

Mind the gap



Sameera Sereda, The Counsel Network, Calgary

“Not everyone wants to bill 2,200 hours a year and make money and be a partner.”

« Ce ne sont pas tous les juristes qui ont pour but de facturer 2 200 heures par an, de gagner beaucoup d’argent et de devenir associés. »

It really is a new generation — lawyers 35 and younger have a very different view of work, life and the law than do their Boomer-generation predecessors. Smart law firms are already responding by taking the steps outlined below.

By Ann Macaulay

Traditionally, law firms haven’t been known to give their associates a lot of flexibility — it’s been their way or the highway. But that’s changing, because the demands of the newest generation of lawyers are rising and it’s more difficult to retain the best legal talent.

Many members of the younger generation are simply not as willing to put in the kind of hours their predecessors did. While senior partners might consider billing more than 2,000 hours a year as the norm, newer associates are expecting to put in less time and maintain a better “quality of life” — which usually translates into fewer billable hours and more perks.

“There are new challenges in managing this generation,” says Sameera Sereda, a recruitment specialist and Managing Director for the Prairies at The Counsel Network in Calgary. Younger workers, she says, are primarily motivated by personal development and “work/life balance.”

The corporate world has long since recognized the generation gap in expectations between Baby Boomers — most law firm partners are among their ranks — and members of Generations X and Y. While businesses have been dealing with this new demographic reality for several years, law firms have been much slower to react.

Now, however, real signs of change are apparent. Aided by new surveys that show the mounting financial and strategic

Jennifer Burnelle, Aikins, MacAulay & Thorvaldson, Winnipeg, with son Ethan

She's been practising at 80% of her normal workload since returning from maternity leave. She says the key is flexibility on both sides.

Elle exerce le droit à 80% de sa charge normale de travail depuis qu'elle est revenue de son congé de maternité. Elle croit que tous doivent faire preuve de flexibilité.

cost of lost talent, a growing number of law firms are taking real steps to show this new generation of lawyers that they're serious about buzzwords like "flexibility" and "balance."

The generation canyon

To say that Boomers and X-Yers have difficulty understanding each other is to understate the problem. Bookstore shelves are loaded down with treatises on how to bridge the gap between the two generations, but it's much easier said than done. Both are stubborn and strong-willed, and neither feels any need to back down from its demands.

Law firms with generation-spanning talent need a shift in mindset to succeed these days, says Sereda. "You've got these traditionalists, the partners, who are thinking about retirement. These young 24-year-olds who are coming out of law school have a very different value system and a very different mindset, as compared to the partners when they first started articles," she says.

"So what I think firms are starting to do, first of all, is understand that this [conflict] exists. You've got to accept that there is a generational difference or diversity within the firm, and that what motivates and attracts and retains lawyers from each of these groups is very different.

"Not everyone wants to bill 2,200 hours a year and make money and be a partner," adds Sereda. "Some men and women — not just women — want to spend more time with their families, and they're willing to work a reduced workload." In turn, some firms are offering a lighter schedule and reduced billing targets at a lower salary, with the understanding that these lawyers are still valuable members of the team.

New lawyers also have very different views on communication. "I know partners who say to me, 'When I was practising, no one talked to me — I was expected to do my work and bill,'" Sereda says. "But newer lawyers want people to talk to them and



give them feedback. The young lawyers are being vocal by walking out. That's how they're making that statement. They're leaving if they're not getting what they want."

"You've got to treat them like real people, not like worker bees," adds Duncan Jessiman, a partner at Aikins, MacAulay & Thorvaldson LLP in Winnipeg. "It's a matter of trying to develop good, interesting work that keeps them challenged. They have a life beyond the firm. Recognize that it can assist the firm, because it brings different ideas and thought processes from wherever they interplay outside of it."

Here are four ways in which law firms can make real inroads with the new generation of lawyers.

1. Balanced demands

Good work and competitive pay are the minimum standards to attract talented young lawyers. To stand out from the pack, "you need to create an atmosphere and a culture within the firm that associates want to be a part of," says Joanne Poljanowski, a partner at Borden Ladner Gervais LLP in Toronto and a member of the firm's Management Committee.

"All of us are faced with the challenge of how you find some balance, or at least how you can accommodate the demands on your professional time versus the demands of your personal life, whether they be children or parents or whatever," Poljanowski says. Borden Ladner has launched several programs to communicate its commitment to these principles.

Perspectives divergentes

Les juristes de la nouvelle génération ne partagent pas les mêmes valeurs que leurs aînés. Les cabinets juridiques devront rapidement s'y faire s'ils veulent demeurer dans le coup.

Les cabinets juridiques n'ont pas la réputation d'accorder une grande flexibilité à leurs juristes. Cette situation est toutefois en train d'évoluer pour répondre aux exigences croissantes de la génération montante et réaliser l'objectif de plus en plus important qui est de conserver les éléments les plus compétents du cabinet. Entre-temps, les jeunes juristes sont de plus en plus nombreux à rechercher ces « petits avantages » qui vont au-delà de la simple rétribution monétaire.

« De nouveaux défis se posent pour transiger avec la nouvelle génération », estime Sameera Sereda, spécialiste en recrutement chez Counsel Network à Calgary. Les jeunes avocats seraient motivés par leur évolution personnelle et par la conciliation travail/vie personnelle plutôt que par l'argent.

Duncan Jessiman, associé chez Aikins, MacAulay & Thorvaldson LLP, à Winnipeg, est de cet avis. « Ces jeunes ont une vie en dehors du bureau et ils sont conscients que cette vie peut alimenter celle du cabinet parce que cette expérience acquise à l'extérieur apporte au cabinet des idées et procédures inédites », observe-t-il.

Les cabinets progressistes commencent à reconnaître que certains avocats ne tiennent pas à sacrifier leur vie personnelle dans l'espoir de devenir un jour associé. Dans cette optique, ces cabinets offrent à leurs avocats salariés une charge de travail réduite et des heures facturables plus raisonnables pour un salaire moindre, sachant que ces juristes continuent d'être de précieux membres de l'équipe et qu'ils suivent simplement une voie différente.

Un plaidoyer pour la flexibilité

« J'avais toujours évité les cabinets juridiques parce que la plupart d'entre eux laissent à désirer pour ce qui est de la conciliation travail/vie personnelle et je refusais de sacrifier ma vie privée en travaillant pour un cabinet juridique », raconte Diana Woodhead, avocate principale chez Blake, Cassels &

Graydon LLP, à Toronto.

Par chance, Blakes lui a offert un taux d'heures facturables correspondant aux cibles qu'elle s'était fixées, soit 1400 heures par année pour qu'elle puisse s'acquitter de ses obligations maternelles. « Je ne voulais pas grimper à 2500 heures facturables au détriment de tout ce qui compte par ailleurs dans ma vie. »

Jennifer Burnelle, avocate en litige civil chez Aikins MacAulay & Thorvaldson LLP, exerce à 80% de sa charge normale de travail depuis qu'elle est revenue de son congé de maternité. Elle croit que la clé est la flexibilité des deux côtés. Par exemple, son cabinet lui a offert de conserver un statut d'employé pour lui permettre de bénéficier des prestations d'assurance-emploi lorsqu'elle adoptera son deuxième bébé cette année.

Certains cabinets déploient des efforts considérables pour accommoder les parents qui travaillent. « Nous ne pouvons nous permettre d'avoir des gens malheureux chez nous », explique Donald MacKenzie, du cabinet Foster Hennessey MacKenzie, à Charlottetown. « Ce principe s'applique également aux employés, poursuit-il. Bien sûr, le travail doit être fait, mais il faut aussi réserver du temps pour les choses importantes. »

Une nouvelle culture

Pour attirer et conserver les jeunes juristes, les cabinets doivent s'efforcer d'offrir un travail intéressant et un salaire concurrentiel. Mais plus encore, « il faut créer une atmosphère et une culture au sein du cabinet auxquelles les juristes veulent adhérer », soutient Joanne Poljanowski, associée chez Borden Ladner Gervais.

« Nous avons tous dû, à un moment donné, relever le défi de trouver l'équilibre », reconnaît-elle. C'est pourquoi, BLG offre plusieurs types de services dont le Programme des parents au travail. Ce dernier, organisé par une entreprise privée, permet aux juristes de se réunir ensemble lors de déjeuners-causeries pour discuter des problèmes et défis qui sont leur lot à toutes et tous.

Une fois par mois, Paul Perell et John McKellar, de chez WierFoulds LLP à Toronto, se réunissent dans une salle de conférences avec une vingtaine de juristes juniors et de stagiaires. Ils commandent un déjeuner, ferment les téléphones et s'asseyent pour discuter ensemble d'un vaste éventail de sujets, aussi divers que les méthodes de fidélisation de la clientèle ou l'art de diriger une réunion.

« À cette occasion, on leur dispense les trucs du métier — des conseils pratiques tirés de l'expérience sur une foule de choses », explique McKellar, ancien président du cabinet qui affirme que les gens font l'impossible pour ne pas manquer ces sessions.

Une vie de famille

Les jeunes juristes sont de plus en plus nombreux à vouloir s'écarter du chemin menant au statut d'associé pour consacrer davantage de temps à leurs jeunes familles.

Simon Coley, conseiller juridique pour le cabinet du ministère du Procureur général de la Colombie-Britannique, a pris un congé parental de huit mois à la naissance de son fils. Il avait bien pesé le risque lié au fait de prendre un congé d'une aussi longue durée lorsqu'il a accepté cet emploi. Les autres facteurs qu'il avait pris en considération étaient ce qu'il appelle « les avantages d'une qualité de vie », soit le régime de retraite et des congés payés de cinq semaines aussi bien que la possibilité de concilier vie personnelle et vie professionnelle en prenant la plupart des fins de semaine de congé.

« Au ministère, on ne vit pas les mêmes pressions liées aux heures facturables que dans les cabinets privés », rappelle-t-il. « Selon moi, cela fait partie d'un ensemble de bénéfices. Mon salaire n'est pas aussi élevé qu'il le serait si je travaillais dans le secteur privé, mais en revanche je bénéficie d'avantages qui ne sont pas négligeables non plus. »

Bon nombre d'avocats ont décidé de quitter la pratique privée pour travailler plutôt au service du gouvernement ou à titre de conseiller juridique d'entreprise. Certains juristes ne supportent pas la pression excessive ou les longues heures de travail et renoncent complètement au droit.

Ce que les cabinets juridiques ne doivent jamais occulter, c'est que leurs employés et membres constituent leur principale ressource — et que s'ils veulent les retenir, il faut les aider à s'épanouir dans leur milieu de travail. **N**

For example, the firm's Professional Excellence Program focuses on education and training at all lawyer levels. Some sessions are geared towards specific practice areas, while others focus on business topics such as how to manage time and clients. At a multi-city firm like Borden Ladner, "it's [also] an opportunity for associates to meet their counterparts from our other offices," Poljanowski says. "They think it's invaluable."

Sereda advises senior partners to give younger lawyers opportunities "where they can have work/life balance, where they can grow personally. Allow them to go off and take different types of courses, or develop themselves in other ways that aren't necessarily related to the law. Those kinds of things are important to them."

2. Flexible hours

Diana Woodhead, a senior associate at Blake, Cassels & Graydon LLP in Toronto who was hired from a professional services firm, "had always avoided a law firm because most of them aren't traditionally very good at work/life balance. I never wanted to lose control of my life so completely by working in a law firm environment."

Fortunately, Blakes offered to make her billing targets 1,400 hours a year, to accommodate the demands of motherhood. Echoing the feelings of many lawyers, she says, "I didn't want to be billing up to 2,500 hours a year at the expense of everything else in my life."

Jennifer Burnelle, an associate in civil litigation at Aikins MacAulay in Winnipeg, has been practising at 80 percent of her normal workload since she came back from maternity leave. She says the key is flexibility on both sides.

One perk the firm offered was to allow her to remain an employee, so that she can qualify for employment insurance when she adopts another baby later this year. At some other firms, "you become an independent contractor after a year or two, and then you don't qualify for benefits. This takes a lot of stress off for people, if they know they're going to have some income."

"You have to be creative and work outside the usual nine-to-five hours," says Mary Lynn Gleason, a partner at Borden Ladner in Toronto, who has a 1,400 billable-hour target. She realized, after the birth of her twins in 1996, that she couldn't continue to work at her previous billing rate. Gleason says she has never experienced the "mommy ghetto" that some other women describe: "I get the same quality of work that any other partner in the group gets."

Smaller firms are also making efforts to accommodate working parents. "We can't afford to have unhappy people," says Donald MacKenzie, a partner at three-lawyer Foster Hennessey MacKenzie in Charlottetown. "That applies to the staff as well. It's about getting the job done, but also taking time for the important stuff."

3. Professional training

Associates are often intimidated and put off by firm demands to bring in new business and generate client billings, when these same firms fail to provide any instructions or assistance on how to achieve these goals. Business training for new lawyers is



Simon Coley, Ministry of the Attorney General, Victoria, with children Jack and Elena

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« Au ministère, on ne vit pas les mêmes pressions liées aux heures facturables que dans les cabinets privés. »

The gap widens

New survey results on balance in the law show growing dissatisfaction

In November 2005, consulting firm Catalyst Canada released the results of the second of its three legal profession reports, titled "Beyond a Reasonable Doubt: Creating Opportunities for Better Balance." The survey of more than 1,400 lawyers in Canadian law firms found that nearly two-thirds of them face difficulties managing work and personal responsibilities.

These challenges "are not exclusive to women lawyers and working mothers," says Susan Black, president of Catalyst in Toronto. "Men lawyers, too, face work/life balance trade-offs and pressures. Work/life conflict is common to men and women lawyers, a fact critical to those law firms committed to managing their talent — all talent — effectively.

"It's a generational issue," she adds. "We see men associates less satisfied now and pushing back. I think there are limits to how hard and unrelenting you can be in pushing people, and I think we're starting to see some of those limits."

In analyzing how different groups in law

firms perceive and experience the work environment, "we see very clearly that male partners differ dramatically from women partners, women associates and men associates," says Black. "Women really do feel the burdens of work/life balance disproportionately across the board."

One of the survey questions was: "Do you feel that in order to advance in your law firm, you need to put your career before your family responsibilities?" Women associates "were much more likely to agree with that statement than men associates, and women partners were more likely to agree with it than men partners," says Black.

When it comes to informal flexibility — including the ability to leave in the middle of the day for such things as doctors' appointments, or to adjust the time and place they work — 63 percent of male partners were satisfied. But only 18 percent of female associates said the same.

"You've got groups in the firm who occupy very different realities," says Black.

"Since male partners tend to dominate the firm and make decisions about how resources and work gets allocated, their actions really have a big impact on the culture.

"The way leadership in a firm acts and the messages they send have a very direct influence on how satisfied people are," she says. If the survey participants "saw partners pushing back against clients who made unreasonable time demands or at least challenging them, they tended to be more satisfied, irrespective of the hours they're working. These are things that can be done that don't have to impact the bottom-line business of the firm."

Many associates are "not impressed by partners who work enormous numbers of hours and don't have a life outside of work. That's not an attractive role model anymore; that's not inspiring anyone," says Black. "It's going to be hard to get them in and it's going to be hard to keep them. And not only will people leave, they won't recommend you as a place to work, so you get into a cycle."

Black says law firms should build a business case for flexibility and communicate it to all their lawyers, "not because it's a nice thing to do," but because "if they don't do it, there's going to be a cost — they're going to lose people and they're going to find people not as engaged or productive." ■

poised to become one of the most important factors in keeping good young lawyers through the coming decade.

Duncan Jessiman recognized that many new lawyers arrive at firms with little knowledge of what's required to become a good professional and how to provide clients with top-notch service. So, in conjunction with BDC and Deloitte & Touche, he created a seminar and workbook for younger Aikins associates titled *Your Personal Professional Development Plan*.

The program "creates a roadmap for the rest of their lives as to what they should be achieving as professionals to grow," Jessiman says, "making sure they balance their personal success with their involvement in community and family."

At WeirFoulds LLP in Toronto, senior lawyers Paul Perell and John McKellar host monthly meetings with a couple of dozen junior lawyers and students. They order lunch, turn off the phones, and sit down to talk about everything from how to keep clients to how to chair a meeting.

"We're giving them our tricks of the trade — hands-on, practical advice on everything," says McKellar, a former chair

of the firm who's now semi-retired. Sometimes the firms will bring in a professional to discuss topics like insurance coverage. The younger lawyers are encouraged to suggest topics and participate in each session.

"We applaud their interest in *pro bono* work, because we think if you're 100 percent a lawyer, you're a very boring person."

— John McKellar —

McKellar also notices the interest many new lawyers show in *pro bono* work. "And we applaud that," he says, "because we think if you're 100 percent a lawyer, you're a very boring person."

4. Family matters

Simon Coley, legal counsel with the B.C. Ministry of the Attorney General in Victoria, took an eight-month paternity leave when his son was born. The fact that the AG's office offered this perk was one of the factors he considered when he took the job in 1999, along with a pension and five weeks' paid vacation. He also gets most weekends off and enjoys the resulting personal time.

"There aren't the same kind of billable-hour pressures [here] that there are in private law firms," Coley says. "My pay isn't as good as what it could be if I worked in the private sector, but then there are these other benefits that you have to consider, too.

Award nominations



Soumettez vos candidatures

Each year, the CBA advises its members of numerous opportunities to nominate colleagues for CBA awards. Accordingly, *National* is pleased to provide notice of the following nomination deadlines, along with contact information for the designated liaison persons at the national office.

More information can be obtained by phoning the national office at (613) 237-2925 or 1-800-267-8860 and inquiring about the award in question, or by visiting www.cba.org/CBA/Awards/Main.

Louis St-Laurent

Deadline: April 29, 2006

Contact: Senior Director of Communications Stephen Hanson (stephenh@cba.org)

Public Sector Lawyer John Tait

Deadline: May 12, 2006

Contact: Public Sector Lawyers Conference Liaison Jennifer Lalonde (jennifer@cba.org)

Ramon Hnatyshyn

Deadline: April 30, 2006

Contact: Senior Director of Communications Stephen Hanson (stephenh@cba.org)

SOGIC Ally & Hero

Deadline: June 2, 2006

Contact: SOGIC Liaison Corinna Robitaille (corinnar@cba.org)

Touchstone

Deadline: April 14, 2006

Contact: Standing Committee on Equity Liaison Jennifer Lalonde (jennifer@cba.org)

Walter S. Tarnopolsky Human Rights

Deadline: April 29, 2006

Contact: International Commission of Jurists Executive Secretary Patricia Whiting (patw@cba.org)

À début de chaque année, l'ABC informe ses membres des possibilités de mettre leurs collègues en candidature pour l'un des nombreux prix et récompenses qu'elle remet annuellement.

Pour tous les détails concernant chacun de ces prix, consultez le site Web de l'ABC à http://www.cba.org/ABC/Prix/Main_Fr/ ou appelez la personne-ressource désignée au 1 800 267-8860.

Prix Bertha-Wilson « Les Assises »

Date limite : 14 avril 2006

Personne-ressource : Jennifer Lalonde pour le Comité permanent sur l'égalité, (jennifer@cba.org)

Prix Louis St-Laurent

Date limite : 29 avril 2006

Personne-ressource : Stephen Hanson, Directeur principal des communications, (stephenh@cba.org)

Prix Walter S. Tarnopolsky

Date limite : 29 avril 2006

Personne-ressource : Pat Whiting, administratrice de la Commission internationale de juristes, (patw@cba.org)

Prix Ramon John Hnatyshyn

Date limite : 30 avril 2006

Personne-ressource : Stephen Hanson, Directeur principal des communications, (stephenh@cba.org)

Prix d'excellence John-Tait

Date limite : 12 mai 2006

Personne-ressource : Jennifer Lalonde pour la Conférence des juristes du secteur public, (jennifer@cba.org)

Prix de l'allié et du héros de la COIS

Date limite : 2 juin 2006

Personne-ressource : Jennifer Lalonde pour la Conférence sur l'orientation et l'identité sexuelles, (jennifer@cba.org)

"One of the major benefits of doing a parental leave with the provincial government is that you get your salary topped up to 75 percent of your regular pay," he adds. "I don't believe that there are very many, if any, law firms out there that do that."

Make no mistake, these features of the job are a real competitive advantage in the current marketplace. "There are a lot of talented lawyers that I work with who could be making a heck of a lot more money in the private sector, but choose to stay with the Ministry of the Attorney General because they get more time with their families," says Coley. "They can have a more predictable work schedule that doesn't intrude upon evenings and weekends."

Playing for keeps

Sereda says that in this workplace, younger workers will leave if they perceive they're not being treated well. "It's not all about money," she insists. "The biggest thing is promoting a workplace that provides them with a balanced lifestyle, [and to show them] that their employer values that flexibility. They don't want to have to face the 4:00 emergency on a Friday and have their entire weekend shot."

"Whereas that was normal 20 years ago — you expected that — the new lawyers are just not willing to do that." The smart firms are the ones that recognize and accept these facts, and welcome good lawyers who might be unwilling to sacrifice their personal time in the increasingly unpopular goal of one day becoming partner.

Above all, firms must keep in mind that their people truly are their chief resource — and keeping them at the firm means keeping them happy. As Poljanowski at Borden Ladner says, "the associate who joins us after being a student is not only hopefully a future partner, but also a future leader of the firm." N

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Ann Macaulay is a freelance writer based in Toronto.

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