



Diversity &
Flexibility
ALLIANCE

2017

FLEXIBILITY BENCHMARKING SURVEY REPORT

*An Examination of the Implementation and Usage of Flexibility and Leave Policies in US Law Firms by
Race, Gender, and Sexual Orientation*

ABOUT THE ALLIANCE

The Diversity & Flexibility Alliance is a think tank dedicated to creating work environments centered on inclusion and innovative thought leadership. The Alliance provides practical solutions that increase organizational effectiveness and create high performance cultures that advance diversity and flexibility to attract and retain top talent. More information about the Alliance can be found at dfalliance.com.

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LETTER FROM THE CEO

On behalf of the Diversity & Flexibility Alliance, I am pleased to present the results of our fourth annual *Law Firm Flexibility Benchmarking Survey*. In furtherance of our mission to advance inclusive workplaces and promote flexibility for all professionals, this survey initiative examines the availability and usage of holistic flexibility and parental leave policies in large law firms for both attorneys and staff. This report is intended to provide multifaceted and comprehensive data about law firm flexibility and parental leave programs.

This year's survey results revealed several noteworthy findings, including:

- **Despite the compelling business case for doing so, there has been little forward progress on closing the gap between the level of flexibility and leave policies offered to staff as compared to attorneys.** While the vast majority of firms offer formal flexibility policies and paid gender-neutral leave policies to their attorneys, the survey showed a significant disparity in the number of firms offering formal flexibility and paid gender-neutral leave policies to their staff. Given the integral role staff serves at all law firms, we recommend that firms consider making such policies more widely available to staff in order to promote higher satisfaction and retention rates and advance inclusion of all employees.
- **There is an ever-pressing need to foster a stronger culture of flexibility at law firms in order to promote better usage of flexibility and parental leave policies.** With lawyers and staff working on formal flexible schedules making up only a fraction of the workforce, and considering a large over-representation of non-partnership track attorneys utilize formal flexibility policies as compared to partnership track attorneys, we continue to see the need for firms to bridge the gap between policy and practice. In order to foster a true cultural acceptance of flexibility, we encourage more firms to: 1) survey all members of their workforce regarding internal perceptions around flexibility; 2) offer educational programming to all stakeholders (attorneys, staff, and supervisors) supporting flexible work to mitigate flexibility bias; and 3) enhance monitoring to measure improvements and the need for adjustments.

Progress is strongly linked to effective implementation of comprehensive and inclusive flexible work and parental leave policies, as well as an organizational culture to support them. As these policies are critical talent retention tools, a number of high-profile corporations have expanded their parental leave and flexible work programs by making them available to more employees and broadening their scope. We encourage law firms to look at ways these high-profile companies – some of which are competitors for top legal talent – have enhanced their policies. The Alliance continues to be actively

engaged in providing organizations with solutions to address these issues and will be conducting further in-depth research in the areas of holistic flexibility and parental leave policies in the upcoming year. The full version of this report has specific guidance on implementing comprehensive and inclusive parental leave and flexible work programs through a number of the Alliance's *Action Steps* (which are member-exclusive, monthly briefs that highlight implementation guidance on pertinent topics related to diversity and flexibility).

We remain committed to researching and developing solutions to expand holistic flexibility in the workplace. Many thanks to the firms, including our members, who participated in this survey, and we invite more firms to join us in this effort in the future. Join the Alliance today by contacting me at manar@dfalliance.com, in order to determine innovative solutions to further foster flexibility at your organization.

Warmest regards,

A handwritten signature in black ink, appearing to read "Manar Morales".

Manar Morales
President & CEO

EXECUTIVE SUMMARY

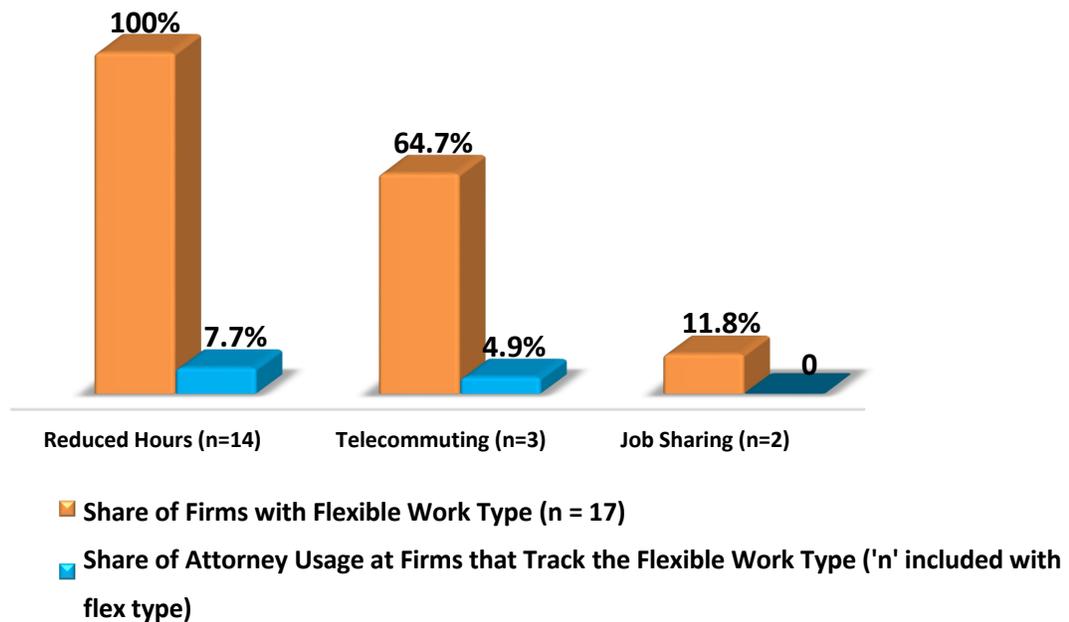
Consistent with its focus on bridging the gap between policy and practice, the Alliance embarked on the **Law Firm Flexibility Benchmarking Survey** research initiative to uncover trends and best practices and to spark increased support among legal employers for flexibility for all their lawyers and staff. The survey is designed to address the market gap with data on holistic flexibility in law firms by examining its usage by gender, race, and sexual orientation. The 2017 annual survey asked participant firms to provide data on:

1. The types of flexibility policies offered;
2. How well reduced hours, telecommuting, and job sharing policies are utilized;
3. The availability of flexible work for staff;
4. Parental leave policies for attorneys and staff;
5. Whether and how working flexibly affects promotion, compensation, and leadership opportunities; and
6. How firms provide support and education for flexible work throughout their workforce.

Highlights of the key findings from the survey are listed below with detailed data results constituting the remainder of this report.

- **Virtually all firms continue to have formal flexibility policies on the books.** Consistent with the results from the 2014, 2015, and 2016 surveys, nearly all participating firms in this year's respondents have a formal flexibility policy that includes at least one type of reduced hours or full-time flexible work arrangement. While the overall number of survey participants is lower, the share of firms with a formal flexibility policy in this year's survey – 94.4 percent – is the largest share in the four years this survey has been conducted. In keeping with the Alliance's guidance to formalize policies for consistent application, uniform expectations, and internal/external transparency, the policy needed to be written to qualify as a formal policy for the purposes of this survey.
- **Reduced hours schedules are the most commonly offered type of flexibility, and most participant firms offer holistic flexibility.** All participating firms that have a formal flexibility policy provide a reduced hours program. In addition, 64.7 percent of these firms offer telecommuting, and 11.8 percent of these firms offer job-sharing. Among the firms with a formal flexibility policy, 64.7 percent reported they offer both reduced hours and full-time forms of flexibility (which the Alliance defines as “holistic flexibility”). (See Figure A)

Figure A. Flexibility Types and Usage Among Participating Firms with a Formal Flexibility Policy²

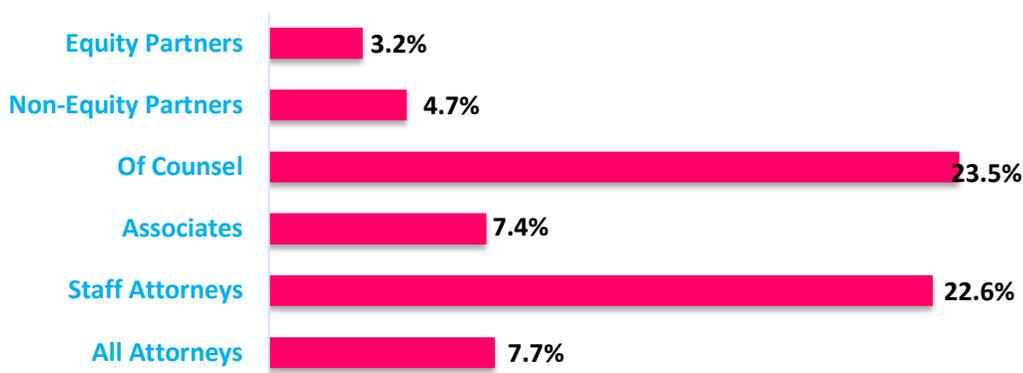


- Reduced hours schedules remain the most popular type of flexible work used for the third year in a row.** Lawyers with a reduced hours schedule make up 7.7 percent of lawyers at participant firms with reduced hours policies that reported usage. Reduced hours usage has covered a relatively narrow range in this survey’s four-year history, from 7.7 percent in this year’s survey results to a high of 8.8 percent in the 2016 survey results. Telecommuting usage increased more than a percentage point from 3.7 in the 2016 survey to 4.9 percent in this year’s survey, which is the high mark since the Alliance emphasized its definition of formal flexible work as flexible schedules taken pursuant to a written policy. For the fourth year running, participating firms with job sharing policies did not report anyone using the policy. (See Figure A)
- Reduced hours schedules are more common among non-partnership track attorneys.** Among participant firms with a formal reduced hours policy where usage was provided, 23.5 percent of all Of Counsel and 22.6 percent of all staff attorneys have a formal reduced hours schedule. By contrast, just over three percent of equity partners and 7.4 percent of associates have a reduced hours schedule in those same firms. These results reflect similar patterns in past survey results and may signal that while participant firms have flex policies in place, many are not being used due to concern for the perceived threat to career advancement to partner or key leadership roles. (See Figure B)

² As noted in the methodology, the sample (n value) varies throughout the report because it reflects the number of firms responding with data to the relevant survey item.

Figure B. Representation of Reduced Hours Lawyers by Position (n=14)

Share of Reduced Hours Lawyers Among All Lawyers, by Position



- **Nearly all participant firms offer gender-neutral leave for attorneys, but just over half offer on-ramping and even fewer true-up.** Of the participating firms, 88.9 percent offer gender-neutral leave for attorneys, but only 12.5 percent of them had followed the best practice of removing caregiver designations by the effective date of the survey. A majority (56 percent) of participating firms have an on-ramping (gradual return to work from leave) policy, which is just over a percentage point lower than the 2016 survey result where 57.1 percent had such a policy. Yet, a larger share of firms (90 percent in this year’s survey vs. 81.3 percent in the 2016 survey) make on-ramping automatic but voluntary, consistent with Alliance guidance. In addition, 20 percent of firms with an on-ramping program report they provide full pay for the on-ramping period. As for compensating reduced hours lawyers for hours worked in excess of their agreed-upon schedule (“true-up”), a slightly larger share of participants (44.4 percent in this year’s survey vs. 42.8 percent in the 2016 survey) do so as a matter of policy.
- **Organizational investments to support flexibility vary.** Having a flexibility policy is just the first step; to make a flexibility program successful, organizations must invest in a variety of administrative and educational resources, including some of the following explored in the survey. In terms of human resources to manage and/or champion the flexibility program, half of the participating firms report the presence of a flex program manager, flex program advisor, and/or flex program ambassador. Most participating firms (61.2 percent) offer targeted educational programming to help flex lawyers, flex staff, and/or supervisors of flex professionals be successful in their respective positions.
- **Leadership and Partner Promotions.** Participant firms reported that two firm-wide chairs or managing partners, eight department chairs or practice group leaders, and two office heads had a reduced hours schedule at the time of the survey. Fewer than half of participant firms promoted at least one lawyer working a reduced hours schedule to partner in 2016, but 37.5 percent of those firms promoted two or more reduced hours lawyers to partner.

METHODOLOGY

The survey was distributed to all Alliance member firms, non-member *American Lawyer* (“*Am Law*”) 200 firms, and other major U.S. law firms, in July 2017. **The effective date of collected data was December 31, 2016, unless otherwise noted, and the total number of responding firms was 18, covering over 12,000 lawyers in the U.S. alone.** Results are summarized through tables, figures, and natural language in corresponding order to the survey questions. A question may not be represented if the data was not statistically reliable. Given that not all firms responded to each question, figures representing the number of firms (i.e., the sample size applicable in the particular calculation) appear either in a parenthetical next to the descriptive text or in the accompanying graphic.

While 61.1 percent (11 of 18) of the respondent firms are in the *Am Law 100*, multiple characteristics of the survey data are presented when there are meaningful differences due to the range in size and characteristics of the participant firms. For some items, summary statistics may include percentages as well as means, medians, and minimum/maximum values. Due to rounding and other factors (e.g., incomplete demographic information for reported lawyers), frequencies of responses may not total 100 percent.

DEMOGRAPHIC INFORMATION FOR PARTICIPANT FIRMS

Figure D. Role of Person Completing the Survey (n=18) Diversity professionals make up the largest share of individuals completing the survey on behalf of their firms. Recruiting and/or professional development practitioners constituted 22.2 percent of individuals completing the survey, and those selecting “Other” included a Chief Operating Officer, marketing manager, reduced hours coordinator, and diversity committee member. (Note: Respondents could select more than one role.)

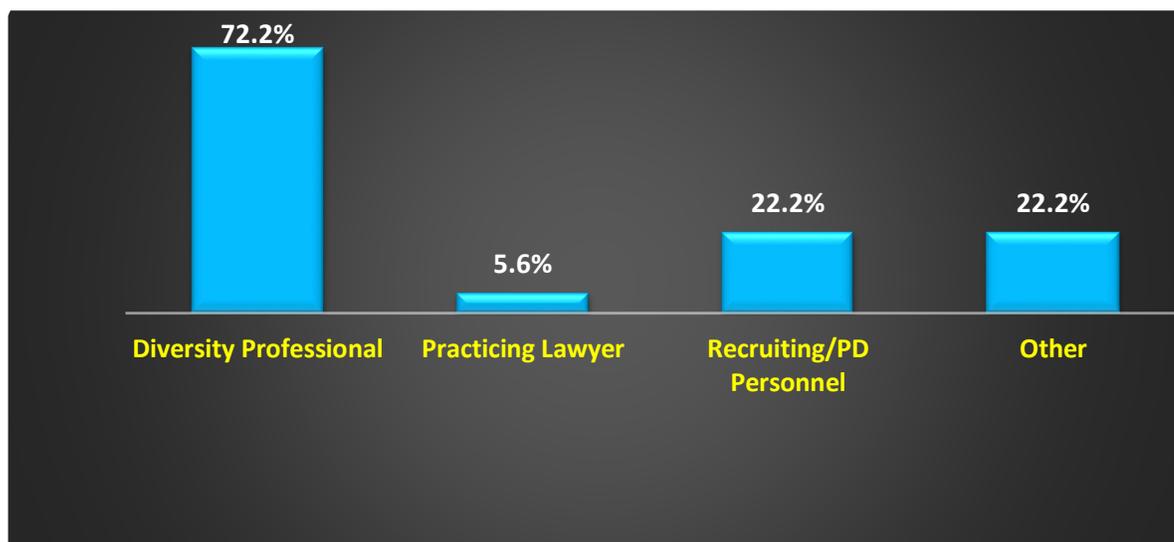


Figure E. Number of Offices for Participant Firms (n=18) Eleven of the 18 participating firms were part of the *Am Law 100* in 2017. Of the remaining seven firms, five were part of the *Am Law 200* in the same year.

Location of Offices	Number of Firms	Median Number of Offices	Minimum Number of Offices	Maximum Number of Offices
United States	18	10	1	45
International	17	3	1	121

Figure F. Participant Firms – Attorneys by Position and Gender (n=18) The share of women among attorneys overall, as well as among equity partners and associates, is the largest it has been since this survey started in 2014.

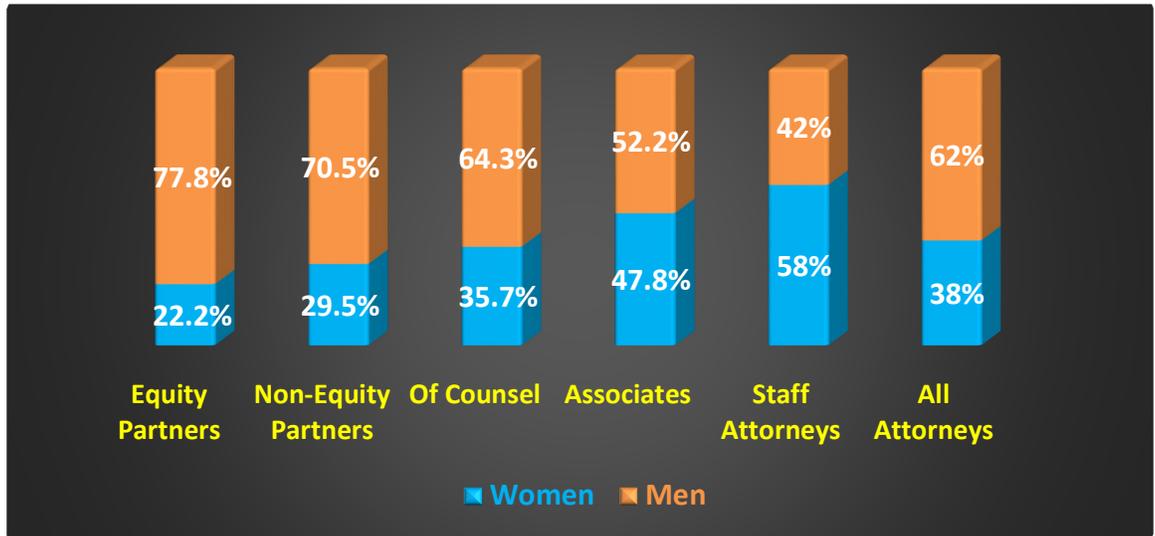
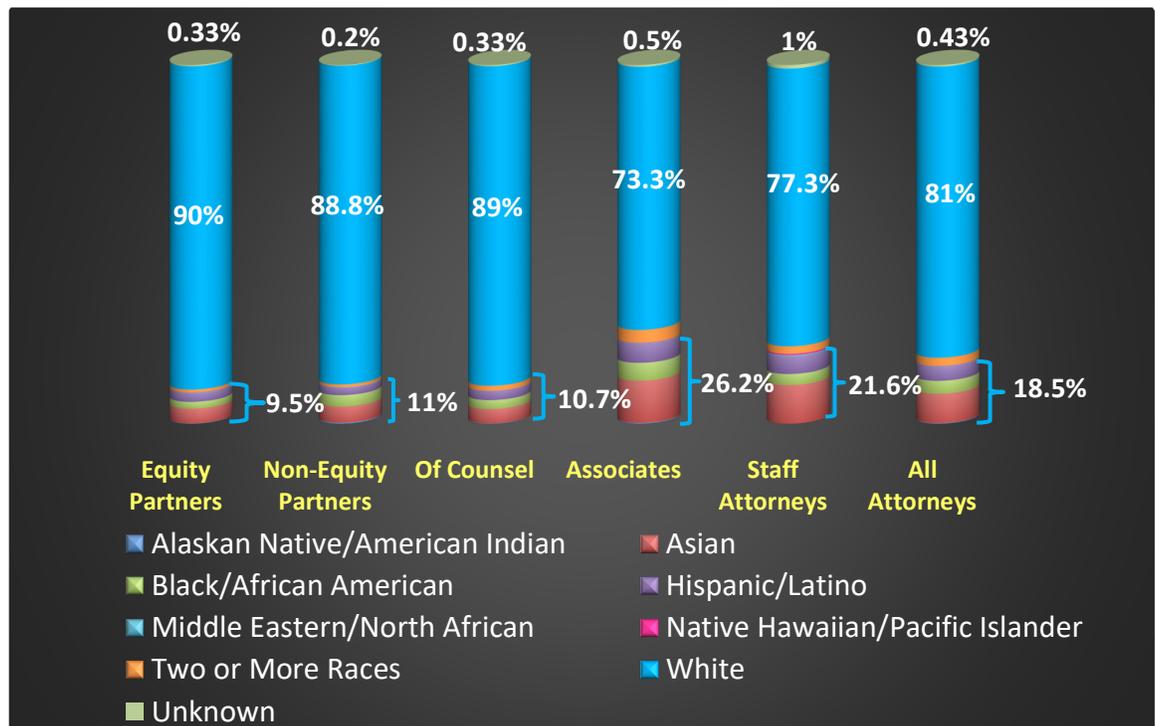
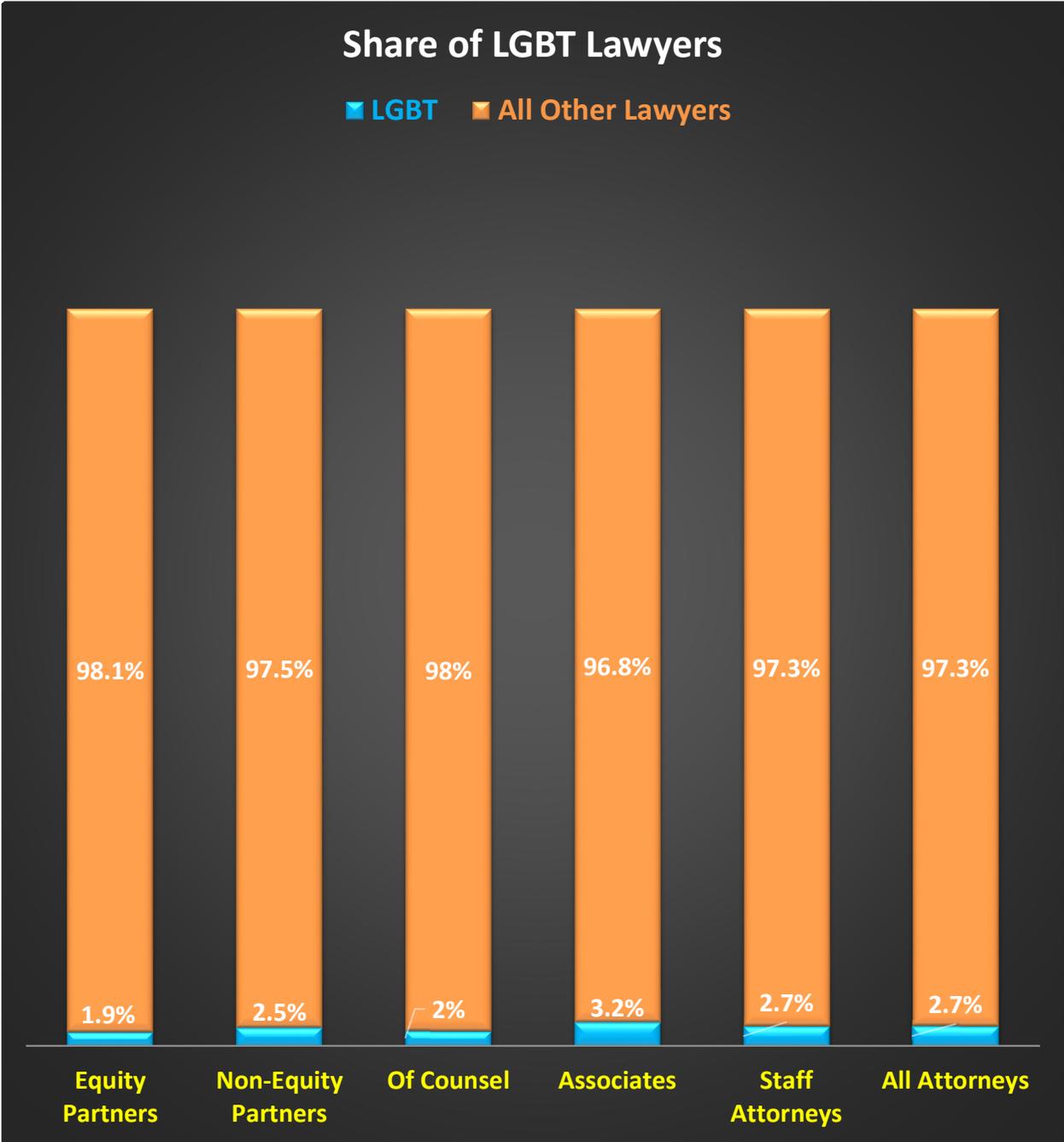


Figure G. Participant Firms – Attorneys by Position and Race/Ethnicity (n=18) This year’s survey marks the largest share of lawyers of color since this survey started in 2014. While the Middle Eastern/North African category was added for the first time to this survey, the share of lawyers in this racial/ethnic group overall (.16 percent) does not account for the increase in the share of lawyers of color overall. In addition, the shares of lawyers of color among equity partners and associates are the largest since the survey started in 2014.



* Brackets indicate the collective share of attorneys of color

Figure H. Participant Firms – Attorneys by Position and LGBT Identity (n=18) While the share of LGBT lawyers overall reached a high of 2.7 percent in this year’s survey results, the share of LGBT lawyers has climbed less than one percentage point since this survey started in 2014.

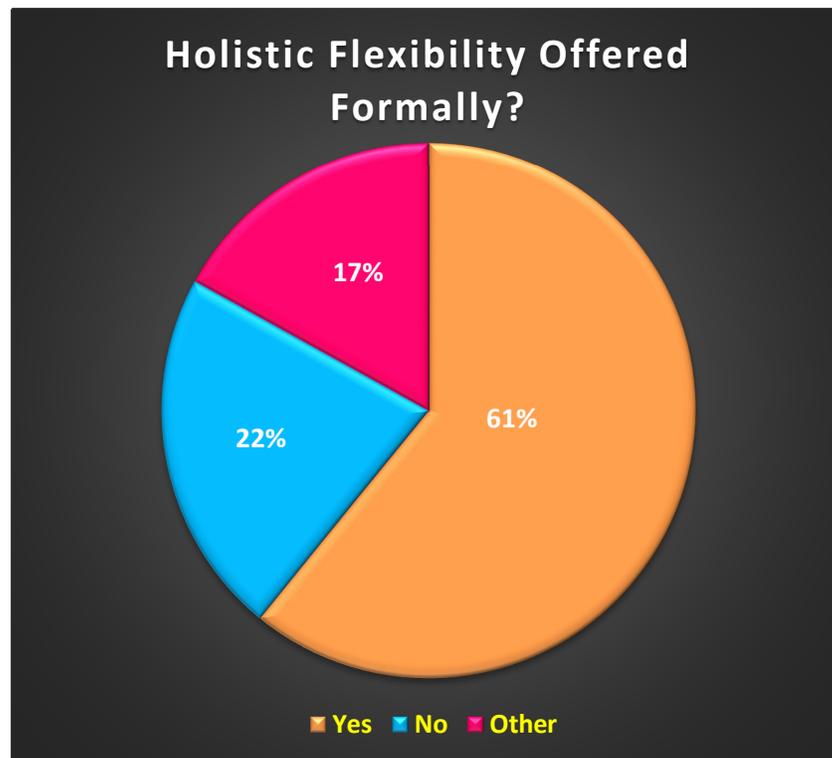


DETAILED SURVEY RESULTS

FLEXIBILITY POLICIES AND USAGE

Does the firm offer any Flexible Work Arrangements as a matter of written policy? (n=18) Seventeen of the 18 participating firms (94.4 percent) indicated they offer at least one of the following types of flexible work as a matter of written policy: telecommuting, reduced hours, annualized hours, flexible start/end times, and/or job sharing.

Figure 1. Does the firm offer Holistic Flexibility – i.e., both reduced hours and full-time forms of flexibility – as a matter of policy? (n=18) Eleven of the 18 participating firms indicated their formal flexibility policy includes both reduced hours and full-time forms of flexibility. The three firms responding “Other” indicated that flexible work is available but not as a formal policy.



ALLIANCE GUIDANCE: Just as the workforce reflects diverse identities and backgrounds, professionals have a variety of reasons for working flexibly. These reasons may also change over the course of their professional and personal lifecycles. The Alliance advises that employers offer both full-time and reduced hours forms of flexibility, as well as forms of flexible work that take place inside and outside the office. This is what the Alliance has termed *holistic flexibility*, and examples of this approach to flexibility are offered in the [Flexible Flexibility: Individually-Tailored Schedules](#) action step.

REDUCED HOURS

Does the firm's Formal Flexibility Policy include Reduced Hours Schedules? (n=18)

Seventeen of the 18 participating firms provide formal reduced hours schedules.

Figure 2. **How long must an attorney work before being eligible for a reduced hours schedule? (n=16)** Among firms that track their reduced hours policy, nine (56.3 percent) do not have a tenure requirement, three (18.8 percent) require at least a year, and two (12.5 percent) require two or more years. One of the two firms responding "Other" indicated a different tenure requirement for partnership track attorneys and staff attorneys, and the other indicated that the firm follows a case-by-case approach.

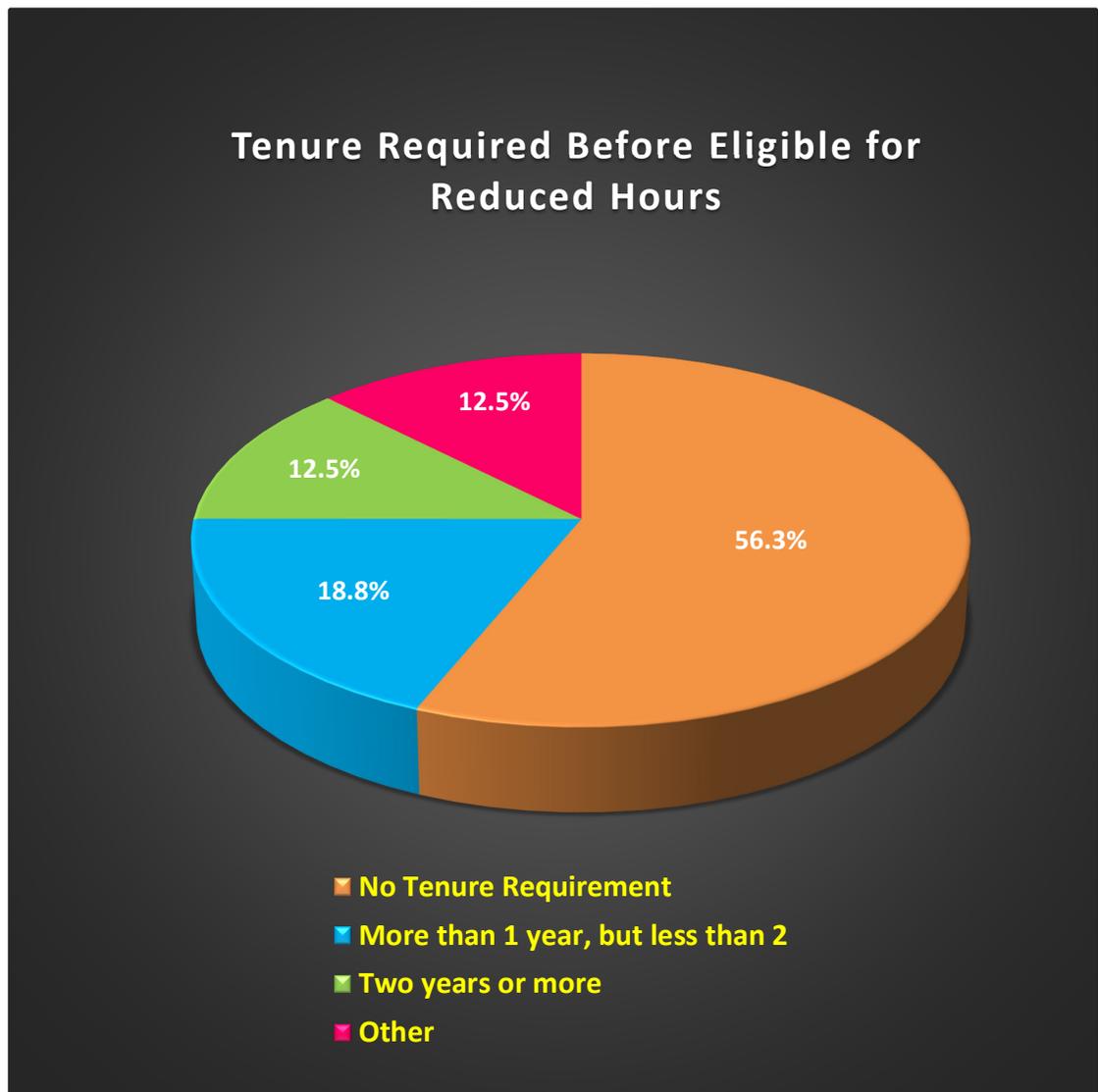


Figure 3. Share of attorneys who have a reduced hours arrangement among all lawyers at firms with formal reduced hours policies (n=14) Among all attorneys at firms that track reduced hours usage, just under eight percent (7.7 percent) have a reduced hours schedule. This is a decrease from the high mark in the 2016 survey results, where 8.8 percent of attorneys at firms with a reduced hours policy had a reduced hours schedule.

ALLIANCE GUIDANCE: While most firms have a reduced hours policy, it tends to be the most stigmatized form of flexibility in terms of career advancement, and that negatively impacts usage. Reducing that stigma starts with a well-crafted policy that articulates a strong business case for reduced hours schedules, provides compensation for hours worked in excess of the schedule (true-up), and indicates that promotion timing will be (at least) proportional to the schedule. These features are detailed in the Alliance’s Action Step, *Elements of a Well-Crafted Reduced Hours Policy*.

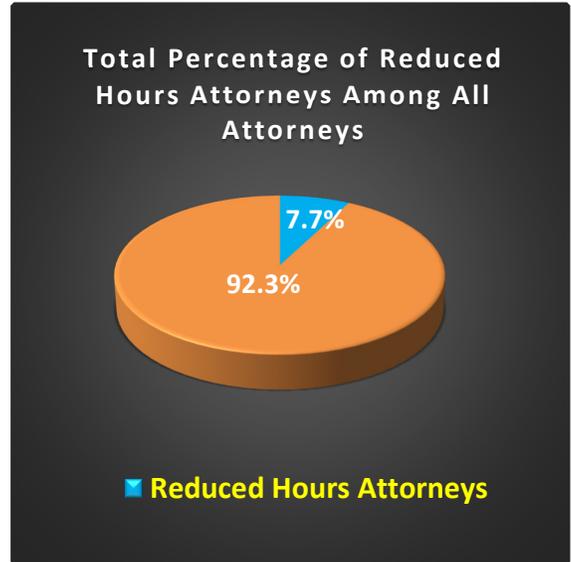


Figure 4. Share of Reduced Hours Attorneys by Gender and Position (n=14) At every level, women continue to constitute the largest share of reduced hours lawyers overall.

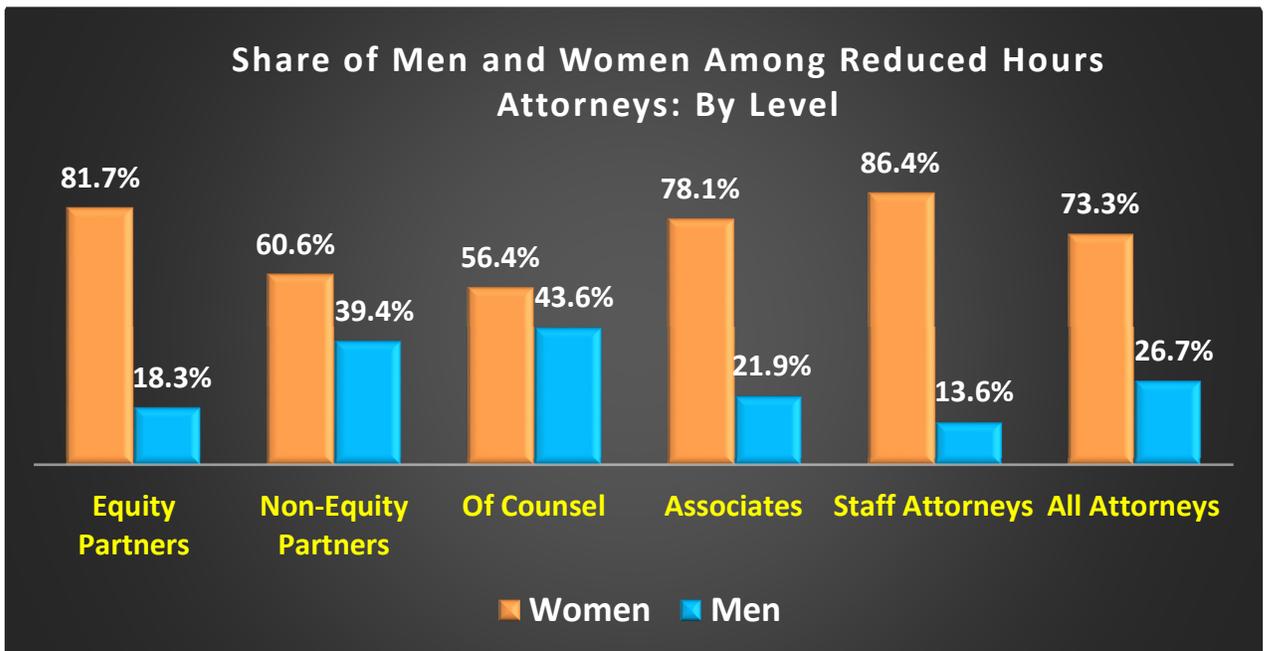


Figure 5. Share of Attorneys with a Reduced Hours Schedule by Position and Race/Ethnicity (n=14) The share of attorneys of color among reduced hours attorneys increased by just over one percentage point overall from the 2016 survey results (14.1 percent vs. 13 percent). Yet, attorneys of color continue to be underrepresented relative to their share among all attorneys in this year’s survey.

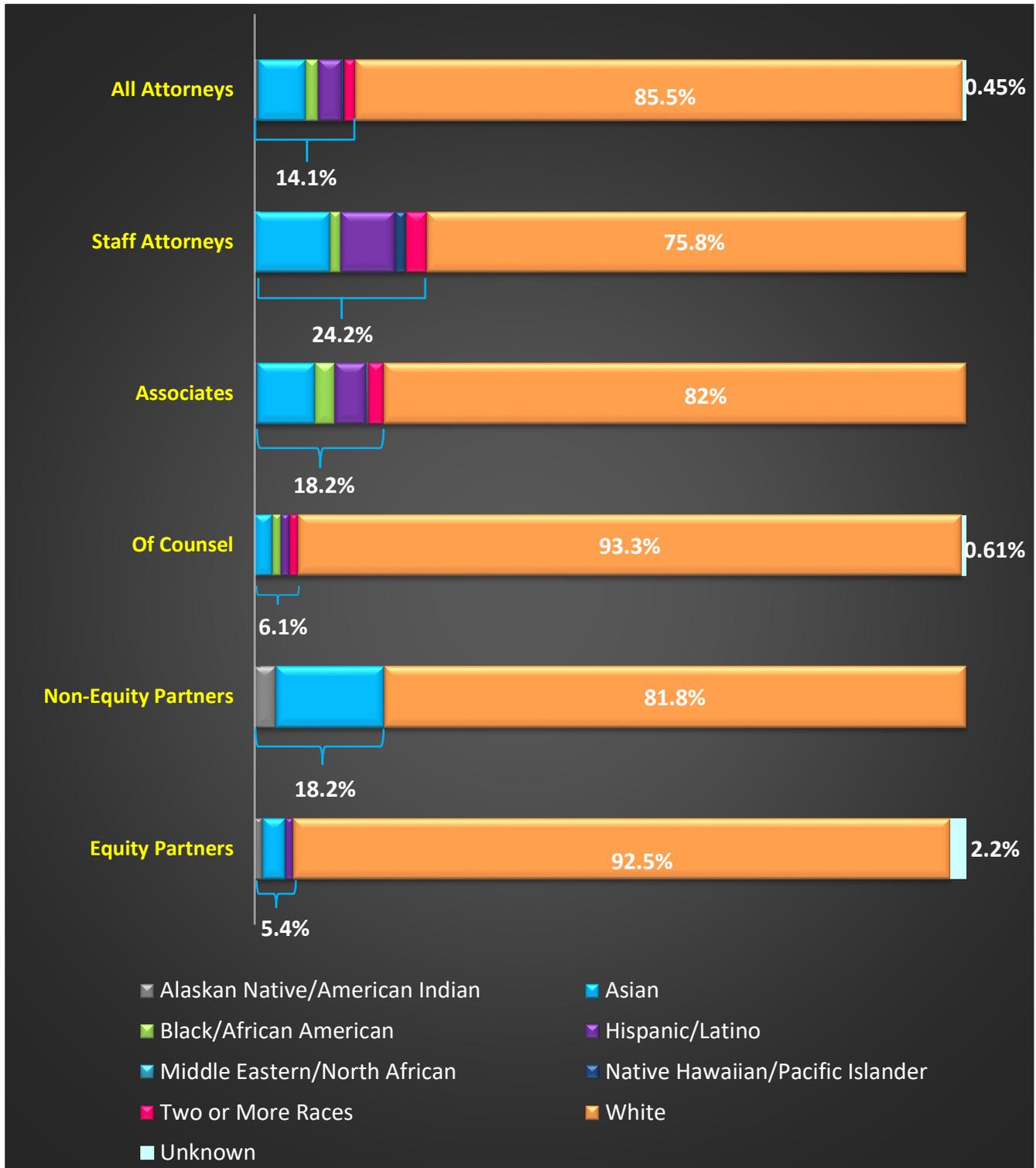


Figure 6. Intersection of race and gender among reduced hours attorneys (n=14) While white attorneys make up the vast majority of reduced hours lawyers, there is greater racial and ethnic diversity among women reduced hours attorneys as compared to men reduced hours attorneys. The share of men of color among all male reduced hours attorneys increased by a percentage point relative to the 2016 survey results (8.4 percent to 9.4 percent).

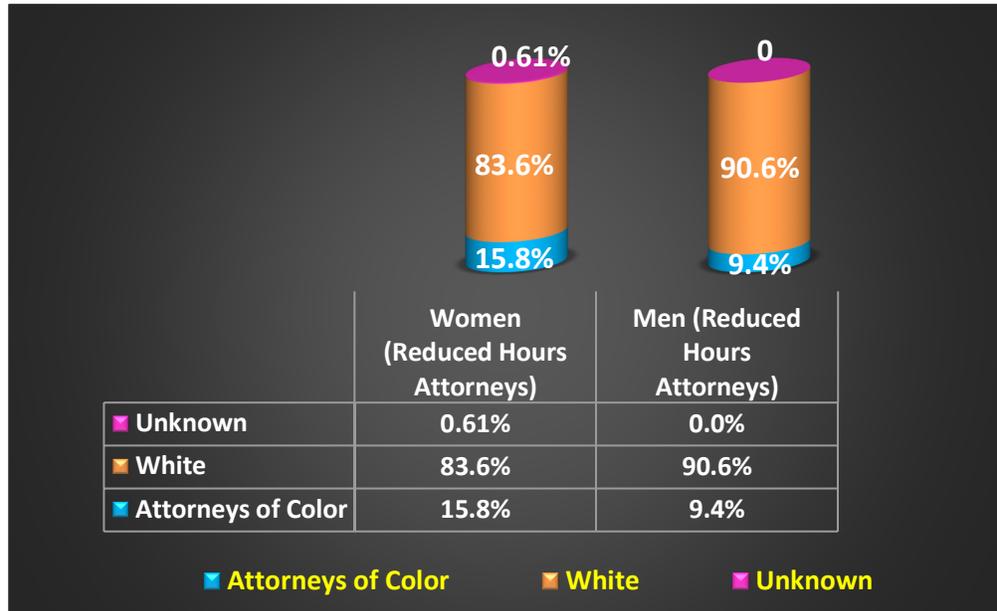
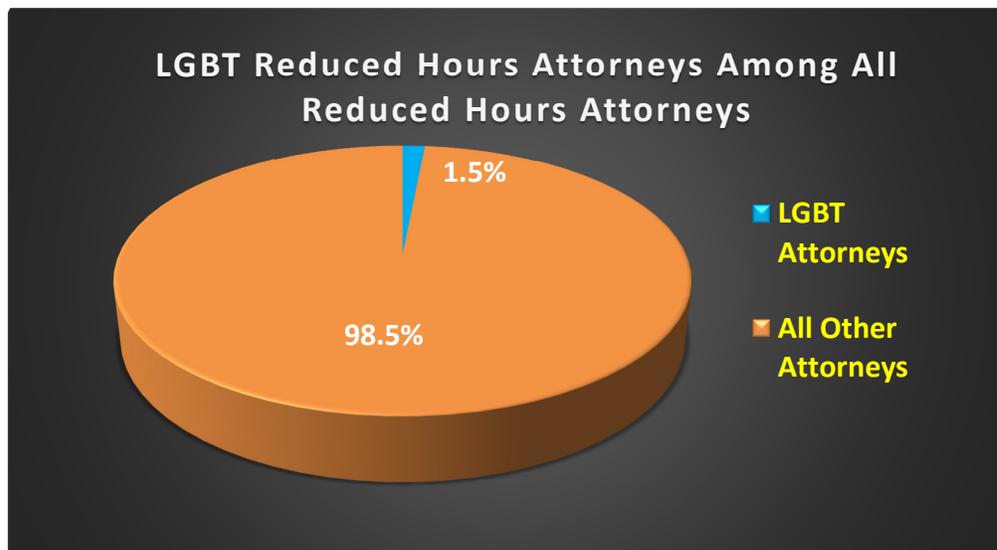


Figure 7. LGBT attorneys with a reduced hours schedule (n=14) LGBT attorneys constitute 2.7 percent of all attorneys at participant firms, but just 1.5 percent of all reduced hours lawyers. That figure, however, increased from 1.1 percent of reduced hours attorneys in the 2016 survey results.



TELECOMMUTING

Figure 8. Does the firm's Formal Flexibility Policy include telecommuting? (n=18) Eleven firms (61.1 percent) indicated their formal flexibility policy includes telecommuting.

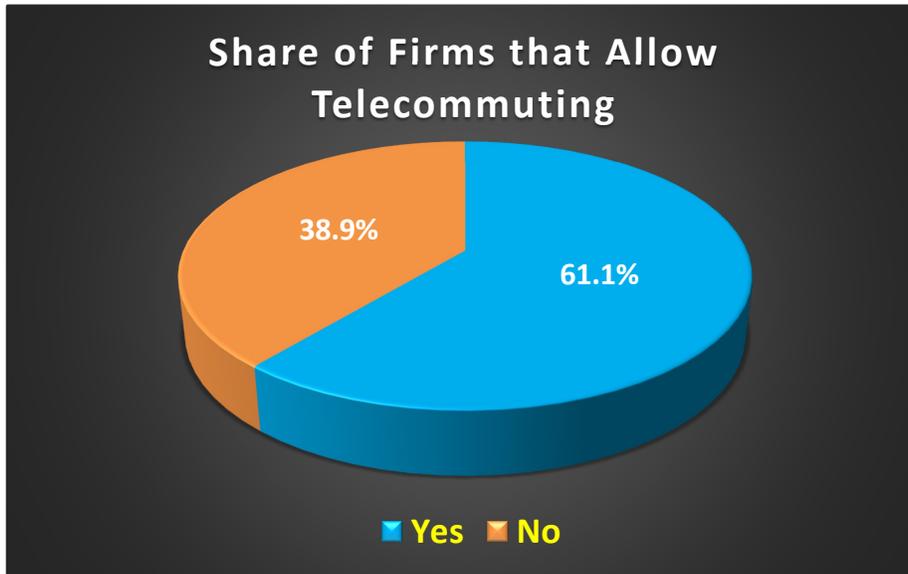


Figure 9. How long must an attorney work before being eligible for a formal telecommuting arrangement? (n=11) Among firms with a telecommuting policy that is tracked, nine (81.8 percent) do not have a tenure requirement, one (9.1 percent) requires at least a year, and one (9.1 percent) indicated that the firm follows a case-by-case approach.

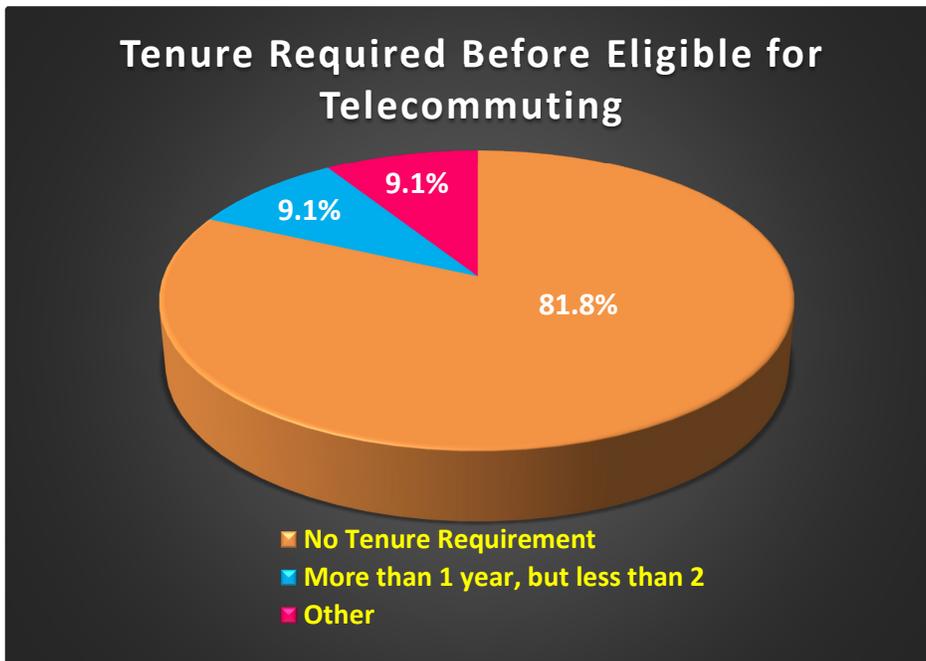


Figure 10. Which of the following best describes how often attorneys telecommute? (n=11) Responses to this question were mixed, with a majority (seven firms) selecting “Other.” Of those seven, six noted that the determination is made on a case-by-case basis.

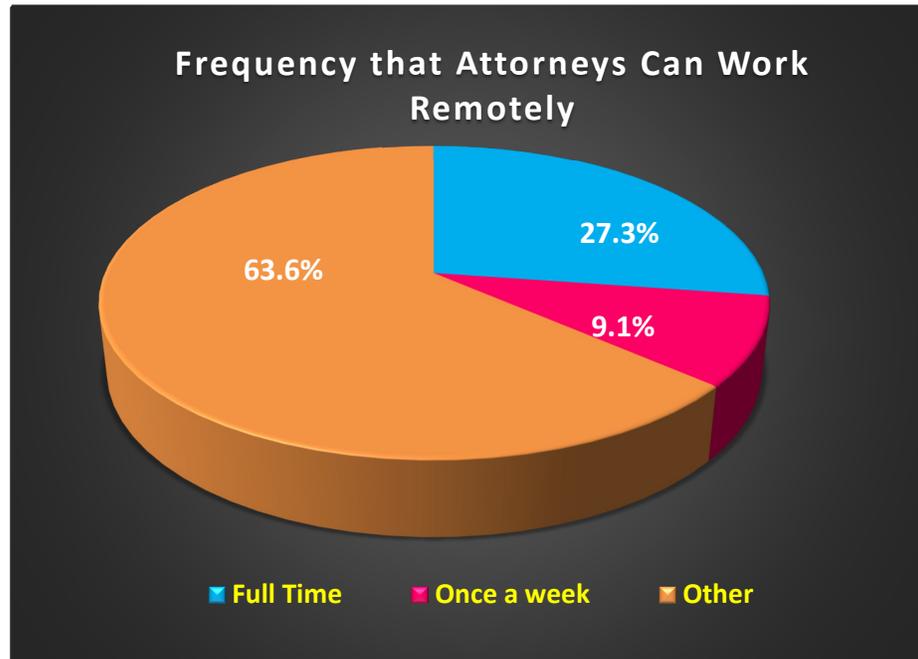


Figure 11. Share of attorneys who formally telecommute (n=3) Attorneys who work remotely pursuant to a formal, written telecommuting policy constitute 4.9 percent of all attorneys at the firms that track these arrangements. This figure is more than one percentage point above the 2016 survey results (3.7 percent), though notably few participating firms track their formal telecommuting arrangements. As discussed later, all but one of the participating firms report lawyers telecommute *informally*.

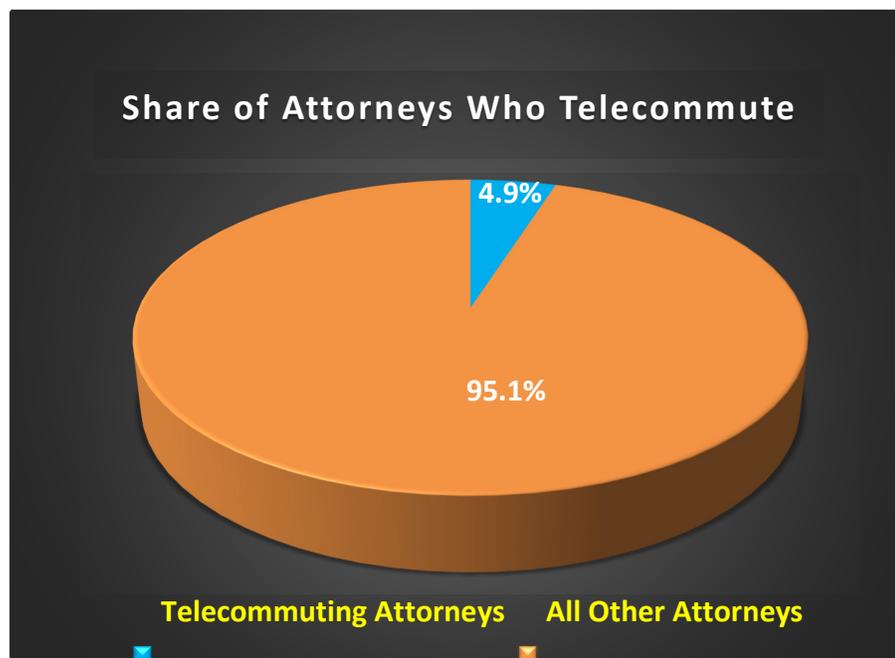


Figure 12. Share of attorneys who formally telecommute by position (n=3) Among the few firms who track formal telecommuting arrangements, more than two-thirds of attorneys who telecommute are associates.

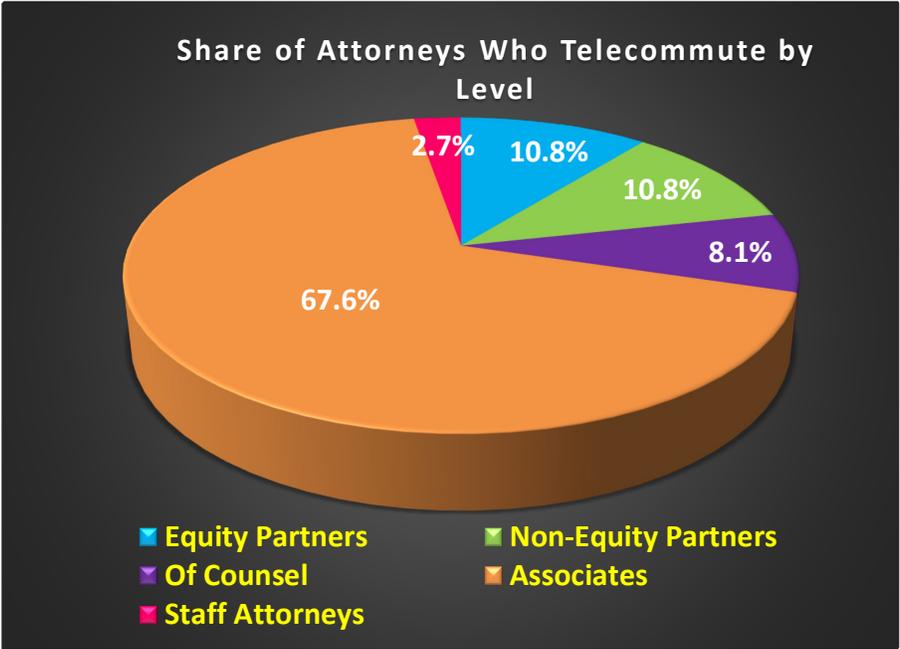


Figure 13. Share of attorneys who formally telecommute by level and gender (n=3) Women constitute more than two-thirds (70.3 percent) of all telecommuting attorneys, similarly to how women constitute more than two-thirds (73.3 percent) of all reduced hours attorneys.

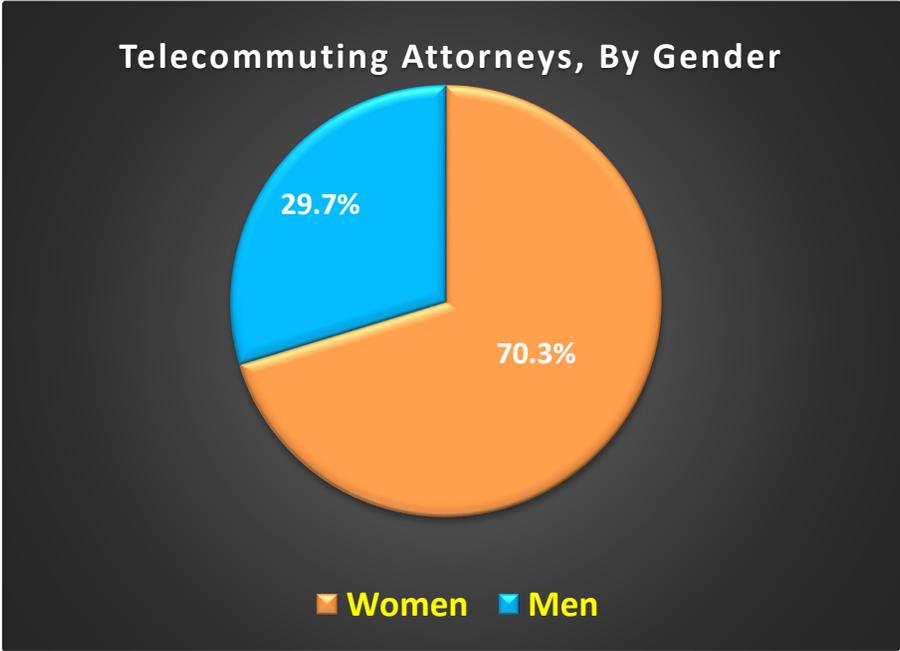
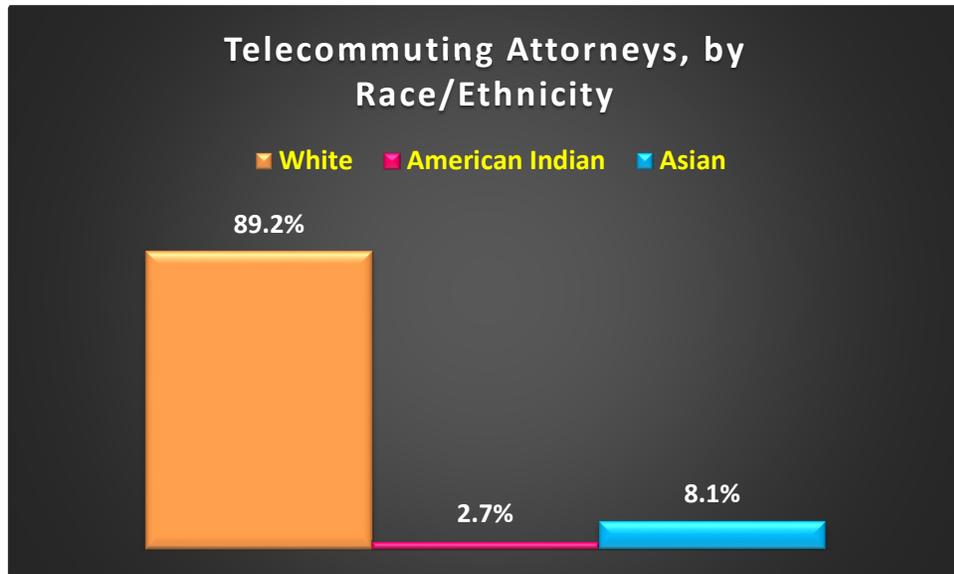
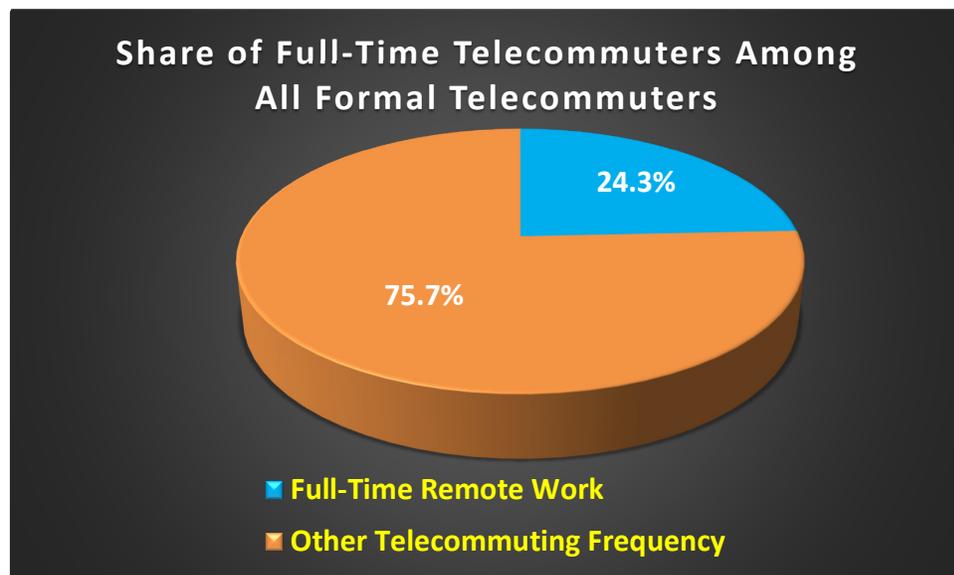


Figure 14. Share of attorneys who formally telecommute by race and ethnicity (n=3) At 10.8 percent of all telecommuters, attorneys of color are underrepresented as compared to their share of all attorneys among respondent firms. Further, there are no African American, Latino, Middle Eastern, Native Hawaiian, or multiracial telecommuters among those reported.



Share of LGBT attorneys among formal telecommuters (n=3) Among the firms who track their formal telecommuting policy, only one LGBT attorney was reported among those who telecommute.

Figure 15. Share of telecommuting attorneys who telecommute on a full-time basis (n=3) Among the firms that track formal telecommuting arrangements, one indicated that one attorney works remotely full-time, and another reported that eight attorneys do so.



Does the firm have attorneys who telecommute but not pursuant to a formal agreement? (n=18) Seventeen of the 18 participating firms (94.4 percent) report having lawyers who telecommute but not formally. While this information indicates that firms are providing attorneys some control over where they work, the Alliance advises firms to formalize flexibility policies, including telecommuting.

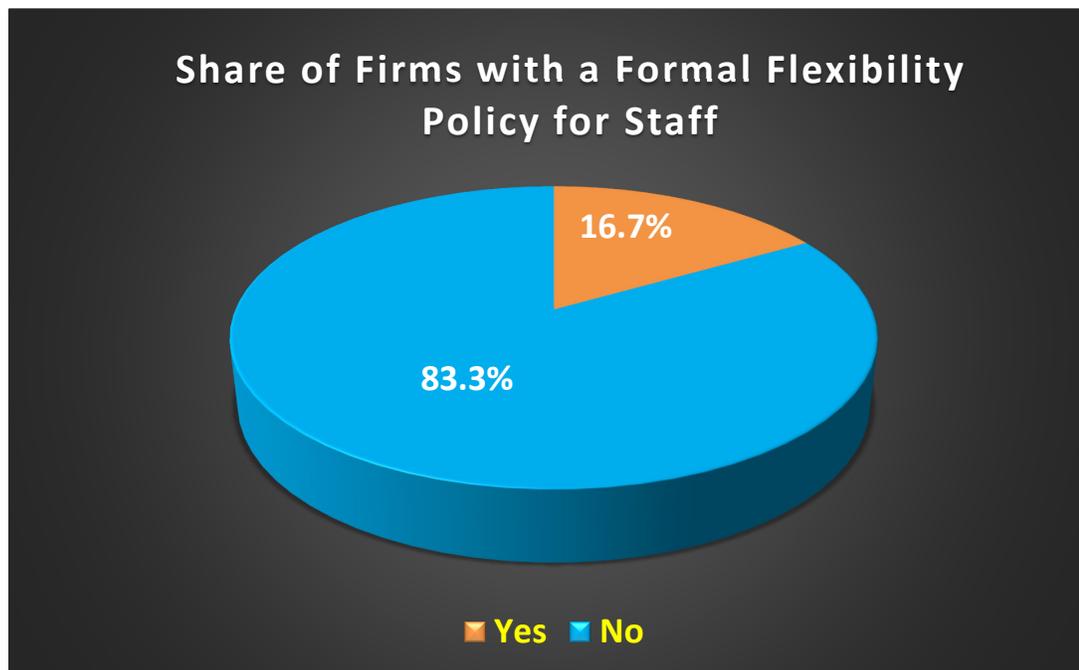
ALLIANCE GUIDANCE: As outlined in the Alliance’s Action Step, [Formalizing Your Full-Time Flex Program](#), the Alliance recommends establishing written policies for full-time flexible work, including telecommuting, because they allow organizations to: 1) define full-time flexibility and establish expectations for those utilizing such schedules; 2) credibly communicate about the availability of flexible work to recruits and other external parties; 3) encourage consistency across practice groups and offices; and 4) provide a foundation for holding partners and other supervisors accountable for supporting flexible work. The Alliance reinforces this guidance and provides tips on *how* to formulate a telecommuting policy in its Action Step, [Working Outside the Box](#).

JOB SHARING

Does the firm's Formal Flexibility Policy include Job Sharing? (n=18) Two firms reported allowing job sharing as one of the types of flexible work included in their formal flexibility policy. However, for the fourth year of this survey, none of those firms report any attorneys utilizing the policy.

FLEXIBLE WORK FOR STAFF

Figure 16. Does the firm have a Formal Flexibility Policy for Staff? (n=18) Only three of the 18 (16.7 percent) participating firms report having a formal flexibility policy for their staff. This represents a significant drop from last year's survey results when 28.6 percent of participating firms had a flex policy for staff.



ALLIANCE GUIDANCE: Consistent with the integral role staff serves in the functioning of all law firms, the Alliance recommends that all firms consider extending a flexible work policy to staff. While the flexible work types offered should reflect the diverse needs of staff, and therefore, may be different from those offered to attorneys, providing flexibility to staff is important to realizing firms' inclusion objectives.

Who is eligible for the Formal Flexibility Policy for Staff? (n=3) All three firms with a flexibility policy for staff indicated that it is applicable to all staff members.

Figure 17. What types of formal Flexible Work Arrangements are available for Staff? (n=3) All three of the firms that offer formal flexibility for staff include compressed work schedules, flexible start/end times, and reduced hours schedules as a part of the policy. Two also offer telecommuting and job sharing, and one firm offered annualized hours. (Note: Participants could select multiple responses.)

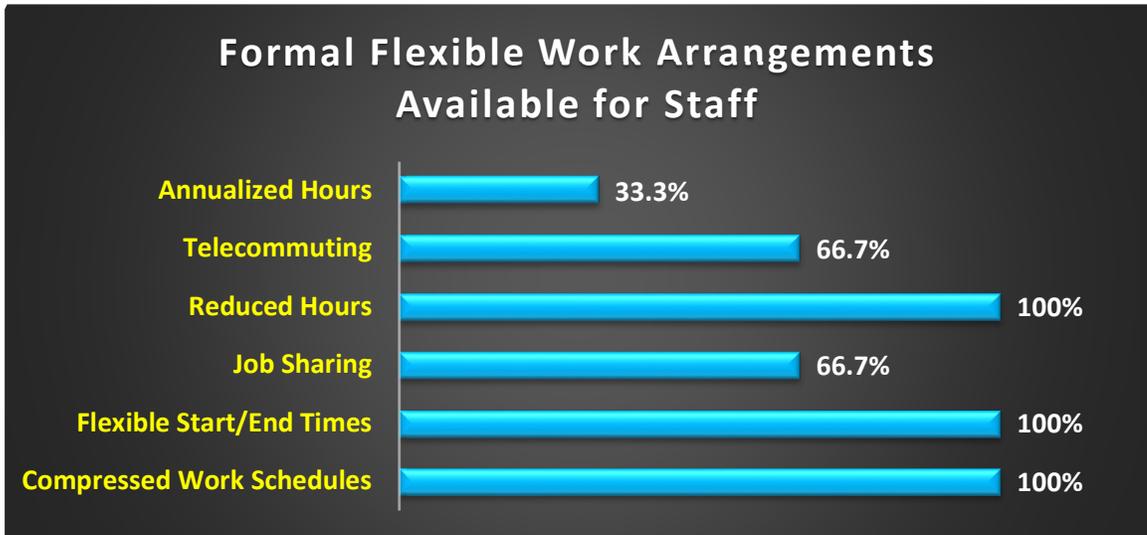
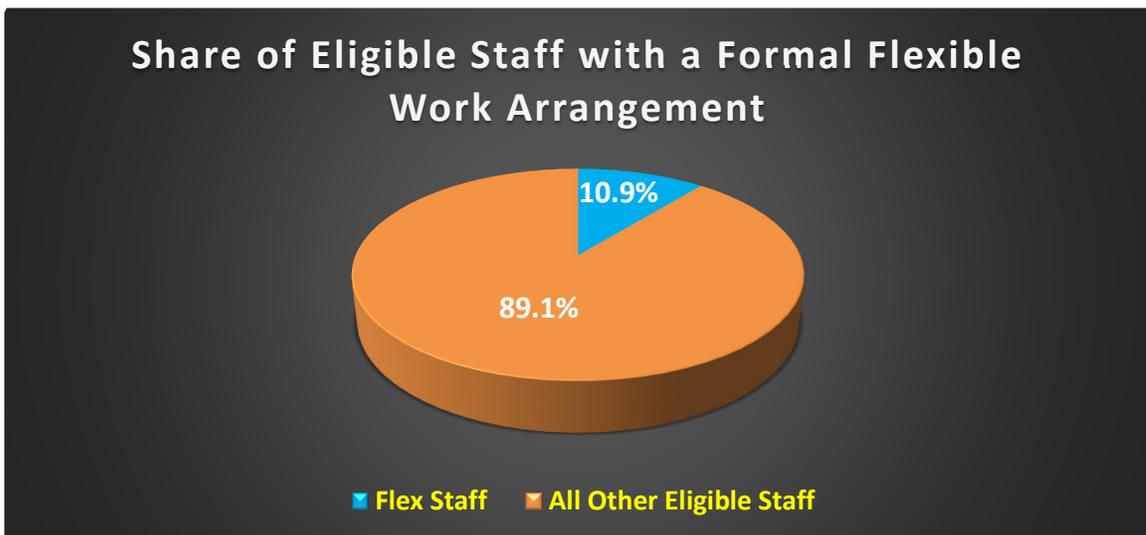


Figure 18: Share of Eligible Staff in U.S. Offices with a formal Flexible Work Arrangement (n=3) Nearly 11 percent (10.9 percent) of eligible staff work a formal flexible schedule at the firms with a formal policy where usage is tracked. This represents a significant drop from 19.5 percent in the 2016 survey results.



ON-RAMPING (GRADUAL RETURN TO WORK FROM LEAVE)

Figure 19. Does the firm have a formal on-ramping (gradual return to work from leave) policy? (n=18) More than half (ten) of the participating firms have a formal gradual return to work from leave policy. Among those responding “Other,” one reports that the firm is in the process of establishing a formal policy, and another reports that on-ramping arrangements are approved on a case-by-case basis.

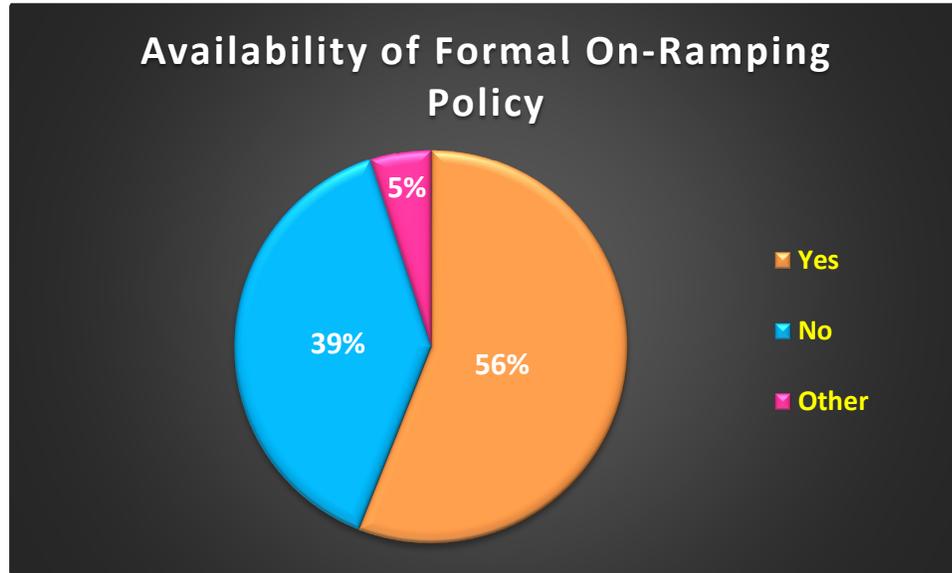


Figure 20. Is the firm's on-ramping policy automatic but voluntary? (n=10) Consistent with Alliance guidance, permission is not required to start a gradual return to work from leave for lawyers at nine of the ten firms with a formal on-ramping policy. This represents a percentage increase over last year's survey results; this year 90 percent of firms have an automatic but voluntary on-ramping policy as compared to 81.3 percent of firms last year.

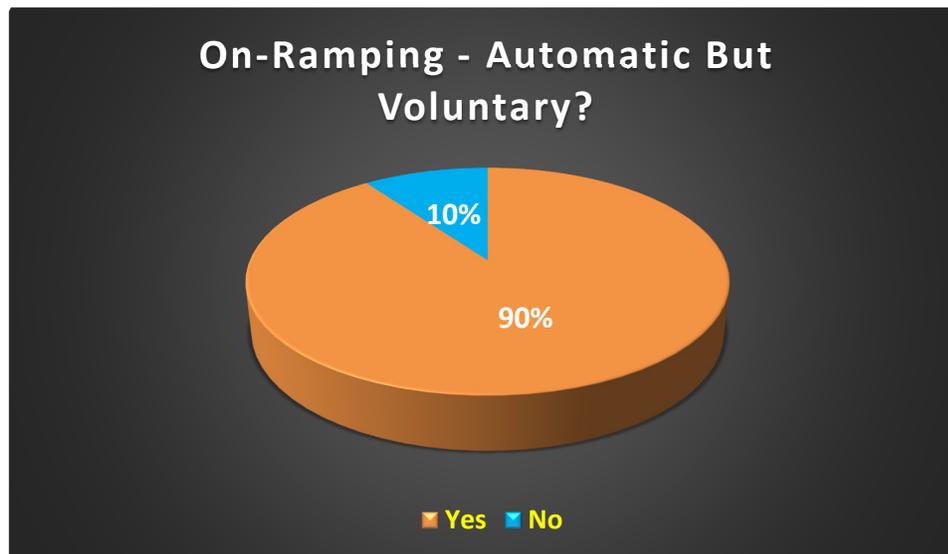
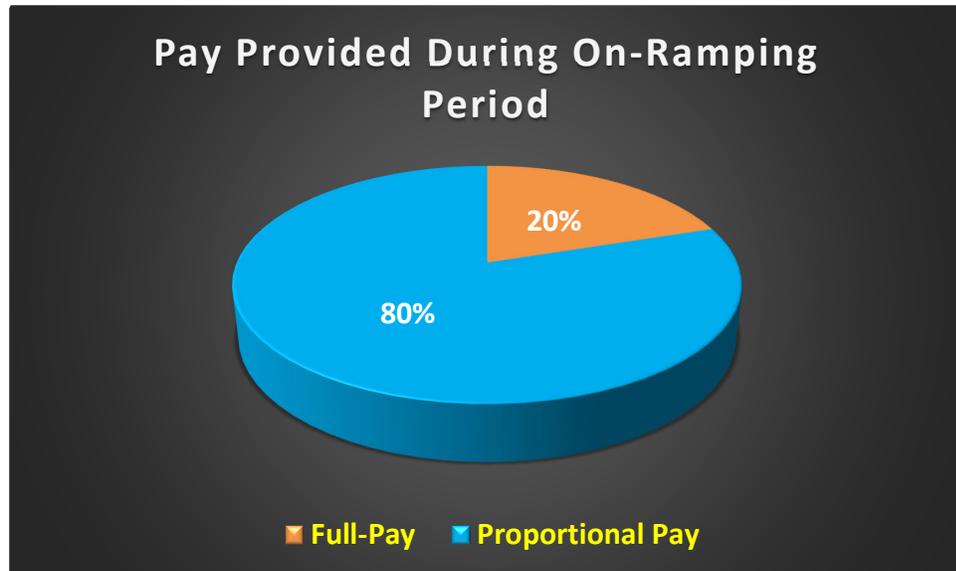


Figure 21. The amount of pay that firms provide to attorneys returning from leave during on-ramping period (n=10) Among the 10 firms with a formal on-ramping policy, eight of the firms compensate lawyers proportionately to their reduced hours schedule during the on-ramping period. Two of the firms provide lawyers with full pay during the on-ramping period.



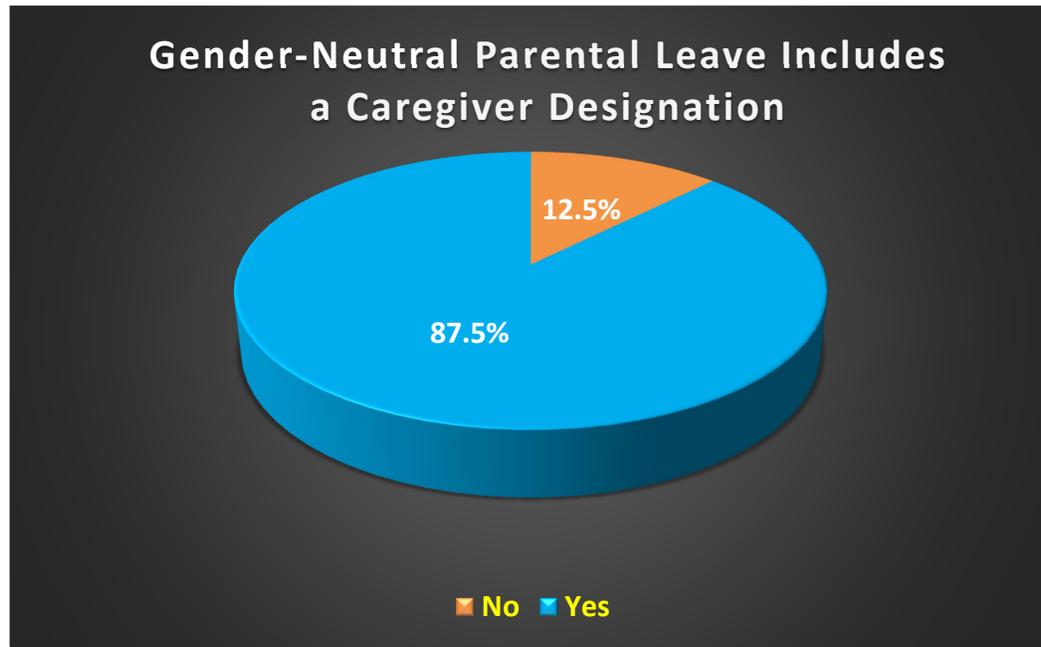
ALLIANCE GUIDANCE: A growing number of law firms have bolstered their on-ramping policies to provide full-time pay to individuals on a temporary reduced hours schedule upon return from leave. By providing full-time pay, professionals may be less likely to opt out of an on-ramping schedule due to financial constraints which may increase the firm’s on-ramping retention benefits. Our Action Step, [Easing the Transition from Leave to Work, Part I](#), outlines the benefits of full pay on-ramping policies.

The average number of attorneys who used an on-ramping schedule over the last three calendar years (2014, 2015, and 2016) (n=3) Of the ten firms with a formal on-ramping policy, only three firms reported the average number of attorneys who used an on-ramping schedule over the last three calendar years. Two firms indicated an average of five attorneys who used an on-ramping schedule over the last three calendar years, and one firm indicated an average of one attorney who used an on-ramping schedule over the last three years. Additionally, two of the firms indicated they did not have sufficient data since their on-ramping policies are new.

ALLIANCE GUIDANCE: As discussed in the Alliance’s Action Step, [Easing the Transition from Leave to Work, Part II](#), we recommend that firms track on-ramping usage and monitor experiences of on-ramping professionals in order to provide a basis for celebrating program successes and/or making improvements.

GENDER-NEUTRAL PARENTAL LEAVE

Figure 22. **If a firm provides paid gender-neutral parental leave for attorneys, does the leave policy include a caregiver designation? (n=16)** The clear majority of firms (14 of 16) with a gender-neutral leave policy include a caregiver designation.



ALLIANCE GUIDANCE: Gender-neutral leave policies that include primary and secondary caregiver designations effectively become gendered due to societal norms that place caregiving responsibilities upon women to a greater extent than men. The Alliance recommends that firms remove such designations. More guidance can be found in our Action Step, [Paid Leave Policies](#).

Number of paid weeks that firms provide gender-neutral leave for attorneys without a caregiver designation (n=2) Of the two firms that provide paid, gender-neutral leave without a caregiver designation, one firm provides six weeks of paid leave to its attorneys, and the other firm provides between 3-12 weeks of paid leave (depending upon tenure) to its attorneys.

Number of paid weeks taken at firms that have a gender-neutral parental leave policy for attorneys without a caregiver designation (n=2) At the two firms that provide paid, gender-neutral leave without a caregiver designation, attorneys at one firm took an average of 5.125 weeks of paid leave in 2016 out of the maximum six weeks available. Attorneys at the other firm took an average of 9-12 weeks of paid leave in 2016 out of a maximum of 3-12 weeks available (depending upon the attorneys' tenure at the firm).

Figure 23. Number of paid weeks provided to primary and secondary caregivers under the gender-neutral leave policy for attorneys (n= 12) It is worth noting the significant difference between the median number of weeks provided to primary caregivers, 14, as compared to the median number of weeks provided to secondary caregivers, four. As noted previously in this report, the Alliance recommends that firms remove primary and secondary designations for caregivers in their gender-neutral leave policies. Such designations effectively become gendered due to societal norms that place caregiving responsibilities upon women to a greater extent than men.

As compared to the 2016 survey results, the median number of weeks of paid leave provided to primary caregivers under gender-neutral leave policies increased by two weeks from a median of 12 weeks in 2016 survey results to a median of 14 weeks in 2017 survey results.

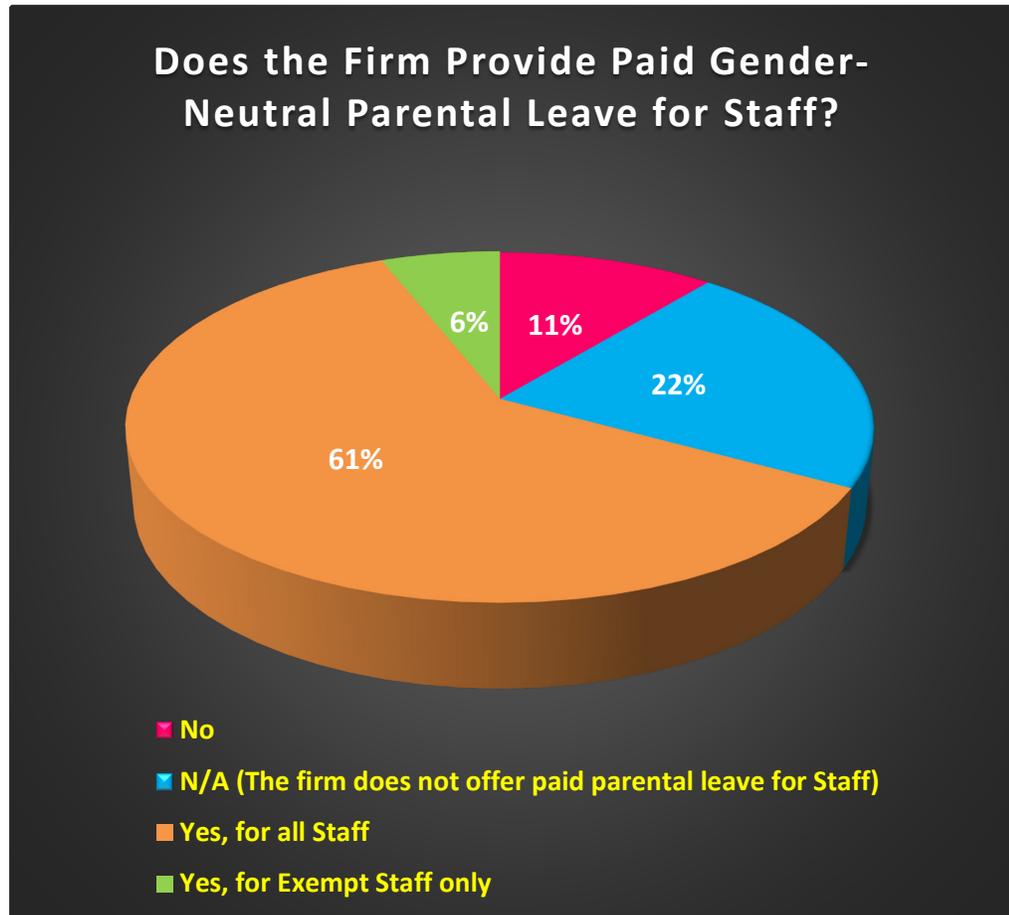
Number of Weeks of Paid Leave Provided to Primary and Secondary Caregivers Under Gender-Neutral Leave Policy for Attorneys		
	Median # Weeks	Maximum
Primary Caregivers	14	20
Secondary Caregivers	4	18

Figure 24. Number of paid weeks taken by primary and secondary caregivers under the gender-neutral leave policy for attorneys (n=13)

As compared to the 2016 survey results, the median number of weeks of paid leave taken by primary caregivers under gender-neutral leave policies increased by four weeks from a median of ten weeks in 2016 survey results to a median of 14 weeks in 2017 survey results.

Average Number of Weeks of Paid Leave Taken by Primary and Secondary Caregivers Under Gender-Neutral Leave Policy for Attorneys in 2016		
	Median # Weeks	Maximum
Primary Caregivers	14	21.5
Secondary Caregivers	4	13

Figure 25. Beyond leave provided to women for pregnancy-related disability, childbirth, and recovery, does the firm offer paid gender-neutral parental leave for Staff? (n=18) Of the 18 respondents: 11 firms provide paid gender-neutral leave to all staff; one firm provides paid gender-neutral leave to exempt staff only; two firms do not provide paid gender-neutral leave for staff; and four firms do not offer any paid parental leave for staff.



As compared to the 2016 survey, a larger percentage of firms offered paid gender-neutral parental leave to staff, from 64.2 percent in 2016 survey results to 67 percent in 2017 survey results. Please note that the percentage of firms offering paid gender-neutral leave to exempt staff only is included in this comparison.

It is worth noting the difference between firms offering paid gender-neutral leave to attorneys, 16 of the 18 firms surveyed, as compared to firms offering paid gender-neutral leave to staff, only 12 of the 18 firms surveyed. For firms working to advance inclusion of all individuals, it is important to consider how disparities in policies such as paid leave can detract from such commitments. Additionally, these disparities may lead to lower satisfaction and retention rates of staff members.

Figure 26. If a firm provides paid gender-neutral parental leave for Staff, does the leave policy include a caregiver designation? (n=12) The clear majority – 10 of the 12 firms – with a gender-neutral leave policy for staff includes a caregiver designation.

ALLIANCE GUIDANCE:

Gender-neutral leave policies that include a primary and secondary caregiver designation effectively become gendered due to societal norms that place caregiving responsibilities upon women to a greater extent than men. Accordingly, the Alliance recommends that firms remove such designations. More guidance can be found in our Action Step, [Paid Leave Policies](#).

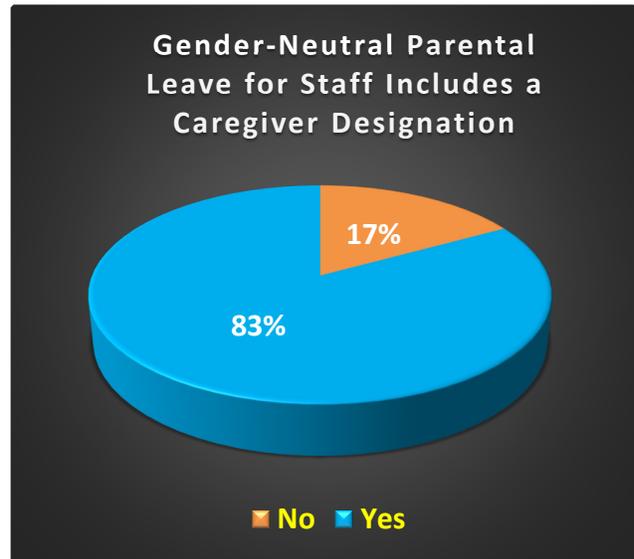


Figure 27. Number of paid weeks provided to Staff under the gender-neutral leave policy (n=12)

Number of Weeks of Paid Leave Offered Under Gender-Neutral Leave Policy for Staff			
	Firms	Median # Weeks	Maximum
Firms Without Caregiver Designations	2	5	6
Primary Caregivers (For Firms with Caregiver Designations)	10	10	18
Secondary Caregivers (For Firms with Caregiver Designations)	10	3	5

Please note that two of the firms offered partial pay for some or all of the paid leave time. Four of the 10 firms with caregiver designations made distinctions between exempt and non-exempt staff in terms of the amount of leave offered and/or the percentage of salary provided during leave.

COMPENSATION, PROMOTION, AND LEADERSHIP

Figure 28. **Does the firm have a true-up policy? (n=18)** Eight of the 18 firms provide compensation for time worked in excess of a lawyer’s reduced hours schedule as a matter of policy. Under the “Other” responses: two firms report a practice of regularly truing-up; one firm reports a practice of truing-up when an attorney on a reduced hours schedule bills at a full-time schedule; two firms report providing additional compensation on a case-by-case basis; and three firms report they take additional hours into account through bonus payments.

ALLIANCE GUIDANCE: The Alliance recommends firms compensate reduced hours lawyers who work in excess of their agreed upon schedule, and to do so as a matter of policy. Our Action Step, [Don’t Overlook Overwork](#) provides details on why and how firms should implement a true-up policy.

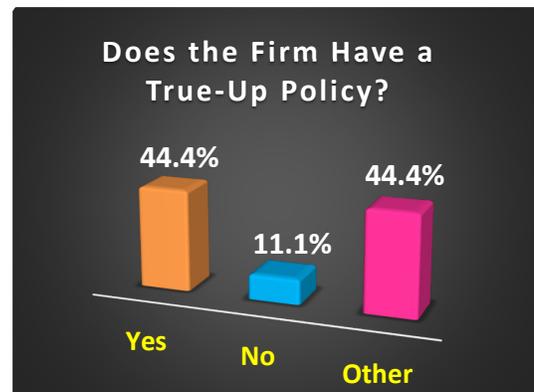
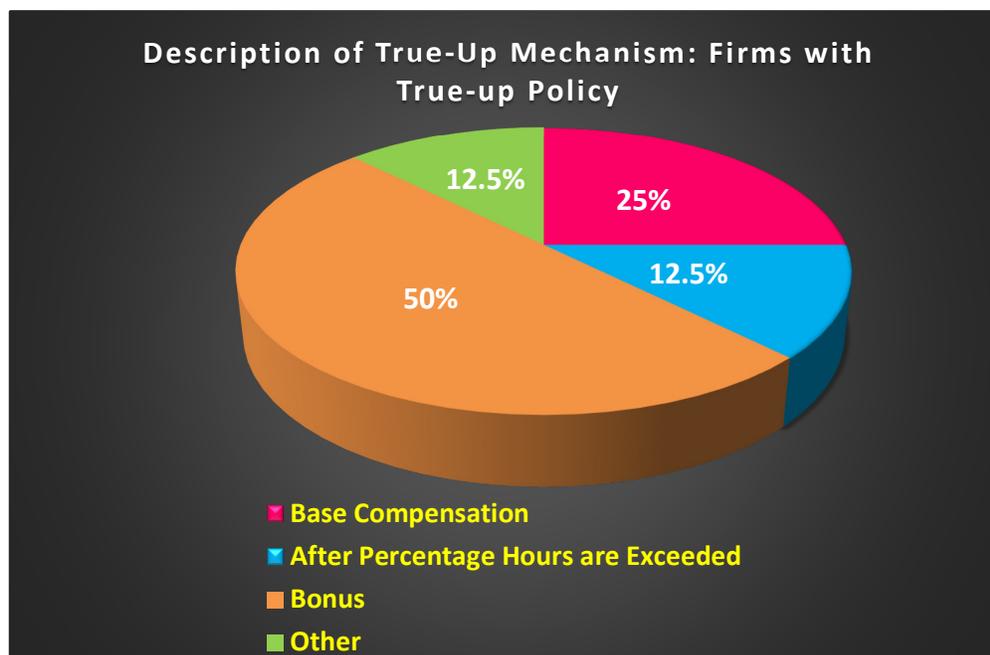
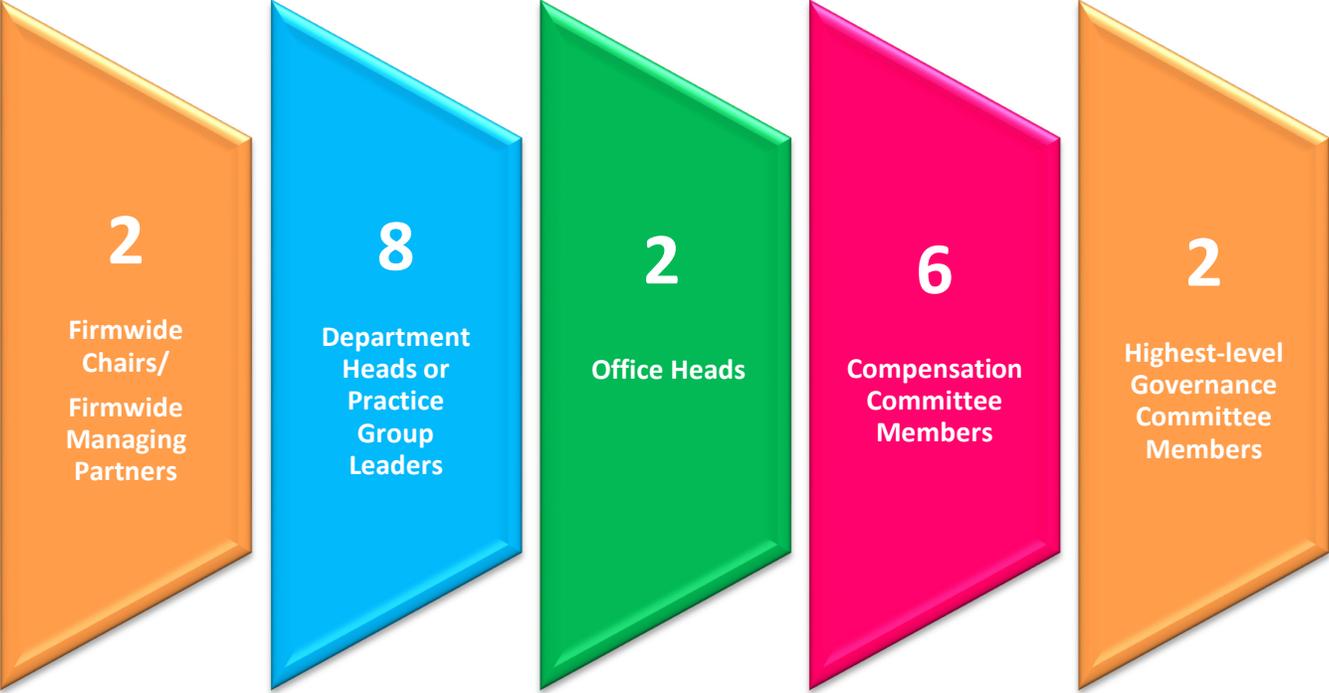


Figure 29. **Select the option that best describes your firm’s true-up policy (n=8)** Among the firms with a true-up policy, half the firms (four firms) provide compensation for hours worked in excess of one’s agreed upon schedule through bonus. Two firms true-up through base compensation, and one firm trues-up after a percentage of hours are exceeded. One firm selecting “Other” trues-up through both bonus and after a percentage of hours is exceeded.



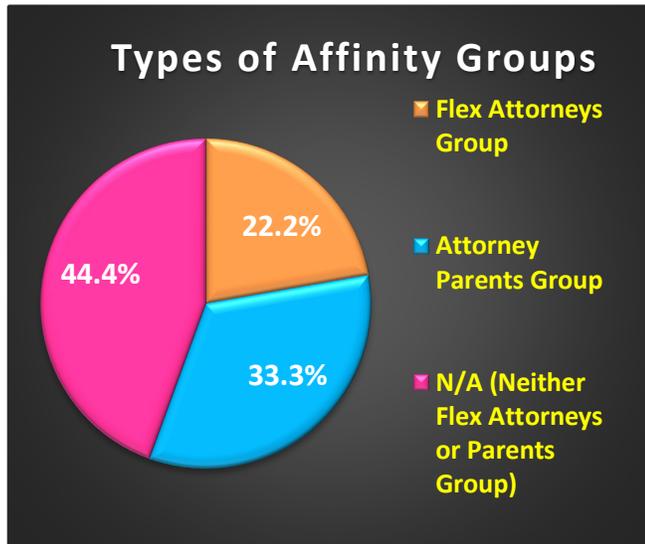
Reduced hours attorneys who made partner in 2016 (n=17) Eight firms reported a total of 12 attorneys promoted to partner in 2016 while working a reduced hours schedule. Among those eight firms, three promoted two or more reduced hours attorneys to partner.

Figure 30. Reduced hours attorneys in leadership positions (n=15) As exemplified in the graphic below, reduced hours schedules are represented among firm leadership in six participant firms.



FLEXIBILITY PROGRAM STRUCTURE AND SUPPORT

Figure 31. Which of the following types of affinity groups does the firm have? (n=18) While a plurality of firms reports the absence of an affinity group for flex attorneys or attorney parents, six firms offer a parents’ affinity group for attorneys and 22.2 percent offer a flex affinity group for attorneys. None of the firms surveyed offered an affinity group for attorneys who work flexibly and a separate affinity group for attorneys who are parents.



ALLIANCE GUIDANCE: Having an affinity group for flex attorneys regardless of their parental status and a separate affinity group for working parents that is open to without regard to gender are best practices. The Alliance’s Action Step, *It Takes a Community*, provides a number of foundational considerations for these and other affinity groups to be effective.

Figure 32. Does the firm survey its workforce to understand the internal perceptions around flexibility? (n=18) Nearly half (49.7 percent) of firms survey their workforce, of which 16.7 percent (three firms) survey both attorneys and staff, and 33 percent (six firms) survey their attorneys. However, a large percentage (44.4 percent, or eight firms) does not survey their workforce.

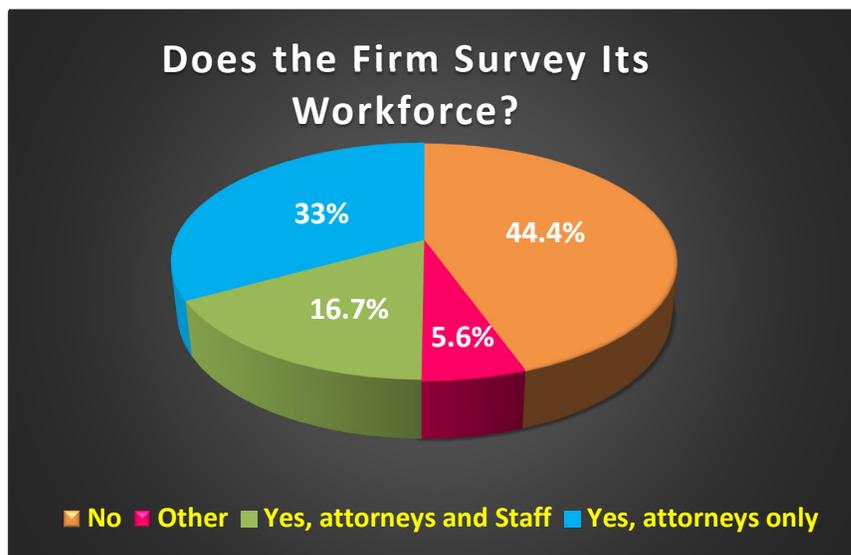


Figure 33. Select the option that best describes how often a firm surveys its workforce to understand the internal perceptions around flexibility? (n=10) Of the ten firms that survey their workforce, 30 percent (three firms) do an annual survey, and 20 percent (two firms) have surveyed their workforce once. Fifty percent (five firms) chose “Other” as to how often they survey their workforce, of which one firm indicated it surveyed its workforce every three years. The other four firms indicated they do not have a fixed schedule as to when they survey their workforce.

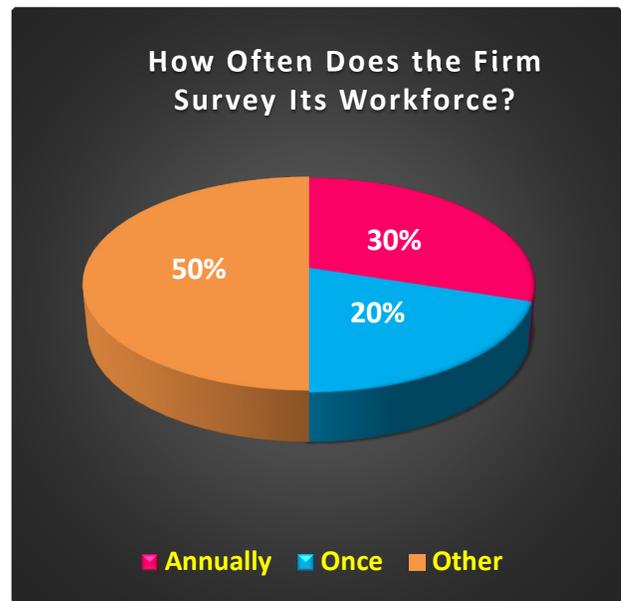
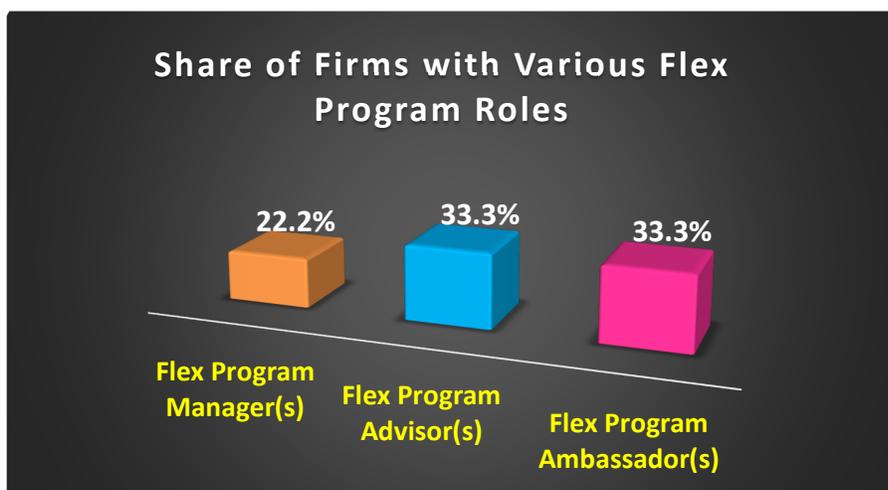
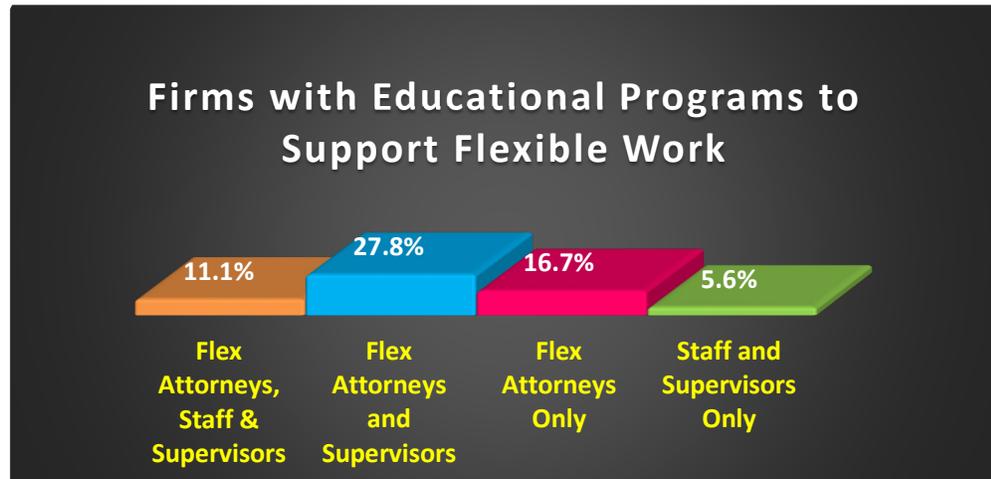


Figure 34. Does the firm have a flexibility program manager, advisor, and/or ambassadors? (n=18) Over 20 percent of participant firms have a flexibility program manager, defined as a law firm administrator who manages the day-to-day aspects of the flexible work program. One-third of participant firms have established flex program advisors, who are law firm partners who oversee the flexible work program. Additionally, one-third of participant firms supplement the flexibility program with flex program ambassadors, who are law firm partners who serve as ombudspersons for issues related to the flexible work program. In addition, 27.8 percent of firms indicated the flexible work program is supported by other administrative departments such as human resources, professional development, diversity and/or practice management functions.



ALLIANCE GUIDANCE: As discussed in the Alliance’s Action Step, [*Who’s Monitoring Your Flex Program*](#), supporting the success of a flexibility program requires designating talent development professionals and lawyers within the firm to help manage and champion the program.

Figure 35. Does the firm provide educational programs to support flexible work? (n=18) Most law firms (61.2 percent) report offering educational programming to flex attorneys, staff, or supervisors. However, only 11.1 percent (two firms) offer programming to flex attorneys, staff, and supervisors; 27.8 percent (five firms) offer programming to flex attorneys and supervisors only; 16.7 percent (three firms) offer programming to flex attorneys only; and 5.6 percent (one firm) offers programming to staff and supervisors only.



ALLIANCE GUIDANCE: As discussed in the Alliance’s Action Step, [Teaching Flex Success®](#), it is critical for all stakeholders – flex attorneys, their supervisors, and their colleagues – to have the tools to support the success of those working flexibly and the program generally. These tools are gained through educational programs, which should be established and offered regularly as part of the implementation process of a flexibility program.

Figure 36. How frequently does the firm provide educational programming for flex attorneys, flex staff, and/or supervisors? (n=11)

Of the 11 firms offering educational programming for flex attorneys, staff and/or supervisors, none offer monthly programming. Three firms offer quarterly programming for flex attorneys, one firm reported quarterly programming for flex staff, and three firms reported quarterly programming for supervisors. Two firms reported annual programming for flex attorneys, and one firm reported annual programming for supervisors. Of the firms selecting “Other,” two firms mentioned resources are available on demand, and three mentioned training is conducted on an as-needed or periodic basis.

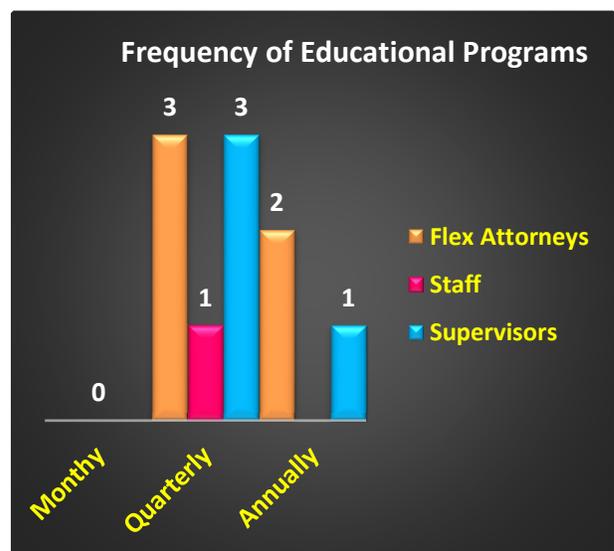
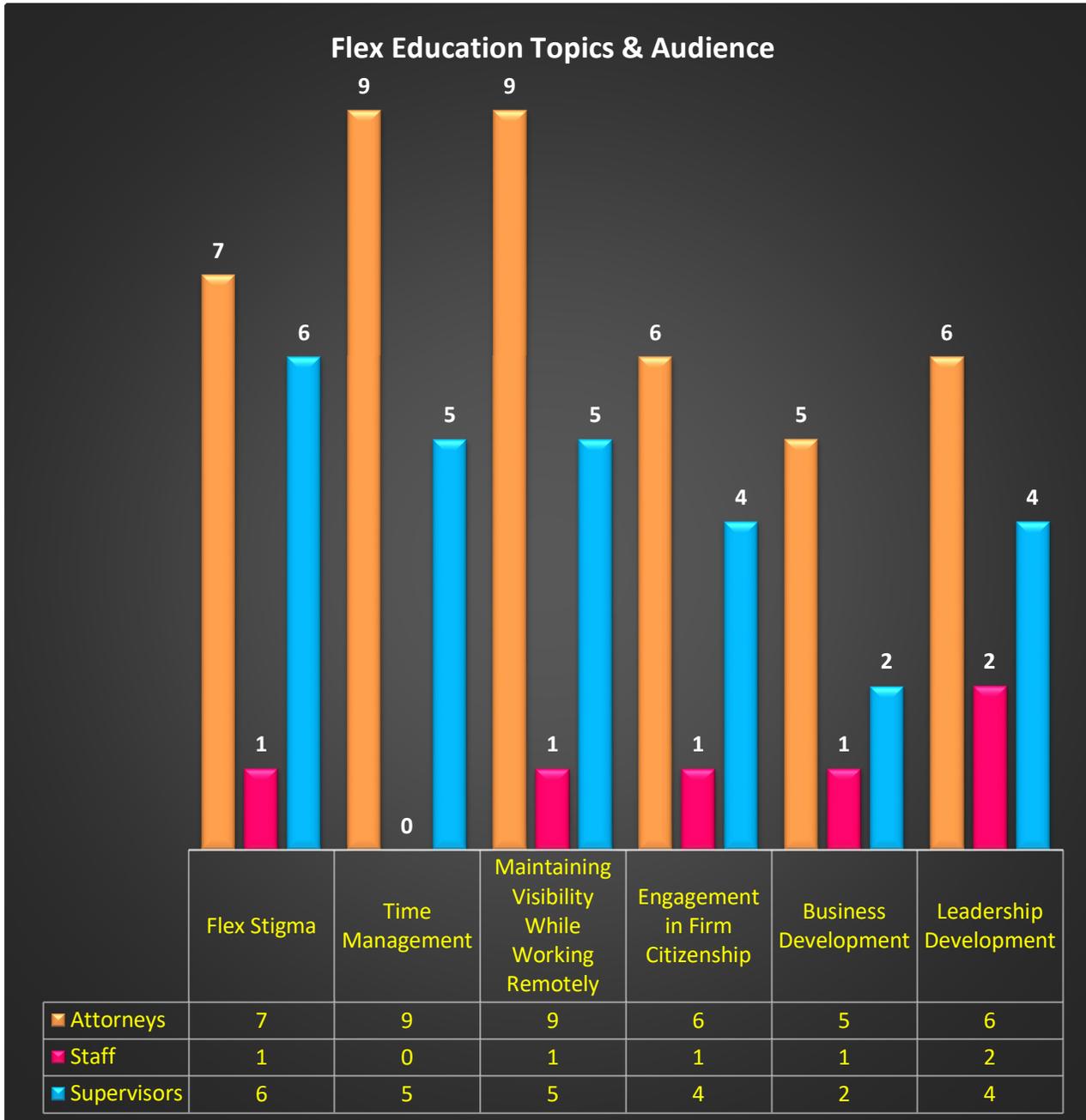


Figure 37. Topics included in flex education programs (n=11) At the 11 firms offering flex educational programming, topics included flex stigma, time management, maintaining visibility while working remotely, engagement in firm citizenship, business development, and leadership development. The most common topics presented to attorneys were time management and maintaining visibility while working remotely. The topic presented to staff with most frequency was leadership development. The most common topic offered to supervisors was flex stigma.



CONCLUSION

The foregoing findings demonstrate both progress and continued challenges with embracing flexible work and adjacent parental leave policies for the benefit of law firms, clients, and talent retention. As part of our mission to provide research-based solutions to advance flexibility for all, we look forward to continuing to provide multilayered data on the availability, usage, and support for flexible work and parental leave within law firms. We will be conducting in-depth research to provide more details as to what firms are doing in these areas, what is working, and what continues to pose challenges. We encourage law firms to look at ways high-profile corporations have expanded their parental leave and flexible work programs to make them more inclusive and comprehensive.

Thank you to our members and all participating firms in this year's survey. Together we are making strides to advance inclusive cultures that attract and retain top talent in the profession.

APPENDIX

DEFINITIONS

- **Annualized Hours:** A flexible work arrangement in which hours fluctuate over the course of the year, providing flexibility for shorter hours (or leave) during slow workload periods and longer hours during heavier ones. Could be organized around a full-time or reduced hours schedule.
- **Associates:** Partnership-track attorneys who are employees of the firm and do not hold an ownership interest. Please include senior associates, even if they are identified by another title (such as "counsel") but do not fall into another attorney category as defined in this survey.
- **Caregiver Designation:** Family-related leave of absence allocation that is contingent upon being the primary caregiver, or allocating more leave for primary caregivers as compared to secondary caregivers.
- **Compressed Work Schedule:** A flexible work arrangement that allows individuals to work their full-time hours over a shorter period of time than is standard in the organization.
- **Equity Partners:** Attorneys who have an ownership stake in the firm and draw a majority of their compensation from a distribution proportionate to that interest.
- **Exempt Staff:** Staff who are paid on a salary basis and perform duties consistent with the provisions outlined for exempt employees in the Fair Labor Standards Act.
- **Flexibility:** Providing individuals the opportunity to define how, when and where work gets done.
- **Flexibility Program Advisors:** Law firm partners who oversee the flexible work program.
- **Flexibility Program Ambassadors:** Law firm partners who serve as ombudspersons for issues related to the flexible work program.
- **Flexibility Program Managers:** Law firm administrators who manage the day-to-day aspects of the flexible work program.
- **Flexible Start/End Times:** A flexible work arrangement in which an individual sets the time he/she will be in the office, typically starting and ending a few hours earlier or later than most individuals in the workplace.
- **Flexible Work Arrangement:** A formal (written) agreement that states how, when, and where work gets done. Examples include: telecommuting, compressed work schedules, reduced hours, annualized hours, flexible start/end times, and job sharing.
- **Formal Flexibility Policy:** A written policy that articulates the availability of and process for obtaining a flexible work arrangement.
- **Full-time Flexibility:** Flexible work arrangements that reflect a full-time schedule. Examples may include telecommuting, flexible start-end times, and compressed schedules.

- **Gender-Neutral Parental Leave:** Leave of absence provided for bonding with a new baby or child. Available to lawyers/employees regardless of gender.
- **Holistic Flexibility:** Includes both full-time and reduced hours forms of flexible work options, as well as flexible work options taking place in the office and outside of the office.
- **Job Sharing:** A flexible work arrangement in which two individuals share one position. They may work on the same projects or on separate projects.
- **LGBT:** Refers to attorneys and staff who self-identify as lesbian, gay, bisexual and/or transgender.
- **Non-Equity Partners:** Attorneys who have been promoted to the partner level, but who do not have an ownership stake in the firm and who receive a majority of their compensation on a fixed income basis.
- **Of Counsel:** Attorneys who typically are not actively involved in the day-to-day work of a law firm, but are available in particular matters or for consultation.
- **On-ramping:** Arrangements that ease the transition back into work for attorneys returning from family and medical leave by allowing them to reduce their hours upon return, and gradually increase their hours over time until they are back to full-time (or make another arrangement).
- **Pregnancy-Related Disability Leave:** Medical leave of absence for pregnancy-related disability, childbirth, or recovery.
- **Racial and Ethnic Categories:** Reflect a social definition of race and ethnicity generally recognized in the United States, as outlined or recommended by the U.S. Census Bureau. The categories include: Alaskan Native or American Indian; Asian; Black or African American; Hispanic or Latino; Middle Eastern or North African; Native Hawaiian or Pacific Islander; and White. (Survey participants were instructed to list individuals in only one category. For individuals who identify as one or more races or ethnicities, or whose race/ethnicity does not match one of the categories listed, participants were instructed to select, "two or more races/ethnicities," or "race/ethnicity unknown or unlisted," respectively.)
- **Reduced Hours:** A flexible work arrangement in which an individual's work schedule encompasses fewer hours than the standard full-time schedule or annual target, typically with pro-rated compensation and benefits.
- **Staff:** All individuals employed by the firm to support the work of attorneys and who do not practice law. Includes but is not limited to paralegals, administrative and management professionals, clerical staff, and operational staff. Does not include temporary or contractual workers.
- **Staff Attorneys:** Non-partnership track attorneys who are employees of the firm and provide additional capacity to the firm at a lower billable rate than associates. Does not include contract attorneys.
- **Telecommuting:** Also known as remote work or telework. A flexible work arrangement in which an individual works from a location other than the employer's premises, either on a full-time or part-time basis.

TABLES OF RAW SURVEY DATA

Table 1

TOTAL NUMBER OF ATTORNEYS IN U.S. OFFICES						
	Equity Partners	Non-Equity Partners	Of Counsel	Associates	Staff Attorneys	Total
Women	821	301	327	2912	279	4640
Men	2869	719	588	3181	202	7559
Total	3690	1020	915	6093	481	12199
Alaskan Native or American Indian						
Women	2	1	1	7	0	11
Men	2	2	0	7	0	11
Total	4	3	1	14	0	22
Asian						
Women	42	22	18	425	36	543
Men	110	24	19	291	16	460
Total	152	46	37	716	52	1003
African American or Black						
Women	24	16	8	187	11	246
Men	46	17	15	115	4	197
Total	70	33	23	302	15	443
Hispanic or Latino						
Women	27	6	6	168	16	223
Men	60	15	18	157	7	257
Total	87	21	24	325	23	480
Middle Eastern or North African						
Women	1	1	0	9	1	12
Men	4	0	0	2	1	7
Total	5	1	0	11	2	19
Native Hawaiian or Pacific Islander						
Women	1	0	0	5	1	7
Men	2	0	0	2	1	5
Total	3	0	0	7	2	12
Two or More Races/Ethnicities						
Women	5	4	5	140	6	160
Men	25	4	8	82	4	123
Total	30	8	13	222	10	283
White						
Women	715	251	287	1961	206	3420
Men	2612	655	527	2505	166	6465
Total	3327	906	814	4466	372	9885
Unknown Race/Ethnicity						
Women	4	0	2	10	2	18
Men	8	2	1	20	3	34
Total	12	2	3	30	5	52
LGBT						
Women	18	11	3	60	4	96
Men	53	15	15	136	9	228
Total	71	26	18	196	13	324

Table 2

NUMBER OF REDUCED HOURS ATTORNEYS IN U.S. OFFICES						
	Equity Partners	Non-Equity Partners	Of Counsel	Associates	Staff Attorneys	Total
Women	76	20	92	249	57	494
Men	17	13	71	70	9	180
Total	93	33	163	319	66	674
Alaskan Native or American Indian						
Women	0	0	0	0	0	0
Men	1	1	0	1	0	3
Total	1	1	0	1	0	3
Asian						
Women	3	4	3	23	5	38
Men	0	1	1	3	2	7
Total	3	5	4	26	7	45
African American or Black						
Women	0	0	0	9	1	10
Men	0	0	2	0	0	2
Total	0	0	2	9	1	12
Hispanic or Latino						
Women	1	0	1	13	5	20
Men	0	0	1	1	0	2
Total	1	0	2	14	5	22
Middle Eastern or North African						
Women	0	0	0	1	0	1
Men	0	0	0	0	0	0
Total	0	0	0	1	0	1
Native Hawaiian or Pacific Islander						
Women	0	0	0	0	0	0
Men	0	0	0	0	1	1
Total	0	0	0	0	1	1
Two or More Races/Ethnicities						
Women	0	0	1	6	2	9
Men	0	0	1	1	0	2
Total	0	0	2	7	2	11
White						
Women	70	16	86	197	44	413
Men	16	11	66	64	6	163
Total	86	27	152	261	50	576
Unknown Race/Ethnicity						
Women	2	0	1	0	0	3
Men	0	0	0	0	0	0
Total	2	0	1	0	0	3
LGBT						
Women	1	1	1	3	0	6
Men	0	1	1	1	1	4
Total	1	2	2	4	1	10

Table 3

NUMBER OF TELECOMMUTING ATTORNEYS IN U.S. OFFICES						
	Equity Partners	Non-Equity Partners	Of Counsel	Associates	Staff Attorneys	Total
Women	4	2	2	17	1	26
Men	0	2	1	8	0	11
Total	4	4	3	25	1	37
Alaskan Native or American Indian						
Women	0	0	0	0	0	0
Men	0	1	0	0	0	1
Total	0	1	0	0	0	1
Asian						
Women	1	1	0	1	0	3
Men	0	0	0	0	0	0
Total	1	1	0	1	0	3
African American or Black						
Women	0	0	0	0	0	0
Men	0	0	0	0	0	0
Total	0	0	0	0	0	0
Hispanic or Latino						
Women	0	0	0	0	0	0
Men	0	0	0	0	0	0
Total	0	0	0	0	0	0
Middle Eastern or North African						
Women	0	0	0	0	0	0
Men	0	0	0	0	0	0
Total	0	0	0	0	0	0
Native Hawaiian or Pacific Islander						
Women	0	0	0	0	0	0
Men	0	0	0	0	0	0
Total	0	0	0	0	0	0
Two or More Races/Ethnicities						
Women	0	0	0	0	0	0
Men	0	0	0	0	0	0
Total	0	0	0	0	0	0
White						
Women	3	1	2	16	1	23
Men	0	1	1	8	0	10
Total	3	2	3	24	1	33
Unknown Race/Ethnicity						
Women	0	0	0	0	0	0
Men	0	0	0	0	0	0
Total	0	0	0	0	0	0
LGBT						
Women	0	0	0	0	0	0
Men	0	0	0	1	0	1
Total	0	0	0	1	0	1

ACKNOWLEDGEMENTS

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