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ARTICLES

It's About Work-Life Choices, Not Work-Life Balance

By Kendra Brodin

We all make dozens of choices every day. From the moment our alarm goes off in the morning, we are deciding whether or not to get out of bed or to press snooze. We are choosing what to wear, what to eat, what to put in our child's lunchbox, whether or not to bring our own lunch or buy one, and so on. The choices we face every day are countless, and each one brings a consequence of some sort—positive or negative, large or small.

When it comes to the topic of work-life balance for lawyers, the discussion is often lengthy, sometimes heated, and always feels unresolved. Some say that we are now living in a “post work-life” era. Even though I speak, teach, and train on work-life balance a great deal, I am at least partially persuaded by this argument—that we are not seeking true “balance,” but are instead making choices congruent with our individual values, priorities, and professional and personal goals.

Facing Never-Ending Obligations

As lawyers, we know how consuming our profession is. At any given moment, we are juggling a variety of client obligations, consoling and counseling individuals in the most trying moments of their lives, trying to stay abreast of the most recent developments in our areas of practice, not to mention handling administrative tasks like rainmaking, learning the newest social media techniques, and managing staff and our finances.

On top of that, we are trying to remember who is picking up our children from soccer practice, whether or not we have clean undergarments to wear tomorrow, and, despite our best efforts to actually have a warm dinner, whether or not we actually turned on the crock-pot this morning or still have one last frozen pizza.

On top of that, many of us have other outside commitments born of our dedication to public service and our desire to do something for the greater good. Obligations like bar association meetings, coffee dates with law school students we are mentoring, and non-profit board roles consume the little time that we have left at the end of the day.

We are constantly juggling and tossing up multicolored balls representing our various commitments and obligations, trying desperately not to let any of them drop to the ground and shatter. And yet we seek the elusive idea of having work-life balance.

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Reframing Work-Life Balance

As lawyers, we know how to reframe an issue. And in this case, the issue that likely requires some reframing is the notion of work-life balance.

Try this on for size: Instead of thinking about work-life balance, think about the work-life choices you are making. I know it's a nuanced difference, but stay with me for a moment.

Until and unless the billable hour model dies its inevitable death (at least in some practice areas), we must recognize that in many cases, our profession is one where our income is directly linked to the hours we are contributing. As individuals, we each have professional and personal choices to make. What is important to one individual may be more or less important to another.

One major choice is whether or not we choose to work at a large law firm. If you choose to work in a large-firm environment, then you are also choosing a model that will certainly require a specific number of billable hours from each lawyer to stay profitable. A choice to work at a large firm brings known benefits and known drawbacks. It's a choice.

Another choice is to work as a lawyer in a smaller, different kind of firm. Many newer firms are moving away from the billable hour and toward a value-based, flat-fee model. Or, they still have a billable model but require fewer hours. Again, there are known positives and negatives in choosing this career path, depending on the choices you make.

And there are other choices. We can choose positions with more predictable hours, such as in-house or government positions. We could also change our practice areas to those that have greater consistency in hours, such as trust/estate work instead of litigation. Some choose to leave the legal profession completely. There are countless choices each of us faces in shaping our legal careers.

In the midst of this, the work-life debate rages on, yet it is evolving. The terminology is changing, and the implications of achieving balance are morphing. What does it mean to have work-life balance? What does it look like? It's a nebulous concept that changes from person to person. As the profession changes, the role and expectations of the lawyers change.

Consequently, the meaning of balance and the likelihood of having it changes as well. This leads me to reassert that it's not so much about balance, even though I believe the terminology will likely linger on for quite awhile yet. Instead, it's about making choices that are in alignment with our values and what matters most to us.

It's About Choices

As former GE CEO Jack Welch told the Society for Human Resources Management, "There's no such thing as work-life balance. There are work-life choices and you make them, and they have consequences."

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Ultimately, I have to agree with Welch. Even though we are experiencing evolution in our legal practices and every other part of our lives, we continue to chase some phantom idea of balance that refuses to take into consideration the way the world is changing.

So what kind of balance do you want to strike between your professional and your personal life? Harvard business blogger Ron Ashkenas wrote an article called “Assessing Your Work-Life Balance” in the December 2010 issue of the *Harvard Business Review*. In his article, he noted that a key (if not *the* key) to reducing regret about your work-life balance (or lack thereof) is to consciously make decisions regarding the tradeoffs you are willing to make as you pursue your professional and personal goals.

If we don't place our decisions in a larger context, we are likely to make small decisions each day that don't seem to mean much (e.g., staying late at the office, skipping family dinner or a child's school event, cutting vacations short) that, taken together over time, create a lack of balance and lead a quality of life that we dislike at best and despise at worst. Our minute-to-minute and day-to-day choices add up and snowball, and suddenly we are asking ourselves, “How did my life end up like this?”

So work-life balance (or anything else we value having in our lives) is ultimately about making choices. Every single day, we make choices that move us closer to our goals or further away from them. If we want to feel good about the way our personal and professional lives are intersecting and integrating, then we must make consistent choices that make it possible for us to feel balanced and good about the lives we are living and practices we have built.

For my clients, I recommend remembering an acronym—ACT—when it comes to making positive changes in improving your feelings of work-life balance (or making any other kind of positive change in your life.) ACT stands for Awareness, Choice, and Take Action.

Awareness

The first step in improving and achieving work-life balance in your life is to develop awareness. What is really going on around you? Don't just look at the surface. How are you really feeling? How are the people around you really feeling? How solid are your relationships? How good is your health? How balanced are you, really?

When you recognize room for improvement, you become ready to make changes. When you can embrace the idea that there is a better way of doing things, you become more open to ideas, possibilities, and opportunities for change.

Ashkenas suggests some questions we could ask ourselves to help us make choices in line with our values that will move us toward greater balance in our lives.

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- What balance do you want to strike between personal and professional success?
- If you had to honestly choose, is one more important than the other? (Consider this question in the big scheme of things, recognizing that we must make day-to-day decisions that sometimes favor one over the other.)
- What are your goals in each of these areas, and what can you do to optimize both?

These are tough questions to ask at any point in your life or career. There aren't easy answers. But if you can get in the habit of asking these kinds of questions of yourself as much as possible and consistently, they become habitual.

Choice

The second (and key) ingredient in improving your work-life balance is making a conscious choice to do something that is more in alignment with the balance you are hoping to have in your life. Human beings have a power and capacity to choose like no other living creature, and that ability allows us incredible freedom to create the lives we desire.

With increased awareness of where you are and where you want to be, you will find yourself regularly and systematically making choices that move you closer to your goals, your desired outcomes, and your vision of work-life balance. As soon as you have the awareness that you want something to change and you are honest about your own values and priorities, you can start to make choices that are in line with that awareness.

It may feel like a small thing at first, but making these solid choices is actually incredibly powerful. Those choices build up and quickly become our life experience. Just like we learned in junior high science class, every action comes with a reaction. Remember this when making your choices, even when they are difficult ones.

Take Action

Finally, making the decision is only half of the battle. If you make a decision and don't act on it, it's not really a decision. You will see no results. When you are consistently making choices that are helping you create more balance and more quality in your life, you will start to trust your own decision-making process more and more. Suddenly you find of your decisions moving in a way that truly excites you rather than in a direction that you know you do not want to go.

Remember, change comes from having awareness, making solid decisions rooted in your values and priorities (not based on what others think you should do), and then taking action on them. You have the power to have more balance in your life. It comes down to your work-life choices. Those daily choices will propel you toward having what really matters to you in your life and law practice.

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Finding My Way on a Reduced-Hours Schedule

By Sara E. Dionne

During my first pregnancy, I could not imagine slowing down at my job after becoming a mom. As a fourth-year associate, I had spent my first few years at my firm working hard. I found my work exciting and engaging. I could not imagine why I would want to change this.

Fast forward approximately one year later. After the birth of my first son and my maternity leave, I found the adjustment back to work more challenging than expected. Some challenges I anticipated (e.g., the need for flexible childcare) and was able to manage with a strong support network and some careful planning. Other challenges, however, caught me completely off guard. Key among these was the tug-of-war I felt between my professional life and my new title as mom. I felt spread thin between these two worlds, many days unsatisfied with my job performance in either role. I managed to get what I needed done, but had neither the time nor the energy to enjoy work as I had in the past, nor to be as engaged as I wanted to be at home.

Despite these feelings, I was hesitant to reduce my hours at the firm in a meaningful way. I was worried that a reduction in hours would permanently leave me on the sidelines without the opportunity to get interesting and challenging work, take on greater responsibility, or continue to grow as a young lawyer. Knowing something needed to change, I initially reached out to two partners in my office about cutting back 10 percent. It was only with their encouragement and support that I ultimately decided to make a more significant reduction to an 80 percent schedule.

This decision was more than four years ago. I am amazed now at how difficult the decision was at the time. In retrospect, it is apparent to me that it was the best fit for me. The work I do as a reduced-hours lawyer is the same work I did as a full-time lawyer. I still feel engaged and challenged by my work. The sole difference is that I have chosen to experience this work at a slower pace. The result for me has been a more manageable practice, a happier home life, and a more peaceful coexistence between my professional and personal lives.

I credit my happiness with this choice to both external and internal factors. Externally, I have been fortunate to work at a place that is truly committed to making reduced-hours schedules work. For example, during my reduced-hours tenure, my firm has dedicated a partner to oversee the firm's alternative-work arrangement program. This means that I have a designated person to go to with questions or concerns. Several times during my career when litigation demands resulted in higher than normal hours, this partner would contact me out of the blue just to check in, see how I was doing, and see if he could assist with any workload management issues.

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I also have been fortunate to find mentors who have developed and maintained their practice on a reduced-hours schedule. Working with attorneys who have successfully reduced their schedules has given me confidence that I could balance meaningful work with a reduced schedule. More practically, seeing how others have approached their reduced schedule has been an excellent resource to figure out how to best balance the demands of the workload.

Beyond this strong support, I credit my happiness on my reduced schedule to a few lessons I have learned over these past four years. Key among these lessons is to accept that workloads ebb and flow. My reduced-hours schedule reminds me to enjoy when things ease up a bit, taking full advantage before things ratchet up again, as they inevitably do in a litigation practice.

Hand in hand with this lesson, I also continue to focus on being where I am. I constantly remind myself that I accomplish little by worrying about my upcoming to-do list at work when I am with my kids—or worrying about my time away from my kids when I am working. While this idea is pretty obvious, I must admit that implementing it is something of a work in progress.

Over these past four years, I have also learned that flexibility is key. After experimenting with a variety of schedules over the years, I have found that attempting to take one day per week off works well with my reduced schedule. I attempt to take the same day off each week to allow my colleagues to predict when I will be in the office, as well as to enable me to attend regular activities during the week with my kids. While I attempt to minimize my work commitments on that day, sometimes work demands require flexibility. This may mean working from home for a small portion of the day, and occasionally it means travelling or going into the office for the entire day. On the flip side, however, a flexible schedule also lets me participate in the preschool concerts and playgroups that spill over to other days. Approaching my schedule with flexibility allows me to be a better lawyer and a more engaged parent.

Above all, I have learned that a key component of success on a reduced schedule is to do good work. Ultimately, the quality of my work product and the satisfaction of clients speaks for itself. In this sense, being a reduced-hours associate is not that different from working a more traditional schedule. Working fewer hours has not changed the expectations of clients—it has simply slowed the overall pace of my work.

Successfully managing my reduced-hours schedule is at times challenging. I have learned much from my first year returning from maternity leave and continue to do so. Looking back, I know that I chose the right avenue for me, making me a happier and more focused parent and attorney.

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Helping Disadvantaged Children Build a Brighter Future

By Patricia C. O'Prey

I originally met Melanie Emmons Damian through the Woman Advocate Committee a year or so ago. I was immediately impressed by the very smart and accomplished woman that she is. I learned that, in addition to being a stunning blonde, Melanie, with one other partner, founded her own law firm, Damian & Valori, LLP, which has become one of Miami's top boutique litigation firms. Recently, however, my admiration for Melanie reached new heights upon learning of her work on behalf of foster children through an organization she founded, Educate Tomorrow.

Melanie has long been involved in children's issues. Beginning in law school, Melanie served as a guardian ad litem for children. Then, as an associate, Melanie began to represent children in foster care as part of her pro bono commitment. At that time, Melanie learned that there was a Florida statute providing that children who were in foster care when they reached the age of 18 could get free tuition to a Florida state college as well as a monthly stipend for living expenses. But because very few foster children or parents knew of this program or how to take advantage of it, many foster children who turned 18 were moved out of the foster system and became homeless.

To help solve this problem, Melanie began work on an information campaign to inform the foster community about the program. Fortuitously, around the same time, Melanie's sister, Virginia Emmons McNaught, was returning from service in the Peace Corps. Together, and with a collective passion for children's education, Melanie and Virginia founded a nonprofit called [Educate Tomorrow](#). Educate Tomorrow is committed to its mission to make education an attainable goal for the most disadvantaged in our world so that all may be afforded the possibilities that can be achieved through learning. Melanie is the chairman of the board of Educate Tomorrow and has been involved with the organization since 2002. Until recently, Virginia was Educate Tomorrow's executive director.

Initially, Educate Tomorrow's programs were designed to help foster children fill out the paperwork necessary to take advantage of the college tuition program. Over time, however, Educate Tomorrow has expanded its programs to include educational and life skills camps and mentoring programs. These programs are designed to motivate foster children to want to go to college and to understand its benefits as well as to encourage children to consider their options and address life's challenges.

Recently, Melanie and Educate Tomorrow took their mission to a new level. Through her experience with Educate Tomorrow, Melanie realized that by the time the foster children reach high school, they are often already very far behind. Melanie and Educate Tomorrow desired to

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move from curative to preventive solutions. One day four years ago, during her drive to work, Melanie heard about the Seed School in Washington, D.C., which educates at-risk youth (including foster children) from sixth through twelfth grade. Ninety-seven percent of their graduates go on to a four-year college. Shortly thereafter, Melanie visited the Seed School with her sister. The idea of establishing a similar school in Florida made perfect sense economically. The state of Florida pays approximately \$30,000 per year for each child in foster care. Educate Tomorrow argues that those funds would be better spent for certain older children to attend a boarding school with an environment carefully tailored to their needs.

To develop such a school, however, and to reallocate the state's funding for those foster children, Educate Tomorrow needed to pass legislation approving the development of the school and reallocating the relevant funding. Educate Tomorrow introduced such a bill during the last Florida legislative session. The bill's journey through the Florida legislature was storied. First, the bill was introduced as part of a Charter School Bill, only to be amended three weeks before the end of the session. That left the bill in jeopardy of failing, because, under the Florida Constitution, a bill must be approved within 60 days or it cannot be reintroduced for a period of one year. Moreover, being amended out of the Charter School Bill presented an additional challenge because any amendment must be germane to the bill to which it is attached. Thus, with only three weeks until the end of the legislative session, Educate Tomorrow was faced with the task of finding another bill related to children's education. Finally, after being amended out of a second education-related bill, a bill relating to funding for children's education was amended to include Educate Tomorrow's provisions. To pass, the bill had to be approved by four committees in the Florida House and three in the Florida Senate. In the end, the bill made it to those committees 60 days after its introduction. Because of the late timing, the bill did not get to the last required Senate committee, once again threatening the bill's passage. But close to 9:00 p.m. on that last day, the bill got an exception from that Committee and proceeded on to the House. By 9:00 p.m., the House was no longer taking any new bills so, again, the bill required an exception in order to be considered. Finally, the bill passed at 11:58 p.m., just in the nick of time. Melanie and Educate Tomorrow expect that their school will open in August 2012, with Melanie serving on the board of the school.

Melanie's service has been widely recognized both within and outside the legal community with awards and honors that are too numerous to mention. Although Melanie's practice continues to focus on business litigation, her substantial commitment to Educate Tomorrow provides an excellent example of how we can use our degrees to help the larger community, and those less fortunate, through pro bono commitments.

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Hollee Schwartz Temple on *Good Enough Is the New Perfect*

By Meredith L. Mercurio

Hollee Schwartz Temple, a 1996 graduate of Northwestern University and a 1999 graduate of Duke University College of Law, took time out of her very hectic schedule to talk to me about *Good Enough Is the New Perfect*, a book she coauthored with friend and fellow Northwestern graduate, journalist Becky Beaupre Gillespie. Now professor of law and the director of legal research and writing at West Virginia University College of Law, Hollee sacrificed a high-paying and prestigious position with a large Pittsburgh law firm to achieve the elusive work-life balance that working mothers so desperately seek. In performing research for her book, Hollee and Becky surveyed 905 professional working moms, 174 of whom were lawyers.

During a busy week where Hollee had been running through airports traveling to speaking engagements, she and I were able to spend some time talking about her book and about the challenges and choices that women litigators face. Amid the chaos of Hollee's two young boys and their friends laughing and playing in the background, a visit from the piano teacher, and a dog on the loose, Hollee provided me with some of the insight she gained from her research and answered some of my questions about the choices that litigator moms have available to them in finding their new perfect.

Meredith: There are a lot of career choices for litigators—equity partnership, non-equity partnership, staff attorneys, arbitrators, in-house counsel, of counsel. When you were doing your research for the book, did you find that there was any one group that found it easier to achieve work-life balance than the others?

Hollee: I don't know that there is really one path to choose that leads to the greatest balance. I think it's a lot about the culture of the institution, how it has worked in the past, and who is making the decisions. I think that even if a woman is litigating in a place that hasn't traditionally been open to more flexible options, now would be a great time to suggest it. Especially moms who have been there for some time and have earned some clout—those are not lawyers that firms want to lose. It has become more and more clear that firms want to retain their talent. If you look at the periods of lawyers' lives where they need some flexibility—maybe after a child is born or if they are caring for an elderly parent—in the big scheme of the career, it's really just a blip, and that's what I think both the lawyers and the institutions need to recognize. When employers were flexible, their employees were extremely loyal and wanted to give back to the firm that they thought had treated them as they should be treated during a difficult time.

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Meredith: Marketing and networking responsibilities can really be difficult for working moms since those responsibilities either take place after work hours or cause a break in the billable day. Of course equity partnership usually depends on rainmaking and managing big clients. What kind of choices do you think that working-mom litigators have for the type of marketing that will result in client generation and then eventually equity partnership?

Holley: I think moms can start where they live. With more and more women moving into positions of power across the disciplines, they shouldn't overlook the moms at their preschool or the moms in their kids' classes and activities. Often times, women feel that they need to go to a designated marketing event, a networking group, or whatever. But I think sometimes the connections are right there—for relationship building, it's all about feeling comfortable. I have seen—and I highlight in the book—some moms who have been very successful by starting within their own close networks and even in places where they are already going with their kids. I would say you don't necessarily have to think that marketing has to come outside of the billable day that you're already trying to cram in. Maybe you can look at all of the parents you are meeting through your children's activities as a potential source of clients.

Meredith: Do you think that litigators can create a part-time situation that actually works, given the fact that so much is outside of the attorneys' control?

Holley: I think it comes down to being realistic and not taking on more cases than any human could possibly handle. But the unpredictability of litigation is what makes it so difficult, because you have to be able to drop everything. There are some firms that have gotten creative in terms of their staffing so that they don't rely solely on one person. There can be almost a job share of sorts.

Meredith: When people tell me that they have a part-time arrangement, I think of the saying that “there is no part-time work, only part-time pay.” Did any of the women you spoke to during your interviews talk about part-time arrangements not ending up being what they had hoped for?

Holley: Yes. Absolutely. And I think the nature of litigation is problematic because when some crisis hits, it's hard to say “it's my day off.” I think that just doing it purely by numbers is not the way to go, and if you have some more creative arrangements where people are sharing responsibility on the case, then you can actually say “I am off today but so-and-so is handling it.” I think it's just hard in law because there is such an availability anxiety out there; lawyers have the sense that if they do not respond to their clients within 60 seconds that the client will go elsewhere. Whether that is actually true, I don't know. Clients are people with families, and they are probably more receptive to the need for flexibility than firms believe. I think the pure reduced-hours concept is probably not enough, and that's why law has had so much struggle as compared to other professions. It comes down to the billable hour. If the commodity is time, women are never going to win—especially working moms.

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Meredith: Do you think job sharing is a feasible choice for litigators?

Holley: I think it is happening more. Again, a lot of times, job sharing has to be initiated by the people who want to take advantage of it. I don't think any firm is going to come to a litigator and say "You seem too stressed out. Let's create a job share for you." It may be a team of moms or whoever it is that wants to propose this, create the proposal, and go to whomever is the decision maker and say "Here is what we want to do and here is how we will handle it if x, y, or z happens." I think firms are starting to open up to the idea.

Meredith: In your book you discussed alternative fee arrangements and how they are becoming more common and could be helpful for working moms. Why do you think that is?

Holley: The thing that is great about these firms that are doing alternative fee schedules is they completely value efficiency, so it's not about the billable hour being the commodity anymore. It's about the product being done efficiently. So that can really be great for women who can turn out great work product in an efficient way and don't want to be valued purely by the number of hours they work.

Meredith: In conducting your research, did you find a difference in attitude between women working in bigger cities versus those working in smaller cities?

Holley: I talk to some people about the philosophy [of] the "good enough ideal" and some people have said that "I don't know if I could accept that. I have to be going towards the best." People from bigger cities in particular, I think, have that notion that maybe there is some sort of settling involved. I think it comes down to the individual and what you want out of your life. I think that when we look at our book and see how successful some of these women we featured are, I don't know how anyone could say that they were not good enough. But I definitely think there is more pressure in larger cities.

Meredith: It sounds like you really found a good fit for yourself in your professor position with West Virginia University, but is there anything about litigation that you miss?

Holley: I always really enjoyed research and writing, so my job is a great fit for me because I create new fictional legal problems every year for my students. It allows me to keep a hand in it, and if something interests me that I see in the news or whatever the legal topic is, I create a problem around it so I can learn more about it. The things I liked about the job—the hunt of the research—I still get to do. So I don't really look in the rearview mirror too much. What I sacrificed to make this move was salary, of course. I gave up more than 50 percent of my salary, which is a lot, and I sacrificed some prestige, because when I first took the job I was not even in a role where my title was professor. I took the lowest-on-the-totem-pole position just to get my foot in the door. And that bothered me for awhile, because I had always wanted to do whatever was sort of the gold standard. But now with the perspective of being eight years removed from

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the law firm, I am so glad I found the courage to do that because my book *Good Enough Is the New Perfect* is my proudest professional accomplishment. Sometimes I think you need to trust your instincts and take that leap of faith, because if you're choosing what you really love, it will work out.

Meredith: How have men reacted to the book?

Holley: It's been really interesting. Men have been more interested in the book than I would have expected. I've heard from a lot of women that they've had long discussions with their husbands about the "balcony view" of their work lives after reading the book—that they recognize themselves in some of the characters. In real life, maybe things weren't looking the way they wanted them to. My husband says that the book was very eye-opening for him, and he's approached our marriage differently after reading it. He didn't know the depths of some of these feelings that moms have about their roles. So I've been pleasantly surprised that men have been interested in the book as well, even though we sort of aimed it at working mothers for our primary audience.

You can order your copy of *Good Enough Is the New Perfect* at www.thenewperfect.com.

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This I Believe: Happily Ever After

By Abbe Fletman – September 28, 2011

The following piece first aired on Jan. 16, 2009, on the Philadelphia affiliate of National Public Radio, as part of the "This I Believe" series. It was written by Abbe Fletman, a former cochair of the Woman Advocate Committee, who heads intellectual property litigation at the Flaster Greenberg firm in Philadelphia, Pennsylvania. Abbe is a member of the Council of the Section of Litigation, and has been involved in many other community service activities during the course of her 24-year legal career. Abbe has worked primarily as a corporate defense lawyer, representing clients in cases ranging from securities fraud to copyright infringement involving pesticide labels. When Abbe first began practicing law, being an openly gay lawyer in a long-term committed relationship was not necessarily a career enhancing move at a law firm. But Abbe made a choice early in her career to be herself, whether working in the office, in the community, or at home. In this day of divisive sound-bite politics, Abbe's temperate and equable message about the importance of choice resonates across all lines of potential division.

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As a girl, fairytales never captivated me. I never saw myself meeting a handsome prince and living happily ever after. At the time my childhood girlfriends had these dreams, I didn't understand why.

I met my partner in 1984. We quickly moved in together. Over time, we merged our finances and books, bought a house, and had children. We made a life together. Still, no visions of walking down the aisle in a frilly white dress filled my head.

Then our friends Andy and Larry got married. Like us, they had been together for more than 20 years. Like us, they had never stood in front of all their friends and family to declare their love and commitment to each other. Like us, they were initially skeptical of replicating a heterosexual ritual that, for us, would carry no legal rights.

After this event, I began to think about marriage. Let's be honest: I began to obsess about it. In part, my love of a good party fueled my enthusiasm. In December 2002, I got down on my knees and asked Jane to marry me. Fortunately, she agreed.

On October 3, 2003, we took our vows under a traditional Jewish chuppah, a canopy made of our son's prayer shawl. Nearly everyone important to us was there, including my parents (who have since died), our children, and Jane's brother and sister-in-law. Our teenage son and daughter walked us down the aisle. Most of the significant people in our lives gave us blessings.

And so, I found, I believe in marriage. Although Jane and I had lived together for more than two decades, going through a marriage ceremony felt momentous, a feeling I never anticipated. Writing a *ketubah*, a Jewish marriage contract, made us articulate our promises to each other, including that one of us would care for the other partner till death. Publicly declaring our intention to take responsibility for each other as well as ourselves had meaning. While we were committed before, the combination of the public declaration and the written pledge somehow made it more concrete.

All this has led me to believe in marriage even at a time when half of all marriages are expected to end in divorce and fewer American couples are marrying. I had good role models in my own parents, who never seemed to tire of each other's company in their nearly 60 years of living and working together. The strong marriages I have witnessed not only produce happier people, but greater economic security and solid family units within which to raise children.

I, of course, don't believe that everyone should marry or that people should stay in bad marriages, especially if they are violent or abusive. But I do believe that marriage should be available to all couples, whether straight or gay. We should equally have the ability to communally celebrate happy occasions and should also have the legal rights so many others take for granted. For now, I've gotten my happily ever after—even if I still don't believe in fairytales.



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NEWS & DEVELOPMENTS

Women of Color Increasingly Reject Law Firms for In-House Positions

According to a recent study entitled "The Perspectives of Women of Color Attorneys in Corporate Legal Departments" undertaken by the Corporate Counsel Women of Color (CCWC), female minorities are increasingly leaving law firms for corporate counsel positions. The study, which surveyed more than 1,300 African American, Hispanic, Asian American and Native American female corporate attorneys, reported a staggering 76.5 percent of surveyed women who left their law firm careers for in-house positions. One of the leading reasons cited for this move was the lack of diverse female partners who were available to serve as mentors.

According to Veta T. Richardson, the executive director of the Minority Corporate Counsel Association, another primary reason that women of color likely prefer the corporate setting is because corporations have valued diversity since the 1980s, whereas law firms did not begin to seriously consider diversity issues until the 1990s. Richardson recommends that to retain more women of color, law firms should provide financial incentives to supervisors who make diversity a priority and should include diversity responsiveness as part of performance reviews. The CCWC study also reports that law firms could retain more women of color by providing them greater access to managing partners and executive teams, opportunities to interact with highly valued clients, and quality assignments to help them build expertise on subject matter and meet billable-hour requirements.

Keywords: diversity, minorities, corporate

—[Suzanne L. Jones](#), *Hinshaw & Culbertson, LLP, Minneapolis, MN*

The Unintended Consequences of Opting Out

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In a 2003 *New York Times* article entitled "The Opt Out Revolution," Lisa Belkin suggested that women were making an empowered choice to "opt out" of their careers. According to Belkin, the reason why women were not rising to leadership positions was perhaps because women simply did not want them.

The backlash to Belkin's article was swift. Subsequent studies revealed that professional women were not opting out, but instead were being pushed out of their careers because their employers did not offer flexible work options. The research showed that women wanted to stay at work, but their employers made work-life balance extraordinarily difficult—if not impossible—forcing women to choose between work and family.

According to a recent study by Northwestern University's Kellogg School of Management, the "opt-out" myth—or the idea that women choose to leave the workplace—makes it more difficult to recognize gender discrimination. According to the study, women who made a choice to leave their careers were blind to the societal and environmental barriers to their advancement in the workplace. The study concludes that while making a choice between career and family is empowering and personal, it ultimately reinforces the gender barriers faced by professional women.

Nicole M. Stephens, assistant professor of management and organizations at Kellogg and coauthor of the study, recommends reframing the discussion to reflect that women frequently do not freely choose to leave the workplace, but instead are pushed out by persistent workplace barriers such as limited workplace flexibility, unaffordable childcare, and negative stereotypes about working mothers.

Keywords: work-life balance, working mothers

—[Suzanne L. Jones](#), *Hinshaw & Culbertson, LLP, Minneapolis, MN*



WORDS OF WISDOM

What Is the Most Important Choice You've Made in Your Career, and Why?

The most important decision that I made was becoming the primary breadwinner in my family. My husband and I were passing each other in airports with two small children at home. I had a consultancy that was growing, and I needed someone to help manage the business. My husband left what he was doing to become the managing partner of my firm and to take the primary role at home. I am so much happier in this role. It has allowed me to grow my business and do what I do best and what I enjoy. It might not be for everyone, but it is for me and I think the change is also what is best for my family.

Tara Trask is CEO of Tara Trask and Associates, a full service litigation strategy, jury research, and trial consulting firm, with offices in San Francisco and Dallas.

Important decisions I make include making choices that involve some degree of risk, challenge, and growth. For example: leaving a big firm 14 years ago to join an appellate boutique and fulfill my dream of becoming an appellate lawyer. Another: leaving the boutique firm to lead and expand the appellate practice at Snell & Wilmer. Both of these required taking a risk and leap of faith, something we women lawyers tend not to be wholly comfortable with in our careers.

M.C. Sungalia is partner in Snell & Wilmer's appellate practice group and editor of *The Woman Advocate*.

ABA Section of Litigation Woman Advocate Committee

<http://apps.americanbar.org/litigation/committees/womanadvocate/home.html>