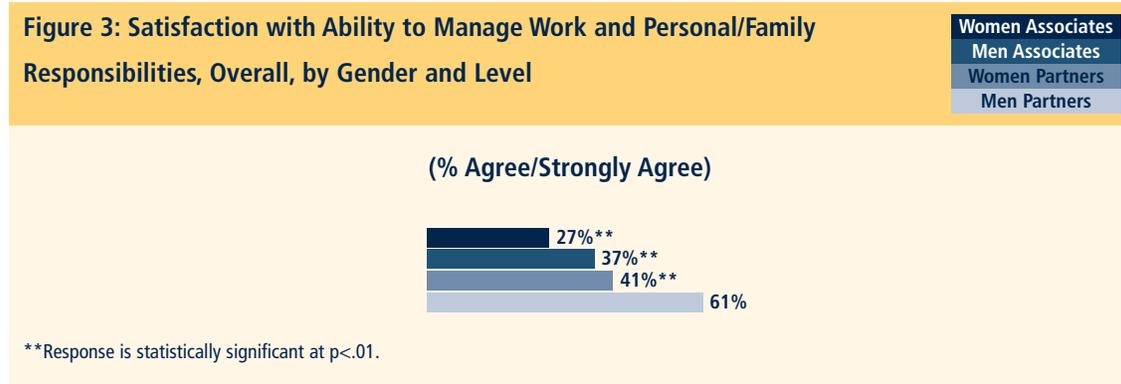


**Response is statistically significant at $p < .01$.

Note: In this graph, the results are only based on the population of lawyers who are satisfied with their overall work environment.

¹⁰ For comparative purposes, the chi-square statistics displayed for each graph reflect the significance of each group's responses as compared to men partners, the comparator group of the dependent variable under examination. When we find that a relationship is statistically significant, we know that the relationship is not random (i.e., it is meaningful). For example, when this study reveals a statistically significant difference (at $p < .05$) between men partners and any or all of the other three groups (i.e., women associates, men associates, and women partners) on some variable, the difference is positive and significant at the 95-percent level. This means there are fewer than 5 chances in 100 that this difference would not be observed should we repeatedly test this connection. Similarly, when $p = .000$, we would get the same result in almost any sample in which we tested the connection.

Clearly, work-life balance is not simply an issue of those lawyers disaffected by their firms' work environments. More generally, when we examine lawyers' satisfaction with their ability to manage their work and personal/family responsibilities overall, more men partners are satisfied with their ability to manage work and personal/family responsibilities compared to other lawyers. Sixty-one percent of men partners report they are satisfied, compared to a significantly lower 41 percent of women partners, 37 percent of men associates and, most notably, 27 percent of women associates.

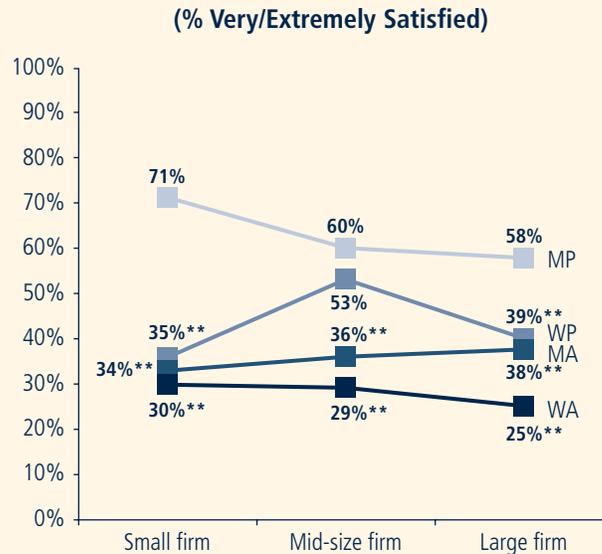


Interestingly, lawyers' satisfaction with their ability to manage work and personal/family responsibilities varies according to the size of their firms.¹¹ For example, while more men associates are satisfied in large firms, fewer women associates are satisfied in large firms. Twenty-five percent of women associates in large firms are satisfied with their ability to manage work and personal/family responsibilities, in comparison to 38 percent of men associates. Furthermore, as firm size increases, fewer men and women partners are satisfied with their ability to manage work and personal/family responsibilities. More men partners in small firms (71 percent) are satisfied; fewer men partners in mid-size (60 percent) and large firms (58 percent) are satisfied. Similarly, more women partners in mid-size firms are satisfied (53 percent) in comparison to women partners in large firms (39 percent).

¹¹ In this analysis, "large firms" are firms with 301+ lawyers, "mid-size firms" are firms with 151-300 lawyers, and "small firms" are firms with 150 lawyers or less. See Appendix 1 for a breakdown of survey participants according to firm size.

Figure 4: Satisfaction with Ability to Manage Work and Personal/Family Responsibilities, by Size of Firm, Gender, and Level

Women Associates
Men Associates
Women Partners
Men Partners



**Response is statistically significant at $p < .01$.

Why are fewer lawyers in large firms satisfied with their ability to manage their work and personal/family responsibilities? A possible explanation is the shift from the practice of law to the business of law,¹² a trend that may be more acute in larger firms. This shift is characterized by an emphasis on competition among lawyers, maximized billing of clients, and a greater emphasis on generating profit, consequently amplifying the performance pressures experienced by men and women lawyers in large firms. Large, top-tier¹³ firms also face a consolidating market of clients, with greater pressure on lawyers to develop clients and new business. The argument that larger firms are the setting for greater dissatisfaction with work-life balance is supported by the fact that a majority of Canadians who work for large organizations experience high levels of role overload (the perceptual aspect of feeling overwhelmed, overloaded, or stressed by the pressures of multiple roles).¹⁴ The pressures facing large firms today suggest lawyers in large firms may experience greater role overload and, correspondingly, report less satisfaction with their ability to manage work and personal/family responsibilities.

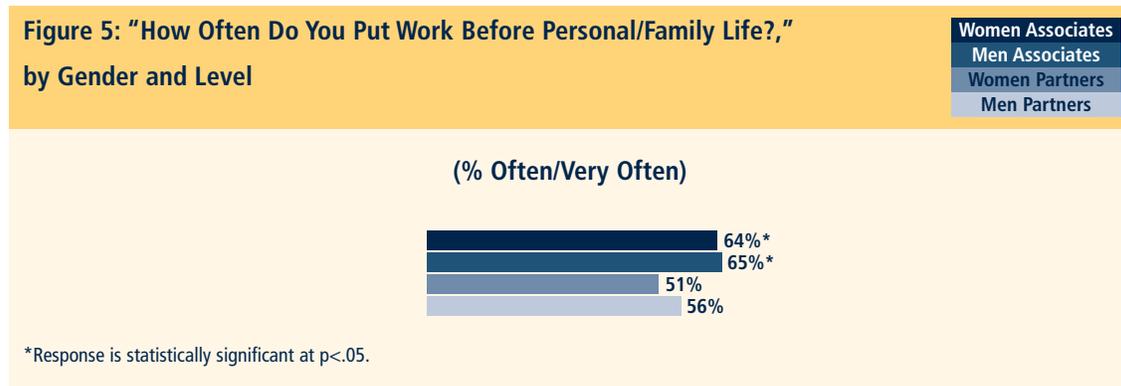
¹² Wallace.

¹³ In Toronto, the most competitive legal market in the country, 21 firms go after high-end deal work. This group of 21 firms is broken down into tiers, the "top tier" typically referred to, although strongly contended, as the "Seven Sisters," firms regarded as "tier one for their depth of talent and presence at the table on virtually all deals of note." Sandra Rubin, "Rumble on Bay Street," *National Post*, October 17, 2005.

¹⁴ Duxbury, et al., *Work-Life Conflict in Canada in the New Millennium*, 2003. According to this study, key drivers of role overload include new information and communications technology, organizational norms that reward long hours, and "organizational anorexia" (i.e., too few people).

More than one-half of partners and two-thirds of associates report they often or very often put work before personal/family life.

The legal profession is a demanding one, and law firms require a high degree of performance and contribution to the firm. Indeed, roughly one in two lawyers report work-life conflict,¹⁵ indicating they have often or very often put work before their personal/family life. Just over one-half of partners—51 percent of women partners and 56 percent of men partners—report they often put work before personal/family life. More associates than partners report they often make this tradeoff: 64 percent of women associates and 65 percent of men associates indicate they often or very often put their work before personal/family life.



Possible explanations for the difference between partners and associates include the higher average billable hours reported by associates than partners (as seen in Chapter 2), perceived performance pressures on the part of associates who are on the path to partner, the greater ability of partners to delegate work to lawyers below them, and more mastery on the part of partners who, through experience, have become more adept at determining their own personal boundaries and limits than associates, requiring fewer trade-offs between work and personal/family responsibilities over time. Indeed, the value of experience, by enabling better client management and knowing how to effectively manage a file, is often cited by partners as helpful in minimizing work-life conflict.

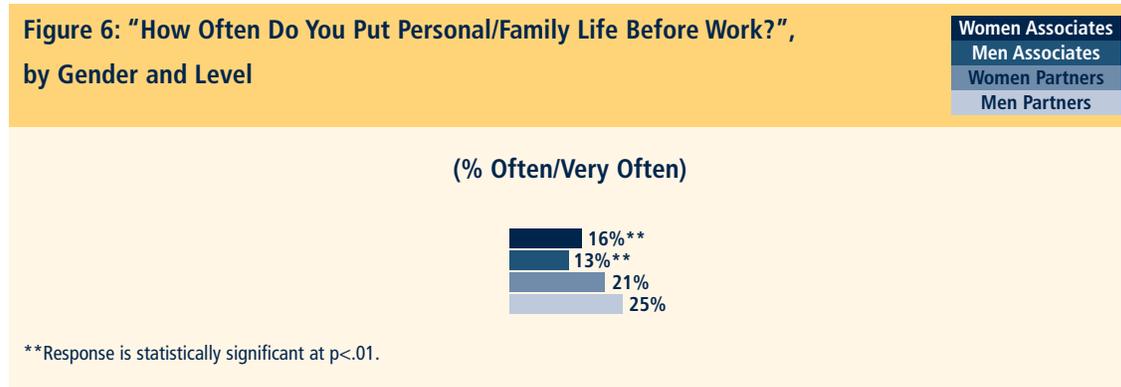
“In this profession, as you spend each day on the job, you get better at dealing with the pressures, the deadlines, and managing the clients.”

—Man, Partner

Of the lawyers who report they often put work before personal/family life, only one-quarter (27 percent) are satisfied with their ability to manage their work and personal/family responsibilities.

¹⁵ We define “work-life conflict” as work-to-family interference (as opposed to family-to-work interference) given that research suggests that work and family boundaries are “asymmetrically permeable,” such that work is allowed to invade one’s family more so than family life is allowed to interfere with work. See Wallace, “*Work-to-Nonwork Conflict Among Married Male and Female Lawyers.*”

Finally, few lawyers report they often put personal/family life before their work.¹⁶ Interestingly, more men partners than women partners and all associates report that they do, with one-quarter reporting they often put personal/family life before their work, compared to 21 percent of women partners, 16 percent of women associates, and 13 percent of men associates.



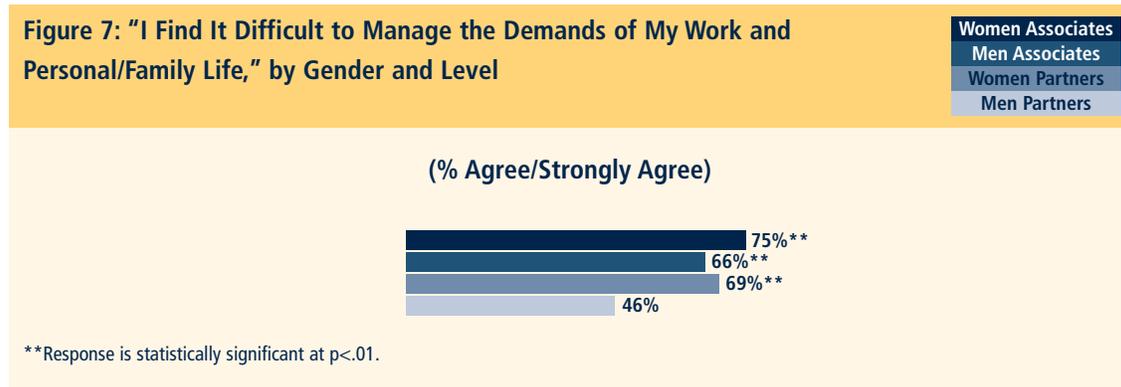
Nearly two-thirds of all lawyers in law firms report difficulty managing the demands of work and personal/family responsibilities.

The fact that more than one-half of all men and women lawyers often put work before personal/family life could be interpreted as simply greater levels of professional commitment demonstrated by individuals who have chosen to work in highly demanding environments, and who therefore do not view these tradeoffs as a source of difficulty and work-life conflict. However, that it is a source of difficulty is demonstrated by the fact that close to two-thirds of all lawyers report they find it difficult to manage the demands of work and personal/family responsibilities. This is more than double the rate at which the average Canadian worker reports the demands faced at work make it difficult to satisfy non-work responsibilities.¹⁷

¹⁶ Roughly one-half of all lawyers report they *sometimes* put personal/family life before work.

¹⁷ On average, one in four Canadian workers report the demands faced at work make it difficult to satisfy their non-work responsibilities. Duxbury, et al., *Work-Life Conflict in Canada in the New Millennium*, 2003.

In general, more women than men report difficulty: 75 percent of women associates and 69 percent of women partners report they find it difficult to manage the demands of work and personal/family life. Women partners are closely followed by men associates, 66 percent of whom report they find it difficult to manage the demands of work and personal/family life. Fewer men partners report difficulty, with less than one-half (46 percent) indicating they find it difficult to manage the demands of work and personal/family life.¹⁸



Interestingly, more lawyers who do not have children report difficulty managing the demands of their work and personal/family lives than those who have children. Sixty-eight percent of lawyers who do not have children report difficulty, compared to 61 percent of those lawyers with children. Associates compose the majority of those lawyers who do not have children, which may explain the higher rate of difficulty among this group (since more associates than partners report difficulty).

At Catalyst, an observation we hear among lawyers is that men lawyers can better juggle the pressures and responsibilities of their careers and their lives outside the firm because they have spouses who do not work outside the home. Some women lawyers with dual professional and family roles observe that this is an advantage men lawyers possess that goes typically unobserved and unacknowledged at their firms.

"The males all have stay-at-home wives; they just have no appreciation of the extra struggle, challenges, and responsibilities that women are juggling. I'll get comments that indicate to me that they clearly do not understand."

—Woman, Partner

"At my firm, the men who have children tend to have wives who are stay-at-home, who run their lives; if they get home at 6:00, that's terrific, but if they don't, that's ok, their lives don't fall apart. Whereas if I don't get home at a certain time, life can start to unravel. So I have to pick up after the children go to sleep, or come in very early in the morning; there's really no acknowledgment that there is any additional pressure. The firm has made no effort around a support strategy that helps women with children manage this pressure."

—Woman, Partner

¹⁸ The percentage of men partners who report difficulty balancing work and personal responsibilities is lower than found in other Catalyst research. In our U.S. report *Women in Law: Making the Case*, we found that more than 70 percent of both men and women—partners and associates—report they have difficulty balancing the demands of work with the demands of their personal lives.

Does lawyers' level of difficulty managing work and personal/family life vary according to family status? Forty-two percent of men lawyers with children report they have spouses who do not work outside the home, in comparison to ten percent of women lawyers with children. Of those men lawyers with children and a spouse who does not work outside the home (76 percent of whom are partners), 49 percent express difficulty managing the demands of work and personal/family life, in comparison to 74 percent of women lawyers with children and a spouse employed full-time (48 percent of whom are partners).

Table 1: Difficulty with Work-Life Balance ¹⁹			
I find it difficult to manage the demands of my work and personal/family life	Men lawyers with children and spouse not employed outside the home (N=182)	Men lawyers with children and spouse employed full time (N=149)	Women lawyers with children and spouse employed full time (N=197)
% Agree/Strongly Agree	49%	56%	74%

Further, notwithstanding a spouse employed outside the home, fewer men lawyers than women lawyers report they find it difficult to manage the demands of work and personal/family life. Fifty-six percent of men lawyers with children and a spouse employed full time (66 percent of whom are partners) report difficulty in managing the demands of work and personal/family life compared to 74 percent of their female counterparts. As qualitative data suggests, this may be due to these men lawyers' spouses opting to work less demanding, less lucrative careers in order to provide greater support and flexibility for their spouse's law firm career.

“Key to me is what deal you have struck with your life partner in terms of managing. An interesting question is how many lawyers have spouses who work outside of the house, or who have sacrificed their careers in order to look after things on the homefront to allow you to have the flexibility to stay at work all night if you have to because client demands require that... To me, this is a critical issue, for women in particular. Two professionals who carry on this pace is much more difficult than if you struck a deal or agreement with your partner that one of you is going to be primarily responsible for bringing home the bacon.”

—Man, Partner

¹⁹ There are only a small number of women lawyers with children and spouses not employed outside the home (1.5 percent of survey respondents). Due to size, we have opted to exclude this group from comparison.

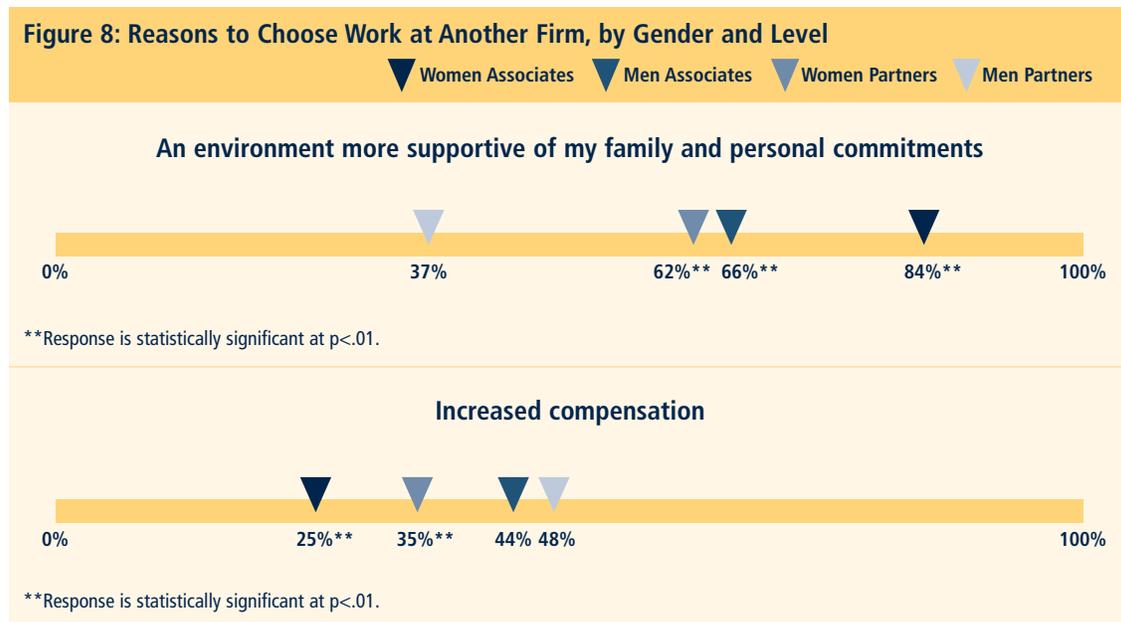
Notwithstanding the difference between men and women lawyers, the proportion of men lawyers with children and a spouse who does not work outside the home who report they find it difficult to manage the demands of work and personal/family life is, at 49 percent, a sizeable minority. While the case is clear that family status does appear to have implications for the degree to which men and women lawyers experience difficulty with work-life balance, domestic arrangements alone do not account for individuals' work-life balance experiences. The perception that men with "stay at home" spouses are not subject to work-life balance pressures is clearly not true for all men lawyers, despite a seemingly greater degree of support in their lives outside the firm.

"Being a partner, the demands on your time, the non-billable and administrative demands, increases. All of this work is important, but sometimes I think 'If I leave now, I can put my child to bed.' It's not that I don't enjoy the work, but it is a struggle to balance this at times."

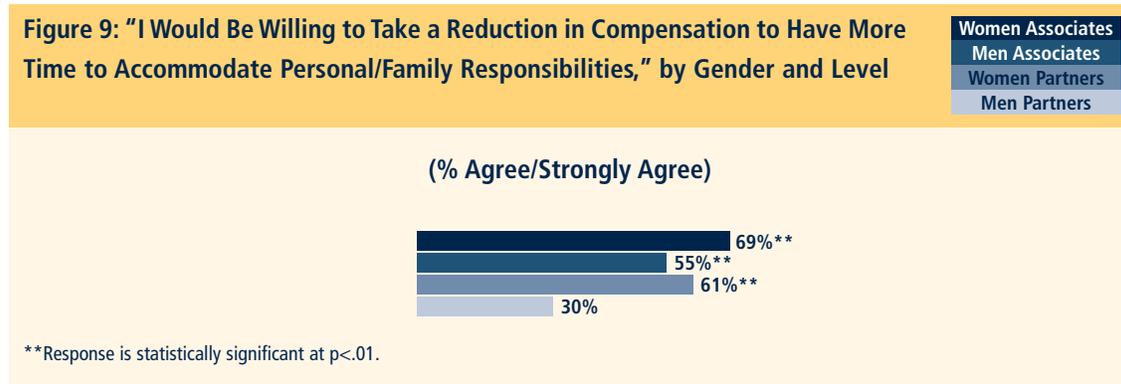
—Man, Partner

An environment more supportive of family and personal commitments is a top priority for a majority of lawyers, except for men partners, when evaluating a law firm as a place to work.

Out of a number of factors, including greater advancement opportunities, increased compensation, and better "fit" with firm values, an environment more supportive of family and personal commitments is cited most often by women partners (62 percent), men associates (66 percent), and women associates (84 percent) as important to consider when assessing a law firm as a place to work. In contrast, only 37 percent of men partners cite this factor as important. More men partners (48 percent) cite increased compensation as important to consider in choosing to work at another firm, as compared to men associates (44 percent), women partners (35 percent), and women associates (25 percent).



In addition to being more likely than associates and women partners to think increased compensation is an important consideration in choosing to work at another firm, one-half of all men partners would not be willing to reduce their compensation in exchange for more time. By contrast, 69 percent of women associates, 61 percent of women partners, and 55 percent of men associates report they would be willing to take a reduction in their compensation to have more time to manage personal/family responsibilities, in comparison to only 30 percent of men partners.



The fact that men partners are more likely than other lawyers to be the primary breadwinner of the household, as indicated by our survey data, and are less likely to experience difficulty managing the demands of their work and personal/family life, likely disinclines men partners to a reduction in compensation in comparison to women partners. Furthermore, other research confirms that today’s younger generations are willing to sacrifice pay for more time for personal/family responsibilities.²⁰ Qualitative data bears out this finding as well. Several associates informed Catalyst that they would be willing to take a reduction in compensation in exchange for both more time and greater control over their time for personal/family responsibilities, although the extent to which individuals are comfortable doing so is dependent, in part, on other life circumstances (i.e., single-earner status, financial responsibilities and pressures, etc.).

“I would be absolutely willing to earn less if it meant I could be more certain about the departure time from the office on a day-to-day basis, less guilt about leaving the office early, being seen to leave the office early.”

—Woman, Associate

²⁰ For example, see Radcliffe Public Policy Center, *Life’s Work: Generational Attitudes toward Work and Life Integration*, 2000.

CHAPTER 2: WHAT INFLUENCES LAWYERS' SATISFACTION WITH WORK-LIFE BALANCE?

KEY FINDINGS

- Commitment-related performance norms predict lawyers' work-life balance satisfaction.
 - More women lawyers than men feel advancement in their firms depends on putting career before personal/family life.
 - More associates, particularly women associates, than partners perceive "face time" norms within their firms.
- Lawyers' satisfaction with informal flexibility is positively related to satisfaction with work-life balance.
 - More men partners than other lawyers are satisfied with their informal flexibility.
 - More women associates than other lawyers report that more control over their work schedules is important when evaluating a law firm as a place to work.
- Billable hours targets pose difficulty to more associates' ability to manage work and personal/family responsibilities than they do for partners.
- Lawyers' perceptions of their firms' management and leadership directly influence their satisfaction with work-life balance.
 - More men partners than other lawyers think their firms' leadership is supportive of helping partners and associates better manage work and personal/family responsibilities.

Today, across many industries, men and women report greater instances of work-life conflict and role overload, along with higher rates of stress, burn-out, and absenteeism.²¹ Reasons for these trends include growing competition and client demands, lean staffing, and the advent of a "24/7" mentality that often accompanies new technology (e.g., email, personal information devices, etc.).

As some of the findings in Chapter 1 demonstrate, lawyers in Canadian law firms are arguably experiencing these trends at an accelerated rate, given the demands of their profession. As such, lawyers in law firms represent an extreme example in the Canadian workforce, and a good opportunity to identify what variables influence satisfaction, or lack thereof, with work-life balance. In Chapter 2, using survey data and data from interviews and focus groups, we isolate several factors that contribute to lawyers' perceptions of their work-life balance. Employing statistical tools such as Structural Equation Modeling (SEM), we demonstrate that organizational features of the law firm work environment directly contribute to associates' and partners' work-life balance satisfaction.

²¹Duxbury, et al., *Work-Life Conflict in Canada in the New Millennium*, 2003.

Commitment-related performance norms predict lawyers' work-life balance satisfaction.

In Catalyst's first report of the series, *Beyond a Reasonable Doubt: Building the Business Case for Flexibility*, we demonstrated that the more positive associates' perceptions of their work-life balance, the more positively they feel about their long-term prospects with their firms.²² Here, we report that commitment-related performance norms are a predictor of lawyers' satisfaction with their work-life balance,²³ which in turn has longer-term implications for their intent to stay and willingness to recommend their firms to others.²⁴

Performance norms are the values and assumptions, often unquestioned, often deeply rooted, that define what successful performance is within an organization.²⁵ While many things can define good performance, values and assumptions around commitment often serve as a proxy for performance in organizations. In law firms, as lawyers come up through the ranks, they are often assessed by how committed they appear to be to the firm (i.e., how willing the lawyer is to work long hours, to be accessible to clients, to put business before personal/family life). Indeed, in some law firms, being a committed lawyer is regarded as synonymous with being a good lawyer.

"I think there's still that often unspoken message that this is truly what you have to do to be hugely successful. You can do okay and have your own little career, but if you want to break through to the top, you can't do it unless you work full out."

—Woman, Associate

"Commitment to the firm is, to a great extent, measured by time commitment, if you're willing to put the firm first before everything."

—Man, Associate

²² See Catalyst, *Beyond a Reasonable Doubt: Building the Business Case for Flexibility*, 2005, p. 6.

²³ In this analysis, several variables compose the factor "work-life balance satisfaction." For a full description of this factor and the accompanying analysis, see Appendix 2.

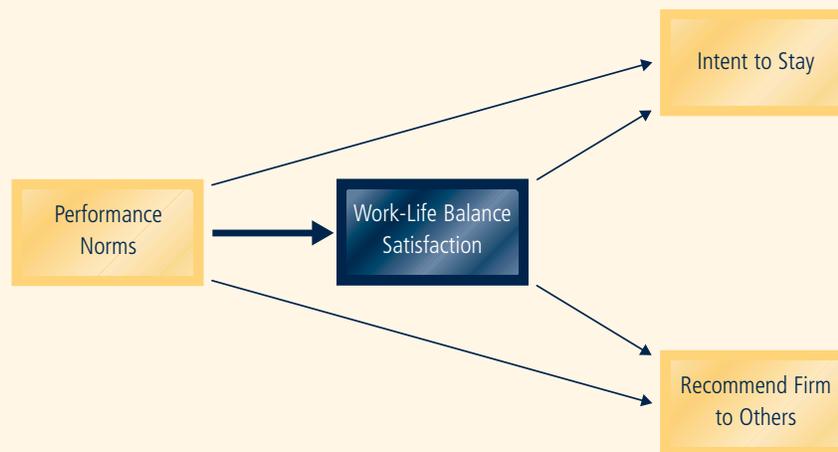
²⁴ This analysis used Structural Equation Modeling (SEM) to test relationships between performance norms, work-life balance satisfaction, intent to stay, and willingness to recommend the firm to others. For a full description of this analysis, see Appendix 2.

²⁵ For the composition of the factor "performance norms," see Appendix 2.



When tested, commitment-related performance norms turn out to be a strong predictor of lawyers' satisfaction with their work-life balance. The more lawyers feel they are subject to these norms in their workplaces, the less satisfied they are with their work-life balance. Commitment-related performance norms also directly influence how lawyers feel about their workplaces, captured in terms of their intentions to stay and their willingness to recommend the firm to others. However, what is most interesting is that lawyers are inclined to feel negatively about their long-term prospects with their firms in part because of the impact these norms have on their satisfaction with work-life balance.

Figure 10: The Impact of Commitment-Related Performance Norms



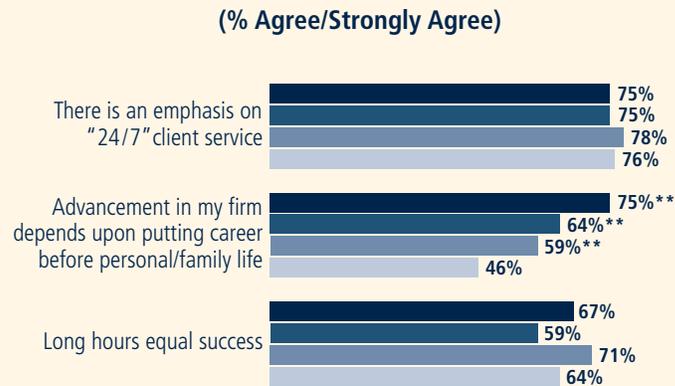
More women lawyers than men feel advancement in their firms depends on putting career before personal/family life.

How do men and women lawyers perceive commitment-related performance norms at their firms? Clearly, a majority of all lawyers agree that their firms place an emphasis on “24/7” client service. However, more women lawyers than men report that:

- advancement in their firms depends upon putting career before personal/family life (70 percent of women versus 56 percent of men); and
- long hours equal success (68 percent of women versus 62 percent of men).

Figure 11: Perceptions of Commitment-Related Performance Norms, by Gender and Level

Women Associates
Men Associates
Women Partners
Men Partners



**Response is statistically significant at $p < .01$.

More women associates (75 percent) than other lawyers agree that advancement in their firms depends upon putting career before personal/family life. In comparison, 64 percent of men associates, 59 percent of women partners, and 46 percent of men partners perceive advancement in this light. More women associates may perceive this norm due to converging professional and personal pressures (i.e., being on the path to partner and starting a family). In addition, presented with fewer women role models in senior positions within law firms, women associates may be more inclined to view advancement as a direct trade-off between family and career, in comparison to men and to those women who have successfully made it to partner.

Moreover, commitment-related performance norms may have greater prominence in women's day-to-day work lives because it is women who still primarily manage the dual roles of professional and family coordinator by setting limits at work. If commitment to the firm is defined by one's willingness to prioritize work over personal/family responsibilities, then to construct boundaries around work is to heighten the risk of being labeled as less valuable and committed to the firm.

Ironically, the process of setting limits and boundaries is less likely evidence of lack of commitment and more likely evidence of individuals who have honed their time management, prioritization, and organization skills to make significant contributions in both spheres.

More associates, particularly women associates, than partners perceive “face-time” norms within their firms.

Qualitative data strongly suggests that another important performance norm faced by lawyers in law firms, particularly among associates, is “face-time.” A face-time culture is one where time spent at work is seen as a signal or a social cue of an individual’s level of productivity and organizational commitment. Because time at work necessarily implies time away from other activities, individuals who are observed to be present at work for extended hours appear to be more committed than their counterparts who arrive and depart at standard times. Although it is not clear that such individuals genuinely accomplish more, many organizational cultures rely on face-time as an indicator of commitment because it unambiguously indicates that the work of the organization can and does take precedence over other aspects of one’s life.

“I think it’s a touchy issue, where people say it [face-time] doesn’t matter, but it really does. A woman could work from home, be with her children, and be more efficient in doing the work, but she’s not in the office.”

—Woman, Partner

“A number of people think that face-time is fairly important, from an associate’s perspective. They would be conscious of walking out the door probably at 5:00 p.m. That, you know, they would feel that if they ran into somebody in the elevator that they might need to make an excuse as to why they are leaving at 5:00 p.m.”

—Woman, Partner

“Face-time is very important; a lot of our work comes through the most senior person in the group, and he will literally walk down the hall, and if you’re not there, he’ll take the file and keep on walking. It’s the same with more exciting tasks, more exciting files—if you’re absent, you lose.”

—Woman, Associate

Approximately one-half of all lawyers report there is a general perception at their firms that an associate working from home is not as productive as one working from the office.²⁶ In addition, more associates than partners think negative comments will be made if an associate is seen leaving the firm at an atypical time. Moreover, more women associates (41 percent) than men associates (29 percent) perceive that leaving the firm at atypical times engenders negative perceptions of one’s performance. More women associates’ perceive the need to put career before personal/family life and this likely accentuates their perceptions of the importance of visibility within their firms.

Furthermore, more partners (65 percent) than associates (40 percent) are comfortable discussing non-work commitments. Almost one-half of associates report feeling *uncomfortable* sharing any non-work plans. While it is perhaps not surprising that partners, who have greater power, status, and seniority within their

²⁶ Despite the apparent popularity of this belief, research does exist to suggest that telework (working from a location other than the office) may actually improve productivity, motivation, and performance (see Hill, E. Jeffrey, Maria Ferris, and Vjolca Martinson, “Does It Matter Where You Work? A Comparison of How Three Work Venues (Traditional Office, Virtual Office, and Home Office) Influence Aspects of Work and Personal/Family Life,” *Journal of Vocational Behavior*, vol. 63, no.2 (October 2003): p. 220-241 for examples).



Figure 12: Perceptions of “Face-Time” Performance Norms, by Gender and Level

Women Associates
Men Associates
Women Partners
Men Partners

(% Agree/Strongly Agree)



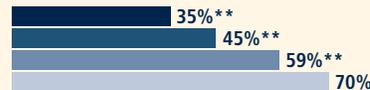
**Response is statistically significant at $p < .01$.

firms, would feel more comfortable, the significant gap between partners and associates, especially men partners and women associates, is notable. This gap, like others elaborated on in this report, conveys that associates and partners experience their work environments in very different ways, and dramatically so when the perceptions of women associates and men partners are compared.

Figure 13: “I Feel Comfortable Acknowledging Non-Work Commitments When Determining Work Priorities with Colleagues,” by Gender and Level

Women Associates
Men Associates
Women Partners
Men Partners

(% Agree/Strongly Agree)



**Response is statistically significant at $p < .01$.

Lawyers’ satisfaction with informal flexibility is positively related to satisfaction with work-life balance.²⁷

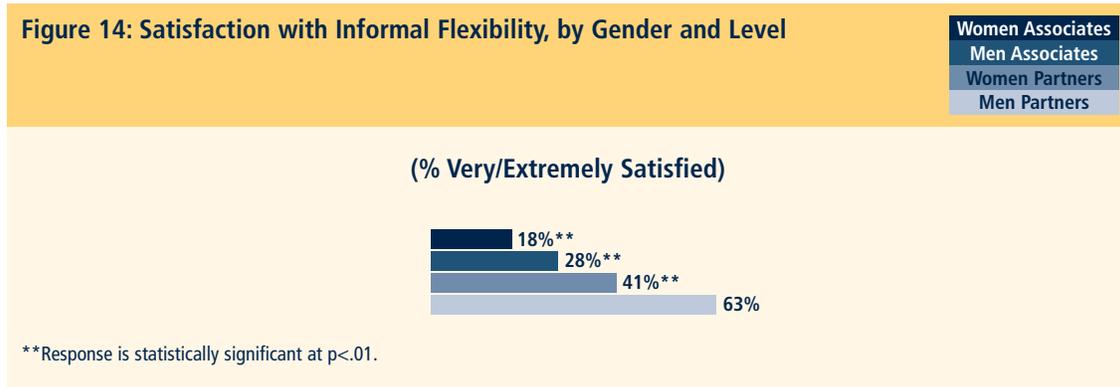
Another aspect of the work environment that informs lawyers’ satisfaction with work-life balance is the degree to which they feel they have day-to-day informal flexibility (i.e., the freedom an individual has to adjust the time and place of work to accommodate personal/family responsibilities) in how they manage their day-to-day work. Not surprisingly, perceived informal flexibility is significantly and positively related to work-life balance: The greater lawyers’ levels of satisfaction with informal flexibility at their firms, the greater their satisfaction with their ability to manage their work and personal/family responsibilities.²⁸

²⁷ Gamma, a measure of association, was used to determine the relationship between lawyers’ satisfaction with informal flexibility and their satisfaction with their ability to manage their work and personal responsibilities. Gamma results for this relationship were strong, positive, and significant, across gender and level (men partners $G = .634$, women partners $G = .494$, men associates $G = .549$, women associates $G = .517$). Significance at $p < .01$.

²⁸ Other empirical evidence corroborates the positive relationship between perceived job flexibility and positive perceptions of work-life balance. See Duxbury, et al., *Work-Life Conflict in Canada in the New Millennium*, 2003.

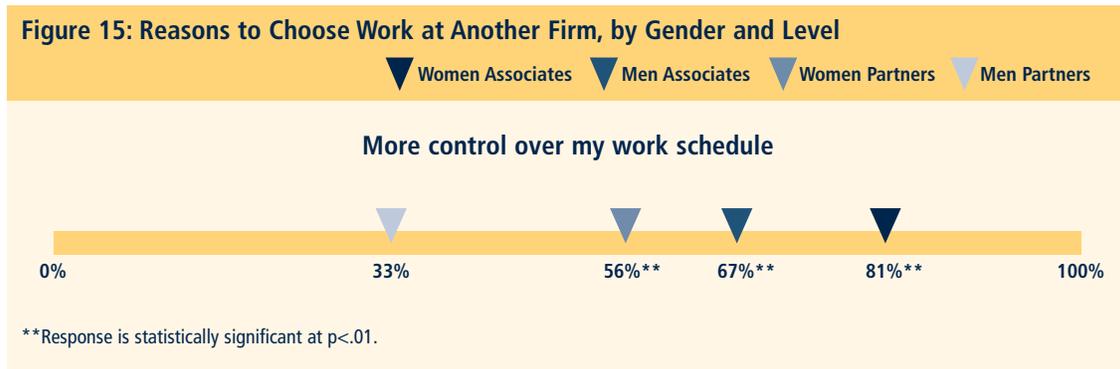
More men partners than other lawyers are satisfied with their informal flexibility.

More partners than associates report they are satisfied with their informal flexibility. However, notwithstanding their status, significantly fewer women partners (41 percent) report they are satisfied than men partners (63 percent). Strikingly, only one in four men associates (28 percent) and one in five women associates (18 percent) are satisfied with the informal flexibility available to them at their firms.



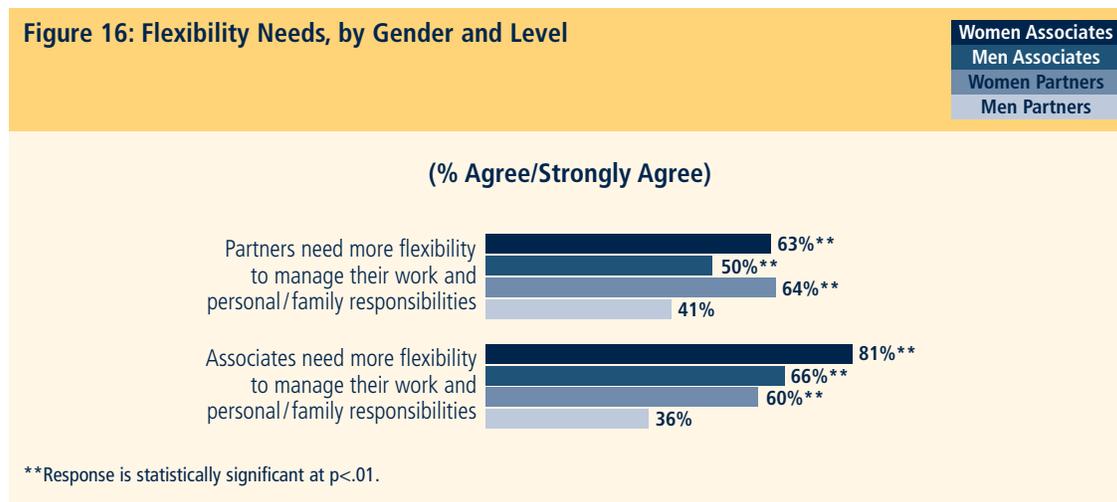
More women associates than other lawyers report that more control over their work schedules is important when evaluating a law firm as a place to work.

Empirical evidence demonstrates that greater control and flexibility around how and when work gets done decreases individuals' sense of stress at meeting the needs of both work responsibilities and personal/family responsibilities. Indeed, in Catalyst's 2001 report, *Women in Law: Making the Case*, 69 percent of women and 58 percent of men reported greater control over work hours as a key tactic in helping manage work-life conflict.²⁹ For Canadian law firm men and women, greater control over work schedules is clearly important for many women associates (81 percent) and, albeit to a lesser degree, a majority of men associates (67 percent) and women partners (56 percent). Men partners (33 percent) are the least likely to report that greater control over work schedules would be important to them in choosing to work at another firm.



²⁹Catalyst, *Women in Law: Making the Case*, 2001.

Finally, and perhaps not surprisingly, associates and partners are more likely to think their respective group requires more flexibility to manage their work and personal/family responsibilities than the other. The way in which associates and partners perceive their flexibility needs, both for themselves and for the other group, demonstrates that individuals see flexibility very much in their own terms.



Billable hours targets pose difficulty to more associates' ability to manage work and personal/family responsibilities than they do for partners.

The hours demands in law firms are high; performance and contributions are measured to a large degree by the number of billable hours generated by the individual. Typically, law firms establish billable and non-billable hours targets that then become benchmarks for performance within the firm.

"It is a billable hours-driven business, and you are compensated in many firms based solely on the hours that you bill."

—Woman, Associate

"We sell primarily our time, unfortunately. Fundamentally, the practice of law is still selling your time, your expertise."

—Man, Partner

"When I was an associate, people didn't scrutinize the billable hours the way they do now. Now, the associates' hours are looked at, I think weekly, probably monthly. And if they are low, someone is in their doorway asking why. Maybe not in an aggressive way, but someone is monitoring them all the time and that's a lot of pressure."

—Woman, Partner

Lawyers work an average 1,680 billable hours per year and 485 non-billable hours per year. Men associates have the highest average number of billable hours at 1,740 hours.³⁰ Associates generally have higher billable hours, while partners report higher non-billable contributions. The reported number of billable and non-billable hours does not vary substantially across firm size, region, or practice area.³¹

Table 2: Billable and Non-Billable Hours, by Gender and Level

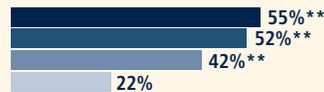
	Women Associates	Men Associates	Women Partners	Men Partners
Billable hours/year	1,680	1,740	1,660	1,660
Non-billable hours/year	410	460	500	560
Total hours	2,090	2,200	2,160	2,220

Although they have fewer billable and non-billable hours per year, slightly more women associates (55 percent) than men associates (52 percent) report that billable hours targets make it difficult for them to manage work and personal responsibilities. Further, twice as many women partners (42 percent) as men partners (22 percent) report that billable hours targets make it difficult to manage their work and personal/family responsibilities.

Figure 17: "Billable Hours Targets at My Firm Make it Difficult for Me to Manage My Work and Personal/Family Responsibilities," by Gender and Level

Women Associates
Men Associates
Women Partners
Men Partners

(% Agree/Strongly Agree)

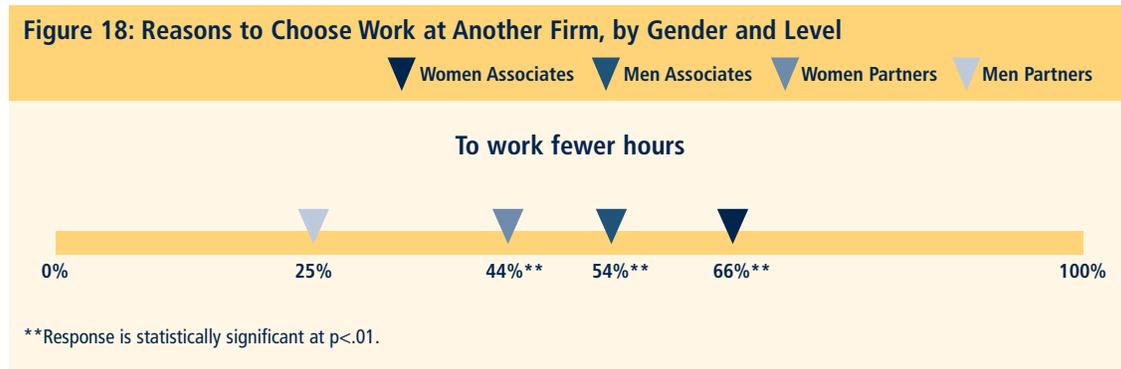


**Response is statistically significant at $p < .01$.

³⁰ There is a significant difference between men and women associates' average billable hours ($p < .05$).

³¹ There are small differences observed when examining billable hours by firm size, with lawyers in mid-size firms billing the most hours at an average 1,730/year, followed by those in large firms (average billable hours 1,690/year), and small firms (average billable hours 1,610/year).

Not surprisingly, more women associates than other lawyers report that to work fewer hours would be an important consideration in choosing to work at another firm.



Empirical evidence demonstrates that individuals who feel they have day-to-day workplace flexibility in the timing and location of work can work longer hours before work-family balance becomes difficult.³² This may partially explain why women associates, despite working fewer billable and non-billable hours than men associates, are roughly equivalent to men in the rate at which they express difficulty with billable hours targets. Given that fewer women associates than men associates are satisfied with their informal flexibility, it is plausible that the point at which women feel billable hours make it difficult to manage work and personal/family responsibilities is lower than it is for men. It is important to remember as well that commitment-related performance norms, which women associates experience more acutely than other lawyers, directly impact the degree to which lawyers feel billable hours targets make it difficult to manage work and personal/family responsibilities.³³

Lawyers’ perceptions of their firms’ management and leadership directly influence their satisfaction with work-life balance.

Catalyst has seen, in both its research and advisory service activities, that an organization’s leadership is instrumental to individuals’ ability to effectively manage their work and personal/family responsibilities. In law firms, senior leaders and partners who openly communicate on the topic of work-life balance within the firm, role model effective work-life balance practices, and manage work processes and work allocation effectively (e.g., the staffing of files) set examples for the rest of the firm. They also challenge counterproductive attitudinal and cultural norms, such as the commitment-related norms discussed earlier, that detract from work-life balance.

³² Duxbury, et al., *Work-Life Conflict in Canada in the New Millennium*, 2003.

³³ “Billable hours targets make it difficult for me to manage my work and family/personal responsibilities” is one of the variables captured in the factor “work-life balance satisfaction.” For more details, see Appendix 2.

Not surprisingly, lawyers' perceptions of their firms' management and leadership³⁴ has a strong effect on their satisfaction with work-life balance, in addition to a strong effect on their long-term prospects with their firms (i.e., their intentions to stay and their willingness to recommend the firm to others). The more positively lawyers perceive their firms' management and leadership, the more satisfied they are with their work-life balance.³⁵ Further, qualitative data bears out the central role of this factor in lawyers' work experience: Lawyers look to their firms' management and leadership for support in helping partners and associates better manage work and personal/family responsibilities.

What do we mean by the term "firm management and leadership"?

The term "firm management and leadership" captures lawyers' perceptions of seven specific measures of the law firm work environment:

- Partners and associates are rewarded for managing people well.
- Lawyers work together as a team to achieve top work priorities.
- Files are staffed appropriately.
- Partners will push back when clients' time expectations are unreasonable.
- Partners generally trust that associates will give their best effort to get their work done.
- There are partners who set good examples of how to balance work and personal responsibilities.
- My firm's leadership is supportive of helping partners and associates better manage work and personal responsibilities.

"I think an institutional commitment on the part of the firm is key to increasing lawyers' work-life balance satisfaction."

—Woman, Associate

More men partners than other lawyers think their firms' leadership is supportive of helping partners and associates better manage work and personal/family responsibilities.

However, only one-third of lawyers perceive their firms' leadership as supportive of helping partners and associates better manage work and personal/family responsibilities. In addition, there is a significant difference in men and women lawyers' perceptions. Forty-six percent of men partners report that their firms' leadership is supportive of helping partners and associates better manage work and personal responsibilities, in comparison to 21 percent of women associates. Both women partners and men associates fall in the middle of this range, at 32 percent and 33 percent, respectively.

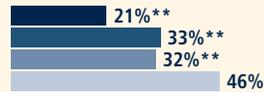
³⁴ For a full description of the factor "firm management and leadership," see Appendix 2.

³⁵ SEM was used to establish these correlations. In this model, the factor "work-life balance satisfaction" supplies a small, mediating influence on the relationship between perceptions of firm management and leadership and the outcomes "intent to stay" and "willingness to recommend the firm to others." For details, see Appendix 2.

Figure 19: "My Firm's Leadership Is Supportive of Helping Partners and Associates Better Manage Work and Personal/Family Responsibilities," by Gender and Level

Women Associates
Men Associates
Women Partners
Men Partners

(% Agree/Strongly Agree)



**Response is statistically significant at p<.01.

Nonetheless, a majority of lawyers think there are partners within their firms who set good examples of how to balance work and personal/family responsibilities. Notably, although more men partners than other lawyers feel there are good role models, more than 60 percent of women associates think there are partners at their firms who serve as role models of effective work-life balance. The importance of this role modeling cannot be underestimated. In interviews and focus groups, women repeatedly note that having role models, particularly senior women, who set good examples, contributes to their own ability to devise practices and ways of working that allow for more effective management of work and personal/family responsibilities.

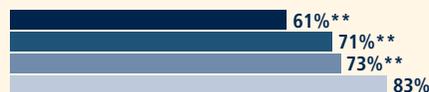
"I think there are excellent examples of partners at my firm who put a high value on life outside the firm. It's nice when you see authority figures in the firm drawing those kinds of lines because if they are doing it, then it creates the feeling that it is acceptable to have a life outside the firm, and that there would be an understanding if you have to draw similar lines."

—Woman, Associate

Figure 20: "There Are Partners Who Set Good Examples of How to Balance Work and Personal/Family Responsibilities," by Gender and Level

Women Associates
Men Associates
Women Partners
Men Partners

(% Agree/Strongly Agree)



**Response is statistically significant at p<.01.

CHAPTER 3: CONCLUSIONS AND RECOMMENDATIONS

This report provides a baseline of how associates and partners in Canada perceive work-life balance within their firms. As such, it provides empirical evidence on a subject that, to date has been defined by a largely anecdotal understanding of law firm lawyers' work-life balance experiences. Establishing a baseline is important because it informs the actions of those law firms interested in enabling their lawyers to better manage their work and personal/family responsibilities in a highly demanding profession.

Moreover, these findings surface the different work-life balance perceptions and experiences of men and women lawyers—perceptions that differ, at times, dramatically. Overall, men partners consistently express more positive perceptions and experiences of work-life balance than men associates, women partners, and, in particular, women associates. Firms' efforts to address work-life balance need to be tailored to these differences in perception and experience, especially the disproportionate impact features of the work environment, such as performance norms, appear to have on women lawyers' satisfaction with work-life balance.

Indeed, firms can *positively* impact lawyers' perceptions of work-life balance. Aspects of firm culture, namely firm leadership and management, and performance norms around commitment, are clear predictors of lawyers' satisfaction with work-life balance. Moreover, lawyers are inclined to feel negatively about their long-term prospects with their firms in part because of the impact commitment-related performance norms have on their attitudes towards work-life balance. Thus, the influence of performance norms on lawyers' perceptions of work-life balance can ultimately have potentially negative organizational outcomes for firms. Only one-third of lawyers perceive their firms' leadership as supportive of helping partners and associates better manage work and personal/family responsibilities, indicating little encouragement of open discussion around workplace norms and practices that could be altered for the better. In short, perceptions of work-life balance are not solely a product of an individual's abilities, temperament, or aspirations, but are also a product of organizational factors that are within a firm's power to change.

Finally, the findings in this report represent an opportunity for law firms to make change in concrete ways. While attitudinal and cultural change does not occur overnight, there are systematic ways in which law firms can enhance their work environments to better enable lawyers to manage their work and personal/family responsibilities more effectively. The following section lays out some recommendations to law firms interested in enabling their lawyers to achieve better work-life balance.

RECOMMENDATIONS

From Work-Life Balance to Work-Life Effectiveness

At Catalyst, we see member organizations working to move beyond standard terms, such as “balance” and “flexibility,” to a more all-encompassing concept of *work-life effectiveness*. Whereas the term “balance” connotes that lawyers need to limit the amount of time they work, and implicitly suggests that there is an ideal amount of workload, the “effectiveness” model enables a more pragmatic approach. It takes into account aspects of the work environment that may detract from lawyers’ peak performance, and approaches flexibility options in the workplace as a management tool that helps lawyers become more effective, resilient, and productive.

Organizations that create greater opportunities for work-life effectiveness anchor them in the organizational culture. Strategies can be summarized into a work-life effectiveness model that involves five primary themes:

- **Understanding the firm work environment:** In order to establish and implement flexible practices that can drive sustainable long-term results, firms need to identify the specific work practices and priorities that operate in their firms to either support or reduce work-life effectiveness.
- **Knowing what is important to the lawyers:** Part of understanding the firm work environment is to know the work-life balance concerns, challenges, and priorities of the firm’s lawyers. This is not a recipe to cater to the needs of every lawyer, but to understand the top two or three issues that are within the firm’s power and resources to address. Concentrating resources on the implementation of a formal reduced-hours policy may not be optimal if lawyers’ greater concern is better technical support for telecommuting. While what is important to a majority of lawyers is not the only criterion for determining a work-life effectiveness strategy (diversity objectives, business goals, and available resources all being other important criteria), it should be an element in determining what tools and approach best support lawyers’ performance.
- **Partnering with lawyers at each level to develop work and life solutions:** Creating greater work-life effectiveness within the firm is not accomplished with a top-down approach, or with a policy devised by HR that sits on a shelf. The firm’s lawyers know best what options are ultimately needed and workable given their practice, client demands, staffing needs, and so on. Work-life effectiveness measures, whether addressing the prevalence of “face time” or instituting a reduced-hours arrangement, should be implemented in collaboration with lawyers at each level of the firm. This includes assessing work processes (i.e., how work is allocated, how teams are staffed) to determine if there are opportunities to enhance lawyers’ work-life effectiveness.
- **Creating and communicating parameters requisite for success:** Support for working more flexibly needs to be communicated again and again. Lawyers need consistent messaging to let them know the firm supports their use of flexibility as a means to work more effectively while also better managing their



personal lives. The messages must include real examples of people within the firm who highlight the range of options and demonstrate that flexibility can be used without damaging careers. Shift the emphasis from “why” to “how” to make flexibility work for both the lawyer and the firm.

- **Role modeling through demonstrated firm leadership:** This is a core principle of the strategy. Firm leaders need to go beyond a verbal commitment to work-life effectiveness to leading by example and challenging those organizational norms that hinder work-life effectiveness. Continuous public leadership commitment is essential to dispelling perceptions that the firm’s pursuit of greater work-life effectiveness will compromise career mobility, performance, and business results.

The checklists below focus on how law firm leadership and individual lawyers can put the work-life effectiveness model into practice.

CHECKLIST FOR LAW FIRM LEADERSHIP

Formal leadership lies at the core of all effective work-life practices. While small changes, such as improving work design, are possible without the backing of organizational leaders, real long-term sustainable change requires continuous, visible, and consistent commitment by leadership.

Firm leadership can encompass several roles, including managing partners and practice group leaders. Whatever the leadership structure of the firm, four core features characterize successful work-life effectiveness practices:

1. **Build a business case.**
2. **Prepare to change and make sure resources are in place.**
3. **Support more effective management practices around flexibility.**
4. **Foster transparent talent management practices.**

Build a Business Case

- **Benchmark**—Understand what types of “family-friendly” policies and flexible arrangements are being used in organizations generally, and law firms in particular, especially those similar in type of law practiced and firm size.
- **Link to business goals**—Define why work-life effectiveness is integral to a firm’s business strategy.
 - Define work. Is work defined by hours in the workplace? To what extent do billable hours and “face time” define employee competence, commitment, and effectiveness?
 - Define what it means to be a “good” partner and associate. What behaviours are rewarded?
- **Build flexibility into the strategic vision**—Determine specifically how to align and accelerate the strategic vision of the firm by addressing and responding to the changing composition of the workforce. Does the firm want to be identified by prospective recruits for flexibility in partner track, superior mentoring, positioning women in important positions, etc., in addition to its legal reputation?



Prepare to Change and Make Sure Resources Are In Place

Create structured and tailored work-life balance programs that speak to the specific needs of the firm and the lawyers therein. Begin by evaluating the work environment, especially work design issues, in order to assess how work priorities and practice support and reduce effectiveness. This strategy requires going beyond incidental knowledge to an understanding of lawyers in the firm that is more detailed.

- *Understand individuals' work and life priorities*—Identify what is important to lawyers in terms of their individual work and life priorities, and what mixture of informal and formal flexibility options would be appropriate.
- *Evaluate work processes*—Work with associates and partners to assess and, if necessary, redesign work processes in order to support lawyers' ability to manage work and personal/family responsibilities more effectively, which in turn will increase morale and engender mutual trust and accountability throughout the firm.
 - How does work get accomplished now and what are areas for improvement (e.g., work schedules, client demands, billable hours, case allocation)?
 - How empowered do lawyers, especially associates, feel to suggest better ways of working?
 - A program is much more likely to be used if lawyers feel and see that flexibility is sanctioned by formal firm leadership.
- *Assess and challenge unspoken cultural norms*—Address tacit cultural norms around performance and commitment that define how work gets done and who gets ahead. Ask associates and partners about their perceptions of the work culture's readiness to change and of stereotypes they have about individuals working flexibly. This will better enable the firm to address negative or inappropriate perceptions and attitudes of flexibility.
- *Train individuals on managing flexibility effectively*—Provide associates and partners with a detailed briefing on managing flexibility and supporting work-life quality and effectiveness.
- *Communicate clear messages on the firm's commitment to work-life effectiveness*—Communicate clear and realistic messages about flexibility, including stories of individual lawyers who are role models of effective work practices and behaviours in their area/team/practice group, emphasizing successes as well as challenges, including the steps necessary to overcome them.

Support More Effective Management Practices Around Flexibility

There are systematic, measurable ways that law firms can enhance their work environments to better enable lawyers to manage their work and personal/family responsibilities more effectively. One key way is to ensure management behaviours and competencies align with work-life effectiveness goals.

- *Create leaders*—Identify the practice group leader position as a key role in the management and coordination of the firm's work-life effectiveness strategy.
- *Use inclusive language*—Lawyers in management roles should use proactive language, such as "work smart" or "personal productivity," to communicate that this is an organizational issue for many lawyers, not just an issue for women with children.



- *Institute work-life balance programs and policies*—Develop and clarify policies and ensure successful utilization of programs through management training, communication, and adequate resources.
- *Make formal flexible work policies more transparent, widely communicated, and consistently implemented*—Lack of transparency and confusion about policies and programs can create skepticism and undermine the goals these policies are intended to meet.
- *Reinforce and quantify the business case at every juncture*—Continue to develop the skills and understanding of practice group leaders, client team leaders, office leaders, and partners to enable them to exercise broader judgment and to occupy a new space in the firm as agents of change.

Foster Transparent Talent Management Practices

Firms can positively impact lawyers' perceptions of work-life balance. Clear and consistently applied talent management practices that spell out how performance is measured and rewarded can diminish the presence of other performance norms that ultimately detract from individuals' workplace flexibility.

- Implement formal performance measures and milestones for firm lawyers, tailored to level and practice group, and partnered with a formal review process for all lawyers.
- Encourage systematic and candid discussions of long-term career goals during the performance evaluation process and identify specific skills and experience needed for advancement so everyone can equally work to attain those goals.
- Communicate firm parameters for success frequently and through multiple venues.
- Consider the concept of "career sequencing," allowing careers to advance at different paces and allowing individuals to turn down assignments during phases of their personal lives.
- Focus on results and productivity, not face-time.
- Clarify what it means to step on and off the path to partnership.
- Use vehicles such as women's networks to profile successful women lawyers to younger women lawyers.
- Adapt messaging to associates from "career development is your responsibility" to "career development is a shared responsibility of the firm and the associate."
- Track the progress of men and women who take leaves of absence (maternity, paternity, or otherwise) or who use flexible arrangements to ensure those who are using or have used these arrangements are not being unfairly held back.
- Find ways to connect with individuals on leave so they continue to feel part of the organization.



CHECKLIST FOR LAWYERS

While a large portion of the focus on work-life effectiveness considers the role of firm leadership and management, individuals are also required to actively engage in work-life balance processes. Change requires the sustained commitment and involvement of all members in the firm hierarchy.

In order to achieve greater work-life effectiveness in your own life, you must not rely solely on the actions taken by organizational leaders. Rather, you must proactively seek out resources, evaluate your workplace culture, and prioritize your goals and obligations.

- Evaluate the firm's and firm leaders' commitment to and support of work-life balance arrangements and decide to what extent you are satisfied with the work-life balance culture of the firm.
- Determine the degree to which commitment-related performance norms help or hinder your ability to control your workload and client commitments.
- Identify personal and professional goals and commitments in order to compile a list of priorities, and to pinpoint areas where goals and commitments may conflict (e.g., How often do you put work before your personal/family life?).

For Individuals Considering a Flexible Work Arrangement

- Research the types of flexible work arrangements available in your firm, in other organizations, and in the legal profession in particular.
- Communicate to your group leader your desire to work more flexibly and demonstrate your openness to the suggestions and feedback of senior partners.
- Determine which type of work-life balance arrangement will be most effective in helping you achieve your personal and professional obligations (e.g., compressed workweek, job sharing, etc.).
- Write a proposal that includes:
 - the type of arrangement you are requesting;
 - how your work will be done differently;
 - a plan for communicating with your coworkers, partners, and clients;
 - potential challenges and strategies to overcome them;
 - additional technology, supplies, or resources you might need; and
 - reasonable deliverables and expectations.
- Come to a workable agreement that allows you to feel comfortable about putting external commitments ahead of work without feeling penalized.
- Leave room for flexibility in order to meet unexpected client needs, firm meetings, and changed work deadlines.



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APPENDIX 1: METHODOLOGY AND RESPONDENT PROFILE

The core of the study is an exploratory survey that Catalyst sent to 11,344 lawyers across Canada in Fall 2003. The survey was administered via the Internet and included items designed to assess respondents' experiences in their firms. The overall response rate (accounting for undeliverable surveys and responses from non-lawyers) was 13.4 percent. Eighty-one percent (1,169) of the survey respondents are from law firms with populations greater than 150 lawyers and are located in Central Canada.³⁶ Sixty-five percent of survey respondents are from law firms sponsoring the survey. A total of 638 women and 801 men completed the survey; associates compose 60 percent of respondents.³⁷ The majority of respondents have a spouse or partner living with them and approximately one-half have children. The lawyers work in a wide range of areas within the legal profession; however, the majority of respondents work in non-transaction oriented areas of law.^{38,39}

³⁶ Eastern Canada includes the Atlantic Provinces and Quebec, Central Canada includes Ontario, and Western Canada includes the Prairie Provinces, Northwest Territories, and British Columbia.

³⁷ Twenty-four respondents holding "of counsel" positions were removed from the sample prior to analysis because of the small proportion represented in this sample.

³⁸ Two experts were asked to read through the list of areas participants were provided in the survey and group them according to transaction-oriented versus non-transaction-oriented areas. Transaction-oriented areas of law include antitrust, bankruptcy/restructuring, corporate banking, corporate general, corporate/M&A, corporate/securities, and real estate. Non-transaction areas include civil/human rights, criminal, sports/entertainment, environmental/land use, family, general litigation, health/eldercare, intellectual property, labour/employment, municipal, poverty, taxation, torts and insurance, and trusts and estates. Participants who indicated "other" or "not applicable" were not included in this grouping (N=131).

Table 3: Respondent Personal Demographics³⁹

Level	Men	Women
Associate	52% (N=406)	70% (N=440)
Partner	48% (N=379)	30% (N=190)
Age		
Under 25 years	0.1% (N=1)	1% (N=5)
25-34	42% (N=330)	58% (N=365)
35-44	27% (N=214)	30% (N=187)
45-54	21% (N=167)	10% (N=62)
55 and over	9% (N=73)	2% (N=11)
Spouse/Partner		
No	19% (N=148)	27% (N=168)
Yes	81% (N=631)	73% (N=459)
Children		
No	44% (N=338)	59% (N=367)
Yes	57% (N=440)	41% (N=257)
Firm Size		
150 and under	16% (N=122)	23% (N=142)
151-300	19% (N=145)	23% (N=143)
301 and over	66% (N=518)	55% (N=345)
Location		
Eastern Canada	16% (N=126)	15% (N=94)
Central Canada	66% (N=516)	63% (N=396)
Western Canada	18% (N=143)	22% (N=140)
Area		
Transaction	31% (N=221)	26% (N=149)
Non-transaction	69% (N=493)	74% (N=424)

³⁹ In some Tables where the percentages should total 100, the totals may not add exactly to 100 due to rounding.

Practice Area

As demonstrated in Table 4, the lawyers in this survey were engaged in a wide variety of specialties across the legal profession. The most frequently represented areas for both men and women were corporate banking, environmental law, and torts and insurance.

Table 4: Respondent Practice Areas⁴⁰

Practice Area	Men	Women
Antitrust	2%	1%
Bankruptcy/Restructuring	6%	4%
Civil Rights/Human Rights	3%	3%
Corporate Banking	18%	14%
Corporate General	0.1%	0.2%
Corporate/M&A	0.2%	0.3%
Corporate/Securities	0.5%	0.2%
Criminal Law	1%	1%
Entertainment/Sports	0.2%	1%
Environmental/Land Use	17%	18%
Family Law	0.6%	0.6%
General Litigation	5%	8%
Healthcare/Eldercare	1%	0.8%
Intellectual Property	7%	8%
Labour/Employment	0.2%	0.2%
Municipal Law	5%	4%
Poverty Law	6%	5%
Real Estate	2%	4%
Taxation	0.7%	2%
Torts and Insurance	10%	10%
Trusts and Estates	7%	6%
Other	8%	8%
Not Applicable	1%	1%

Interviews and Focus Groups

In addition to the collected survey data, Catalyst conducted 13 in-depth interviews and four focus groups with associates and partners. The purpose of these interviews and focus groups was to explore general perceptions of work-life balance and flexible work arrangements. In total, 44 partners and associates participated in these interviews and focus groups.

⁴⁰ In some Tables where the percentages should total 100, the totals may not add exactly to 100 due to rounding.

APPENDIX 2: PERFORMANCE NORMS, FIRM MANAGEMENT AND LEADERSHIP, AND WORK-LIFE BALANCE

The following steps describe the methodology used to determine the impact of the factors “Performance Norms” and “Firm Management and Leadership” in lawyers’ satisfaction with work-life balance and the outcomes “intent to stay” and “willingness to recommend firm to others.”

STEP 1: FACTOR ANALYSIS

The first step in this process was to conduct an Exploratory Factor Analysis (EFA) on the data. Factor analysis is a statistical technique that is used to cluster a large number of items into more manageable groups, called factors. This technique is based on the extent to which the items are correlated with one another. In an exploratory analysis, the researcher does not specify which items should be grouped together; the factors are determined solely by the correlations among the items. However, this process is not exact. Some interpretation is required to determine if the factors actually make both practical and theoretical sense.

Twenty-six items dealing with the work environment and work-life balance were entered into the factor analysis, yielding four interpretable factors, using 17 of the items. Due to the exploratory nature of this analysis and the models, relatively strict criteria were used to determine the items in each factor (factor loadings of .40 or higher). Two factors were not readily interpretable and several other items correlated highly with more than one factor. Thus, although some of these items are included in Chapters 1 and 2 to provide a complete picture of how lawyers perceive their work environment and work-life balance, they were not included in the factors used in the models. The four factors with items corresponding are:

● Firm Management and Leadership

- Partners and associates are rewarded for managing people well.
- Lawyers work together as a team to achieve top work priorities.
- Files are staffed appropriately.
- Partners will push back when clients’ time expectations are unreasonable.
- Partners generally trust that associates will give their best effort to get their work done.
- There are partners who set good examples of how to balance work and personal responsibilities.
- My firm’s leadership is supportive of helping partners and associates better manage work and personal responsibilities.

● Performance Norms

- Long hours equal success.
- There is an emphasis on “24/7” client service.
- Advancement in my firm depends upon putting career before personal/family life.

● Work-Life Balance Satisfaction

- I find it difficult to manage the demands of my work and my personal life.
- I am satisfied with my ability to manage my work and personal responsibilities.
- The unpredictability of my work makes it difficult for me to manage my work and personal responsibilities.
- Billable hours targets at my firm make it difficult for me to manage my work and personal responsibilities.

● Informal Flexibility

- Associates need more flexibility to manage their work and personal/family responsibilities.
- Partners need more flexibility to manage their work and personal/family responsibilities.
- I would be willing to take a reduction in my compensation to have more time to accommodate my personal/family responsibilities.

STEP 2: RELIABILITY

The second step in this process was to assess the reliability of each of the factors. Reliability refers to the extent to which a given set of items is free from measurement error, or random factors that produce inconsistency in responses. There are several different methods for assessing reliability; one of the most common methods, internal consistency (Chronbach's alpha), was used in this report. Reliability coefficients range from 0 (not at all reliable) to 1 (perfect). The reliability coefficients for each of the factors were all adequate with the exception of "Performance Norms", which was low. However, internal consistency is affected by the number of items included in the analysis (few items generally have low reliability) and the variability in scores (perceptions of performance norms were quite consistent) both of which can reduce the magnitude of the reliability coefficient. Once the reliability of each factor was assessed, the items in each factor were averaged together, giving each participant a single score for the factor. The reliability of each factor is:

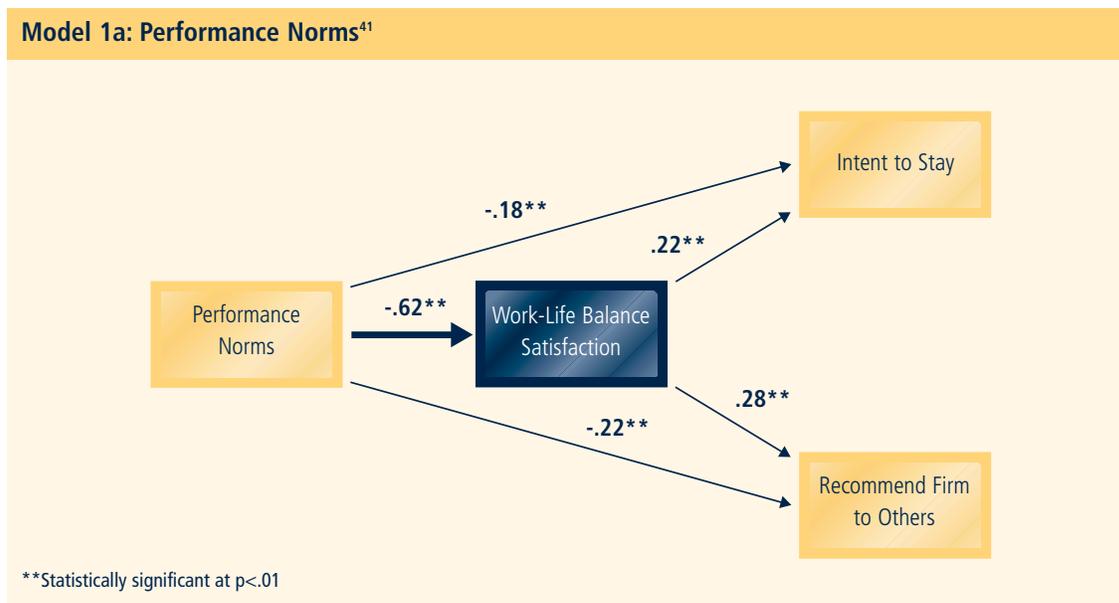
- Firm Management and Leadership =.78
- Performance Norms =.57
- Work-Life Balance Satisfaction =.79
- Informal Flexibility =.75

STEP 3: TESTING THE MODEL

Structural Equation Modeling (SEM) can be used to examine many relationships simultaneously. Specifically, it allows for the examination of the relationships between variables, as well as the direction of these relationships (i.e., to indicate that variable A is an antecedent of variable B). The process of model testing can be thought of as both confirmatory and exploratory. SEM is guided by a priori hypotheses—the researcher must have a strong idea of the expected relationships between variables prior to specifying a model. However, the process of testing models is not always exact. Models can be modified and refined based on the results of previously tested models. Given this, we tested several different models using the four factors.

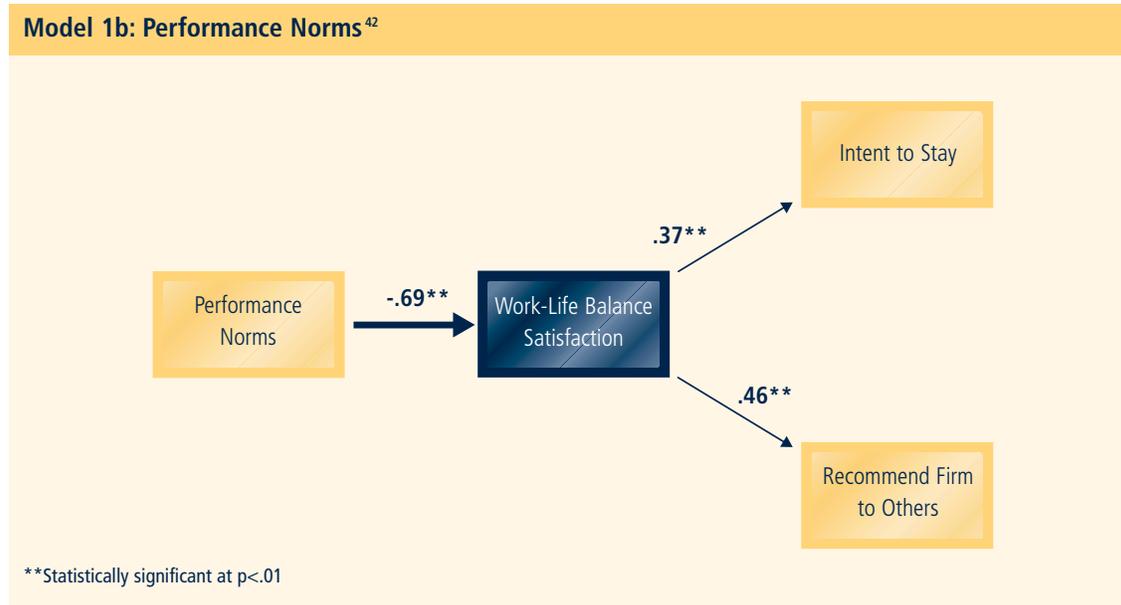
In this report, using observed variable path analysis, we share the results of two models we explored. One examines the impact of the factor “Performance Norms” on lawyers’ work-life balance satisfaction and the items “intent to stay” and “willingness to recommend the firm to others.” The second model examines the impact of the factor “Firm Management and Leadership” on lawyers’ work-life balance satisfaction and the items “intent to stay” and “willingness to recommend the firm to others.”

The fit indices for Model 1a are: $X^2(22)=189.12$, $NFI=.928$, $CFI=.935$, $RMSEA=.080$, suggesting the model fits the data adequately.



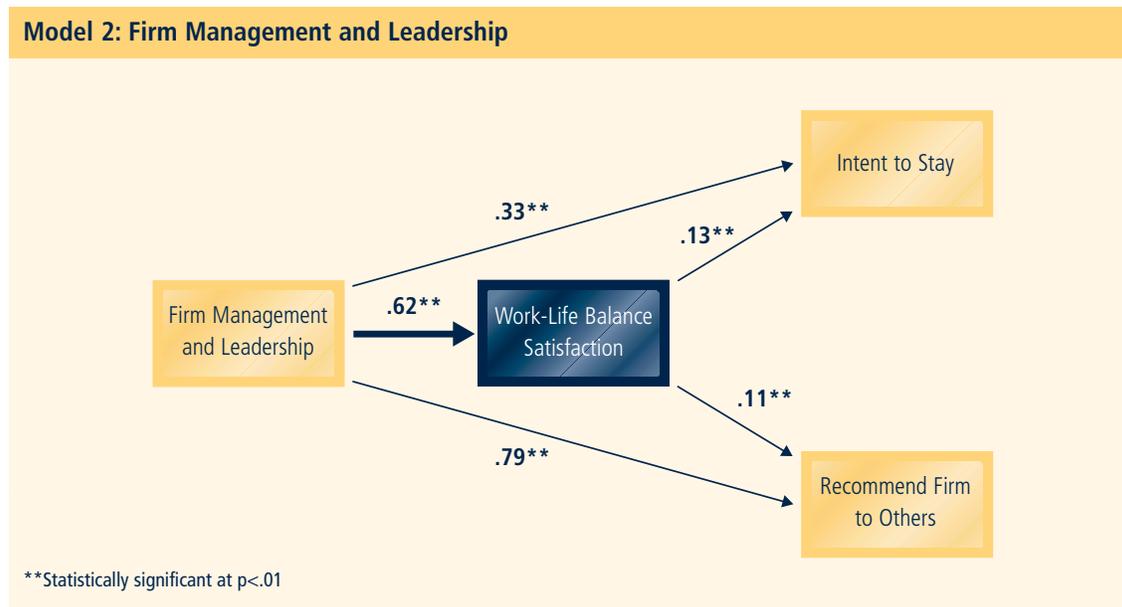
⁴¹ Numbers on the paths are standardized regression coefficients.

Although Model 1a fits the data well, we compared it to a model that did not include the direct relationships between performance norms and intent to stay, and recommending the firm to others (Model 1b). Although the fit indices were similar, the chi-square difference test was significant ($\chi^2(2)=30.81$), and Model 1a was retained as the best fitting model.



⁴²Numbers on the paths are standardized regression coefficients.

The factor "Firm Management and Leadership" is related to work-life balance such that the more positively lawyers perceive this factor, the more positively they perceive their work-life balance. In addition, the more positively lawyers perceive firm management and leadership, the longer they intend to stay with their firms and the more likely they are to recommend their firms to other lawyers. In addition to these direct relationships, this factor also affects the outcome variables indirectly, through work-life balance, albeit in a small way. The better lawyers perceive their work-life balance, the more likely they are to recommend their firm and the longer they intend to stay with their firms. The fit indices for Model 2 are: $\chi^2(61)=426.91$, $NFI=.901$, $CFI=.913$, $RMSEA=.072$, suggesting the model fits the data adequately.



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