

# THE DAILY RECORD

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## Legal Currents

### Lady Law is not entirely inflexible

*This column, to be featured every Monday, will tackle timely issues important to the local legal community.*

**BY NICOLE BLACK**  
Daily Record Columnist

**T**he law can be all encompassing. It's always been that way — hence the saying “the law is a jealous mistress.”

Attempting to juggle one's chosen career with non-legal obligations such as the demands of family life can be a delicate and difficult balancing act for both male and female lawyers.

Recently, an interesting study was conducted by the Massachusetts-based Equality Commission. Entitled “Woman Lawyers and Obstacles to Leadership,” the report concluded that “female law-yers continue to face intractable challenges in their attempts to become partners, causing them to abandon law firm careers — and the legal profession entirely — at a dramatically higher rate than men.”

In attempting to explain this disparity some echo U.S. Supreme Court Justice Anthony Kennedy's language in the recent decision *Gonzales v. Carhart*, claiming that the reason for the variance is the special bond between a mother and child, and that women can't help but stay at home with their children. Others allege that wo-men make the decision to have children and must, therefore, face the music when it comes to the consequences of that choice.

I disagree. The mother and father are involved in the decision to have a child, and fatherhood affects a man's life just as much as motherhood affects a woman's. Once the decision to have children is made, each family must determine how to incorporate realistically that choice into their everyday lives.

Women and men with advanced degrees have more options available to them as a result of their education and work experience. As a result, professional couples, not just women, are taking a hard look at their lives and making choices that allow them to improve the quality of their family's life. For some couples the most viable option may be for one parent to take temporary hiatus from the workforce.



**NICOLE BLACK**

Such occasional detours along one's career path should not prevent a lawyer from having a fulfilling and successful career through the course of a lifetime. Yet, as the Equality Commission's report indicates, the decision to scale back hours temporarily, or to take a brief hiatus from the law can have a drastic and debilitating effect on a legal career.

The time is ripe for change and I believe the impetus for change will be the generational divide. Generation X and Y employees have far different values than the Baby Boomers and, as the workforce becomes populated with more Generation X and Y employees, their values will

become the norm. Their collective refusal to bill hours 24/7 will become increasingly evident as they abandon high-paying jobs requiring inhumane hours for jobs offering a better work-life balance, albeit at lower salary.

The legal field has recognized this fact far more slowly than other fields such as accounting and, as a result, has failed to respond in any meaningful way to lawyers' requests for accommodation and flexibility.

The private sector in large metropolitan areas such as New York City, which traditionally sets the standard for firms across the country, has been especially unwilling to bend to the demands of a new generation of lawyers. As a result, dissension is growing among the ranks of lawyers, and among younger lawyers in particular. Many are simply leaving large law firms in search of greener pastures, and they represent a lot of lost talent.

I believe that Lady Law is far more flexible than those at the top of the legal hierarchy. As more lawyers refuse to be absentee parents and slaves to the billable hour, the landscape, slowly, will change. Only time will tell if I'm correct. In the meantime, I'm keeping my fingers crossed.

*Nicole Black is of counsel to Fiandach & Fiandach and also provides legal research and writing services, including appeals, on a contract basis to attorneys throughout New York State. She publishes a New York law blog, Sui Generis, online at [nylawblog.typepad.com](http://nylawblog.typepad.com).*