

Working eight days a week? Join the club

DONALEE MOULTON

Working long hours is a rite of passage for young lawyers, part of paying their dues. But it doesn't end there. For many mid-career and established lawyers, especially those in private practice, long hours are the only hours they know.

The research and the reality are clear: slogging it out is not good for one's health, but overworking is a fact of life for lawyers.

Putting in long hours is "both reasonable and necessary," said Deborah Howden, a partner with Shibley Righton in Toronto. "It's the nature of the work. We meet client needs. Private practice is not nine to five."

The additional hours often required of lawyers is time well spent from a bottom line perspective.

"Every lawyer works in the service industry. Hours are irrelevant. You put in whatever time is necessary," said Warren Bongard, president and co-founder of ZSA Legal Recruitment in Toronto. "If you're trying to keep a client happy," he added, "you have to do what it takes."

That frequently means saying goodbye to free time, and hello to increasing errors and unhappiness. For firms, it may translate into reduced productivity and more departures.

Working long hours takes a toll, said Tony Mancini, senior partner with Priority Management Atlantica, an organizational training firm based in Halifax. "Our ability to focus reduces, our energy level goes down, and we have a harder time thinking outside of the box. Over all, it can



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impact the quality of our work."

There are few studies looking at the impact of overwork in the legal profession, but it is an issue that has been well studied in other sectors. The most recent survey from the Canadian Association of Internes and Residents (CAIR) found that more than three in four residents said they had made errors at work because of the consecutive number of hours they are required to be on the job, and more than half said they had been in potentially hazardous driving situations in part because of work-related fatigue.

Long hours can also lead to stress, according to a British survey of 14,000 higher education academics and staff. Stress levels among respondents, who often worked 50 hours a week or longer, were linked to intense

workloads and were considerably higher than the general population. The researchers termed this "a long-hours culture."

Another British survey, conducted last year by the international recruiter Randstad and published in Britain's *Law Society Gazette*, concluded that lawyers and other legal professionals work what amounts to, as the Beatles so aptly sang, eight days a week. Roughly 40 per cent of the more than 2,000 respondents said they felt more stressed by work than they did a year ago.

The researchers found that the legal eagles each do the job of 1.6 people, higher than the national average of 1.3 for professionals generally.

In the U.S., a California lawyer filed suit against his employer for late nights, Page 27

Late nights: Client demand dictates burning the midnight oil

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setting what he said were unrealistic billable hours. According to the *ABA Journal*, the lawyer contends he was fired for not meeting the 3,000 billable hours quota set by his firm.

Working into the wee hours has a cultural context. "In our western society, we are conditioned to keep your head down and push yourself through the work," said Mancini. "Other societies have meditation time or reflection time. This gives employees a time to rejuvenate themselves. The end result is more quality results."

Clients may not appreciate the down time.

"Long hours are not an issue of law firms so much as they are an issue of clients," said Warren Smith, managing partner with Counsel Network, a legal recruiting firm, in Vancouver. "Unless clients are prepared to make different demands of their



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Despite a wave of Generation Y lawyers entering the profession—who are reported to emphasize work/life balance more rigorously than their older colleagues—work hard, work long still seems to be the mantra

in private practice. Leaving early, leaving work at the office, leaving the to-do list behind are not common. "I don't see this," said Howden. "Long hours are simply par for the course."

So what's a lawyer to do? Work differently. Start by relying on colleagues for a helping hand.

"You're not in this alone," said Bongard. "You have the opportunity to share the work."

That opportunity makes for better work, noted Howden. "There is always the ability to say: 'I need a second set of eyes.' That is very good practice."

Lawyers also need to understand how to work effectively so the long hours don't overwhelm. "It is very important to take a break to refresh yourself," said Mancini. "Research shows that standing up, walking around the office, getting outside

or better yet, exercising during the working day will give you more energy and better focus."

He also recommends that lawyers schedule their high-priority work for when they are most productive. For most people, this is in the morning.

For overworked lawyers, the time to start making changes is now. It's unlikely the landscape will shift. "Unless clients are prepared to make different demands of their lawyers in terms of how and when they need their services, this feature of hours expected of lawyers is unlikely to change in the near future," said Smith.

Those hours, of course, are not necessarily angst-filled. Many are outright pleasurable.

"If you love what you do, you'll never work again," said Howden. "Work becomes a personal fulfillment."

Even at 1 a.m.