

[ON THE LEVEL]

CLIENT PRESSURE MAY FORCE FIRMS TO GET REAL ABOUT FLEXTIME

by KATHLEEN WU

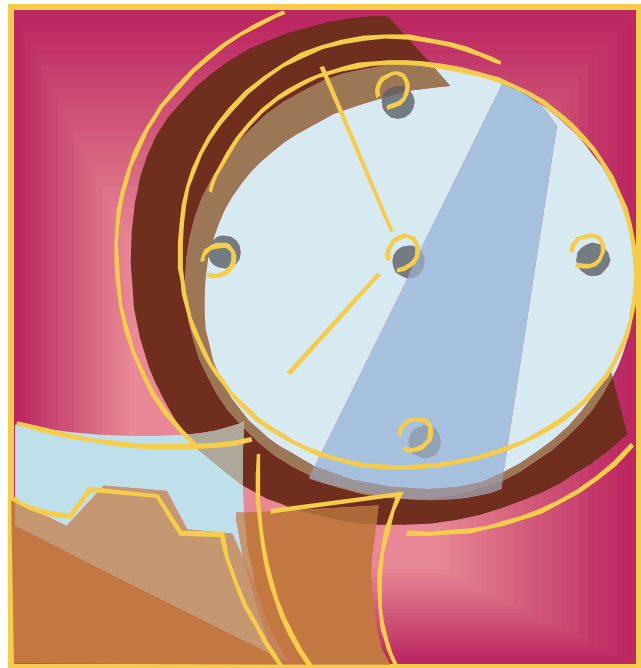
Wal-Mart Stores Inc. may have its share of critics, but you won't find me among them right now. The retail giant recently announced that it plans to add flextime policies to its list of criteria for evaluating outside firms. Associate General Council Joseph West revealed this last month at the Association of

Corporate Counsel's annual meeting in Boston, the *National Law Journal* reported.

When Wal-Mart makes a pronouncement like this — heck, when Wal-Mart makes a pronouncement about anything — it gets noticed.

This is just the latest effort on the part of giant clients to exert pressure on their outside counsel to institute policies that make the workplace more progressive. Individually, such efforts probably won't revolutionize the legal profession, but change comes in excruciating increments to those of us who want it. I'm inclined to celebrate every excruciating increment I see because efforts like these ultimately will make a difference. When the people who pay lawyers' bills insist that the legal workforce reflect the real world — as opposed to some 1950s-era archetype — firms literally have no choice but to make real change.

It's discouraging, actually, that it takes that kind of pressure to bring such change, given how silly and wasteful it is, economically, to see much of a



well-trained workforce trot out the door because the hours are killing them and their families. But the truth is that firms have been struggling for years with how to make alternative work schedules conform to the profession's economic model. But if the alternative is to lose business from some of the biggest clients in the history of the world, I think lawyers might be able to find a way to make it work.

In 20 or 40 years, lawyers probably won't look back on Wal-Mart's decision as the one that changed

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everything, but I imagine the legal profession will look quite a bit different than it does today, and decisions like Wal-Mart's will be one of the hundred or more increments that brought about real change.

If you haven't already read New York Times columnist Gail Collins' new book, "When Everything Changed: The Amazing Journey of American Women from 1960 to the Present," I suggest you pick it up. It's an eye-opening reminder that revolutions can happen in the blink of an eye. Her book relates the history of the women's movement, starting from 1960, when companies openly and unapologetically paid women less than men, and most would only interview women for particular jobs, such as secretary. Women had few, if any, property rights or access to credit. Reproductive rights were practically nonexistent. It was a different world, one young women today have a hard time believing actually existed.


"Then, suddenly, everything changed," Collins writes. "The cherished convictions about women and what they could do were smashed in the lifetime of many of the women living today. It happened so fast that the revolution seemed to be over before either side could really find its way to the barricades."

In less than half a century, women have gone from 0 to 60 mph. In 1960, it was almost impossible to find a female physician, lawyer, pilot — anything other than a teacher or nurse, actually. Now, with the exception of a handful of professional sports, it's hard to think of an occupation in which women don't participate.

It wasn't easy, of course. Though it may have seemed like it happened overnight, it really didn't,

particularly for young women coming of age in the 1960s who wanted to do something neither their parents nor society accepted. But opportunities only developed because women and men advocated for them, laws changed, and society gradually came to accept that restricting the rights and opportunities of half the workforce was ridiculous, wrong and economically counterproductive.

The same can be said today, of course. Women are able to become lawyers, but once they enter childbearing years, many are unable to continue working the demanding hours expected of them. So, under the current climate, they either have to quit the profession or they don't have children. Such a choice is also ridiculous, wrong and economically counterproductive.

Men like West know this, and I applaud them. Welcome to the trenches. 



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