

YOU BE THE JUDGE



Q: Do today's mentors (*translate: employers*) relate to and respect the more balanced lifestyle demands of many young, new lawyers?

A: It's my first day back from vacation. At the end of my day I find myself wondering whether I have ironically become a caricature of the issue I am to write about: I've reviewed the numerous brush fires that erupted within my files while I was away; what I had planned as a couple of slow days at a trial advocacy course has just morphed into a full blown case study that has me gowned and conducting several cross-examinations before Chief Justice MacDonald; a partner spontaneously announced that she has a lifestyle commitment that is taking priority over her desk, with the effect that in addition to my own backlog I am to cover her several court appearances and oversee a complex Children's Aid apprehension; and then the crowning touch: I discover that, through the mystery of father-daughter symbiosis, I had somehow agreed to write this article.

Start day two. I awake with a jolt. I take a split second to recognize that the slow steady breathing I had reclaimed on vacation is already gone. I focus and try to take control of my life. I decided to spend an extra 10 minutes in bed giggling with my daughter. Then along comes my son with a story to tell, adding another 10 minutes to my delayed start. As I feel my subconscious checking the clock against the files waiting on my office desk, in an attempt to regain control of my life balance, I make an executive decision: I'm not going to make my bed this morning.

Before my day finishes, I will probably make a dozen more such choices that keep manageable the balance I try to keep between my professional obligations and my personal expectations. The symbolism of my unmade bed comforts me that I am on the right track. Next I ponder why my father and I have been singled out to tackle this topic. Was it to have us articulate the nature of our relationship as father-daughter, mentor-apprentice, partner-associate, and employer-employee? Was it to put to the test the bold assertions of lifestyle balance found on Mac, Mac & Mac's new website? Was it

because most of my contemporaries would squirm at the thought of candour on this most delicate and gender sensitive issue?

I had a distinct advantage over some of my law classmates when I started out. As a child, I experienced firsthand the demands of private practice and how it can insidiously encroach on private time. My sisters and I learnt the telltale signs: dinner plate in the microwave meant a late night for Dad; briefcase in the den meant no stories that night; and let's not even talk about the night before a big trial.

Like my sister Sarah, a new associate at Sampson McDougall in Sydney who recently made the move to Cape Breton for similar lifestyle reasons, and even my father before me, I was never encouraged to pursue law. And even after I chose law, I never envisaged myself in private practice, particularly in 'small town' Pictou County. I was a student of the world, having studied at the Sorbonne in Paris and completing my law degree at the University of Queensland in Australia. I spent a summer in Toronto working with Ontario's Ministry of the Attorney General, dealing with some of Bay Street's big shots by day and dining with the Toronto crowd by night. As I looked to do my articles, I was offered a clerkship with the Federal Court of Appeal in Ottawa. I was a citizen of the world, or so I thought.

Then, at the eleventh hour, I wavered. Not without some professional embarrassment, I came full circle back to Pictou County. As I explored the exciting career options that lay elsewhere, I discovered that none held the promise of job satisfaction that I witnessed firsthand at home. As my Australian husband and I were choosing our continent and planning our family, we digested for the first time that 'lifestyle' was more than just a pretty word.

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And now to the pith: do the partners at Mac, Mac & Mac do more than 'talk the talk' when it comes to issues of work/life balance? The answer is, unabashedly, 'yes'. And how, you might ask? It's in the big things, like reduced billable hours. It's in the little things, like laughing at ourselves when we get stuck in fifth gear. And it's in the important things, like knowing I'm allowed to say no without guilt or repercussion when I'm at maximum capacity. And without sounding like I'm trying to flatter or promote the partners too much, it is also in their team mentality that is both supportive and embracing.

Finding work/life balance is not simply about working in a law firm that demands less of our time. Lifestyle boundaries will always be breached. Not infrequently, I exceed my target hours, not to impress my mentors or earn more income, but because my clients' demands are more real than my own. That's the reality of private practice.

I readily acknowledge that my solution is not someone else's solution and that there is no magic fix to finding the perfect work/life balance. Private practice is demanding. Full stop. I sometimes wonder whether part of the problem is the context in which the issue is placed. Too frequently I hear the issue with regard to demands about lifestyle expectations rather than plans for lifestyle objectives. There appears to be too much finger pointing and not enough coping strategies put into play. With all this talk, why is it that the Time Mastery seminar recently hosted by the Bar Society was so sparsely attended?

I have watched for most of my 31 years as my father and his partners wrestled with this balancing act. Some months and years they appeared to do much better than others. Sometimes they were creative and self-disciplined in their strategies. Other times they required gentle reminders from those who loved them to pop it out of fifth gear. My father is not yet the old dog who can't learn from the young pups. I know he continues to work at it. And for my part, although I am still reaching for the proverbial brass ring, I'm trying to build a better model that allows me to smell the flowers just that little bit more along the way. My game plan is to manage the manageable and try not to sweat the big stuff that will come along and occasionally disrupt my best laid plans. I am supported by my mentors in doing so. But I know that like many lawyers, I am often my own worst enemy. I like to succeed in what I do.

Despite my own personal commitment to maintaining inner equilibrium, I try to accept that things will still go amuck. I will continue to miss soccer games and even the occasional bedtime story. Ironically, it's with those sacrifices that the practice of law is often its most rewarding. If I find I have to work on an apprehension file or a child custody case rather than tuck in my own children, I like to think I am making some child a little bit safer. Perhaps our community a little bit better. Or perhaps, less dramatically, simply demonstrating to clients that the legal system is responsive to their rights and concerns. It's a good feeling that's worth some personal sacrifice.

With the work/life balance issue being the hot topic of the day, those of us who choose lifestyle balance over Bay Street are now fully out of the closet. We are no longer fearful of being called wimps and underachievers. To the contrary, we are demonstrating time management skills that are key components to business success. I talk the talk and am still very much learning to walk the

walk. I do so with the help and positive support of those around me, including my mentors. I am heartened by the openness with which our profession is beginning to tackle this issue. Now I have to go home and make my bed. ☘



A: The answer: Yes. No. And sometimes. I start by confessing that I have always held J.W.E. (Bill) Mingo, Q.C., somewhat in awe, for many good reasons. It started more than 30 years ago, when he moved my admission to the Bar. Mr. Mingo was recently inducted into the Nova Scotia Business Hall of Fame, the first practising lawyer to be so honoured. His professional insight and commitment to systemic reform within our legal system are the stuff of legend. When he modestly delivered his acceptance speech a few weeks ago, he was introspective about the evolution of our profession. He was predictably masterful in his understated delivery. The only time he momentarily faltered was when he alluded to the subject matter of this column. That should have been an omen to me.

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Even five years ago, it would have raised eyebrows for a young lawyer to do anything other than complain about overwork as a red badge of courage. Times are changing. We are a profession in transformation. What works for one firm may not for another. There is no such thing as a typical young lawyer or a typical mentor. As a whole, we are an odd bunch. Consequently, I will not try to place round pegs in square holes. I will simply speak of my own experience.



I have two daughters who are now members of our Bar. Neither were ever encouraged to emulate their father or grandfather. I like to joke that my other two daughters are well adjusted. Perhaps that dark humour is itself a recognition that the practice of law and a healthy lifestyle balance are inexorably competing forces.

Mac, Mac & Mac has 10 lawyers and a total complement of slightly more than 30 bodies who gather together each workday morning, and more than a few evenings, to deliver legal services to our clients. We are located in New Glasgow. Not Halifax, Toronto, or New York. Attracting and retaining bright young lawyers has always been a challenge. The best and the brightest rarely think of Pictou County first. After successive years of a bruising and professionally embarrassing high turnover rate for associates, we decided to build a better mousetrap. To relate to and respect what we were being told by young lawyers who were being tempted by the non-metropolitan alternative.

Our epiphany was the hot button marked Lifestyle. We now use it shamelessly and hopefully deservedly. We work hard to be more responsive to the lifestyle aspirations of the young and the hungry. We started with the financially painful issues like billable hours. While we still have a place for treadmillers who want more, we set 1325 billable hours as our expectation for associates. That compares to 1600 hours and upwards in Halifax, and often much more in Toronto or New York. While the short term loss of financial leverage means we partners don't rest as easily on our laurels, we are rewarded in other ways. Our current crop of associates is the most talented, loyal, and hopefully stable lot of associates we have pressganged in 25 years. Our reward is not only continuity and excellent client service: we have the vigour and enthusiasm of young Turks who love what they do. They are infectious. They keep the old guard from rusting up or wearing out. Billable hours was just the start. We recognized that lifestyle is not something that starts after work. Within the office, we made other systemic changes. Heresy of heresies, we invited the more senior associates to our partnership meetings. We tried to break down the hierarchical mystique of how a law firm runs. Our evolution encompassed staff as well, including profit-sharing and decision-making involvement in client service issues. Our emphasis on a supportive team network within the office involves a variety of human resource strategies that endeavour to be responsive to the competing forces of client service and lifestyle balance. The result: a painful but gradual evolution away from the uni-dimensional workaholic that is the stereotype of my generation of lawyers.

But don't fall for our shtick completely. Nirvana does not exist. At the end of the day, Mac, Mac & Mac remains a service industry. The flow and volume of our work is rarely predictable. That is especially so in smaller firms that rely on intestinal fortitude rather than surplus bodies to absorb sporadic overflow. To build and maintain a successful law practice, large or small, the desired equilibrium between professional job satisfaction and balanced lifestyle will always remain an ethereal pursuit. Some days it seems closer than others.

And that's the rub. More and more mentors are awakening to the demands for evolution within the legal workplace. But in the real world of private practice and clients in need, our mission statements and reduced billable targets will frequently be trumped by the immediacy of a client in need. For real lawyers who deal with real clients, the practice of law is not just a job or an income. As old fashioned as it sounds, clients still repose their reliance and trust in us. I've yet to meet a client who shops for an under-inspired lawyer. The truth is, the competing tensions of good lawyering and balanced lifestyle will always require calibration, compromise, and re-calibration.

For many of my generation, we never saw the train coming. We did not start out as natural workaholics. Many of us started with no hourly rates and no billable targets. I was told: you look after your business and your business will look after you. Computers and word processors did not exist. Turnaround times were measured in days and weeks, not minutes. Fees were billed by instinct or the weight of the file. Most legal services were provided locally, with standards of practice that were parochial. Almost overnight, the mystique and slower pace of the legal profession was shunted aside by better-educated clients, better-educated lawyers, the proverbial global village, and the slavery of technology. We now must run twice as fast to justify and maintain client confidence.

It is generational. It is also personal. And there is the added complexity of gender that I have not even touched upon.

There will always be young lawyers with the prodigious and infectious energies of a Ken Matthews or Lorne Clarke, who will thrive on the sheer joy of long hours and rewarded effort. There will always be lesser lights like me who enjoy hard work and long hours almost as much as the absence of same. And for the growing number of lawyers who prefer to avoid entirely the mistress syndrome of the Lady of the Scales, there will be room as well. The price of admission: recognition that lifestyle balance is a constantly recalibrating aspiration that requires respectful and insightful team effort from a combination of client, mentor, and associate. ♣