

## **MODEL BALANCED HOURS POLICY**

### **Introduction**

Our Firm's strength is derived from its diverse and deeply talented group of attorneys. As a firm, we are committed to maintaining and promoting our diversity and talent. A key way for us to demonstrate our commitment is to recognize that our attorneys have responsibilities and interests outside the Firm that need to be supported and that these responsibilities and interests will affect our attorneys' work schedules.

Balanced hours schedules are available to our attorneys as one way of supporting their lives outside the office. (Similar schedules are available for staff, as set out in the staff manual.) Balanced hours schedules are individually tailored reduced hours schedules designed to meet the needs of the attorney and the needs of the Firm and its clients. Requests for balanced hours schedules will be considered in light of the business needs of the Firm and the Firm's clients, and will be granted whenever possible. The Firm believes that balanced hours schedules should not affect an attorney's professional development or ability to provide professional service to the Firm, clients, the bar, and the community.

This policy sets forth the procedure for proposing a balanced hours schedule, and the general guidelines applicable to balanced hours schedules. Questions about the policy or its application should be directed to the Balanced Hours Coordinator.

### **Expectations**

The Firm expects all of its attorneys to provide professional and prompt service to clients. It also expects all of its attorneys to provide pro bono services in accordance with the Firm's policy, continue their legal education, engage in business development, participate in bar activities, and share in Firm administrative and managerial duties. Balanced hours attorneys should anticipate and meet these expectations.

### **Flexibility**

Meeting client needs often requires flexibility in scheduling, and all attorneys are expected to be flexible in their scheduling when necessary. The Firm will not expect balanced hours attorneys to work in their off-hours on a regular basis, but it may be necessary from time to time for a balanced hours attorney to come into the office or work from another location when not scheduled to do so. When this happens, every effort will be made to provide the attorney compensatory time off within the same pay period as the non-scheduled work. If it is not possible for the attorney to take compensatory time off, the attorney will be compensated in accordance with the compensation guidelines of this policy.

## **Availability and Duration**

Balanced hours schedules are available to all attorneys, assuming an acceptable proposal is made. There is no minimum length of time that an attorney must work full-time before a balanced hours request will be considered. The Firm recognizes that attorneys' schedules will change over time, and understands that balanced hours attorneys may wish to return to standard hours schedules or to stay on balanced hours indefinitely. Changes will be accommodated, again assuming an acceptable proposal is made. There is no minimum or maximum length of time an attorney may work a balanced hours schedule.

## **Schedules**

Balanced hours schedules are to be tailored to meet the individual needs of attorneys. The schedules may include fewer hours per week, month, or year. [The Firm finds that beneficial continuity of service to clients generally requires attorneys to work at least 50% of a standard hours schedule, but proposals to work less than 50% will be considered.]

The schedules should be described in terms of percentage of a standard hours schedule, which for these purposes is defined as [1800] billable hours and [400] nonbillable hours. [Note: for firms without billable or other hourly requirements, the standard schedule can be determined by averaging the attorney's own work hours over a several-year period or over his or her entire career with the firm.] Balanced hours schedules are to include both billable and nonbillable time in proportion to the billable and nonbillable hours the attorneys worked when on standard schedules. (For new hires, the Balanced Hours Coordinator will suggest a ratio based on a typical attorney's experience at the Firm.)

## **Balanced Hours Proposals**

An attorney wishing to work a balanced hours schedule should first explore the types of balanced hours schedules worked by other attorneys in the Firm and elsewhere, and determine what type of schedule would best suit their individual needs. Information about balanced hours schedules is kept by the Balanced Hours Coordinator and is available on the Firm's intranet. The attorney should work with the Balanced Hours Coordinator to complete the pre-proposal questionnaire, which covers topics such as how the attorney will accomplish his or her work and how the attorney will be available for emergencies, and draft the proposal. Draft proposals should be reviewed by the Balanced Hours Coordinator and submitted to the attorney's supervising attorney(s) and practice head. The supervising attorney(s) and practice head will be asked to consider various factors relating to how work will be performed under the proposed balanced hours schedule. The Firm anticipates that if the supervising attorney(s) and/or practice head have objections to the proposal, they will discuss the objections and suggest revisions to the attorney. The practice head will forward it, with his or her recommendation as to approval, to the Management Committee for final consideration.

## **Compensation**

Associates and counsel working balanced hours schedules will be compensated proportionally to standard hours attorneys of their same class year. For example, an associate working 80% of a standard hours schedule will earn 80% of the standard hours salary for an associate in her same class. [Associates and counsel working less than 50% of a standard schedule may be compensated on an hourly basis, if the Balanced Hours Coordinator and their practice heads determine that hourly compensation is more feasible.]

Partners will be compensated in accordance with the recommendations of the Compensation Committee, which will determine the partner share of a balanced hours attorney as if the attorney were working a standard schedule and then adjust the share amount to reflect the proportion of hours worked. Compensation based on business origination credits will be paid at full rates, and not adjusted proportionally.

Balanced hours attorneys remain eligible for bonuses, which will be awarded in proportion with the attorneys' schedules. For bonuses based on the number of hours over target worked, balanced hours attorneys will receive bonuses based on the number of hours over their balanced hours schedule worked.

## **Benefits**

Balanced hours attorneys remain eligible for the same benefits as standard hours attorneys[, except that attorneys working less than 50% or less than 25 hours per week are ineligible for medical, dental, life, and disability insurance as stated in the Firm's policies]. [Balanced hours attorneys are eligible for the same benefits as standard hours attorneys, pro-rated to reflect the proportion of a standard schedule the balanced hours attorney is working. For example, if a balanced hours attorney works 80% of a standard schedule, the firm will pay 80% of the premium for his or her health, dental, life and disability insurance and the balanced hour attorney will be responsible for the remainder of the premium.]

## **Technology**

The Firm provides all attorneys with an annual stipend for use in purchasing work-related technology. The stipend may be used for such things as cellular telephones and service, Blackberries, fax machines, second phone lines, and computers. Balanced hours attorneys are urged to consider their needs for communicating with the office and with clients when deciding how to use their stipend. At a minimum, a fax machine and cellular telephone should be purchased. If additional stipend amounts are needed, the Firm will consider advancing the additional amounts against the next year's stipend.

## **Assignments**

Balanced hours attorneys will receive the same types of assignments as standard hours attorneys, adjusted to take work hours into account. Balanced hours attorneys will not receive a

disproportionate amount of routine work. The Balanced Hours Coordinator will review the type of work done by balanced hours attorneys to ensure compliance with this guideline.

### **Partnership Track**

The Firm evaluates its associates and counsel regularly to ensure they are performing at a level that makes them eligible for partnership. Factors considered include, but are not limited to, quality of work, quality of relationships with clients and colleagues, skill development, and ability to attract new business. Working a balanced hours schedule does not change the evaluation process or the factors considered, and balanced hours associates and counsel remain eligible for partnership. Working a balanced hours schedule may extend the time at which an attorney is considered for partnership, depending on the proportion of standard hours worked and the duration of the balanced hours schedule. For example, an associate who works a standard schedule for six years and an 80% of standard schedule for two years is likely to be considered with other associates of his class, but an associate who works a 60% schedule for six years will likely find his partnership track extended by two or more years.

### **Periodic Reviews**

The success of each balanced hours schedule will be reviewed with the attorney, Balanced Hours Coordinator, and the attorney's supervisor(s) every three [six] months. If changes to the schedule are necessary, they will be made in writing. In addition to the six-month reviews, the attorney and his or her supervisor(s) are encouraged to communicate with each other and/or the Balanced Hours Coordinator on an ongoing basis about issues that arise regarding the schedule. The Balanced Hours Coordinator will review the hours worked by balanced hours attorneys and will address consistent excessive hours with the attorney and the attorney's supervisor(s) on an ongoing basis.