

DISSERTATION APPROVED BY

March 26, 2021

Date

Leah Georges

Leah Georges, Ph.D., Chair

Gaston Espinosa

Gaston Espinosa, Ph.D., Committee Member

Jennifer Moss Breen Kuzelka

Jennifer Moss Breen Kuzelka, Ph.D., Director

Gail M. Jensen

Gail M. Jensen, Ph.D., Dean

FACTORS INFLUENCING FLEXIBLE WORKING IN A CALIFORNIA LAW FIRM:
A QUALITATIVE STUDY OF MANAGING ATTORNEYS

By
BRENT M. DAUB

A DISSERTATION IN PRACTICE

Submitted to the faculty of the Graduate School of Creighton University in Partial
Fulfillment of the Requirements for the degree of Doctor of Education in
Interdisciplinary Leadership

Omaha, NE
March 26, 2021

Copyright (2021), Brent M. Daub

This document is copyrighted material. Under copyright law, no part of this document may be reproduced without the expressed permission of the author.

Abstract

Non-monetary incentives, such as flexible work schedules have been implemented by business owners in hopes of improving performance, job satisfaction, and retention. While flexible work programs have been welcomed by employees, they may create unintended challenges within the organizational management structure, as managers of these flexible working employees experience concerns about expectations, accountability, oversight, and performance attainment. The current phenomenological research study explored managing attorneys' lived experiences with supervising attorney employees working in a flexible work environment within the context of a California workers' compensation defense law firm. Data gathered from open-ended semi-structured interviews with managing attorneys demonstrated that most of the experiences shared by the participants could be grouped into two themes of trust and technology with related subthemes that provided further clarity. Based upon the shared lived experiences of managing attorneys, the research supported the presentation of a proposed solution with recommendations and best practices for establishing a formal flexible working policy, providing managerial training, and investing in helpful technology tools.

Keywords: Flexible Working Programs, Managing Attorneys, Trust, Technology

Acknowledgements

Firstly, I would like to extend my appreciation to the participants of this study who took time from their busy schedule to share their experiences and add incredible value to this research project. I would also like to thank my dissertation committee Dr. Leah Georges and Dr. Gaston Espinosa for their help in completing this dissertation. Lastly, I want to extend special thanks to Ryan Eikmeier for his help during the interview process of this study.

Table of Contents

	Page
Abstract.....	iii
Acknowledgments.....	iv
Table of Contents.....	v
CHAPTER ONE: INTRODUCTION.....	1
Introduction and Background	1
Statement of the Problem.....	2
Purpose of the Study	4
Research Question	4
Aim of the Study.....	4
Methodology Overview	5
Definition of Relevant Terms	6
Delimitations and Limitations.....	6
Personal Biases	8
Leader’s Role and Responsibility in Relation to the Problem.....	8
Significance of the Study	9
Summary.....	10
CHAPTER TWO: LITERATURE REVIEW.....	11
Introduction.....	11
Monetary Compensation.....	12
Non-Monetary Benefits	14
Flexible Work Programs.....	15

Benefits of Flexible Work Programs	19
Family	19
Commuting	20
Reduced Employer Costs.....	21
Non-Financial Benefits to the Employer	22
Increased Job Satisfaction and Worker Productivity	23
Employee Retention.....	24
The Impact of Supervisor Support on the Success of Flexible Working Programs	26
The Supervisor as Gatekeeper and Decision Maker	27
The Impact of Managerial Training and Consistency	28
The Importance of a Supportive Manager	29
Managers' Motivations and Concerns with Flexible Working Programs	30
Control and Accountability of Employee Performance.....	31
Culture	33
Balancing Organizational Goals and Employee Needs	36
The Unique Challenges of Managing Attorneys	39
Summary.....	45
CHAPTER THREE: METHODOLOGY	46
Introduction.....	46
Research Question	46
Research Design.....	47
Participants and Recruitment	48
Data Collection Tools	50

Data Collection Procedures.....	51
Reliability and Validity	52
Ethical Considerations	54
Data Analysis Procedures	56
Summary	58
CHAPTER FOUR: FINDINGS.....	60
Introduction.....	60
Presentation of the Findings.....	60
Theme 1: Trust	63
Subtheme 1. Building Relationships and Trust	63
Subtheme 2. Monitoring Performance and Trust	68
Theme 2: Technology	72
Subtheme 1. Monitoring Performance with Technology	73
Subtheme 2. Staying Connected with Technology	76
Subtheme 3. Balancing Face to Face Interactions and Virtual Technology	83
Additional Noteworthy Findings	87
Peer Support Among the Managers	88
Challenges of Working from Home	89
Analysis and Synthesis of Findings	92
Summary	95
CHAPTER FIVE: CONCLUSIONS AND RECOMMENDATIONS.....	96
Introduction.....	96
Purpose of the Study.....	98

Aim of the Study.....	98
Proposed Solution.....	98
Establish a Formal Flexible Working Policy.....	99
Provide Managerial Training.....	105
Invest in Technology to Maintain Connection and Monitor Performance.....	108
Considerations About the Proposed Solution.....	109
Potential Obstacles in Establishing a Formal Flexible Working Policy.....	110
Potential Obstacles in Providing Managerial Training.....	112
Potential Obstacles in Invest in Technology.....	114
Implementation of the Proposed Solution.....	115
Factors and Stakeholders Related to the Implementation of the Solution.....	115
Building Support for the Proposed Solution.....	119
Implications.....	119
Practical Implications.....	119
Implications for Future Research.....	120
Implications for Leadership Practice.....	123
Summary of the Study.....	126
References.....	130
Appendices.....	146

CHAPTER ONE: INTRODUCTION

Introduction and Background

To achieve organizational goals, employers must attract and retain desirable employees. Although financial incentives can be effective at increasing job performance and retention, the financial costs can become expensive for businesses (Schleckser, 2019; Stajkovic & Luthans, 1997). As a result, high costs can drive organizations to explore non-monetary incentives to increase performance and retain top employees. Companies have relied on nonfinancial rewards when budgetary constraints make it difficult to offer raises or bonuses (Thompson, 2017). The evidence suggests that non-monetary incentives, such as flexible work schedules are effective in improving job performance and satisfaction (Boitnott, 2015; Coenen & Kok, 2014; Fuhl, 2020). For example, in a recent pre-COVID-19 Gallup report on the State of the American Workplace, researchers discovered that as many as 43% of employees in the study reported working outside the traditional work environment at least some of the time (Hickman & Asplund, 2019). A 2020 Gallup report documented that 51% of American workers were “always” working remote during the height of the COVID-19 restrictions and shutdowns in April 2020 (Brenan, 2020). Since COVID-19, five in 10 employees reported that they no longer want to work in a traditional office anymore (Hickman, 2020). A recent 2020 Leadership IQ study reported that 91% of employees surveyed would like to work from home at least some of the time (Murphy, 2020; “The State of Working from Home,” 2020). In short, creating a flexible working environment that maximizes employee productivity and work-life balance is becoming a popular way for companies to attract and retain top talent (Idris, 2014; Simovic, 2021).

While implementing a flexible work program may be attractive to professional employees, these policies may also create unanticipated challenges for employers and managers with respect to expectations, accountability, oversight, and performance attainment (Sweet et al., 2017). Furthermore, flexible working policies and practices are likely useless without managerial support because the managers are the ones approving employees' alternative working requests and also overseeing their implementation (Anderson et al., 2002; Gaskell, 2020). The current qualitative, phenomenological research study explored managing attorneys' lived experiences with supervising attorney employees working in a flexible work environment within the context of a California workers' compensation defense law firm.

Statement of the Problem

It can be challenging for law firms to identify effective monetary and non-monetary incentives for improving employee performance and attorney retention. Employees may welcome flexible working environments as an attractive non-monetary benefit, but managers of flexible work employees may have concerns about the effectiveness of such a program, specifically when it comes to expectations, accountability, oversight, and performance attainment. (Den Dulk & De Ruijter, 2008; Gaskell, 2020). Managers are responsible for employees' goal attainment and providing clear and articulated expectations about the structure of flexible working programs (Kaiser et al., 2011; Uzialko, 2020). A 2020 Harvard Business Review study discovered that 40% of managers reported low self-confidence in their ability to supervise remote workers (Parker et al., 2020). These issues are especially relevant to the operation of a law firm, since an attorney's job cannot easily be completely flexible because clients

need their attorneys to be responsive during the traditional workday and court appearances occur at specific times and places. Maintaining a law firm work culture that supports flexible working arrangements for attorneys is not simple, but nonetheless, it represents a growing “best practices” trend in the legal profession and in this study, we explore the experiences of one law firm to demonstrate why. The main complication is that a manager of attorneys must simultaneously make sure that the firm remains profitable and also keep their professional employees satisfied with the work arrangement (Elowitz & Watson, 2017).

Existing research has tended to explore flexible working arrangements from an employee perspective (Anderson et al., 2002; Coenen & Kok, 2014; Sarbu, 2018). Research studies have not adequately explored actual managerial experiences with supervising employees in flexible working programs (Lautsch et al., 2009). This may be because university researchers are not catering to small business practitioners, as solving their problems has little impact on faculty’s academic success (Nobel, 2016). There remains even a larger literature gap when considering the perspective of managers supervising professional employees, such as attorneys working in a flexible work environment. Accordingly, there is a lack of understanding on how to support managers who are responsible for supervising professional employees in these work arrangements. This study explored the lived experiences of managing attorneys overseeing professional employees within flexible working programs. This study informed law firms and other employers to better understand and implement systems that utilize effective flexible working programs for professional employees.

Purpose of the Study

The purpose of this qualitative phenomenological dissertation in practice was to explore managing attorneys' perceptions and experiences supervising attorney employees working in flexible working programs, within an insurance defense law firm in the State of California and to identify challenges and best practices for effective managerial strategies.

Research Question

While flexible work programs have been welcomed by employees, they may create unintended challenges for businesses because managers experience concerns about expectations, accountability, oversight, and performance attainment (Sweet et al., 2017). Managers are responsible for employees' goal attainment and therefore, providing clear, articulated expectations about the structure of flexible working programs is important for their success (Kaiser et al., 2011; Uziarko, 2020). This study explored the perceptions and lived experiences of managing attorneys overseeing professional employees within flexible working programs in a California law firm structure and identified obstacles, recommendations, and best practices for effective managerial strategies. The following research question guided this qualitative study: what are the lived experiences and perceptions of managers who supervise attorneys within a flexible working program in a California defense law firm?

Aim of the Study

The aim of the study was to help law firms and other employers of professional employees better understand and implement systems that support managers who supervise attorneys working in law firms with flexible working programs to achieve

organizational goals. Utilizing the data obtained from qualitative interviews from actual managing attorneys, this study captured real life experiences of those working in law firm management. Through this study, a series of recommendations and best practices have been identified for law firm managers who adopt flexible working programs.

Methodology Overview

Traditionally, researchers have examined flexible working programs from the employee's perspective and more recently they have evaluated issues of program effectiveness (Coenen & Kok, 2014). However, studying managers' lived experiences in flexible working programs remains largely unexplored (Lautsch et al., 2009). There is a notable lack of documented research specifically studying managerial experiences with overseeing attorneys in flexible work programs. This qualitative research study used a phenomenological approach to explore the lived experiences and perceptions of supervising attorneys in a flexible working environment from the managers' perspectives. The phenomenon that was studied was managing an office with attorney employees that utilized flexible working practices.

Phenomenology aims to understand and appreciate an experience as lived by actual people who have experienced the phenomenon firsthand (Van Manen, 2017). The researcher collects data from people who have experienced this phenomenon and develops a description of the common experience for the participants that helps the audience better understand the subject under study (Creswell & Poth, 2018). In this study, data from qualitative open-ended interview questions was collected from practicing managing attorneys in the California offices of Gilson Daub LLP, a workers' compensation defense law firm. The qualitative interview questions were designed to

provide insight into the experiences of managing attorneys who were overseeing practicing attorneys working in flexible work time and flexible workplace environments.

Definition of Relevant Terms

Throughout this dissertation in practice, the following terms are used operationally within this study.

- *Flexible working programs*: Work arrangements where employees are given flexibility in scheduling how they meet the daily demands of their jobs.
- *Flexible work time*: a work structure where employees choose when to start and end their workday while allowing for work to be performed outside of the traditional 9:00am to 5:00pm working schedule.
- *Flexible work space*: a work structure where employees can work away from the office at times and may share office space with others on a rotating weekly schedule to allow people flexibility in where they work within the work day and work week.

Delimitations, Limitations and Personal Biases

Delimitations and Limitations

This study was conducted with managing attorneys in the California offices of Gilson Daub LLP. This firm specialized in workers' compensation defense, although delimitations of the study's design prevent this study from applying the findings to all law firms and attorneys in all times and places. The firm of Gilson Daub LLP had already implemented some flexible work programs and had been largely a paperless work environment for nearly a decade, where the majority of the work was conducted using an online case management software. Not every firm is paperless and has a software that

permits attorneys to work in environments and settings outside the traditional brick and mortar office during the traditional 9:00am to 5:00pm workday schedule. Limitations of the study were that the participants were managing attorneys within the California offices of Gilson Daub LLP. Nine of the firm's 11 California managing attorneys participated in this study's interviews. Due to the size of the law firm under study, the participants were also not a random sample. This study intentionally excluded attorneys that worked in states outside of California where traffic and salary conditions were somewhat different than working within the state of California. A further limitation was the reliance upon the self-reporting nature of the study design. In conducting the research, I assumed the participants in study were truthful and accurate in their responses and thus, I relied on this self-reported data to complete the research.

One important limitation to note is the fact that I am the senior partner of Gilson Daub LLP. This added a unique employer-employee dynamic in this research project, as the participants in the study were also employees themselves. During the course of this research project, I had to make an intentional decision to protect the identities of the participants by using a third-party interviewer and secure coding system for the interview transcripts. This was a decision that was made in order to obtain the most honest and transparent feedback from the participants. However, this decision also prevented me from collecting racial, ethnic, and gender demographic data from the participants, as that information would have given away their identities, which I was working hard to protect. Collecting this demographic data may have provided potentially valuable information about how race, ethnicity, and gender impact managerial experiences with remote work. As such, I was unable to address in this project how managerial experiences might also

be affected by the racial-ethnic and gender composition of my sample manager participants.

Personal Biases

It must also be noted that Gilson Daub LLP has already implemented established flexible working practices prior to the beginning of this research project. There was an identified researcher bias as I was also the employer of the participants in the study and I also believed flexible working practices provided a benefit to the firm and its employees. Although, there were some recognized challenges with respect to whether or not participants were fully candid in their responses to me as the researcher because I was also their employer, the Gilson Daub LLP culture had been built on open communication with a high value for honest and transparent feedback at all levels. Additionally, I spent over seventeen years working as an attorney in the very work environment that was being studied. I experienced the California traffic challenges while working as an associate attorney and also experienced the challenges of managing a team of attorneys who were working within the environment being studied for this proposed research project. I communicated clearly with the participants of this study that their participation or lack of participation in the research study did not in any way impact their career opportunities with the firm.

Leader's Role and Responsibility in Relation to the Problem

Leaders are in positions of authority for the purpose of obtaining results for their organizations. Leading people is an important responsibility that impacts overall performance and goal attainment. One of the challenges that leaders have is how to attract, retain, and motivate subordinates in their assignment to reach organization goals.

An effective leader should be able to create an environment that is rewarding to subordinates and also achieves organizational results. A leader of a law firm needs to understand how flexible working programs impact the relevant stake holders in the firm. This research study took a unique approach in exploring how to support managers in a multi-site law firm where flexible working programs have already been implemented, though to retain consistency, it will focus only on those offices in California. The research provided lived experiences from actual managing attorneys which can inform law firm decision makers on how flexible working programs can be designed to benefit the firm, the associate attorneys, and the managing attorneys who oversee the local team.

Significance of the Study

To attract and retain desirable employees who help the firm reach performance objectives, a law firm must implement both competitive monetary compensation along with other important cultural and environmental workplace considerations. Some employers have considered tangible non-monetary benefits and intangible benefits as part of a comprehensive retention plan. These may include medical insurance benefits, flexible work arrangements, free parking, health club memberships, retirement matching programs, access to financial planning, career coaching, college tuition assistance, leadership training opportunities, and childcare benefits (Idris, 2014). If designed and implemented effectively, flexible work programs are non-monetary benefits that can create mutually beneficial outcomes for both the employer and the employees. These programs can provide autonomy and positive work life balance for the employees and also help employers manage rising rent costs and improve job performance (Kratz, 2016).

While these flexible work programs have been welcomed by employees, they may create unintended challenges within the organizational management structure, as existing leadership experiences concerns about articulated expectations, accountability, oversight, and performance attainment. This study explored the perceptions and experiences of managing attorneys who oversaw professional employees in flexible working programs within a California law firm structure. This study informed law firm leaders and other employers of professional workers with lived experiences from managing attorneys who supervise attorneys in flexible working programs. This information helps decision makers in professional organization adopt and implement effective flexible working programs for their businesses.

Summary

This study explored flexible working in the context of a California workers' compensation defense law firm. Using a qualitative approach, flexible law firm working practices were evaluated from the perspective of those working in the phenomenon being studied. Data gathered from interviews with California managing attorneys examined the perceptions and experiences of those supervising attorneys in flexible working environments. Through this study, a series of recommendations and best practices have been identified for law firm managers who adopt flexible working programs.

CHAPTER TWO: LITERATURE REVIEW

Introduction

To attract and retain top employees, some employers have considered tangible non-monetary benefits and intangible benefits as part of a comprehensive retention plan (Thompson, 2017). Employers have many options with respect to non-monetary benefits that can be offered to their workers and some business are implementing flexible working programs in the hopes of improving job performance, job satisfaction, and employee retention (Ikram, 2021; Schiff, 1996). Flexible working options provide start and stop times outside of the traditional 9:00am to 5:00pm workday and often provide opportunities to work away from the normal office location (Medhi, 2020; Schiff, 1996). Flexibility has become an important factor for today's jobs because technological advances have made innovative work opportunities available for more employees (Ingham, 2019; Sarbu, 2018; Schiff, 1996). Flexible working programs have been shown to improve important employment outcomes such as increased employee engagement and job performance while reducing absenteeism and turnover (Hickman & Robinson, 2020).

While flexible work programs have been welcomed by employees, they may create unintended challenges within the organizational management structure, as existing managers experience concerns about expectations, accountability, oversight, and performance (Sweet et al., 2017). The response that an employee receives to a request for flexible work may depend on their manager's personal opinions and past experiences (Anderson et al., 2002; Gaskell, 2020). Since managers often have the final decision on whether or not an employee's alternative work request will be approved, understanding managerial concerns and their experiences with flexible working programs would be

helpful to advancing research on improving the effectiveness and implementation of these initiatives. The following literature review explored topics important to flexible working programs including the effectiveness of monetary and non-monetary compensation structures, the benefits of flexible working programs, the importance of supervisor support for the program, and managerial concerns with flexible working arrangements.

Monetary Compensation

The free-market system provides financial compensation for work performed. The underlying characteristic of all financially based reinforcers is that organizations provide monetary contingencies in exchange for work (Stajkovic & Luthans, 1997). Pay is a primary motivation for many people to go to work and rewards such as financial compensation and bonuses are effective tools to motivate workers (Barbuto & Scholl, 1998). As a result, businesses have traditionally used financial incentives to motivate employees to achieve the organization's objectives (Bareket-Bojmel et al., 2014; Lansdown & Saunders, 2012).

The most often cited reason for instituting higher financial bonuses is the belief that monetary incentives motivate workers (Bareket-Bojmel et al., 2014; Beer & Katz, 2003). Greater monetary incentives may in fact produce increased levels of productivity (Bareket-Bojmel, 2014; Oah & Lee, 2011). In fact, Beer and Katz (2003) found that business executives who make organizational decisions on compensation structures for their employees have also increased the use of performance-based bonuses and stock options in their own executive compensation because they believe greater monetary rewards motivate higher levels of performance. Specifically, to further investigate

attitudes on monetary incentives, they conducted a survey of 205 executives from multiple countries participating in an international development program for senior executives at a leading U.S. business school. The survey investigated the executives' perceptions of the causes and consequences of using monetary incentives. The findings suggested that executives from the United States expressed a much stronger belief in the effectiveness of monetary incentives than did executives from Europe and Asia and were willing to keep these programs even when presented with data that the incentive structure was a major barrier to organizational effectiveness (Beer & Katz, 2003). Researchers Young, Beckman, and Baker (2012) conducted a similar study examining a group of 337 primary care physicians that adopted a performance-based incentive program. The quasi-experiment reported that professional employees did respond favorably to programs that incentivized specific performance and those workers would improve their job performance in order to obtain higher financial rewards (Young et al., 2012). The study also noted that professional workers' job performance in monetary incentive-based programs were moderated by their opinions about the importance of the performance goals in relation to their professional values (Young et al., 2012).

Although performance-based incentive programs are popular in some industries, it still remains a controversial practice because some believe that these types of incentives may actually work against other important organizational goals (Grant & Singh, 2011; Kohn, 1993). For instance, some believe that financial rewards succeed at securing only temporary employee compliance and do not necessarily create lasting commitment with the organization (Kohn, 1993). Furthermore, performance for professional employees may even be undermined by financial rewards, especially when financial incentives are

not properly aligned with organizational values (Grandey et al, 2013). Therefore, businesses should exercise caution when implementing performance-based monetary incentive programs within professional organizations and should make sure that the financial rewards which are being provided for high performance are in fact consistent with the values of the profession (Young et al., 2012).

Although financial incentives have been effective at increasing job performance, it can become expensive for businesses (Schleckser, 2019; Stajkovic & Luthans, 1997). It is often the high costs that lead organizations to explore non-monetary incentives to increase performance and retain top employees. Companies often rely on nonfinancial rewards when budgetary constraints make it difficult to offer raises or bonuses to their employees (Thompson, 2017). Some workers have also reported that financial rewards were appreciated but were not as effective as nonfinancial rewards, such as flexibility in work hours, training opportunities, career development, feedback, and recognition by management or co-workers (Thompson, 2017).

Non-Monetary Benefits

Today's employees are looking for more than money alone and businesses that only provide financial rewards are missing other important factors that are central to meeting their employees' needs (Thompson, 2017). To attract and retain top talent, some businesses have offered workers tangible non-monetary benefits and intangible benefits as part of their comprehensive retention plans (Idris, 2014; Ikram, 2021). These nonmonetary benefits not only improve employee recruiting and retention efforts, but nonfinancial incentive programs can also improve overall team performance (Antonakis & House, 2014).

Employers have many options with respect to providing non-monetary compensation benefits to their employees. These may include medical insurance benefits, flexible work arrangements, free parking, health club memberships, retirement matching programs, access to financial planning, career coaching, college tuition assistance, leadership training opportunities, and childcare benefits (Idris, 2014; Ikram, 2021). Businesses that provide these types of non-monetary benefits promote a positive work-life environment and also communicate to their employees that their work is appreciated (Medhi, 2020; Schiff, 1996). By providing non-monetary benefits that improve employees' work-life balance, businesses can help employees focus more attention on their work and worry less about outside concerns (Idris, 2014). The 2019 Prudential's Pulse of the American Worker survey of 2,000 full-time employees conducted by Morning Consult reported that more American workers would prefer a better work-life balance rather than more money (Baer & Akhtar, 2019).

Flexible Work Programs

Flexibility in the workplace is one of the more popular non-monetary benefits that businesses can offer to their employees (Smith, 2018). Businesses have implemented non-monetary incentives, such as flexible working schedules because they have been linked to improved job performance and satisfaction (Coenen & Kok, 2014). Flexible working programs provide employees with variable start and stop times in the work schedule, often in locations away from the traditional office. The terms alternative work or flexible work have been used to cover a variety of working programs including flextime, flexible working spaces, job sharing, telecommuting, compressed work schedules, and part-time work (Arbon et al., 2012). Although employees are increasingly

working in non-traditional work schedules and locations, employers do impose some limits on workers' full discretion in arranging their daily schedules through the use of bandwidths, which are the daily range of working hours for the business, and core times, which are employer designated times when employees must be on the job (Hammer, & Barbera, 1997; Vanderkam, 2015). If designed and implemented effectively, flexible work programs are an inexpensive non-monetary benefit that can be of mutual benefit for both the employer and their employees (Rasico, 2020; Schiff, 1996). These programs can provide autonomy and positive work life balance for the employees while also helping employers manage rising rent costs and improve job performance (Kratz, 2016). Further, when implemented successfully, managers should be able to achieve higher productivity from their workers along with lower office costs, while employees can receive greater autonomy in their work and an improvement in their daily commutes (Dimitrova, 2003; Golden et al., 2013). It is easy to see why a program that provides flexibility for employees, while increasing employee productivity has become a popular benefit (Arbon et al., 2012).

Flexible working programs have their roots in the 1970's oil crisis when the National Aeronautics and Space Administration (NASA) began to have employees work from home, in order to reduce energy consumption and traffic problems (Sarbu, 2018). Shortly thereafter, the federal government and other states also started encouraging telecommuting and alternative work programs and by 1997, as many as 10,000 federal workers were in flexible working positions (Sarbu, 2018). With the encouragement from federal and state governments for private companies to follow suit, businesses such as IBM began offering flexible working options to their workers as a means to improve

recruiting initiatives (Sarbu, 2018). By 2009, flexible working had become so widely accepted at IBM that the company reported 40% of their employees had no office at all (Useem, 2017). Flexible working programs have continued to rise in popularity with businesses in the United States and some now believe that the traditional 40-hour a week, 9:00am to 5:00pm work schedule has become a thing of the past in many industries (Hammer & Barbera, 1997; Rockwood, 2017; Soojung-Kim Pang, 2020). A 2020 Gallup study reported that five in 10 employees no longer want to work in a traditional office anymore (Hickman, 2020). A recent 2020 Leadership IQ study reported that 91% of employees surveyed would like to work from home at least some of the time (Murphy, 2020; “The State of Working From Home,” 2020).

The significant advances and reduced costs of information technology and personal computers has made it easier for businesses to permit employees to work from home (Dimitrova, 2003; Ingham, 2019; Kossek et al., 1999; Sarbu, 2018). Improvements in communication technology such as laptops, email, cell phones, group chat, and the ability to conduct virtual meetings have all helped companies manage the increasing number of people working in locations outside of the office (Sarbu, 2018).

Technological advances make it easier for managers to stay connected to their remote employees. This increase in flexible working has also further been aided by the dramatic shift in United States business environment from a manufacturing to an information economy (Sarbu, 2018). Furthermore, important changes in the workforce have increased the number of workers who prefer to be on alternative work schedules for social and economic reasons (Hammer & Barbera, 1997; Hickman, 2020). In their work

studying labor and statistic trends, Hammer and Barbera (1997) identified several factors impacting these employee preferences toward flexible working:

- increased leisure time;
- greater numbers of females, minorities, and senior citizens in the workforce seeking alternative work schedules;
- greater number of service industry jobs with non-traditional patterns of work;
- “skill obsolescence” in traditional jobs, which drives employees needing flexibility to obtain new educational opportunities (Hammer & Barbera, 1997, p.28).

These changes in worker preferences toward flexibility in their jobs has made alternative work programs an increasingly popular benefit for businesses to offer. Flexibility in the workplace has become in such high demand for employees that websites such as Flexjobs.com maintain a database publishing an annual list of the 100 top companies that offer remote jobs for workers across more than 15 industries and 10 different countries (Reynolds, 2019). It seems as if more employers than not are providing flexible working opportunities. According to Sarbu (2018), in the year 2014, 59 percent of the businesses in the United States provided the opportunity for their employees to do some form of work outside of the traditional job parameters. However, there are still some professions such as doctors, lawyers, and pilots that have found it difficult to fully embrace flexible working options. In these professions, workers must still be physically present in their traditional workplace during specific work hours to perform the essential tasks of their jobs. In some industries, being physically present remains important to job performance (Useem, 2017).

Benefits of Flexible Working

Family

An increasing number of businesses are responding to the family needs of their employees by implementing alternative work policies when possible and appropriate (Spieler et al., 2017). Flexibility is an essential factor in understanding today's workers whose family needs require they work outside of the traditional employment schedule (Eaton, 2003; Heathfield, 2020). Flexible working programs provide employees with control over their schedules to meet demands outside of work without incurring discipline from supervisors or penalties to their career opportunities (O'Connor & Cech, 2018). Flexible working programs give employees greater flexibility in their schedule in order to accommodate the non-work demands that come up in their lives, such as getting children to and from school, getting elderly relatives to a doctor's appointment, or taking time off work temporarily during the day for a family emergency (Eaton, 2003). Family demands do not always occur at convenient times for the traditional 9:00am to 5:00pm schedule and may require employees to leave work at nonstandard times or even work part time for a season (Eaton, 2003). When employees have job flexibility, they can better manage their daily schedules, thereby reducing the potential for work-life conflicts that can arise when balancing the important demands from their work and their family (Julien et al., 2011). Alternative work programs that provide flexibility for workers to attend to their families' needs can reduce absenteeism and turnover, even when employees did not utilize the benefits from the policies (Eaton, 2003). New technologies enable greater employee autonomy and flexibility to permit workers to complete their assignments away from the office (Dimitrova, 2003; Ingham, 2019; Sarbu, 2018). Businesses that

effectively utilize new technological advances to allow employees to work outside of the office are able to offer a degree of flexibility to their workers with complex family needs. In short, flexible work programs can eliminate the difficult decision of an employee having to choose between work and family, at least in some instances.

Commuting

Even workers without significant family obligations report enjoying flexible work programs that provide freedom from daily commutes in large metropolitan cities, where traffic congestion can keep drivers on the freeways for over an hour on trips to and from the office (Schiff, 1996). According to the U.S. Census Bureau, the average, one-way commute for workers is approximately 26.1 minutes, or 4.35 hours in a five-day work week (Berger, 2018) and places such as Washington, D.C., New York, Maryland, Massachusetts, and California see commutes at or above 30 minutes a day (Berger, 2018). This equates to over 200 hours per year, which essentially means that the average employee spends almost nine days out of every year commuting to work (Berger, 2018). An increasing number of workers in the United States report that their commutes to and from the office are too long and too stressful (HR Daily Advisor Editorial Staff, 2019).

Offering employees a flexible working option to either work from home or come into the office during non-peak traffic times can be an attractive benefit to reduce wasted time and money on commuting (Gaskell, 2020). A non-traditional work schedule that allows employees to reduce or even eliminate extended commutes can potentially improve a company's opportunity to attract new workers. When an employee is considering selecting a job offer from two similar companies, the employer who provides some flexibility in location and schedule, may find they have secured an advantage in the

competitive recruitment of talented employees (Schiff, 1996). Additionally, research suggests that younger generations of workers value jobs that promote a healthy work-life balance and increased personal time (Arbon et al., 2012). Employees who do not have to physically come into the office, at least on a daily basis, can avoid the stress of traffic and also become increasingly productive, beginning their workday during the time they would have normally been in their car (Martin, 2019; Schiff, 1996). This helps workers feel that much of their day is not wasted commuting to and from the office. Furthermore, an employee who is able to reduce their commute to and from work is also free to allocate those budgetary costs of gas, car maintenance, or bus fare to other important personal or family needs.

Reduced Employer Costs

Not only are flexible work programs beneficial to employees, but organizations can also obtain significant savings on overhead costs such as reduced rent, utility bills, commuting costs, increased productivity and greater availability to customers through expanded working hours (Lautsch & Kossek, 2011). Telework is often promoted as a tool for lowering office overhead costs as employers downsize from large and expensive work facilities to smaller ones (Dimitrova, 2003). Rent is a significant monthly budgetary item for many businesses. As companies grow, they have traditionally needed to obtain larger and larger facilities to warehouse larger groups of employees. Flexible working options can be a solution to the rising costs of rapid growth, in that rent obligations can be better managed, as employees working outside of the office do not require a larger office space to accommodate the growth. For example, when IBM moved a significant amount of its employees to alternative working positions, the

company reported that it eliminated over 58 million square feet of office space, saving nearly \$2 billion (Useem, 2017).

Additionally, some businesses offer their employees mileage reimbursements, car allowances, company vehicles, free parking, or other public transportation provisions, as benefits to attract and retain quality employees (Arbon et al., 2012). Cities such as San Francisco, New York, and Washington D.C. even require employers with 20 or more employees to offer qualified pretax transportation benefits to their workers (Lally, 2015). Businesses that provide these types of commuting benefits to employees recognize that these costs continue to rise each year. Flexible work programs may offer opportunities to significantly reduce or entirely cut out those costs for employees. Employees who work from home and do not have to commute to and from the office in large metropolitan areas would require less transportation overhead from their employers, thus providing an opportunity for improvement on their monthly budgets (Arbon et al., 2012). Reducing commuting time through flexible working programs therefore provides a mutual financial benefit for both employees and employers.

Non-Financial Benefits to the Employer

There are recognized compelling budgetary reasons for organizations to offer flexible working opportunities for their employees. In addition to the cost savings that business capture from implementing flexible working programs, there are also notable non-financial benefits to employers that arise from job flexibility. Some of the other organizational benefits associated with flexible work schedules include higher employee job satisfaction, increased worker productivity, increased employee retention, and reduced absenteeism (Anderson et al., 2002).

Increased Job Satisfaction and Worker Productivity

Flexible working programs provide a positive environment where employees increasingly report enjoying their jobs (Lautsch & Kossek, 2011). From an employee perspective, flexible working has been associated with higher levels of job satisfaction (Lautsch & Kossek, 2011). When employees are happy with their jobs, they want to be at work and absenteeism generally decreases while productivity on the job increases (Arbon et al., 2012). Employees enjoy having more choices in how and where they work (Barrett, 2019). The belief among advocates of flexible working policies is that workers in these programs experience freedom from micromanaging supervisors and independence from rigid schedules, producing more satisfied and more productive employees (Dimitrova, 2003).

It was previously noted how flexible working programs reduce commuting times and costs for both employees and employers but there are additional employer level benefits obtained from decreasing the amount of time employees spend in traffic to come into work, increased productivity. Workers who no longer have to spend their mornings stuck in traffic often substitute the time spent commuting for additional work time (Lautsch & Kossek, 2011). An employee who can avoid the stress from a lengthy commute is able to begin their workday in a fresh state and is more productive than one who arrives tired and stressed from time spent traffic (Loubier, 2017). In terms of employee job satisfaction, even a 20-minute increase in commuting time can be as negative as a 19% pay cut for many employees (Rudgard, 2017). Accordingly, an employer can increase job satisfaction in their workers by reducing the time employees spend commuting to and from the office (Rudgard, 2017). When employees experience

higher job satisfaction from a reduced commute, employers should be able to see the related benefits from employee productivity increase as well (Edwards, 2015). The link between increased job satisfaction and employee productivity has been a popular subject of employment related research (Edwards, 2015).

Susan Eaton (2003) conducted a study utilizing original survey data to test flexibility practices for professional and technological employees working in young entrepreneurial organizations at seven United States biopharmaceutical companies. The survey population consisted of 1030 employees who were scientists, researchers, and managers with an equal number of men and women (Eaton, 2003). The Eaton study (2003) sought to determine if there was a relationship between flexible working policies and the organizational outcomes of productivity and organizational commitment. The research suggested that flexible work policies were positively associated with higher level of productivity among the employees (Eaton, 2003). With employees enjoying the freedom from flexible working options and employers seeing increased productivity in their teams, it is easy to appreciate why these programs have become popular in recent years.

Employee Retention

Not only did employees in the Eaton study (2003) report higher levels of productivity from flexible working programs but they also reported higher levels of organizational commitment. Job performance has been shown to be influenced by a variety of work factors but one of the most important is organizational commitment (Eaton, 2003). The way these relationships influence one another in a flexible working environment is fascinating. Flexibility in the workplace has been associated with job

autonomy and increased autonomy has been linked positively with job satisfaction and employee motivation, which together can generate higher organizational commitment (Eaton, 2003). When levels of organizational commitment are high among employees, not only does job performance improve but employee turnover is also reduced (Eaton, 2003). Employee retention is increasingly important to organizations in today's business climate as turnover, recruiting, hiring, and new employee training are incredibly expensive financial costs (Altman, 2017).

Grover and Crooker (1995) collected data from 1,517 face-to-face interview surveys conducted by the National Opinion Research Center in order to explore employee attitudes, workplace characteristics, and demographics relating to family benefits and turnover. The study measured the availability of flexible working benefits and analyzed their impact on organizational commitment and employees' intent to leave the company (Grover & Crooker 1995). The central finding of the Grover and Crooker (1995) study was that employees had greater attachment to companies that offered flexible working programs, regardless of whether or not the workers might personally benefit from the policies themselves. Workers with flexible job opportunities demonstrated higher organizational commitment to their companies and also much lower turnover intention (Grover & Crooker 1995). The implications are that businesses which provide family friendly work policies will be more successful at retaining employees, even when workers are not working in a flexible working program themselves (Grover & Crooker 1995). Family friendly policies such as flexible working programs are not only important to retaining talented existing employees but may also be effective in attracting more productive workers to the organization (Eaton, 2003). A recent Gallup study reported

that 53% of employees surveyed indicated that a better “work-life balance” was “very important” when considering whether or not change jobs (Hickman & Robison, 2020, p. 7).

The Impact of Supervisor Support on the Success of Flexible Working Programs

Employers in today’s business climate can face substantial internal and external pressures to adopt family friendly flexible working programs (Fernandes, 2016; Klein et al., 2000). Some businesses have created flexible working policies for regulatory, marketing, and recruiting purposes but put little thought into their design or effort in their execution. While the owners of the business may believe that flexible working options are beneficial, the managers may remain unconvinced of the benefits of working remotely. There is a difference between having a flexible working policy and honoring flexibility (Clifton & Harter, 2019). On occasion, businesses may only permit certain high-performing and difficult to replace employees to work flexible hours after they threaten to leave (Klein et al., 2000). In these forced situations, there is no real policy in place and therefore no real likelihood of widespread adoption or success for the program. In other companies, flexible working policies may be outlined in the employee manual, but approval and implementation may be left up to individual supervising managers (Julien et al., 2011). In these situations, supervisors often make the final decision on whether an employee’s request for flexible work will be approved (Julien et al., 2011). In some companies, employees choose not to utilize their flexible working benefits because doing so leaves workers feeling that their supervisors would view them as not committed to their jobs (Wynn & Rao, 2019).

The Supervisor as Gatekeeper and Decision Maker

Even in businesses with established flexible working programs, supervisors act as gatekeepers who make decisions that can limit and even penalize employees who seek to use these benefits (Gaskell 2020; Ryan & Kossek, 2008). For example, within the same organization, one employee might have their flexible working request approved by their supervisor where the exact same request made to a different supervisor might be denied. The term management lottery is used to describe the situation where employees' access to company benefits may be limited by the discretion of a supervisor (Den Dulk & De Ruijter, 2008). In other words, it is essentially up to the supervisors to approve and manage flexible working policies within a business (Den Dulk & De Ruijter, 2008; Gaskell, 2020).

It is not enough for businesses to simply have a formal flexible working program in place because these policies are likely useless without managerial support (Anderson et al., 2002; Gaskell 2020). If employees are unable to use a company's flexible working program, it will not help them (Eaton, 2003). Unfortunately, flexible working programs are of little value to employees who work in an unsupportive culture or with an unsupportive manager (Anderson et al., 2002; Gaskell 2020). For a flexible working program to offer real value, employees must feel secure that a request for alternative arrangements will not jeopardize their jobs or limit their opportunities at work (Sarbu, 2018). In some companies requests for flexible work are discouraged or have negative career consequences because managerial attitudes and the workplace culture are not supportive of the program (Eaton, 2003).

The Impact of Managerial Training and Consistency

When flexible working policies are exclusively left up to a manager who is unsupportive of the program, it is unlikely the program will succeed (Gaskell, 2020; Peak, 1994). Managers who lack sufficient training or who have had past negative experiences will likely be unsupportive of their employees' requests for flexible work (Barham et al., 1998; Gaskell, 2020). Therefore, fostering supervisor support is one of the most important tasks an organization can do to ensure their flexible work program will be effective. Until a supervisor believes in a company's flexible working program, the policy will have little success (Duxbury & Haines, 1991).

Managers may be aware of the company policies allowing for some employees to work in a flexible schedule and location outside of the traditional environment but when the managers try to implement these programs, they discover that to be fair, flexible working requires them to treat different employees differently (Peak, 1994). The managers are then faced with a decision to approve or deny the request for flexible work. This makes consistency and fairness a challenge for both managers and employees. Without clearly articulated policies and training, managers may feel pressure that they are treating some employees unfairly. Managers require sufficient training to understand the complexity of employees' situation, abilities, and how the flexible working program will impact the overall team. Within the supervisor training initiative, employers also need to develop a workplace culture that encourages employees to feel supported and that using flexible working benefits will not jeopardize their career opportunities (Barrett, 2018).

The Importance of a Supportive Manager

In order for flexible working programs to meet their stated objectives, businesses need supervisors to promote their use and evaluate employee performance within the program (Clark, 2001). Sue Campbell Clark (2001) conducted a study of 179 employees in various working environments which examined the relationships between three dynamics of work culture, “flexibility of working hours, flexibility of the work itself, and supportive supervision” (p. 348) and work-life balance. The survey results identified a correlation between operational workplace flexibility and both work satisfaction and family well-being (Clark, 2001). Additionally, supportive supervision was found to be associated with increased employee citizenship (Clark 2001). One of the discoveries from Clark’s (2001) research was that employees reported that they would like their supervisors to be better trained in accommodating company flexible working options. While managers may be reluctant to ask questions about an employee’s work-life balance, it appears that workers would prefer supervisors to be more understanding and more generous with flexible working possibilities, which would reflect a supportive culture (Clark, 2001).

In addition to impacting program effectiveness, managerial support also influences employee job satisfaction and reduced turnover intentions (Hammer et al., 2009). A 2011 study analyzed survey responses from 106,000 Canadian federal employees measuring supervisor support for flexible working arrangements (Julien et al., 2011). The research identified a correlation between supervisor support and lower levels of work-life conflict (Julien et al., 2011). Specifically, employees who described their supervisors as supportive reported less work-life conflict, higher job satisfaction, and

increased organizational commitment (Julien et al., 2011). When these important employee attitudes are present, workers are more likely to reciprocate the support they receive from their supervisors with improved job performance and less turnover intention (Julien et al., 2011).

Managers' Motivations and Concerns with Flexible Working Programs

With all of the evidence documenting the benefits of flexible working programs and the importance of supervisor support, one may wonder why some managers might reject employees' requests for alternative working arrangements. While flexible work programs have been welcomed by employees, they may create unintended challenges within the management structure. There is a lack of substantial existing research literature about managers' lived experiences with alternative work programs and what influences supervisors' beliefs about what is beneficial to their teams within flexible working programs (Lautsch et al., 2009; Sweet et al., 2017). However, managers tend to have positive opinions of flexible working programs when they are convinced these programs will improve their team's performance (Den Dulk & De Ruijter, 2008). At first, managers may resist flexible working programs because of fear that these arrangements could work against the manager's own career interests (Sweet et al., 2017). Managers' positions are challenging because they are often caught in the middle of top executives and frontline employees (Clifton & Harter, 2019). Most managers are interested in the overall performance of their team, and flexible working programs might be seen as disruptive if the managers believe these arrangements make it more difficult to achieve the team's performance goals (Den Dulk & De Ruijter, 2008). Managers whose jobs are measured on team performance might worry that an employee out of the office is

not working during the day and will thus bring down the team's overall performance numbers. This may create concern in some managers about whether or not their employees are working as much at home as they did when in the office (Hickman, 2020). When workers are out of the office and out of sight, managers may wonder if those employees are actually working. Some preliminary research has been conducted on managerial concerns about supervising employees in flexible working programs, which include concerns over expectations, accountability, oversight, and performance (Sweet et al., 2017).

Control and Accountability of Employee Performance

When deciding whether to approve an employee's request for a flexible working arrangement, some managers begin by conducting a cost benefit analysis (Den Dulk & De Ruijter, 2008). Flexible workers are often working remotely, away from their supervisors, where direct observation is impossible (Dimitrova, 2003). This may create concern in some managers about whether or not their employees are actually working. When workers are out of the office and out of sight, managers may wonder if those employees are actually working. Employees enjoy the flexibility that comes from alternative work programs but for them to be successful, work must be getting done.

Concerns about monitoring, control, and accountability seem to be top issues for managers who want to make sure their employees are meeting performance goals (Lautsch & Kossek, 2011). Managers of remote workers do not always know what their employees are working on or when they need help (Olson & Olson, 2014). Some managers have concerns that remote employees may not be as available and responsive as workers in a physical office recalling times when workers do not timely respond to

emails, messages, and phone calls (McDonald, 2015). The temptation for managers with these worries is to make flexible working jobs much more rigid than originally designed and become more directive in managing out of office workers (Lautsch & Kossek, 2011). This could lead to additional challenges where employees feel that they are being micromanaged. Supervisors have to adjust the way they manage remote workers in order to allow them to thrive and be productive while working in a new flexible environment (Lautsch & Kossek, 2011). These adjustments to a supervisor's managerial style may create a perception that flexible working programs place additional demands on managerial responsibilities (Den Dulk & De Ruijter, 2008). Alternative work arrangements may make a manager's job more complicated because supervising employees out of the office requires a different approach to overseeing subordinates (Powell & Mainiero, 1999). Furthermore, some managers believe it is easier to supervise employees they can see and are suspicious of having workers offsite (Wilkie, 2019).

Managers of flexible working employees are often required to keep track of out of sight workers and balance schedules to make sure work is getting done (Powell & Mainiero, 1999). These management challenges can be especially difficult for supervisors of workers who operate with fixed deadlines (Putnam et al., 2014). When work must be accomplished by a specific date and time, managers can feel stuck between top leadership's demand to meet rigid deadlines and an employee's flexible schedule. Managers working in these situations can often feel that they are frequently on call when they are not in the office, leading them to work long and unpredictable shifts to keep an eye on remote workers with variable schedules (Golden & Geisler, 2006).

Dimitrova (2003) conducted a study of a large-scale telecommunication business in Canada that explored issues of control and autonomy. Apprehensive managers of professionals, supervisors and salespeople working in alternative work positions expressed concerns about supervision and management of flexible work programs where previous initiatives failed to meet productivity and office savings expectations (Dimitrova, 2003). This qualitative case study of corporate teleworkers utilized a series of semi-structured interviews of 90 employees that explored supervisor involvement and addressed some of the worries over controlling remote workers (Dimitrova, 2003). Managers concerned with issues of control noted the challenges of accountability because alternative work employees work more independently from their managers and have less structure (Dimitrova, 2003). But despite managerial concerns, the study found that “direct observation” of remote employees was “not an important element of control in any of the groups,” thus alleviating supervisors’ fears about being absent from the office (Dimitrova, 2003, p. 190).

Culture

In addition to questions about employee control and employee performance, managers may also consider whether flexible working requests will disrupt the established process of the job and change the culture of the team (Den Dulk & De Ruijter, 2008). Electronic communications can be instantaneous and efficient but managers who value the importance of team proximity and frequent in person communication may question if remote working erodes important cultural dynamics (Useem, 2017). When reflecting on the challenges of managing remote workers, some managers expressed concerns about the potential for loss of a “collaborative spirit in an

organizational culture” (p.181) that exists when teams are working together in the office (Dimitrova, 2003). Trust can be difficult to build or maintain when team members are not working together (Olson & Olson, 2014). A collaborative team culture often requires employees to work on projects together. One challenge that managers may experience in flexible working situations is when employees become frustrated with their inability to work together because team members are unavailable or are difficult to reach (Petersen, 2018). Managers of flexible working employees can become frustrated if team members do not develop a strong culture of collaboration because of their lack of face time with each other and missed opportunities for developing important co-worker relationships with colleagues (Wilkie, 2019). Socialization, cooperation, and teamwork often develop in face-to-face encounters and can be an important cultural glue within a workplace (Dimitrova, 2003). To learn important organizational practices, cultural attitudes, and office protocols that are unique to each business, workers often need to interact in person with other members of the team (Dimitrova, 2003). When remote employees have not developed a culture of trust and team collaboration, they may be more likely to feel left out, isolated, and believe that their co-workers are mistreating them (Grenny & Maxfield, 2017).

Having employees out of the office can create a challenge for managers who value their unique culture as an important means for reinforcing team performance and employee retention. Furthermore, some managers believe that employees who work outside of the office and away from the established team culture can become isolated from other co-workers and may be more likely to leave their jobs (Clifton & Harter, 2019). Working side by side in an office setting can facilitate relationship building and

team collaboration (Sander, 2019). As such, it can be difficult to form authentic collaborative relationships when people no longer see each other in an office situation (Forsey, 2018).

Flexible working programs may not be a good fit for every situation and in fact, recent studies document some companies may be cutting back on remote work (Lautsch et al., 2009). A 2017 study of over 2,000 managers and employees working across ten countries, reported that half of employees' working hours are spent communicating using technology rather than communicating in person, leaving workers lonely and disengaged (Schawbel, 2018). The survey-based study asked managers and employees to share their opinions on working relationships and communication. The study explained that remote workers may not be as engaged with their work and only 5% of respondents who often work outside of the office see themselves remaining with the company for their entire career, compared with 28% of workers who work in a traditional setting (Future Workplace, 2018). While employees in remote working programs enjoy the freedom and flexibility of not coming into the office, they appear less likely to remain with the company long term, in large part because of a lack of human interaction necessary to create deeper relationships and work engagement (Future Workplace, 2018). Only 20% of respondents believed technology encouraged team connections, instead believing in-person interactions were more impactful (Future Workplace, 2018). When two-thirds of remote workers report a drop in engagement and when over a third never get any face time with their team members, it is no surprise that 40% of respondents believed in-person collaboration would build deeper relationships within their companies (Schawbel,

2018). These frustrations can erode healthy team cultures that managers feel responsible to create for their employees.

Managers of flexible working employees may wonder how to solve these important workplace culture questions and a potential solution may be to have new employees begin in a physical office with an existing team for a season of training and then be allowed to transition to a flexible work environment once they demonstrate competency in their new position (Lautsch & Kossek, 2011). This can be difficult if all or the majority of a manager's employees are working remotely. Another possible solution is to have a team of employees come into the office during times of new employee training and schedule regular team working days or group events throughout the calendar year to maintain the strong collaborative culture. Some managers have been successful in creating a "culture of support" (p.15) outside of the office, so that coworkers can help each other even when the other employees work outside of the office (Lautsch & Kossek, 2011). This type of team culture encourages workers to cooperate and reinforces the cultural norm of collaboration (Lautsch & Kossek, 2011). It is within these groups of remote workers that a culture of socialization, training, and cooperation can be developed and maintained even when people are not physically together during the work week.

Balancing Organizational Goals and Employee Needs

When implementing flexible working policies, it is important for upper management to appreciate the dilemma supervisors are put into when evaluating an employees' flexible working requests (Den Dulk & De Ruijter, 2008). This managerial dilemma can be very challenging for supervisors when organization goals and

employees' interests are believed to be conflicting (Den Dulk & De Ruijter, 2008). A manager has the responsibility to meet both performance goals for the business and also the needs of the employees they supervise (Den Dulk & De Ruijter, 2008). Managers are evaluated based upon the results that their teams accomplish (Den Dulk & De Ruijter, 2008). Therefore, a primary motivation for a manager is for their team to meet performance goals without too much disruption to the structure of the work. Alternative work requests that are perceived to be disruptive will likely not be approved by the manager (Powel & Mainiero, 1999). Flexible working programs can make a manager's job more challenging because the alternative work arrangement forces managers to work with unconventional schedules and ensure that the necessary work is completed often outside of the physical office (Den Dulk & De Ruijter, 2008).

Most businesses provide managers a measure of supervisory discretion with respect to specific implementation and approval of employee flexible working requests (Lautsch et al., 2009). In turn, managers appreciate the ability to approve or deny these requests on a case by case basis (Lautsch & Kossek, 2011). However, as Lautsch and Kossek (2011) suggest, businesses should craft their flexible working policies clearly enough that decision making is fair for the manager to follow. Unfortunately, not every possible situation can be anticipated within a company's flexible working policy. Employees' needs for flexible working alternatives are varied. For instance, employees may request work alternatives due to lengthy commutes, a new baby, the need to care for elderly relatives, or handling their own personal health problems (Lautsch & Kossek, 2011). When making the decision to approve or deny an employee's request, managers have to balance multiple factors which include suitability of the work to be performed

outside of the office, the amount of face-to-face interaction with other team members, and potential technological limitations (Lautsch & Kossek, 2011).

Lautsch, Kossek, and Eaton (2009) conducted a study of effective managerial approaches within flexible working programs that consisted of surveys and interviews with 90 dyads of supervisors and both their traditional and flexible working employees. The rich qualitative data obtained from the survey and interview responses in 2009 helped facilitate another research article in 2011 which identified difficulties and solutions when managing employees in flexible working programs (Lautsch et al., 2009). From these studies, the researchers identified some concerns managers have when deciding whether or not to approve an employee's request for alternative work.

According to Lautsch and Kossek (2011), work-related issues appear to be a primary factor for managers when evaluating flexible working applications. It can be challenging for a manager to know when an employee's physical presence in the office is actually required (Lautsch & Kossek, 2011). Opinions often differ between workers and managers over whether a job can be adequately performed away from the office and these issues must be addressed fairly to establish an effective management relationship if the flexible working program is to succeed (Lautsch & Kossek, 2011). This puts the manager in a difficult position to consider additional situational questions such as does the employee have a dedicated workspace and how will they handle the presence of household distractions? The employee's access to reliable technology becomes an important concern for managers of remote workers. A lack of technology can be a barrier to working outside of the office if the individual does not have access to computers or other required tools that the organization does not normally provide to their employees

(Lautsch & Kossek, 2011). Additional budgetary costs to purchase tools and technology for remote workers must be weighed by the manager when making flexible working decisions.

It is likely that managers will continue to maintain some level of discretion over questions such as, who is permitted to work remotely, how to oversee employees within flexible work programs, and what tasks can be done in the office, at home, or other designated locations (Lautsch & Kossek, 2011). Not every job and not every employee is a perfect fit for flexible working programs. It will remain an important managerial function to determine certain parameters of the remote work and to look for creative ways to permit difficult to replace, top performing employees to work away from the office (Klein et al., 2000). “New ways of working... are only useful if they are effectively implemented and supported by supervisors throughout the organization (Lautsch et al., 2009, p. 821). Understanding managerial experiences and concerns is an important element to helping businesses implement successful flexible working programs.

The Unique Challenges of Managing Attorneys

While researchers have recently shifted more attention toward exploring the issues related to managers’ experiences overseeing flexible working environments, (Rackley, 2020) there is a notable lack of documented research specifically studying managerial experiences with overseeing attorneys in flexible work programs. Very little research has been directed to management of professional service firms, specifically law firms (Elowitz & Watson, 2017). Law firms differ from other kinds of businesses and attorneys are unique professionals who work differently than other types of employees (Elowitz & Watson, 2017). The precise definition of a professional employee can vary

from state to state and may include a requirement for salaried work as opposed to hourly pay, but the Equal Opportunity Employment Commission (EEOC) defines a professional job as one which requires a college degree (Bean-Mellinger, 2018). The law firm of Parks, Chesin, and Walbert provide the following set of helpful criteria for the classification of a professional employee:

- works in a specialized field that requires advanced education or training;
- has a substantial degree of freedom in how they perform their job function; and
- has a degree of control over the hours they work (“Professional Employees,” n.d.)

This qualitative study was designed to further the research on managing flexible working employees by exploring the unique experiences of managing professional employees, specifically litigation attorneys.

Managing attorneys within a flexible working program provides some unique challenges and opportunities. Firstly, most law firms typically do not have part-time or flexible work policies and in fact, many law firms lack formal policies of any kind (Klein et al., 2000). Many firms start out as solo practitioner operations and therefore formal policies may not be a priority for offices with very few employees. This attitude may persist over time, even as the number of employees grows. Mid-size or large firms may not want to put rigid expectations on employee attorneys who they view as professionals and know how to get their work done. This generally means that managing attorneys have not had a lot of experience working at firms where managing a flexible working

program has been modeled effectively or had the benefit of any firm policies to help guide them on how it should be done.

Additionally, the legal profession has been one of the slowest to embrace new technologies and innovative structures that make flexible working possible in today's jobs (Friedman, 2006). Experienced attorneys who have been working the same way for their entire career, may resist change because they do not see the need to change what has brought historically success. Law firms have traditionally required their attorneys to be physically present in the office where large paper files are located. Since businesses across diverse industries are discovering the advantages of going paperless, one might expect that the legal industry is also widely embracing digital formats, especially since lawyers are heavily reliant upon correspondence, records, discovery documents, pleadings, petitions, and other court filings. However, while other industries have viewed new technologies as critical to their future success, the legal industry appears to be slower to adopt these initiatives (Friedman, 2006). With the help of online case management software, some law firms have entered the digital age, are going paperless, embracing electronic filing and storage systems, and becoming receptive to work outside of the traditional office location but there are other law firms that have been resistant to making the change to new systems (Hernandez, 2016). Some law firms actually have a culture that resists change and innovation, maintaining attitudes that if it is not broken, why fix it (Friedman, 2006)? Law school and legal training within most law firms is based upon following precedent and is inherently suspicious of novel approaches not rooted in traditional accepted practices. Eric Mankin, Executive Director of the Babson College Research Center on Innovation and Corporate Entrepreneurship conducted research on

the subject of law firm innovation and concluded that law firms are generally slow to adopt institutional innovations (Mankin, 2016). This creates a challenging position for law firms to embrace the technology that allows employee attorneys to work in flexible working environments. Therefore, many managing attorneys have not experienced flexible working programs themselves because attorneys have historically needed to be in the office working paper files and keeping track of hourly billing by hand. With the development of new technological advances available for law firms, managers are experiencing the opportunities within flexible work programs for the first time. To advance the research in this area, it is important to explore managing attorney experiences with these flexible working programs. This research study was focused on specifically exploring the lived experiences of managing attorneys within flexible working environments to potentially assist law firms in finding working programs that are conducive for the future of practicing law.

Law firms are good businesses to evaluate managerial experiences with flexible work programs because of the professional nature of attorney employees. Firstly, professionals tend to have high involvement and identity with their jobs (Kossek et al., 2006). Attorneys generally stay in the industry for the majority of their careers giving them a rich history of valuable experiences. Professionals also have more autonomy in their jobs and their employers usually defer to them when deciding how their work is performed (Kossek et al., 2006). Managers of professional employees can be more accepting of flexible working programs than managers of other workers because professionals tend to take more responsibility for their work product and it is easier to measure their performance (Den Dulk & De Ruijter, 2008). Because highly educated

professionals often have a large measure of autonomy in their work, they are often judged on the basis of output rather than presence in the office (Den Dulk & De Ruijter, 2008). Managers of attorneys evaluate performance based upon these outputs and outcomes in trial decisions, settlements, monthly billing, and client relations. As attorneys' work is more project-based than other industries, it may be easier to schedule flexible working than for a non-professional employee (Den Dulk & De Ruijter, 2008).

However, flexibility can be constrained by the nature of the task to be performed (Eaton, 2003). When it comes to issues of remote work, a lawyer's job can be both conducive to flexible working and also constrained by limitations of the job. For example, litigation attorneys do not necessarily need to be in the office during a traditional 9:00am to 5:00pm work schedule and thus could benefit from flexibility in time and location. However, attorneys do regularly have to make court appearances or depositions at set times and locations during the week. A lawyer's flexibility is therefore limited in time and space because important events take place at both fixed times and designated spaces making alternative working options more difficult. Beyond those limiting events, an attorney would not necessarily have to be physically present in the office during the workday if work could be performed remotely away from the office. Additionally, while an attorney may be able to work outside of the office, clients tend to call or email during the traditional work hours of 9:00am to 5:00pm and an attorney who works in a flexible work environment would need to be available to receive phone calls and return emails in a timely manner. With these limitations, an attorney would expect some challenges working in a truly flexible working environment.

Working outside of the traditional law firm environment may have some other unintended negative consequences for managers of attorneys. Flexible working may degrade the important manager-associate relationship and potentially leave new attorneys feeling isolated (Gajendran & Harrison, 2007). One of a manager's duties is developing their associates through coaching and mentoring (Elowitz & Watson, 2017). To be effective, this approach traditionally requires physical presence and quality time. One potential challenge for attorneys working in a flexible working environment is a manager's lack of in person contact with their team. Additionally, attorneys working outside of the office would have reduced interaction with each other. Like other industries, attorneys have historically benefited from a collaborative working environment. Lawyers tend to discuss their cases with their colleagues in order to develop successful resolution strategies. Having attorneys work outside of the office can limit the spontaneous collaboration that can occur inside an office. This impact on collaboration has been documented in other industries as well. For instance, some call-centers have limited remote work in certain instances, as managers prefer to have their workers spend time with each other in the break room or during lunch in order to share strategies of the trade with each other (Useem, 2017). This type of spontaneous collaboration and strategizing does not happen when employees are working remotely. For managers who rely upon their more experienced associates to help with the collaborative training process, flexible working may be seen as a detriment to their team.

The variety of supervisory practices across flexible working programs suggests that there is no single best way to manage and supervise remote workers (Lautsch & Kossek, 2011). Successful managerial practices will vary by firm. There are still some

managers who prefer their attorneys come into the office during the traditional work week and complete their assignments. In the traditional law firm, 9:00am to 5:00pm working hours and the old standby of direct observation is still in practice.

Understanding the managerial benefits and challenges that come from flexible working within a law firm has the potential to improve training and successful implementation of these programs for both managers and employees (Lautsch & Kossek, 2011).

Summary

While flexible work programs have been welcomed by employees, they may create unintended challenges for businesses, as existing managers experience concerns about expectations, accountability, oversight, and performance attainment. Since managers have a significant impact on the success of the programs, understanding managerial concerns and their experiences with flexible working programs would be helpful in advancing research on the subject and improving program effectiveness and implementation. As there is a lack of substantial literature specifically on the subject of supervising attorneys working in alternative work situations, this research study of the lived experiences of managing attorneys overseeing attorneys in flexible working programs provided a beneficial perspective to the legal industry.

CHAPTER THREE: METHODOLOGY

Introduction

Businesses are implementing flexible working programs in greater number with the goals of improving job performance, satisfaction, and employee retention (Coenen & Kok, 2014). While flexible work programs have been welcomed by employees, they may create unintended challenges, as existing managers experience concerns about expectations, accountability, oversight, and performance attainment (Sweet et al., 2017). Since managers often have the final say on approving alternative working options and remain responsible for supervising remote workers, understanding managerial concerns and their experiences with flexible working programs would be helpful to advance research on the subject and improve the effectiveness and implementation of these programs. Through a qualitative approach, this study explored managing attorneys' perceptions and lived experiences of the phenomenon of overseeing attorneys working in a flexible law firm work environment.

Research Question

This study explored the perceptions and lived experiences of managing attorneys overseeing professional employees within flexible working programs in a California law firm structure and identified obstacles, recommendations, and best practices for effective managerial strategies. The following research question guided this qualitative study: what are the lived experiences and perceptions of managing attorneys who supervise attorney employees within a flexible working program in a California defense law firm?

Research Design

Traditionally, researchers have examined flexible working programs from the employees' perspective and more recently they have evaluated issues of program effectiveness (Coenen & Kok, 2014). However, studying managers' lived experiences supervising attorneys in flexible working programs remains largely unexplored. There are several research perspectives from which to explore the topic of flexible work programs. What I was particularly interested in was the lived experiences of managing attorneys who oversaw their professional employees within a flexible working environment. As such, I conducted a qualitative, phenomenological study to explore this topic.

Phenomenology aims to understand and appreciate an experience as lived through by actual people who are in the phenomenon. By investigating lived experiences, perceptions, and observations, we can better comprehend, "What is this experience like?" (Van Manen, 2017, p. 811). A phenomenological study describes the common meaning of people's lived experiences that occur within a concept or phenomenon (Creswell & Poth, 2018) and often investigates the inherent meanings and focus of those experiences (Van Manen, 2017). The shared experiences of the participants are part of the common story for that phenomenon (Creswell & Poth, 2018). The researcher collects data from people who have experienced this phenomenon and develops a description of the common experience for the participants that helps the audience better understand the subject under study (Creswell & Poth, 2018).

The phenomenon in the present case was meaningful experiences of managing attorneys supervising attorney employees in a flexible working program. I selected a

phenomenological approach because the participant managers in the study all had a common shared experience of supervising attorneys that were working at the law firm of Gilson Daub, LLP in a flexible work program, namely flexible work time and flexible workplace practices. Using previously discovered themes and subthemes identified from the existing literature, open ended qualitative interview questions were constructed to explore issues such as expectations, accountability, oversight, and performance attainment from the managers' perspective (Sweet et al., 2017). The research produced rich qualitative data from the real-life experiences of the manager participants as they shared what it was like to supervise attorneys within a flexible working environment.

Participants and Recruitment

The American Bar Association reported that there were 170,044 Resident Active Attorneys licensed to practice law within the State of California during 2018 (American Bar Association, 2018). The population of managers supervising attorney employees within flexible working programs within the state of California was too large and created notable research challenges for the scope of this study, as there was no current database documenting which law firms had flexible working programs and which of the 170,044 active attorneys were managing other attorneys within such programs. Financial and time limitations justified conducting this study with a reasonable sample. A purposeful sampling selects data rich cases when time and resources are limited (Duan et al., 2015). Therefore, the population for this project was selected through purposeful sampling and limited to managers within the California offices of the law firm of Gilson Daub LLP, a multi-state workers compensation defense firm with existing flexible programs.

At the time of the study, I had 12 offices throughout California and 11 of those offices had a managing attorney overseeing a team of attorney employees. The resulting population consisted of 11 managing attorneys (five males and six females) in the various Gilson Daub LLP California offices. Nine of the 11 managing attorneys agreed to participate in the study (three males and six females). Two managing attorneys elected not to participate because of unrelated conflicts in their schedule during the times that the interviews were conducted. Each participant had personally managed a team of attorneys within a flexible working program for three to five years and thus had lived experiences to draw upon during their interviews. These participants had data rich experiences in balancing the demands of meeting law firm organizational performance goals and at the same time meeting the needs of attorneys who desired to work remotely with a high degree of flexibility.

In designing a research project, the sample size should be sufficient to reach data saturation, that is where enough information is obtained for the study to be replicated and additional coding stops producing new results (Fusch & Ness, 2015). When no new information is obtained from the interviews, it is a good sign that saturation has been reached. At 11 people, the population for this study was relatively small and therefore, I identified a sample that maximized this population by attempting to recruit as many from the population as possible. During a Gilson Daub managers' summit on April 26, 2019, I advised the potential participants of this study that I was preparing to begin research on this subject. After completing the research design proposal and once approval from Creighton University's Institutional Review Board (IRB) was obtained in 2020, I personally emailed and invited the Gilson Daub managing attorneys who met the

qualifications for this study to participate in the interview process using the invitation letter attached hereto in Appendix A. The managers were advised that this research was for scholarly purposes and that their participation was completely voluntary and would not impact their employment in any way. I explained that the interviews would be conducted by a third-party fellow graduate student and that the participants' identity would be protected during the entire process. The interviewer then scheduled the interviews with the participating managers through virtual interview meetings during the month of July 2020.

Data Collection Tools

At the heart of qualitative research is the desire to collect people's stories and experiences and that is best done through interviewing people (Jacob & Furgerson, 2012). Interviews are an effective strategy for collecting qualitative data (Creswell & Creswell, 2018). This research study utilized open ended qualitative interviews that permitted the participants to share their experiences from a managers' perspective. The interviews for this study were conducted with managers who directly oversaw attorney employees in the California offices of Gilson Daub LLP. Interviews consisted of six semi-structured open-ended questions, with the option for the interviewer to ask follow-up probing questions relative to the participants' self-reported perceptions of managing attorneys working within flexible working programs. See Appendix B for the interview protocol utilized in this study.

The formatting of the questions was designed to allow participants to openly discuss their lived experiences with the management responsibilities, challenges, and perceptions of supervising attorneys who work in a flexible work environment, as well as

any perceived barriers they may have experienced. The participants in the study were presented with the opportunity to expand on questions through narrative responses supported by their open-ended question construction (Babbie, 2017). In designing the interview protocol, I obtained the input of my two dissertation chairs, who are both professional researchers with subject matter expertise in qualitative research. I also secured the participation of a third-party fellow graduate student interviewer who had experience with conducting open ended qualitative interviews on the subject of remote work. My interview protocol was crafted and revised with the input from these three sources.

Data Collection Procedures

The data collection phase of the study took place in the summer of 2020. I first recruited the participants through personal email invitations which described the nature of the study and how the interviews would be conducted. I then explained how the identities of the participants would be protected by using a third-party interviewer. Prior to initiating the interviews, I provided each participant with an information letter, the participant bill of rights, and I informed the participants that they could stop the proceedings at any time without consequence. See Appendix C and D for these documents. Once the participants consented to take part in the survey, I coordinated with the third-party interviewer to schedule the remote interviews using Zoom at convenient dates and times.

The average interview length ranged between forty-five minutes to an hour. Interviews were conducted remotely by the third-party interviewer in order to protect the participants' identity and to obtain the most candid responses from the participants

without feeling pressure to withhold potentially negative comments from their employer. The interviewer conducted the interviews using Zoom and also digitally recorded the interviews. He used a coding system to protect the identities of the participants and submitted the audio recorded interviews for transcription using his own Rev.com account. During this process, I did not have access to the actual recorded interviews. I only was provided with the interview transcripts after all of the interviews were completed and the interviewer had removed any identifying information such as names and locations to protect the identities of the participants. Additionally, when the redacted transcripts were provided to me for review, each participant was assigned a random numerical identifier to protect the identities of the individual participants.

Reliability and Validity

Good research is both reliable and valid. Reliability is the extent which research is consistent across time and other researchers (Babbie, 2017). If conducted multiple times, a reliable study would get close to the same result every time the study is conducted. Validity is the extent to which the research actually represents the variables intended to be studied (Babbie, 2017). One way I ensured reliability of this study was to begin with a sufficient sample of participants who were truly members of the group intended to be under study. This research was conducted with managing attorneys within the law firm Gilson Daub LLP who had actual experience managing attorney employees working within a flexible working environment. The participants in this study all had actual knowledge and experience of the phenomena being studied and were able to provide accurate data regarding their lived experiences.

Triangulation involves using more than one source to collect data to build a “coherent justification” for the themes that emerge (Creswell & Creswell, 2018, p. 200). Triangulation of the data sources can also help build coherency in theme development (Babbie, 2017). Developing themes from the convergence of perspectives from those participating in the research can add validity to the study (Creswell & Creswell, 2018). I carefully examined the transcripts from the interview responses, and then compared those with existing literature on the subject to note any differences in opinion about the phenomena (Creswell & Creswell, 2018). I also thoroughly discussed the interview process and results with the third-party interviewer peer who was also conducting a qualitative research study on the topic of remote working. Additionally, I was able to work with my dissertation committee chair to discuss the responses from the interviews to address any potential bias or oversight in the process. We the help of my peer interviewer and my committee chairs, we were able to discuss the codes and emerging themes in order to triangulate and build a “coherent justification” for the themes that emerged (Creswell & Creswell, 2018, p. 200). This process helped me gain a thorough understanding of the management experiences of supervising flexible working employees from different perspectives.

Throughout the research project, I made intentional efforts to remain neutral in my assumptions, theories, or previous experiences regarding the nature of managing attorneys in flexing working programs through the use of peer debriefing and bracketing. Peer debriefing is a process involving the use of a disinterested peer to review the study, ask the researcher questions about the study, and provide a second opinion on the data obtained (Creswell & Creswell, 2018). I was able to debrief with the third-party

interviewer peer who provided regular assistance in determining whether I have missed important themes or overemphasized minor issues. This was also done with my dissertation chair. Bracketing is a process in qualitative research used to set aside the researchers own personal experiences and assumptions, so they do not influence the data analysis process (Tufford & Newman, 2012). While I entered the study with my own personal experiences managing attorneys in a flexible working environment, I was able to rely upon helpful feedback from my dissertation chair and the third-party interviewer, who also was conducting research in remote working. I was able to discuss some of my experiences and beliefs with these other contributors in order to make sure that I was not missing something important or magnifying an issue beyond its proper significance. These bracketing efforts were valuable in that they helped me interpret and better understand the data that was obtained.

Ethical Considerations

This research project was conducted with managing attorneys within the California workers' compensation defense law firm of Gilson Daub LLP. It must be noted and disclosed that I am the owner of the law firm, Gilson Daub LLP and that the participants for this study were partners and employees of the firm. Because this research contemplated a unique dynamic between employer and employee, we attempted to minimize any potential ethical challenges that could have arisen when selecting participants from my own employees. I made a concerted effort to provide full disclosure of the nature of the research project, the intended use of the data collected, and also made sure that the participants' candor would not be used against them in any way in their current employment. To encourage frank feedback, I assured participants at the time I

first mentioned this research study in the 2019 meeting and then again in the email invitation that interview data obtained for this research project would not be used in their performance evaluation at work. I communicated to the participants that their feedback and comments would be for research and scholarly purposes only and I reminded the managers that they were not compelled to participate in the study as a requirement of their employment. I also made it clear that participation was voluntary and that there would be no negative ramifications for declining to participate.

In order to protect the identity of the participants, I utilized a third-party interviewer who conducted all of the interviews, sent the recorded audio to rev.com using his own account, and then reviewed the completed transcriptions to remove any identifying information such as names and locations. Furthermore, he implemented a random coding system to further protect the identity of the participants, so that I was not able to ascertain which participants provided the responses.

Lastly, all participants were informed of the nature of the study, the study protocol, and the length of the potential interviews at the time of the email invitation. Participants voluntarily elected to participate and were permitted to discontinue the interviews if they did not feel comfortable with the research questions or the interview process. The interview questions were reviewed by the dissertation committee with expertise in qualitative research along with input from the third-party interviewer. This research project was submitted and approved by the Creighton Institutional Review Board (IRB) for the purpose of establishing proper informed consent and ethical research compliance, as well as verify that this study presented no more than minimal risk to the

participants. See Appendix E for the IRB approval letter. Research began only after receiving appropriate Institutional Review Board approval.

Data Analysis Procedures

The Zoom interviews took place in July of 2020 when the entirety of the state of California had been experiencing quarantine and lockdown for several months before the interviews were conducted due to COVID-19. Each of the nine participants were assigned a random numerical identifier in order that their identities remained private. Once transcribed, the nine interview transcripts totaled 187 pages of data with the average transcript at 21 pages.

Once I received all of the individual transcripts, I spent approximately three weeks during August 2020, carefully reading through every page of the interviews from beginning to end, multiple times in order to understand the data (Roberts, 2010). I discovered that it was incredibly helpful to print out hard copies of the interview transcripts in order to underline, highlight, and make handwritten notes. After gathering a sufficient familiarity with the data contained within the interview transcripts, I re-read each interview and underlined key words, phrases, entire sentences, and even portions of paragraphs that contained important recurring codes within the data that represented primary content and essence (Saldana, 2009). As recommended, I used the right-hand margins of the printed transcripts to keep track of helpful notes and codes (Saldana, 2009). I then went back through the transcript and wrote one-word descriptive codes in the right margins of the interview transcript that summarized the primary topic within the interview responses (Saldana, 2009). Sometimes, the code would be taken directly from the word used by the participant directly, while other times the code might be a word that

simply summarized the essence of the response (Saldana, 2009). This process helped me identify preliminary codes which could later become final codes (Saldana, 2009). As recommended by Saldana (2009), I looked to code data that provided a glimpse of the participants' activities, perceptions, and experiences. Once I had written down notes and preliminary codes for each interview transcript, I then hand wrote all of the codes identified from each interview transcript onto sheets of paper, which I attached to each interview as a cover sheet for ease of reference. I did not see this approach discussed within the recommended research best practices, but I found it very helpful to provide each interview transcript its own cover sheet of codes that I organized by participant. I then hand wrote each of the unique 51 preliminary codes onto a separate sheet of paper so I could begin to get a clearer picture of the common codes from all of the interviews in a single document. Through this coding process, I began to recognize reoccurring patterns within the data, which helped me also group these common codes into categories of shared characteristics and common themes (Saldana, 2009).

Saldana (2009) notes that qualitative research requires careful attention to the language used by the participants along with reflection on patterns that emerge from the data that capture the personal experience of the participants. As I reflected on my list of codes, I recognized that further reclassifying and consolidating of terms would allow me to group my codes into more helpful and natural categories (Saldana, 2009). This process required some additional tools to allow me to compare the codes and think in terms of how they related to one another.

After completing hard copy coding, Saldana (2009) recommends researchers utilize an electronic coding software to store, organize, and manage the collected data to

allow for efficient analytical reflection. I evaluated several coding programs and once I completed the initial hand coding process, I uploaded each transcript into the dedoose.com platform. Once all of the transcripts were loaded into dedoose.com, I then went back and read through the digital transcripts using my handwritten notes and preliminary codes as a guide. I was then able to add these notes and codes to the passages in the digital platform. The use of this electronic coding software allowed me to sort and display similarly coded data more efficiently (Saldana, 2009). The software helped me to recognize frequently recurring codes across all of the participants' interviews. Within these clusters of coded data, themes emerged to give meaning to the categories based on the lived experiences of the participants (Saldana, 2009). The themes developed in a way that allowed me to identify and better comprehend the common experiences of the participants. During this process, I recognized that most of the experiences shared by the participants could be grouped into two themes of trust and technology with related subthemes to provide further clarity.

Summary

Through qualitative open-ended interviews, this phenomenological study collected the lived experiences and perceptions of supervisors managing attorney employees within a flexible work environment. Using previously discovered themes and subthemes identified from the existing literature, open ended qualitative interview questions were constructed to explore issues such as expectations, accountability, oversight, and performance attainment from the managers' perspective. The population for this project was selected through purposeful sampling and limited to nine managers within the California offices of the law firm of Gilson Daub LLP, a multi-state workers

compensation defense firm with existing flexible programs. Interviews consisted of six semi-structured open-ended questions, with the option for the interviewer to ask follow-up probing questions relative to the participants' self-reported perceptions.

In order to protect the identity of the participants, the interviews were conducted by a third-party fellow graduate student interviewer who reviewed the completed transcripts and removed any identifying information such as names and locations. Upon my review of the transcripts, I utilized a hand coding process that helped me identify highly reoccurring patterns within the data, which helped me group common codes into categories of shared characteristics and common themes. These codes were entered into the electronic coding software, dedoose.com, which allowed me to sort and display similarly coded data more efficiently. I recognized that most of the experiences shared by the participants could be grouped into two themes of trust and technology with related subthemes to provide further clarity.

CHAPTER FOUR: FINDINGS

Introduction

The purpose of this phenomenological qualitative study was to explore the experiences of managing attorneys overseeing professional employees working in flexible working programs. The following research question has guided the analysis: what are the lived experiences and perceptions of managers who supervise attorneys within a flexible working program in a California defense law firm? Within this chapter, I will provide a summary of the findings obtained from open ended interviews and emergent themes for each of the study's nine managing attorney participants. Then, I will present an analysis of the findings that arose from all nine interviews, discussing the highly recurrent themes.

Presentation of the Findings

All nine of the participants in this study were managing teams of attorneys working in flexible working environments prior to the COVID-19 shutdown of 2020. These managing attorneys supervised teams throughout California that ranged from one person up to six people. The participants in this study had the autonomy to manage their teams with flexibility and some managed teams where the majority of their employees worked outside of the office and rarely came into the office, while others supervised teams that came into the office most days of the work week. The managing attorneys had the discretion to set the flexible working schedule that worked best for their teams of attorneys. Participant 3 described what it was like to work as a managing attorney in an office with a flexible working option:

I didn't have an office where people were required to come in or encouraged to come in unless they really wanted to... Everybody was able to work from home as needed. Some people have kids, some don't... As long as they were available to clients and getting their hours in, I really don't care if they're working from 10:00 PM to 7:00 AM or regular working hours, as long as the work is done.

The participants explained that under normal circumstances, their attorneys had the flexibility to come into the office whenever they chose. However, during the time the interviews took place, all of the managers were supervising their teams in the middle of the COVID-19 shutdown when all of their attorneys were working from home 100% of the time. Most of the participants mentioned the additional challenges that COVID-19 had on their managerial experiences during the interviews and although COVID-19 was not directly addressed within the interview protocol, it was a common discussion topic for the participants.

It is important to understand the day-to-day responsibilities of a managing attorney who has to oversee a team of remote workers and also meet their own individual performance goals. Throughout the interviews, the participants described what their job duties were like in this unique role managing a team of attorneys who were working away from the office. The participants explained how being a managing attorney required them to provide direct supervision of team members to make sure they were meeting performance expectations, but it also required handling a caseload of approximately 60 litigated workers' compensation cases and obtaining eight hours of billing a day. These positions often required the manager to work much longer hours than a typical 9:00am to 5:00pm workday. Participant 1 described a typical day as

working on the computer, answering questions, and participating in conference calls, five days a week from 6:00am and often not stopping until the evening. Participant 5 described the experience of meeting individual performance expectations while also managing a team of remote workers:

I have my own caseload that I manage and I have to do status updates on all of my files and bill all my hours. But at the same time, I'm responsible for making sure that my team hits their hours and they are productive and get all their work done as well. So, sometimes I have to not work on my files and not do my billing so that they can get the stuff done that they need to get done and that creates tension... It feels frustrating sometimes. I mean, as the manager I'm responsible for making sure my team hits their goals but at the same time I'm also expected to hit those goals. So, if there's a lot of work to be done and there's not enough time, that creates stress.

During the interviews, all of the participants went into detail about how they manage their teams using the law firm's case management software to view their teams' performance by checking reports and graphs that document the work their attorneys have performed, including their daily and monthly billing. This process may be done throughout the workday and throughout the month to make sure that their teams reach their performance goals. The managing attorneys could monitor the performance of their teams from outside of the office as frequently as they desired. The participants also described how they stayed in regular contact with their teams throughout the workday. Not only do they have to be available for clients, but they need to remain available to the rest of their team. The participants described a typical day using messaging applications

such as Microsoft Teams to stay in contact with their teams during working hours so they can answer questions, collaborate on tasks, and assign work to the team members.

The data analysis process described in the previous chapter resulted in the identification of two significant themes. The first theme, trust, included the two subthemes of building relationships and monitoring performance, while the second major theme, technology, included the three subthemes of monitoring performance, staying connected, and balancing face to face interactions and virtual interactions. The following section provides a detailed look at the participants' experiences managing attorneys in a flexible working environment.

Theme 1: Trust

The participants in the study explained that their managerial experience was better when they were confident that their remote attorneys were able to reach their performance goals. When their attorneys were working away from the office, managers occasionally wondered if those employees were actually working. At the core of this managerial concern is the theme of trust. Trust was the confidence a managing attorney had in their team's ability to reach their goals. This theme of trust included the subthemes of building relationships and monitoring performance.

Subtheme 1. Building Relationships and Trust

The theme of trust was identified within the majority of the interviews, as the managers described their experiences of supervising remote attorneys. One of the more prevalent shared experiences discussed by most of the participants was how the personal relationships with the attorneys that they supervised impacted trust levels on the team. In fact, eight out of the nine participants discussed developing personal relationships with

their team members when describing what it was like to manage a remote team of attorneys. Terms that were frequently used to describe the trust experience on their team were rapport, empathy, human connection, and comradery. The frequent use of emotive language suggested that in their experience, trust provided a foundation for the managers' ability to supervise attorneys working outside of the office. Participant 1 explained, "I think that you establish trust by building a rapport with people. As a manager... I really want to get to know people on like a human level." This trust was based upon the managers' friendship, personal connection, and deeper relationship with their subordinate attorneys. Participant 2 further explained the dynamic, "I've known a lot of these attorneys for over five years now and developed friendships." Based upon the participants' comments, it appeared that developing a personal relationship with their team helped the managers better understand the character and work ethic of their subordinates, and in turn trust them in a greater degree to work outside of the office. Participant 5 explained, "I think you do need to have that personal level of relationship with them to an extent in order to effectively manage." The time spent investing in building relationships with remote team members appears to have created a better experience for the participants when managing attorneys who worked away from the office.

The participants also frequently spoke about their experiences as managers in terms of being more than just a supervisor to the attorneys on their team. Participant 9 explained, "you need to know more about them. More than just what work they can produce. I think it helps to know much more about the person." Participant 1 also stated that trust was established by building a rapport with the people on the team and shared an

experience where the “human connection” was created by simply asking people about their personal life, like what they did on the weekend, or how their family was doing. This human connection created a “type of loyalty to the firm” and an experience where employees saw “their job as more than just a job.”

Participant 9 described the experience of managing a remote team with a high level of relationship trust:

So, I would say that the attorneys in my office who work in a flexible environment, we have probably one of the best relationships in that although we were not always at the office, we have group text messaging, we have days where we would agree come into the office and have lunch together.

Participant 8 agreed that one of the most rewarding aspects of the managerial role was connecting with people at the personal level. “So, to me it's a treat to have that time with them, and to talk with them, and to connect with them in that matter.” Participant 7 described the process of creating trust with team members:

I make it a point to ask about what's going on at home. For my associates I know the names of their spouses, the names of their children. I try to remember, you know, any major milestones going on in their lives and I specifically ask about that. And, of course, then it's up to them to respond as briefly or as expressively as they want to. But it's been my experience that they're comfortable talking about their personal lives.

The participants had been managing their teams for several years before the COVID-19 shutdown in March 2020. By the time of the interviews in July 2020, the offices had already switched entirely to remote working. Fortunately, the managing

attorneys had already developed personal relationships with their teams, which laid a foundation of trust while everyone was working from home during 2020. Participant 9's experience of team building, communicating, and fostering relationships while working together in person, created a positive experience when the team had to exclusively work outside of the office:

I think it was really good that we had that foundation before COVID happened. And now it's because we had that relationship, it's easier to manage purely by phone or video conferences. Obviously, less face to face, but a lot of times our face to face prior to COVID was not so much spent managing or supervising or being managed or supervised. It was more spent fostering the relationship, just, you know, having lunch together, um, sitting having a conversation or having coffee, sort of building those relationships that help the management process.

Participant 9 shared a personal experience managing a remote attorney who had not developed the same level of personal connection and trust as other team members.

I have an attorney who is in another city. We don't see that attorney, very often. But because we have not been able to establish as good of a personal relationship with that attorney, the management portion is more strained.

Participant 9 further explained that the experience managing a remote employee without this level of trust was seen as more confrontational because there was “a lack of a personal relationship to know how each of us thinks or responds to things or how we communicate, some of the management is misinterpreted, so it's more difficult.”

Participant 9 elaborated on the relationship building with this attorney:

It's difficult for me to know that there's this other person who is on our team who we sort of have this strained relationship with. And I think that does affect the ability to, um, not so much manage, but manage in a way um, I think it hinders non-confrontational management. Sometimes I think when you don't have the personal relationship or at least human contact with that person, management is more confrontational even when it's not meant to be. So, I, I definitely wish it could be different. It's just, that's, that's just the way it is. And so, I need to continue working on, you know, building that relationship, even though it may not ever be like the relationships with the people here in town. I think there's definitely always room for improving that relationship.

Participant 5 summed up the importance of trust on the team:

The personal relationships are definitely a big part... There's certain attorneys in my firm that I like to communicate with. So, if I happen to chat with them on the phone one day and we just, we usually chat about a file but then we'll catch up on what's going on personally. Then that's a better day, usually.

The participants expressed that their experiences managing a remote team of attorneys was largely influenced by the level of managerial trust created through personal relationships with their team members. When personal relationships were strong, the participants reported higher levels of trust. When the relationship had not been fully developed, it was more challenging for the manager to supervise the remote attorney working outside of the office.

Subtheme 2. Monitoring Performance and Trust

In addition to personal relationships, the participants also mentioned that trust was impacted by the individual performance of their remote attorneys. Seven out of the nine participants spoke about their trust experiences as managers in terms of having their teams meet objective performance measures. When describing what it was like to manage a team of remote attorneys, the participants frequently discussed the degree of trust that was based on the subordinate attorney's performance. Participant 3 explained that managing remote attorneys was a positive experience when there was a history of consistent performance:

If I look at their files and I see that some of the milestones... are... checked off, meaning that they've been completed, like the deposition for instance has been completed, or what we call a med-legal evaluation has taken place, then I don't have a concern.

Other similar terms that were used to describe the trust experience as it related to performance included meeting expectations, goal setting, monitoring, work habits, checking in, and accountability. The frequent use of achievement language such as meeting their goals or expectations by four participants and hitting their billing numbers by three participants suggested that in their experience, trust that arose from objective performance measures provided a foundation for the managers' ability to supervise attorneys working outside of the office. This managerial trust was based upon the subordinates' quality of work and history of consistent productivity.

Some of the participants explained how a remote attorney who consistently performed at or above expectations created a better experience for the managing

attorneys when the subordinate was working away from the office. Participant 7 described the experience of the relationship between performance and trust:

I would say you have to really get to trusting your team. Working remotely is going so well for us, I think because there is already this underlying trust of when I don't see you, when I'm not around, you're still doing your job. You understand the expectation. You understand that what you do, either well or poorly as an associate reflects on me as a manager. We're in this together. If you need help, I'm here to help you. There's trust between the, between the managers and the associates. Working remotely then in that scenario makes everything seamless because you already have that communication, you already have that foundation. Whereas if you, if you don't know this associate, if this associate isn't comfortable with you, you are so, far apart and it almost feels like you could have tunnel vision, working remotely and, and maybe things can fall by the wayside or you could ignore something or just not see something before it becomes an issue. So, making sure that you have that, that trust with your team, is especially important when you have everyone working remotely.

Participant 9 shared the experience of what it was like to manage a team that was performing well:

I'd say my, it was easy to manage that because my team is so, um, great at working independently and meeting their own goals. I don't have to spend time hounding them about their billing expectations, I can focus on my own billing expectations. As a supervisor, [I] feel comfortable not having them in the office because I can see their work. I know their work habits. I can tell if their work is

getting done. If they have questions, I know that they're going to call me or text me, um, or email me. We sort of have built trust and I think that's a huge factor in the remote working environment.

Some of the participants articulated that an employee's past performance built or eroded a manager's trust in having that person work remotely. For example, Participant 8 described an experience managing underperforming attorneys in a remote working environment where the lack of performance created a lack of trust and a negative situation. Participant 8 was struggling with two underperforming attorneys and found this difficult because these attorneys were not in the office. The manager was "entirely reliant on their representation" and was "unable to personally see and witness" these subordinates working in the office. Participant 8 explained that "they just feel like they don't know how to proceed. And then that's where, I think there is somewhat of a drawback in a flexible working environment. Because you don't have the ability to just walk across the office and ask somebody for help and guidance." Participant 6 shared a similar sentiment that "if they're not billing enough, then you're like, you wonder well, are you even doing any work at all?"

Participant 8 further shared the example of how improved performance and trust was achieved through increased accountability and monitoring:

To really ensure that work has been done by them and it's consistently done. For example, both of them have a mandate where they need to email me at the end of every week with a snapshot of how many hours they bill. And what that does is it keeps them accountable for not waiting until the very end of the month to try and input all of their lost billing. Some attorneys are not great at billing consistently

throughout all four weeks of the month and they save it all 'till the end of the month. But they're able to kind of do that last second push and get it all in. These individuals are not, so they email me at the end of every week to make sure that they hit a certain number of hours by that Friday evening. That has really helped with keeping them accountable to this.

While it was frustrating for this managing attorney to not be able to train and supervise this attorney in-person, Participant 8 was able to develop an accountability plan for the attorneys to provide weekly performance updates while working away from the office, which helped establish trust on the team. Participant 8 elaborated on the different experiences between managing attorneys in the office and in a flexible working environment and how that difference can often pose a management challenge:

I think if you're in at office setting and you walk into somebody else's office and you see that they're, you know, they're not that busy, maybe they're typing something, but they're not on the phone or they're not prepping for a hearing or appearance, you could say, "Hey, I just wanted pop in and pick your brain." With a flexible work environment, it takes more initiative. If you're struggling on something or you don't know how to proceed because you need to pick up the phone and call somebody and ask them the questions you would if you were in the office.

Participant 8 shared the outcome of that unique experience and how a negative situation was turned into a positive because performance improved. "They're actually doing considerably better than they were... And both of them have been consistently performing since that time." Participant 5 had several new attorneys on the team and

shared an experience of how setting up a communication plan ensured performance measures were reached:

Currently I work with two, inexperienced attorneys... I'm pretty much talking to them on the instant messenger or Teams daily. Probably multiple times a day. I'm sending emails, following up on certain tasks that need to be completed. I'm asking them to look into particular issues for further detail and then they get back to me. Just talking to them about keeping up with their billing and how to make sure that they accurately bill for the work that they're doing and actually making sure that they're going to hit their goals for the month. So, those are things that we talk about regularly in email correspondence and in the text message or phone calls if needed.

Trust arising from both personal relationships and consistent performance were foundational themes for the participants. When personal relationships and consistent performance were strong, the participants reported higher levels of trust. The participants recounted more positive experiences in their roles as managers when trust levels were higher.

Theme 2: Technology

As detailed above, the participants in the study discussed their experiences managing attorneys in a flexible working environment in terms of trust. Participants explained that managerial trust was impacted by both the managers' personal relationships with their attorney subordinates and also their attorneys' history of performance. Additionally, the participants discussed their experiences using technology in their roles managing remote employees. Many of the participants explained how the

use of technology in supervising remote workers had a mediating influence on the development of trust. They discussed how technology served as a mediator for both performance monitoring and relationship building. The theme of technology included three subthemes related to monitoring performance and trust, staying connected to their teams, and balancing face-to-face interactions and virtual interactions. The following section presents the participants' experiences with the use of technology in how they supervised and connected with their remote working teams.

Subtheme 1. Monitoring Performance with Technology

As detailed above, when describing what it was like to manage a remote team of attorneys, the participants frequently discussed the experience of monitoring performance. Many of those same participants further explained that the use of technology helped them to better monitor their teams. Seven out of the nine participants discussed how the use of technology allowed them to measure their attorneys' objective performance, which influenced managerial trust because they were confident that quality work was being consistently performed away from the office. Participant 3 explained that when they were confident that work was getting done, managing was easier. One way that Participant 3 knew work was getting done was because the software allowed the manager to see all of the attorneys' performance. "The fact is that I can readily see all the metrics, by way of our case management system."

Participant 5 provided the following example when asked, how would they know if somebody was slacking in a virtual environment?

We have reporting online that tells us um, how many hours are being billed. So that helps me see productivity level. For example, I, last month I had an attorney

at the end of the first week who had maybe four or five hours total billed for the whole week. Which led me to question, “What were you doing all week?”

(laugh) So, then we had to put some expectations in place for the rest of the week saying, “You need to get all of your billing in by the end of next week so that you are halfway to your goal for the month because right now it looks like you didn't do any work.” Of course, she had done work, but she was doing it in a fashion where she wasn't keeping track of it. So, then she had to go back and recapture what she had done.

Participant 2 also shared an experience with using technology to monitor performance of the remote team:

Because we have set up lots of different reports. Our graph that is a live, you know, action billing so it shows if somebody's working. There's a projection for the amount per day, but you can run more of a detailed report on an individual person to determine what they're doing that day, like the actual files and the work that's done. But that's because our software's extremely detailed.

The ability of the manager to view objective data through the use of case management technology influenced the efficiency of Participant 2's performance monitoring. When asked, how would you know if someone was doing the work, Participant 2 responded, “Well because there's billing and we have reports and visuals that shows live action billing. So, when somebody enters something, it immediately shows on a graph. Plus, as a manager, you're able to get more detailed reports on the type of work and things.”

Participant 7 provided a description of what it was like to monitor attorney performance using technology and how a manager can become reliant on these tools when supervising attorneys who work outside of the office:

Managing my team is more time consuming because I'm having to dig more, I'm having to look through our systems to see what, what my team has been up to. I'm having to check hours to see that they've been doing the hours, where normally I could just have a conversation with this person passing in the hallway or, you know, over, over a break. So it, it does, it does feel like I have to be more, um, reliant upon our technology.

Participant 8 went into greater detail to explain the steps involved in how technology is used to monitor performance and manage the team of attorneys working outside of the office:

So, for a law firm such as the one I work at, the majority of the work revolves around billable hours. And there is a minimal billing expectation that every attorney is expected to meet at the end of every month... And you can see based on our, technology, for our paperless file system, every supervising attorney has the capability of seeing what every, attorney actually in the entire firm is billing. And then the attorneys that an individual supervises, you can actually see that data on a more grand-granular level. You could see what they're billing for the week or for the day. And that's something that I check on a daily basis to just check in, make sure there is work being done. So, if I don't... If I open our software and it's, say, 3 o'clock in the afternoon and I notice that an attorney I'm supervising is supposed to be working but they haven't billed a single thing, I'll call 'em up or I'll

email to check in, uh, to see what's going on. Maybe they are, um, in a trial and I just didn't see that on my calendar. Or maybe there's something else going on and they need to be, uh, spoken to. So that's what I mean by doing the work is just making sure that a consistent amount of hours are billed per day.

Participant 9 also provided a similar description what it was like to use technology to monitor performance and manage the team of attorneys working remotely:

So I could see through our case management app that her hours were not where they should be... We have a good case management software that allows us to see everyone's billing on our team. In fact, we can see everyone's billing for the whole firm. But specifically as a manager of my office, I can see everyone's billing day to day. I can go into that billing and see what files they've worked on. I can look at all the work that they've done, assuming it's been uploaded to the computer. So, it's very transparent with the case management software that we use, what work is being done.

As noted above, the participants previously linked performance monitoring to managerial trust. From the experiences shared by the participants, technology served as a mediator between, or the platform upon which performance monitoring and managerial trust worked together.

Subtheme 2. Staying Connected with Technology

In addition to sharing experiences about technology and performance, the participants also described how technology was used for staying connected, collaborating, and building relationships on the team. As noted above, the subtheme of relationship building was linked with managerial trust. Technology also appeared to be a

useful tool in connecting teams and building those strong relationships. A common comment by the participants was that managers frequently used technology on a daily basis to communicate and stay connected with those on the team. All nine participants discussed how technology allowed them to stay connected with their teams. The technologies that the participants identified as being used within their teams on a regular basis included video conferencing, virtual meetings, electronic messaging, phone calls, emails, and group chats.

Participant 5 shared how technology was frequently used to stay connected with the remote attorneys on the team:

Currently I work with two inexperienced attorneys. They both have about a year of working as an applicant attorney and six months doing defense work with us. I'm pretty much talking to them on the instant messenger or Teams daily. Probably multiple times a day. I'm sending emails, following up on certain tasks that need to be completed. I'm asking them to look into particular issues for further detail and then they get back to me. Just talking to them about keeping up with their billing and how to make sure that they accurately bill for the work that they're doing and actually making sure that they're going to hit their goals for the month. So, those are things that we talk about regularly in email correspondence and in the text message or phone calls if needed.

Participant 1 also discussed how technology was used to stay connected with remote employees:

I have a group chat that I do with my team, so I manage a couple teams and so I have a group chat with each of them and so I just check in with them on a daily

basis because I think it's important to have that human element to it and to stay connected even though I can't see them physically that they know that I'm there to support them.

Participant 1 additionally explained why this technology was being used to manage the team:

We can use the COVID as an example. I mean, I could see that if managers aren't intentional about staying connected with their team that it could create like some cracks in the team, as well as affect their mental health... People want to be part of a team and so if in working remotely, I think managers have to be very intentional about reaching out to their team members and checking in on them. It also doesn't have to be every day, but even, you know, every couple of days, a simple like, "Hey, how's it going?" You know, and I think is really important in order to maintain a successful team that's going to be predominantly working remotely.

Participant 1 further shared the perception of what value team members assign to this communication technology and staying connected through group chats and messaging:

My team loves it just because like I said, I have a very social team and a funny group, and they just like to constantly tell jokes and just to like lift up people's days and stuff. So, in any given day, there could be hundreds of text messages that go back and forth, honestly. And so, they could be something, you know, asking a question about a particular case or using it to brainstorm or it can just be something that's really personal about like, "Oh, how's your day going?" And stuff like that? We use a group chat to touch in with each other and just to touch

base, tell jokes. Sometimes someone will put like a funny emoji, it just, it helps like break the day, so it does, you know, so that boredom doesn't set in, I guess. But it's also a way for them to, I guess feel that there's always someone there that they could reach out to if they needed to since everyone's pretty active and responds pretty almost immediately every time they see a chat. So, the teams that I manage will use a chat to ask each other questions like I said, so if someone gets stumped and they think that someone on the team can help them much quicker than them doing the research, then they'll just type a question onto the chat and then someone will respond.

The use of technology was not just limited to answering work questions, collaborating on assignments, or even related to business at all. Several of the participants shared their experiences using technology just to stay connected and build relationships with those working remotely, even outside of the normal business hours. Occasionally, the participants would schedule a voluntary social event or virtual happy hour after normal work hours just to connect with their teams. Participant 8 shared the following perceptions when asked what it was like for them personally to be involved in those social Zoom sessions:

I love it. I think it's great. I really like the exchanges that I have mostly because I'm really connected with the people that I work with. I think they're terrific co-workers and colleagues... So, to me it's a treat to-to have that time with them, and to talk with them, and-and to connect with them in that matter. So, it doesn't feel like a like a chore or a meeting because it's just a happy hour... It's just talking about whatever pops into our mind. I really like it... It affirms the work that I do

as far as the colleagues that I work with. It affirms that it's great place to work at because of the individuals that work there... It's certainly not the same as-as having an in-person gathering, but I feel like it does help bridge the gap between a just a telephonic conversation and an in-person happy hour, or these virtual happy hours. And I think it builds camaraderie because everyone keeps on coming back. It seems like everyone is having fun. And you're able to just talk as if you're there in-person.

Most of the participants shared their perceptions that while they still preferred in person and face-to-face meetings, virtual meetings were being used regularly to connect with their teams. Participant 7 shared the following experience about staying connected with the remote team through various technology vehicles:

It feels good... It probably doesn't feel as good as when we come together to, to meet in person, but it's definitely a really good experience for me as a manager because I feel like I get something out of chatting with everyone on my team. I can see how they're doing, and it just feels more personal to have the meeting in a Zoom as opposed to just emailing back and forth, which we do, or even in a phone call. It just doesn't seem quite as personal, so via Zoom it, it definitely feels much better... The impression that I get from the team is that they appreciate it, and they seem to enjoy it as much as I do.

Participant 9 shared a specific experience where an attorney on the team who previously did not participate in the face-to-face, in-person meetings did start participating in the virtual meetings.

So, we have a person on our team who, he's definitely not as big into group social events. He's definitely fine if we're all at the office having a hangout or a good time, but he doesn't want to have to go anywhere extra or put in extra time. If we're all meeting out somewhere outside of the office, he's probably not going to go... He did attend some of the, you know, group meetup online things.

Participant 7 also shared a similar experience where an attorney who lived far away and had not previously participated in the in-person events was able to connect with the team through the use of technology:

This individual didn't normally participate in group activities and I attribute that to the fact that this person is just physically far away... So, if this person was living far away it would be hard for this person to... just come in on a Friday to work; something like that. And so, they never did that, and they've been with us for, gosh, almost two years. So, once we started doing these weekly meetings via Zoom, to my surprise, this person participated really consistently.

While many of the participants frequently used technology to communicate with their teams, not all of the participants found it as easy to use. In fact, some of the participants shared their challenges of managing remote workers primarily through the use of technology where face to face interaction was not possible. Participant 2 believed "Emails... or even texting is more of a delay" than traditional means of communicating. Participant 2 felt that while technology could be helpful, the constant alerts, text messages, and email notifications could become bothersome. The interruption "distracts my train of thought." Participant 3 shared the following experience with using virtual meetings:

We had a meeting this morning through Teams... Typically, like everybody kinda comes up... where the camera's off. And I was actually just talking to one of my partners like a week or two ago about how we should institute a cameras on, simply for the fact of, you know, to get some kind of interaction, be it limited... so we can see each other's faces and expressions... With the cameras off, you never know what people are doing, if they're really paying attention, but also just to feel some sort of connection. You know? Um, I don't do a lot of Zoom calls... I did a couple of Teams video chats and they were okay. Not great, because, you know, somebody's gonna have some kind of technical issue and somebody freezes and it's kind of a pain.

Participant 1 had some challenges getting a newer team under supervision from a prior manager to embrace the group chat technology that was being used to help the team stay connected:

So they were initially resisting the chat because they thought it was a wasting time and they didn't do it with their, their other managers so it was harder for me to build a rapport because I didn't have the opportunity to see them because they are all in different areas in California.

Participant 3 explained how relying upon technology exclusively to begin managing a new attorney relationship would be a challenging because the manager would not have been able to create those relationships before the person was working remotely:

I'd be lying if I said that this is exactly the same. It's not. And if somebody was hired today and I had to just rely on this or Zoom, you know, it would definitely be more challenging than somebody who had started during normal times that I

could've engaged with, face-to-face for a bit before they went off into the virtual world.

It is evident from the examples shared that the use of technology to stay connected with remote workers played an important role in some of the participants' experiences. At the same time, many participants previously linked relationship building to managerial trust. From the experiences shared by the participants, technology served as a mediator on the influence that building relationships had on managerial trust. While many of the participants used technology to communicate, collaborate, and stay connected with their teams, several expressed their challenges with relying exclusively on technology. While technology helped the teams stay connected, the initial relationship building came from time spent together in-person, getting to know one another.

Subtheme 3. Balancing Face to Face Interactions and Virtual Interactions

Even though technology was identified as a helpful tool for collaborating, staying connected, and building relationships, many of the participants still believed that it was still notably different than face-to-face, in-person meetings with their team. The desire for face-to-face interactions was a recurring theme from many of the participants. Some of the common terms shared by the participants were in-person collaboration, reading people, facial expressions, and sensing emotions. The recurrent experiences regarding in-person communication and human interaction signified how important the participants believed face-to-face interactions were to relationship building. Participant 6 explained the experience of collaborating with other attorneys in the office compared to using virtual technologies:

I like camaraderie, so I like the idea of being together... Even though earlier I said that I would prefer working from home if given the ultimatum, I still like the idea of being at the office to have... an opportunity to bounce ideas off one another... And a lot of times it's nice to be able to just go into someone's office and say, "Hey, I got a situation that I'd like to bounce off of you," and you have like a discussion, and you have an opportunity to think of different angles on how to tackle a particular problem. And that doesn't happen as often as when you're at home. You can... Yeah, you can send a little text message and you can do things that way, and, but it's just something is missing when you're, when you don't have an opportunity to see them face to face. So, in that regards, that's one of the positives of working actually in a brick-and-mortar office.

Participant 2 also discussed the experience of collaborating in person:

It depends, each attorney is different. One of them prefers working in the physical office just feels more productive that way... I trained that person... for five years now, over five years. So, you know, we're, we're friends too as far as, we'll, eat lunch together and things like that. So, we'll go in and maybe grab a lunch and just be able to bounce questions off. I feel like people will ask questions more, including myself when you're physically present, as opposed to either reaching out on the phone, via email or the Teams app.

In addition to a lack of spontaneous in-person collaboration when working remotely, participants also noted how communication felt more frequent and natural when done in-person compared with email or text messaging. Participant 5 explained:

I was actually in the office with my attorneys. So, there was a lot more face to face interaction on a day-to-day basis. We still communicated by email and text message, but I would say we saw each other more and so we would just have verbal conversations more often.

Many of the participants also shared common challenges of not being able to see a person's facial expressions, read people, or sense their emotions when not in person.

Participant 1 explained:

So, I think that when you see people in person, you could sense their emotional, I guess, state of mind to determine whether or not they're really being honest with you... I prefer to have it be done in person because I could, you know, sense them in terms of... how they act, and I can see their facial expressions and that's all something that you cannot do remotely.

Participant 3 shared a similar perspective:

Just being sensitive to people's histories and kinda being able to read people, I think, is probably one of the most important things and that's where obviously the initial face-to-face interaction comes in. I think that's vital, just so you get to really know people, and I think being able to read people well is very important when you're managing people. Um, being able to understand their own, you know, sensitivities, idiosyncrasies, what have you.

Participant 4 also noted the experience of not being able to look at each other faces when working remotely:

I mean, it is challenging. It is challenging. It is very, it, it is challenging. I would say and now it has to be different. I mean you don't have the virtual, we don't

have the actual water cooler. One aspect that's definitely missing is being able to look at each other's faces, which I think is very important in developing a relationship together with other workers.

Several of the participants also mentioned the challenges with delivering tone, context, and emotions via text messages and emails. Participant 9 explained:

You know, I think there's a lack of tone. You can't really get sarcasm... not everyone gets it and certainly not through text message, empathy, sarcasm, an inflection that could signal more of a lighthearted statement versus one that comes across more bold in black and white writing. Facial features, which I think signal happy versus anger. Those are all missed in a phone call or, I mean, even sometimes in a virtual, you can still see them... I still think in person is probably the best way to foster those relationships.

While all of the participants found the use of technology helpful for monitoring performance and even staying connected through virtual communication platforms, many still preferred maintaining occasional face-to-face interactions with their teams.

Participant 9 explained how communicating through technology can be frustrating because sarcasm, empathy, and inflection just do not translate well with text messages.

Participant 6 shared an experience with a new attorney that began with the firm and was working mostly outside of the office. In those situations, there is a "learning curve" where it "takes a while to get up to speed." After "a couple of months" the new attorney was still not meeting the goals and it was challenging for this managing attorney to mentor the young attorney from outside of the office. Face-to-face meetings were preferred because "text messages are easily taken out of context and can easily be

twisted.” Participant 6 explained, “when it comes to correcting... a text message would only be effective to set up the time and appointment for the conversation, but the actual conversation should be done in person, in my opinion.” The in-person interactions provided a deeper connection between the manager and the team and led the participants to believe that collaboration would be more productive if they could do it face-to-face. Many of the participants also believed that in-person interactions helped create stronger relationships between the manager and attorney. Eight of the nine participants in the study discussed the positive value of face-to-face interactions. These face-to-face experiences appeared to serve as a mediator for relationship building and trust. Technology was helpful in maintaining the relationship and trust, but the participants still preferred the option of having occasional face-to-face interactions with their teams.

Additional Noteworthy Findings

During the review of the interview transcripts, I discovered some responses from a few of the participants that helped add color to the research but did not necessarily inform the themes or subthemes. These additional findings were not discussed by all of the participants but were noteworthy for other reasons. One of the challenges of using a proxy interviewer for this research project was that this person was not as familiar with the complexities of managing a team of attorneys, as I would have been had I been conducting the interviews myself. Had I been interviewing the participants, I might have asked some additional follow up questions that would have only arisen because of my experience working in the environment being studied. Two meaningful findings that presented themselves in at least a few of the participants’ interviews were the issues of

peer support among the managing attorneys and dealing with the challenges of working from home.

Peer Support Among the Managers

One of the dynamics that a few of the participants mentioned was their peer relationships with other managing attorneys on the team. Some of the participants discussed how helpful it was to have the support of peers who were also managing teams of remote attorneys. These other managing attorneys were a source of support and comradery. Three of the nine participants discussed this peer support issue, but I think if this notion was made part of the interview protocol, more of the participants would have been able to share their experiences with peer support. Participant 5 explained this dynamic:

There's certain attorneys in my firm that I like to communicate with. So, if I happen to chat with them on the phone one day and we just, we usually chat about a file but then we'll catch up on what's going on personally. Then that's a better day, usually.

Participant 4 also elaborated on the experience of collaborating with the other managing attorneys:

We check in on each other, definitely the most active participants are the two managers. We check in with each other. We tell each other stories about difficult issue[s] that we may have had, and a lot of support comes from everywhere.

In fact, when Participant 1 was asked by the interviewer, "Is there anything else that you wish I had asked you about" the response revealed this peer support topic:

Well, you didn't ask me about like my own personal support in the firm. So, I think that... managers also need that support and group. I am lucky enough to say that I have that support within the partners... I have a very close relationship with one of the partners. Over time... we have added partners on to our team... I guess created a strong bond and so kind of like sisterhood that I feel with the female partners in my firm and as a support and I think that definitely helps.

Participant 1 further touched on the support received from upper management:

I think in any time job, you need to make sure that your boss is supportive, and obviously, you know, Brent is supportive and makes himself available to us when we need him, but it's also good to have the support of other partners. So, I think that's important to know, to have when you're managing remotely because the manager also needs a manager and the manager also needs the support that they provide for their own team.

These themes of peer support among the other managers along with support from the upper management or senior partners of the firm were not explored during the interview protocol, however, they arose naturally from several of the participants, each with some rich, lived experiences to share. I do believe this would be a worthy subject for further exploration for a future study.

Challenges of Working from Home

One of the other dynamics that several participants mentioned was the unique challenges they experienced while working from home. While the responsibilities and the shared experiences of managing remote attorneys are relatively similar, one element to note is that the managers themselves have differing personal experiences working from

home based upon their family and home situations. While I did not specifically collect these demographic differences within the study, some managers are single, some are married with no children, and some have children who were at home. Some of the managers had children who normally would have been at school during the workday but because of the COVID-19 pandemic and the shutdown of schools during 2020, these managers had the added pressure of working from home while also supervising their children. Participant #6 mentioned, “when there's a lot of, life pressures, such as kids and maybe just life events... sometimes I want to be in the office, because... I'm able to concentrate more.” Only four out of the nine participants mentioned these challenges associated with exclusively working from home. While not significant enough to become a final theme in this study, the lived experiences they did share illustrated the significance of this type of work for these participants. For example, participant #5 explained the challenge of managing a team of remote attorneys from home:

My daughter is four so she has to learn the boundary of mommy's working and you can't just come into my room whenever you want because I might be on a call. She's had to adjust to that, but she's done pretty well... I think anybody who is working remotely should probably have their own space because if I had to do this out in the living room or in the middle of my family's activities, I don't think it would go well.

Participant #9 described their experience working from home with the responsibility to also supervise children.

Yes. So it is, it's difficult. Luckily, I have older children. I have two boys, they're older, they're 13 and 10, almost 11. So, they're very self-sufficient. So, I'm not

having to, you know, hand hold or, you know, change diapers or anything. But because they are older, they have more difficult schooling expectations. So, there's projects and daily work, when school starts back up. Obviously right now it's still summer. But so, it is demanding. My husband works, so he's, you know, gone. You know, just normal daily life I think that comes with being at home with two working parents and kids.

Participant #3 also had a similar experience:

I wear a lot of hats and right now. I have two kids at home. So that's been fun... I feel like I have to multitask to the Nth degree to get everything done. You know, obviously, it was easier to do before having two kids at home (laughs) that are gonna be home, I guess indefinitely... It's been challenging. It's been really hard since this started... I still do everything I'm supposed to do, but I'm not gonna lie and say it's not stressful. We were just talking about this, some of the other partners and I are just, you are on 24/7. So, everything has gotten harder. Before COVID, I mean, it was, again, still wearing a lot of hats, because I still I handle more cases than any of my associates, I oversee their cases, and I oversee another team for a client. I do everything for that client. So, it's been stressful. But, you know, not impossible. I'm one of those people, I get bored easily, so I like the variety. I like the fast pace. But it definitely, lends itself to burnout. And with everything that's going on right now, it's been incredibly challenging, to say the least.

The one common thread from these four participants was that managing a team of remote attorneys while working from home was much more challenging because they had

children who were now at home as well. It was as if their supervisory responsibilities were doubled. While only four of the nine participants mentioned these parental challenges, it was a significant enough challenge for them to discuss with some length and detail in the interviews. I do believe this would be a worthy subject for further exploration for a future study. If a future research project were conducted post-pandemic, would these challenges be as noteworthy as they were during 2020?

Analysis and Synthesis of Findings

The data I collected came from in-depth open-ended qualitative interviews. The nine interviews resulted in two themes, each with several subthemes. The themes derived from the interviews depicted the participants' lived experiences with managing attorneys in a flexible working environment. Although each participant came from a different region in California and managed different teams of individual attorneys, their experiences were similar. The themes tied together issues of trust and technology, relationship building, performance monitoring, staying connected through technology, and the desire for face-to-face interactions.

The participants discussed the perspective that managing attorneys appreciate technology that helped them monitor the performance of their team. By having easily obtainable and objective data documenting the actual performance of the attorneys they supervised, the participants were able to build managerial trust with their subordinates because they knew that their employees were staying productive while working away from the office. Additionally, communication technology helped the managers build relationships and stay virtually connected when their attorneys were working outside of the office. Staying connected and building relationships facilitated managerial trust

because the participants believed that they knew the character of the employees on the team and therefore, they know that they would be working when they could not be physically present with them during the workday. However, while most of the participants noted that virtual communication technology was helpful to stay connected with remote workers, it was not a complete replacement for occasional in-person, face-to-face interactions. All of the participants noted the benefits that technology brought to the manager when supervising remote employees, but they also articulated the value of occasional in-person interactions with their team. The consensus seemed to be that flexible working provided the opportunity for teams to work remote but also allowed managers to still have the occasional in-person and face-to-face meetings they valued.

I found that the participants mostly spoke about their managerial experiences in terms of what they did and what worked or did not work. Therefore, I organized the research into themes of trust and technology because the participants explained how the presence of relationship trust and performance trust created an environment where remote working was successful for them. On the other hand, their shared experiences of when one or both of those trust factors were missing, created a scenario where remote working was more difficult or was not working at all. The use of technology helped increase trust in the two areas of relationship and performance. The participants also spoke about their teams not just as subordinates performing tasks but as real people that they had invested time, energy, and care into. The participants spoke about how important the relationships were and I think the timing of the interviews was unique in this study. As mentioned above, these interviews took place in July 2020, after the managing attorneys had been supervising their teams for three or four months exclusively in a remote environment.

Perhaps it was because of this unique environment where the managers had not seen most of their team in-person for several months that they had such rich recent experiences to share about the importance of relationship, trust, technology, and the value for face-to-face interactions. Perhaps this was why the use of technology was frequently discussed, as it allowed them more confidence that their teams were performing and that their teams were staying connected.

Technology was really the thread that tied the other themes of trust together, especially when the managing attorneys could not rely upon face-to-face interactions as they had done in the past. The use of virtual video conferences, group chats, and instant messaging helped the managers feel like they were better connected with their teams. The use of the case management software helped the managers feel confident that their teams were still working and hitting their performance goals when working outside of the office. Feelings of disconnection and loneliness appeared to be prevalent throughout the United States during 2020, as the country struggled with shutdowns, quarantines, layoffs, and a divisive political environment (Sweet, 2021). Perhaps new technological tools that helped managers stay connected and monitor performance on their teams were even more valuable during this time than during times in the past. It does seem that the personal relationships that were established prior to the COVID-19 shutdown helped the managers rely upon the trust and the technology to effectively manage their teams when they could not work together in-person. As Participant 3 explained, “fortunately, I already had a solid foundation, you know, before we went completely virtual.”

Summary

My findings from this research study provided helpful insights into better understanding flexible working programs from the perspective of the managing attorneys. This perspective is often overlooked, as many studies examined flexible working from the employee or even the company standpoint. Managers are in the unique position to provide practical real-life experiences of how these programs actually work. The purpose of this phenomenological qualitative study was to explore the shared experiences of these managing attorneys and better understand what it was like to supervise remote attorneys working outside of the traditional law firm model. The participants provided helpful examples and lived experiences to better understand this unique phenomenon.

In the following chapter, I will address the aim of the study and recommend a proposed solution that may assist law firms and other businesses in designing flexible working programs for their managers that supervise professional remote workers. In chapter five, I will also describe procedures for implementation and discuss practical and leadership implications, as well as potential future research projects others may wish to explore.

FIVE: CONCLUSIONS AND RECOMMENDATIONS

Introduction

While flexible work programs have been welcomed by employees, they may create unintended challenges for businesses, as managers experience concerns about expectations, accountability, oversight, and performance attainment. Since managers have a significant impact on the success of the programs, understanding managerial concerns and their experiences with flexible working programs would be helpful in advancing research on the subject and improving program effectiveness and implementation. While researchers have recently shifted more attention toward exploring the issues related to managers' experiences overseeing flexible working environments (Den Dulk & De Ruijter, 2008; Kossek et al., 2006; Sweet et al., 2017), there is a notable lack of documented research specifically studying managerial experiences with overseeing attorneys in flexible work programs. Law firms differ from other kinds of businesses and attorneys are unique professionals who work differently than other types of employees (Elowitz & Watson, 2017). Attorneys work in an environment where they do not necessarily have to be physically present in a traditional workspace or work schedule all of the time, but they must also frequently work within inflexible time and space boundaries. In other words, a lawyer's flexibility is limited in time and space because important events, such as court appearances or depositions take place at both fixed times and designated spaces, making alternative working options more challenging. Additionally, while an attorney may be able to work outside of the office on days where there are no in-person appearances, clients tend to call or email during the traditional work hours of 9:00am to 5:00pm and an attorney who works in a flexible work

environment would need to be available to receive phone calls and return emails in a timely manner. Further, very little research has been directed to management of professional service firms generally and specifically law firms (Elowitz & Watson, 2017). This generally means that managing attorneys have not had a lot of experience working at firms where managing a flexible working program has been modeled effectively or had the benefit of any firm policies to help guide them on how it should be done.

Furthermore, the challenges many law firms experienced adjusting to the COVID-19 pandemic during 2020 created situations where most attorneys were working from home for the very first time. Many law firms did not have established protocols, training, or systems in place to manage their remote working employees. Many firms even lacked remote working or flexible working policies of any kind and thus those managers responsible for supervising remote workers had no guidance on what to do. Now more than ever before, managing attorneys are supervising teams of remote workers and some law firms may not be prepared to effectively manage their attorneys in this new working environment.

While the results of this study would not mandate broad recommendations applicable for all law firms, this study of the lived experiences of managing attorneys overseeing attorneys in flexible working programs does provide a beneficial perspective for the study site or similarly situated law firms with remote working attorneys. The final chapter of this dissertation in practice is organized into four sections. In order to address the study's aim of helping law firms better understand and implement systems that support managers who supervise attorneys in flexible working programs achieve organizational goals, I first provide a proposed solution consisting of a set of best

practices and recommendations, supported by the findings from the study and the existing literature. Secondly, I present a plan for implementation of the solution. Thirdly, I discuss the practical, research, and leadership implications of the study. Fourthly, I present a final summary and conclusion.

Purpose of the Study

The purpose of this qualitative phenomenological dissertation in practice was to explore managing attorneys' perceptions and experiences supervising attorney employees working in flexible working programs, within an insurance defense law firm in the State of California and identify obstacles, recommendations, and best practices for effective managerial strategies.

Aim of the Study

The aim of this dissertation in practice was to help law firms better understand and implement systems that support managers who supervise attorneys working in law firms with flexible working programs. Utilizing the data obtained from qualitative interviews from actual managing attorneys, this study captured the real-life experiences of those in law firm management positions, which provided a better understanding of what it was really like to manage attorneys working in flexible working programs. Through this study, a series of recommendations and best practices have been identified for law firm managers who adopt flexible working programs

Proposed Solution

As mentioned above, this study's results do not necessarily translate to broad recommendations applicable to every law firm environment, but the findings do illustrate some important practical lessons and best practices that lead to the creation of a set of

recommendations that would be helpful for the study site or partners and owners of similarly situated laws firms with remote working attorneys. Based upon the data obtained from this research study, participants identified some common, significant experiences supervising remote attorneys. Some of these experiences included building relationships with the attorneys they supervise, monitoring performance of the attorneys on their team, and using technology to help them stay connected and remain informed about attorney performance. Accordingly, I recommend implementing a set of best practices as informed by the findings from this study and the existing literature on flexible working practices. This proposed solution includes recommendations for establishing a formal written flexible working policy, creating a training program for managing attorneys, and investing in suitable case management software and communication technology for the firm.

Establish a Formal Flexible Working Policy

As noted in the existing literature, some managers have concerns that remote employees may not be as available and responsive as workers in a physical office, recalling times when workers do not timely respond to emails, messages, and phone calls (McDonald, 2015). One notable concern with flexible working situations is that they may degrade the important manager-associate relationship (Gajendran & Harrison, 2007). One of the managing attorneys' duties is developing their associates through personal coaching and mentoring (Elowitz & Watson, 2017). To be effective, this approach traditionally requires establishing a trust relationship that most naturally comes from physical presence and quality time.

The relationship building process is important to the establishment of managerial trust within a remote working environment. The participants in this study expressed concern about their lack of in-person contact when building new relationships with their team members. This relationship building process was further complicated during the COVID pandemic when managers and attorneys were unable to come into the office. Several of the participants explained how much easier it was for them to trust their team of remote workers when they had already developed a relationship with them that came from spending in-person face-to-face time with their associates before they were working exclusively outside of the office. Those informal relationships were key to many of the managers' positive experiences working with their attorneys and more often than not, those relationships developed simply as a result of sharing space, in between meetings, and with quick check-ins when passing in the common areas. In order for these informal encounters to occur which build relationship, people need to be in the office some of the time. It therefore would be helpful for law firms to establish a formal written flexible working policy that outlines how and when attorneys are to work in the office and also in a remote working environment.

Every business has written and unwritten policies that guide the leadership of the organization. However, most law firms typically do not have flexible work policies in place and in fact, many law firms lack formal policies of any kind (Klein et al., 2000). This generally means that managing attorneys have not had a lot of experience working at firms where managing in a flexible working program has been modeled effectively. Furthermore, some managing attorneys do not have any firm policies to help guide them

on how a flexible working program even works. Without a clearly defined policy and training, the flexible work program will likely not achieve the stated organizational goals.

When considering the proposed solution, it will be important for law firm leaders to articulate a clear firm policy on flexible working. In order for a flexible working program to succeed, law firms need to have a formal written policy which is understood and adhered to by all (Elowitz & Watson, 2017). For those who are already working within a flexible working environment, this can begin with something as simple as putting to writing that which is already being done. As the leadership goes through existing protocols, they can add more of the specific details to the plan that may currently be unclear or confusing. For firms and attorneys who have not yet fully embraced flexible working practices, this initiative may require a re-structuring of thinking in order to change behavior followed by a commitment to draft a workable policy and then implement the flexible working plan.

However simple or complex, the policy should be developed collaboratively with all levels of the management team, along with input from the associate attorneys. Collaboration arises out of relationships, which grow with genuine caring and mutual vulnerability (Senge et al., 2010). It is important to consider the differing perspectives from all of the participants. When designing a formal flexible working policy, it will be necessary to involve the partners, human resources department, and the local managing attorneys in a planning meeting to identify the specific language that goes into the new policy. The drafting of firm policies needs to contemplate many different scenarios, applications, and exceptions. It is important to spend the extra time at the drafting phase

to avoid having to clean up practical and legal challenges that may arise later on from a poorly written policy.

The written policy will need to cover several important elements for implementation and monitoring. The written guidelines need to be detailed enough to provide clear instruction but not so rigid as to limit manager creativity (Schiff, 1996). The policy will need to be clear on who is eligible for flexible work arrangements and what time or performance requirements are necessary to participate in remote work (Levit, 2018). The policy will also need to outline conditions for participation in the flexible work program. For instance, the policy must clearly state the times during the day where all employees must be available and working, either for client service or for inter-company communication. Although attorneys will not need to be physically present in the office, they will need to be available to clients and co-workers during normal work hours. Other questions that need to be considered include whether or not there is a space at an attorney's home available for work outside of the office, does the employee have the equipment to work from home, and who is to pay for the equipment? The firm will need to decide if the company or the employee will be responsible for providing and purchasing specific equipment. Specifically, will telephone, Wi-Fi internet, computers, monitor, scanner/printer, furniture, and other office supplies be covered by the firm or the employee?

The managers in this study explained how it would be more difficult for them to have a new attorney begin their tenure with the firm exclusively in a remote environment. It therefore would be helpful for law firms to establish a formal written flexible working policy that outlines how a new team member might begin working in a traditional office

setting, in order to allow the relationship between the manager and the attorney to be established before sending them out to work remotely. For some companies, flexible working is an earned privilege that employees must qualify for through consistent performance. Best practices would support starting a new employee in the office and gradually allowing for remote work on a trial basis (Kossek et al., 1999). This probationary period may last for the first few weeks or first few months of the initial employment, in order to establish the relationship and build trust with the manager. The flexible working policy would also set forth how the privilege of working remotely could also be tied to reaching certain performance metrics over this period of time. For instance, a possible flexible working policy may require that an individual attorney's performance must be satisfactory for a minimum of 60 days before becoming eligible to work outside of the office (Schiff, 1996). Once the trust has been established, the attorney could begin to gradually work more frequently outside of the office. The specifics of these details can be worked out by law firm leaders based upon the uniqueness of the firm and the experience of the managing attorneys and associates. However, having a formal written flexible working policy is strongly supported by the existing literature and the comments of the participant managers in this study.

A formal written policy not only helps managers build trust with new attorneys, but it also provides security and direction for managing attorneys to know how to best manage their attorneys for the sustainable remote work. Helping the business reach performance goals is an essential task of managers in any organization. Participants in this study frequently discussed their responsibilities to monitor the daily and monthly hours their subordinate attorneys billed. Monitoring the hours worked can be one of the

most difficult issues with flexible working in many organizations (Levit, 2018). As part of the solution, I recommend that law firms carefully articulate the requirements and protocols of their flexible working program in order that managers can easily reference and follow the firm's guidelines and direction. This process establishes a contract of expectations between the manager, the associate attorney, and the firm. In addition to outlining what is expected of the remote attorneys, the written policy will also need to provide the conditions for participation by the managing attorneys. The managers need to understand what is required of them and how they are expected to support their teams. The participants in this study described that in addition to handling their own caseloads, they also were required to be available to answer questions, respond to emails, and provide necessary support for their teams. It is within this policy that the firm can set forth what managers are expected to do during the on-boarding and training as well as outline when managing attorneys are expected to be available for clients and the needs of their subordinate team members. Having a formal written policy in place will help provide direction for the managing attorneys, as well as set out a model for managerial trust to form within the team through effective relationship building.

Managing employees on flexible schedules requires increased evaluating, mentoring, organizational, monitoring, and communication skills (Schiff, 1996). The formal written policy needs to detail the performance requirements for the associates and the managerial responsibilities for supervisors, so that both managers and associates both know what is expected. The policy will outline specifically what must be accomplished and when it must be finished. The policy will also need to define how remote workers stay in touch with their managers, others on the team, and the clients. It should provide

clear expectations of what the managers must do to evaluate, mentor, organize, monitor, and communicate with team members. If the leadership within the law firm is committed to developing a clear and comprehensive flexible working policy, it can then move to the next step of providing the necessary managerial training for the program.

Provide Managerial Training

Most managers are interested in the overall performance of their teams, and flexible working programs might be seen as disruptive if the managers believe these arrangements make it more difficult to achieve the team's performance goals (Den Dulk & De Ruijter, 2008). Managers whose jobs are measured on team performance might also worry that an employee out of the office is not working during the day and will thus bring down the team's overall performance numbers. This may create concern for some managers about whether or not their employees are working as much at home as they did when they were in the office (Hickman, 2020).

The existing literature identified managerial concerns about accountability and monitoring performance as a top issue for supervisors who want to make sure their remote employees are meeting performance goals (Clifton & Harter, 2019; Den Dulk & De Ruijter, 2008; Lautsch & Kossek, 2011). The participants in this study also confirmed that monitoring performance was an important function of their managerial responsibilities. The participants explained how managerial trust was established when a manager could easily confirm the subordinates' quality of work and history of productivity. Supervising a team of remote workers can be different than overseeing a traditional team working in the office. Supervisors may need to learn how to adjust their managerial approach in ways that enable remote workers to be successful working

outside of the office (Lautsch et al., 2009). For a flexible working policy to succeed, a complimentary training program should be implemented to help managers understand the firm's policy and then learn how to best supervise those working in alternative work settings (Schiff, 1996).

The managerial training will begin by addressing the first obstacle for some managers, the belief that attorneys must be seen sitting in their office chair in order to be working (Elowitz & Watson, 2017). The training program will reinforce the fact that an employee's worth to the organization is not measured by how much they are seen in the office but by what they accomplish (Schiff, 1996). The training program would help managers understand how to build trust with their team and understand that performance is never measured by just being there (Schiff, 1996). Performance is measured by the quality of service, timeliness of service, and work produced (Schiff, 1996). It is not enough for a law firm to simply have a formal flexible working policy in place because these policies are likely useless without managerial support (Anderson et al., 2002). Best practices would support providing training for supervisors to teach them the skills necessary to manage their remote workers in this new environment (Lautsch & Kossek, 2011). I recommend law firms with flexible working programs conduct trainings for their managers that emphasize the importance of frequent performance feedback, monitoring, and developing a results-based managerial approach where work plans are agreed upon between each employee and their manager (Lautsch & Kossek, 2011). Managers will be trained to think in terms of performance and tasks accomplished, not time on the job or time at a desk under the supervising eye of a micro-manager (Schiff, 1996).

An essential element of the managerial training will be to educate the managers on the specifics of the firm's flexible working policy. It is important to help the managers understand the terms of the contract of expectations and how to perform their duties consistent with the firm's protocols. This time of training walks the managers through each of the flexible working policy's points and can take the managers through role playing exercises to deal with common challenges and issues. During this training, firm leadership will also be able to connect flexible work to overall business strategy, in order for managers to understand how these programs help the firm achieve organization goals (Schiff, 1996).

Additionally, the managerial training will help the firm to develop a workplace culture that encourages managers and employees to both feel supported while working in a flexible environment (Barrett, 2018). This training not only educates managers on the firm's policies and expectations but also teaches them how to build trust within their local teams and also between the other managers. As managers learn the importance and the skills of building relationships with their associates and with each other, they will create the trust and support necessary to successfully navigate the flexible working program. With a supportive culture and healthy communication, the entire team can work together to achieve team success where everyone is staying connected and reaching their performance goals. When managers understand how to effectively monitor the performance of their remote workers, they will be more confident that their attorneys are performing quality work and are reaching their performance goals. This process should help maintain trust between the managing attorney and their associates. This will also provide a sustainable vehicle for the managers to have the confidence they can

successfully manage a team of remote attorneys. A final portion of the training will teach the managers how to use the firm's technology to stay connected and monitor performance.

Invest in Technology to Maintain Connection and Monitor Performance

The participants in this study shared how managerial trust was impacted by both the managers' personal relationships with their attorney subordinates and also their attorneys' history of performance. Many of the participants further explained how the use of technology in supervising remote workers had a mediating influence on the development of trust. They described technology in a way that served as a mediator for both performance monitoring and relationship building. Although the participants in this study found the use of technology extremely beneficial in handling their managerial responsibilities, the legal profession as a whole, has been one of the slowest to embrace new technologies and innovative structures that make flexible working possible in today's jobs (Friedman, 2006). Unfortunately, a lack of technology can be a barrier to working outside of the office if the individual does not have access to computers or other required tools that the organization does not normally provide to their employees (Lautsch & Kossek, 2011). It is also difficult for attorneys to work remotely if they have to constantly go back to the office to pick up and drop off paper files.

Best practices would support law firms investing in a good paperless case management software to help managers monitor performance of their attorneys. The firm should also invest in reliable communication technology tools to help these remote teams stay connected. The participants in this study were confident knowing work was getting done when they were able to use the case management software to see all of their

attorneys' performance. The managers could easily login and observe the performance of each attorney on a daily, weekly, monthly, and annual basis. The participants in this study were also able to communicate with their teams using electronic messaging and video conferencing applications. These communication tools allowed the managers to frequently stay connected to their teams, which helped maintain the relationships and trust that had been previously established. Without these technological resources, the managers' jobs would have been much more complicated and strained.

If a firm is looking to launch a flexible working program, I recommend that decision makers, including owners and partners, invest in necessary technology to allow their managers to effectively supervise and stay connected to their teams of remote workers. Additional budgetary costs to purchase tools and technology for remote workers and managers must be weighed by the owners and partners before implementing flexible working protocols. There are a variety of paperless case management software options and communications applications available for law firms. It is recommended that these technologies be explored and tested with the managers before sending attorneys out from the office to work. Although it can be a substantial investment of time and money, a paperless case management system will make it easier for a managing attorney to successfully supervise a remote team of attorneys.

Considerations About the Proposed Solution

Developing a flexible working program is not easy or automatic. This process often requires leaders, managers, and associates to embrace change in the very work habits and routines that they have spent years perfecting. As with any significant organizational change initiative, there are expected obstacles that should be considered

before the proposed solution should be initiated. It takes time and a lot of intentionality to draft an effective flexible working policy. It takes time and resources to conduct a comprehensive training with all of a firm's managers. It also takes a sizeable amount of money to invest in new technology, which allows attorneys and managers to work efficiently outside of the office. Even with the best planned initiatives, it is reasonable to assume some degree of resistance will occur. This does not necessarily mean that a flexible working program is not right for the firm but that more time in the design and planning stage is necessary before implementation can proceed. The anticipated challenges for the proposed solution are explored in the following section in order to identify and ultimately overcome the potential barriers to drafting new policies, conducting managerial trainings, and investing in new technology.

Potential Obstacles in Drafting a Flexible Working Policy

I would expect that the majority of employees these days would be receptive to a flexible working program because it gives them more options. The defining characteristic of a flexible working program is that it is flexible to where the employees would like to work. In a law firm with flexible working options, the attorneys can choose to work in the office or work from home. Existing research has demonstrated the benefits that flexible working programs provide to the employees and the fact that most employees welcome the flexible working options (Anderson et al., 2002; Coenen & Kok, 2014; Sarbu, 2018). In fact, Gallup reported in one remote working study for millennial workers during COVID-19, that 74% of millennials do not want to go back to the office in a traditional five days a week format (Robinson, 2020). With that in mind, I would

calculate that the sources of resistance to this proposed solution may originate with the partners and the managers.

If top level leadership and the managing attorneys are not familiar with the benefits that flexible working can bring to the firm, they will not support it. If senior partners are not convinced of the effectiveness of the plan, they will likely not put forth the necessary top-down leadership commitment of time, effort, and resources which are required to achieve program success. Furthermore, if senior leadership is unable to convince the managing attorneys that flexible working programs will improve organization goal attainment and if managers believe that these programs will only make their jobs more complicated, there will be insufficient support and even resistance to the program at the manager level. It will be essential for the firm to spend sufficient time and attention to educating both senior leadership and local managing attorneys on the benefits that flexible working programs provide if they are going to experience sufficient support for the program. Managers may resist the additional responsibilities of having to learn new strategies for supervising remote attorneys, but if senior leadership can design a workable plan with their input, managers can be provided with the tools and the training to thrive in this new working environment.

As with any new organizational policy, training, and program, it is important that these flexible working policies and protocols meet the legal requirements in operation where the law firm is located. While providing additional desirable benefits to employees is usually not a significant legal obstacle, the provision of those benefits to the firm's employees must be equitable and non-discriminatory. It will be important to draft the policies with applicable human resources and employment law issues in mind. A

firm needs to clearly articulate who is eligible for flexible working and what criteria is used to make that determination, as issues of eligibility need to be conducted fairly across the organization. When a firm offers a flexible working option to one employee, they cannot illegally discriminate against other employees who may fall within a protected class. The written policy can be drafted with help from a Human Resources professional or employment law attorney if the partners in the firm do not feel adequately equipped for the task. Another important employment law issue is whether or not employees working from home qualify for overtime. Employers need to consider issues such as employee overtime when implementing new remote working policies as the Fair Labor Standards Act has strict regulations concerning what criteria is necessary for exemption of overtime requirements (Levit, 2018). Using an outside professional to draft the flexible working policy will require more money up front, but it may also produce a better drafted policy that eliminates potential disputes, difficulties, and even potential lawsuits for discriminatory practices if drafted incorrectly.

Potential Obstacles in Developing a Managerial Training Program

Implementing new initiatives requires a solid commitment from an organization's top leadership. A law firm needs to dedicate sufficient time and attention to carefully draft their flexible working policy and then invest necessary resources to train those in management if this proposed solution is to succeed. Even the best designed flexible working policy will require appropriate managerial training. Law firms should anticipate that a training program for their managers will require a measure of time and money. These costs can include instruction materials, equipment, travel, and loss of productivity time during the policy drafting and managerial training. These costs need to be included

in the firm's budget and reserved on the firm's calendar. The managerial training will not only require a time commitment from each of the manager attorneys but should also contemplate participation from top leadership and all partners to ensure buy-in and implementation success. The initial training initiative could reasonably take place at a regularly scheduled managers' meeting with only minimal additional expense to the firm. However, a comprehensive managerial training program would include additional post training reviews of program effectiveness as well as follow up feedback on individual managerial performance.

A law firm may be able to conduct the managerial training on their own, but they may also consider utilizing an experienced Human Resources consultant or employment law attorney familiar with flexible working policies. It is important that employees are treated fairly, and these flexible working programs are implemented in a non-discriminatory method. Managers often require training to treat flexible workers and traditional workers equitably to avoid the feeling that people who work from home have been given special privileges (Lautsch & Kossek, 2011). When employees believe they are being treated fairly, they perform better and report less stress (Lautsch & Kossek, 2011). They also tend to file fewer lawsuits against their employers. It is important for law firm leaders to appreciate that not every manager will be great at managing a team of remote workers. It can take time for a manager to adopt effective managerial skills to oversee attorneys outside of the office. For this initiative to succeed the firm leadership needs to make sure that each manager clearly understands the details of the flexible working policy and develops excellent managerial skills to build trust within their teams.

Potential Obstacles in Investing in New Technology

Businesses must operate in a way that ensures wise use of economic resources to successfully meet organizational goals. Investing in a paperless case management software, computers, scanners, and other equipment can be sizeable expenses for a law firm. However, this investment should produce a notable return on investment in creating a corporate culture, which supports managing attorneys, retains talent and provides accountability for performance goals. Furthermore, if these technologies allow employees to work efficiently away from the office, firms should see additional benefits of job satisfaction, increased productivity, decreased absenteeism, and turnover (Anderson et al., 2002).

Creating an environment where attorneys can work outside of the office can also be one piece of a larger puzzle to reduce office rents for the firm. Office space is an expensive budgetary item for most law firms. Rent costs almost always increase annually, but they do not provide increased production. Additionally, the high energy cost to cool and heat large office buildings is not sustainable from a budgetary or an ecological standpoint. Reducing office space while maintaining performance would improve the operating budget. As a law firm invests in technology to allow attorneys to work from home, more economic resources can be directed from office rents and commuting costs to larger investments in salary, health care, charitable giving, and those technological improvements that better align a law firm's budget with meeting organizational goals. Furthermore, by embracing flexible working, employees can also better use their personal resources on budgetary items that improve their living situation rather than on automobile maintenance and fuel to commute to and from the office. It is

more efficient to invest in efficient technologies and programs that allow employees to work from home than to continue to waste money through inefficient work models and unnecessary office spaces over the years.

Implementation of the Proposed Solution

The COVID-19 pandemic in 2020 forced many businesses into remote working situations with little or no time for preparation, transition, and implementation (EY Belgium, 2020). As a senior partner and owner of a law firm with a flexible working program prior to the COVID-19 pandemic, I have a bias toward flexible working opportunities for law firms and I believe our program helped our firm manage the challenges of the COVID-19 shutdown better than those firms without a plan that was already in place. Implementing a flexible working program into an existing non-remote working law firm environment warrants several important preparation steps prior to implementation. This section discusses how the flexible working policy, the managerial training, and the investment in technology can be implemented by law firm leadership.

Factors and Stakeholders Related to the Implementation of the Solution

When implementing flexible working policies, it is important to include all levels of law firm leadership. It is specifically critical for upper management to be involved in the planning and also create buy-in for the plan (Den Dulk & De Ruijter, 2008). Partners and owners of law firms are the decision makers that can contribute to a flexible working program's success or failure. As an owner of a law firm with a flexible working program, I appreciate how important it is for all partners to be onboard with plan. I also am confident that if the owners and partners understand what it takes for a flexible working program to be successful and they provide the protocols, training, and

technology managers need to supervise their team remotely, the plan can achieve the desired objectives. The success of the plan requires support from the top down. Owners and partners need to commit to making these investments into the future success of the firm. Once the partners have bought in, the managers and associate attorneys can be included in the planning, training and buy-in process. Oftentimes the cause of firm initiative failure is due to the senior partners lack of buy-in and support. To ensure the proposed solution is successful, starting with the firm's top leadership is essential.

Within a medium to large law firm there are three important stakeholders to consider before implementing a significant change in the way the attorneys work. Those roles include the senior partners, managing attorneys, and the associate attorneys. The senior partners are the upper management who make the top-level decisions and set the strategy for the firm. It will be critical to obtain buy-in and participation of the senior partners in the firm. These stakeholders will not only make the final decision on whether or not the firm adopts a flexible working program, but they also need to be involved in the planning, communication, and implementation.

The second set of stakeholders that need to be considered when designing and implementing a flexible working program is that of the managing attorneys who supervise the associate attorneys in the firm. It will be important for the local leadership, the middle managers, to embrace the new working format before the plan is implemented. The managing attorneys must understand why the firm is making the transition to a flexible working program or why the existing program is undergoing a change. Before announcing the plan to the associate attorneys, it will be important to involve the managing attorneys in the planning and training process. The firm should

spend sufficient time with their managing attorneys to help them better understand the benefits of flexible working. Providing information about the plan is important but the dialogue needs to involve a good exchange where the managers can express any concerns, ask questions, and help identify practical work alternatives that meet their work demands.

Lastly, the firm will need to effectively communicate the plan to the associate attorneys prior to implementing any change initiative. The firm senior leadership can announce the details of the plan, but it will be important for each manager to meet with their individual attorneys to facilitate discussion on the specifics of how the plan will work in the local office, the reasons behind the decision to implement flexible working, and the benefits that are expected to come from implementation. During this time, the managers will also listen to concerns, answer questions, and facilitate open discussions with each individual attorney. When the attorneys are treated as an important member of the team in this collaborative discussion, they will likely be more receptive to embracing the program's design.

For the implementation of the flexible working proposal to be successful, both the senior partner, top level leaders of the firm and the managing attorney, middle management leaders, must coordinate communication efforts to the rest of the team. Leaders have a critically important role in implementing flexible working policies, manager training, and investment in helpful technologies. Employees must feel confident the company believes in them and stands behind the flexible work arrangement (Schiff, 1996). Making certain the employees know what is expected of them and they are accountable for performance is important for the program's success (Schiff, 1996). The

development and implementation of a new flexible working initiative or even an adjustment to an existing plan requires leadership to clearly communicate their unequivocal support for the flexible working plan and details as to how it impacts all employees. The expected benefits to the workers and the organization should be carefully covered so employees know why this change is good for them and for the firm. During this process, leadership will also need to be clear about the expectations and cover everything within the policy that is different from what the attorneys were formerly used to (Elowitz & Watson, 2017). Leaders will need to be involved in setting clear performance goals up front and establishing core hours for the attorneys to be available for clients and each other. This should be done by senior partners within the firm who can communicate the expectations of the program and explain how each participating employee must comply with all of the terms of the flexible working policy. This could then also be followed up by in-person team meetings conducted by each managing attorney with their local attorneys to explain the performance objectives and answer any employee questions. At this team meeting, the written policy will be distributed and signatures on the document can be collected. Once the program is initiated, the manager will provide frequent feedback and employee evaluations, which are helpful to establish goals, foster improvement, and provide recognition (Eweinstein et al., 2016). During the implementation phase and also post implementation, the firm leadership will need to keep communication lines open with employees by encouraging and listening to feedback (Elowitz & Watson, 2017). The manager will also be encouraged to follow up with the employees to see what is working, what is not working, and how to make adjustments to the plan if necessary. It would also be recommended that the manager hold activities

from time to time to bring employees who work out of the office together for social interaction in order that they know they are still a valuable part of the team (Schiff, 1996). These are all important leadership steps for partners and managers to collaboratively lead their firm and help employees feel valued and respected.

Building Support for The Proposed Solution

In order to build support for the plan throughout the firm, leaders must first communicate the need for change and communicate a compelling vision on the direction of the organization. The need must be understood and the vision must be embraced by all the other leaders on the team. In the law firm context, all partners, managers, and other leaders need to be in agreement with respect to these foundational items and then work together to collaborate on the development of the specific details of the flexible working policy, the managerial training program, and the investment in new technology. Depending upon the prior experiences of the partners and managing attorneys, sufficient time needs to be devoted to discussing the issues of managerial trust, relationship building, monitoring performance, and using technology to stay connected and reaching organizational goals. Senior leaders need to familiarize themselves with the existing literature on the subject of flexible working and be open to alternatives from other members of the team that provide practical solutions, which take into consideration the unique dynamics of the firm, its managers, and its associate attorneys.

Implications

Practical Implications

Prior to the COVID-19 pandemic of 2020, flexible working programs were largely an optional non-monetary benefit that employers could provide for some of their

workers. 2020 saw many businesses abruptly implement remote work without much planning or training. Some of these businesses may not have been adequately prepared to manage a team of remote workers. Now that 2020 has come and gone, flexible and remote working appear to be staples that will remain in place well beyond the COVID pandemic (EY Belgium, 2020). The research interviews in this study captured valuable lived experiences of what it was like to supervise a team of attorneys working outside of the office. The results and findings from this study inform law firm leaders and other employers of specialized workers on best practices that professional organizations can integrate when adopting and implementing effective flexible working programs for their businesses. The practical implications of this study are twofold. The first set of implications provided insight for managing attorneys who choose (or were forced because of COVID) to manage remote attorneys outside of the traditional office environment. The second set of implications provided insight in tangentially supporting attorneys in a way that maximizes positive relationships, productivity, and streamlined and positive communications using available technology.

Implications for Future Research

I conducted this study at a law firm that I own and whose managing attorneys have been supervising attorneys in a flexible working environment for several years within the state of California. The research interviews took place during the middle of the COVID-19 shutdown where all managers had their teams working remotely. Future studies should be conducted at other law firms, across different states, and with varying degrees of flexible and remote working options. These future studies may produce different results. It may be valuable to also conduct a future study in a law firm that has

more recently adopted flexible working options and see if the managing attorneys have differing experiences. It may be valuable to conduct a future study comparing differing sizes of law firms or differing areas of practice to see if there are notable differences with large or small teams of associates or among firms who practice in different areas of law.

There are, however, three specific topics that I believe would be valuable for future studies to explore in greater detail. The first, is the issue of how law firms can provide peer support and upper management support for their managing attorneys. Only a few of the participants mentioned this topic but I believe the themes of peer support among the managers, along with support from the upper management or senior partners of the firm should be explored in greater detail. It would be interesting to explore the managers' experiences collaborating with other managing attorneys and how those relationships impacted their managerial responsibilities. I also believe that inquiring into the managers' experiences with receiving support from senior partners in the firm might provide a deeper understanding of what it is like to supervise remote attorneys. If law firm owners could understand what managing attorneys believed constituted helpful support actions, they might be better able to implement those practices. These topics were not included in the interview protocol, but I believe had they been incorporated into this study, I could have received some richer data on the subject of providing managerial support.

Secondly, several of the participants mentioned the challenges of working from home when their children were also at home. This was only discussed by a few of the participants and not every manager had young children at home while they were working. It also must be noted that this study was conducted during the COVID-19 shutdown when

many of the school aged children who would have normally been at school were now at home during working hours. Some of the participants shared their challenges of having to supervise their children and their attorneys at the same time. It would be interesting to see if this was a unique experience for those managers only during 2020 or if this theme continues to be something of interest once schools fully reopen. By better understanding the challenges managing attorneys face at home, law firms by be able to design more effective programs in the future. Additionally, as I was unable to collect racial, ethnic, and gender demographic data from the participants within this study, as that information would have given away the identities of the participants. I do believe that future research into flexible working programs would benefit from considering how issues of race, ethnicity, and gender might impact managerial experiences with remote work. Some cultures are more likely than the general population to have larger families, smaller houses, more children, and other unique familial obligations that might adversely affect an employee's ability to perform at an optimal level if they worked from home.

Lastly, one element that was missing from this study was the voice of the remote attorneys. Although this study was intentionally designed to explore the lived experiences of managing attorneys, future research should include feedback and comments from interviews with the attorneys the managers were supervising. I believe it would be of interest for a study to look at effective management practices from the employees' perspective when evaluating the experiences of managing in flexible working programs. A comprehensive study into the flexible working environment should consider experiences from the differing perspectives of all of those involved. It would be helpful to hear the associate attorneys' opinions on what management practices they found

helpful and what concerns they may have with managerial styles while working remotely. The limitations in time, resources, and feasibility did not permit those important voices from being considered in this study.

Implications for Leadership Practice

Law firms with multiple offices in large geographic areas must bring together diverse teams of attorneys to collaboratively serve a broad base of clients. In an insurance defense law firm, attorneys are expected to provide excellent customer service to their clients, obtain favorable results on their cases, and reach billable performance goals so that the firm is profitable. The managing attorney's leadership responsibility is to ensure that each of their attorneys are meeting these expectations month after month. The responsibilities that managing attorneys have can be even more difficult when the attorneys they supervise are working remote. If managed poorly, remote offices pose a potential threat to a firm's consistency, unity, alignment, and connectivity. Inconsistency, isolation, and fragmentation can also develop among the offices, if a law firm does not obtain buy-in to the organizational vision, values, and goals. Distrust, selfishness, and unhealthy competition can even threaten teams, if the firm cannot establish cooperative leadership practices among the managing attorneys.

The managing attorneys in this study were important leaders within the law firm where they worked. They were responsible for supervising teams of associate attorneys and helped the firm add more clients, attorneys, support staff, offices, and files over the past several years. The challenge that many managing attorneys face is to make sure that the quality of work from every office remains at a consistent level of excellence that clients and senior partners expect. The participants in this study helped lead each of their

attorneys in ways that were consistent with the firm's mission, vision, values, and performance goals. This study identified interesting leadership experiences and also helpful leadership skills that were effective in managing remote attorneys in a flexible working environment. The experiences the managers in this study shared reflected a collaborative leadership style that was based upon a healthy team dynamic, which allowed the associate attorneys to consistently meet the firm's performance expectations while working from outside of the office.

The participants in this study were able to lead their teams with the essential qualities of collaborative leadership by focusing on building relationships, communication, finding common ground, sharing power, and developing trust (Olson & Simerson, 2015). Collaborative leaders build relationships and trust by moving beyond task completion to establishing deeper connections through healthy communication (Olson & Simerson, 2015). The managing attorneys in this study were able to build personal relationships with their subordinate attorneys that allowed them to effectively lead those teams with a high degree of trust. The Ignatian value of *cura personalis*, (care for the individual person) is grounded in the Ignatian practice of showing concern for the whole person (Traub, 2008). While implementing a flexible work program for employees is generally consistent with the support and care for employees' well-being, the managers in this study took extra care to make sure that they developed relationships with their subordinate attorneys, understood their personal life situations, and communicated their genuine interest in each individual. This collaborative leadership strategy helped the managing attorneys establish trust and secure buy-in to the firm's flexible working requirements.

Communication among team members influences a team's performance by facilitating the emergence of trust (Boies et al., 2015). Communication is the currency of collective leadership, where leaders exchange information, shape team parameters, and build trust (Friedrich et al., 2009). Organizations that enable teams to feel safe and promote healthy communication have a strategic advantage over those that do not develop that level of trust (Ashauer & Macan, 2013). Effective leadership stimulates healthy communication among team members and eventually creates team trust (Boies et al., 2015). The managers in this study exhibited a collaborative leadership style and had already built the trust relationships with their associate attorneys before their teams were working remotely. Healthy communication between team members influences the emergence of trust, providing a foundation upon which team members can effectively work together (Boies et al., 2015). The participants were able to keep trust levels high during times of remote work with healthy communication practices using the technology the firm had invested in. Web based meeting technology was helpful to promote continued communication and help the team stay connected but the participants in this study found that it was the initial face-to-face interactions that allowed the team to first develop trust. Taking time for the team to get to know one another and feel safe communicating, helped improve participation when the teams transitioned to an exclusively remote environment. The managers were then able to maintain the high levels of trust through frequent communication using the available technology.

This research study illustrated the collaborative leadership style of the managers who were able to benefit from the investment in personal relationships, healthy communication, and high levels of trust as they led their teams. The participants

established team unity and buy-in from the associates attorneys because they first developed genuine relationships with their team and then maintained frequent communication habits as they were working remotely. Communication, trust, and relationship building are important components of collaborative leadership and helped the managers unify the organization to a common vision buy-in and consistently meet performance goals. The collaborative leadership practices demonstrated by the managers in this study may prove to be helpful to other organization leaders looking for practical strategies to manage remote employees.

Summary of the Study

The purpose of this qualitative phenomenological dissertation in practice was to explore managing attorneys' perceptions and experiences supervising attorney employees working in flexible working programs, within an insurance defense law firm in the State of California. Nine managing attorneys from the law firm of Gilson Daub LLP participated in open-ended qualitative interviews regarding their experiences managing attorneys in the firm's flexible working environment. Data analysis identified two highly recurring themes, each with several subthemes:

- Theme 1: Trust
 - Building relationships and trust
 - Monitoring performance and trust
- Theme 2: Technology
 - Monitoring performance with technology
 - Staying connected with technology
 - Balancing face to face interactions and virtual interactions

The themes tied together issues of trust, technology, relationship building, performance monitoring, staying connected, and the desire for face-to-face interactions. The managers in the study described the importance of being able to trust the attorneys on their teams. Trust was established through the managers' relationships with their attorneys combined with the attorneys' consistent performance. All of the participants noted the benefits that technology brought to the manager when supervising remote employees, but they also recognized the value of building relationships with team members through working together in a traditional office setting and then maintaining occasional in-person interactions after attorneys began to work remotely. The consensus seemed to be that flexible working provided the opportunity for teams to work remote but also allowed managers to still have the occasional in-person and face-to-face meetings they valued. Technology served as a mediator of managerial trust, as it provided the managers greater confidence that their teams were performing and that their teams were staying connected. Technology was really the thread that tied most of the other themes together, especially when the managing attorneys could not rely upon face-to-face interactions.

My findings from this research study provided helpful insights into better understanding flexible working programs from the perspective of the managing attorneys. This perspective is often overlooked, as many studies have examined flexible working programs from the employee or even the company standpoint. However, managers are in the unique position to provide practical real-life experiences of how these programs actually work and the results from the study informed the development of a proposal with

a set of recommendations that would be helpful for managing attorneys within the study site or similarly situated law firms with remote working attorneys.

Accordingly, I recommend implementing a set of best practices for similarly situated law firms, as informed by the findings from this study and the existing literature on flexible working programs. Specifically, I propose establishing a formal written flexible working policy, developing a managerial training program for managing attorneys who supervise associates who work remotely, and investing in case management software and communication technology. The flexible working policy will allow the law firm to clearly and fairly articulate who is eligible for flexible work arrangements and what time or performance requirements are necessary to participate in remote work. A formal policy will also provide managing attorneys helpful parameters to follow when approving alternative work requests and set forth clear performance expectations and managerial guidelines, which should provide managers with the structure and clarity needed to effectively supervise a team of remote workers. I also recommend the creation of a managerial training program that would teach managing attorneys how to build trust in their teams through relationship building, scheduling face-to-face interactions, and monitoring performance with the use of available technology. Lastly, I propose that the law firm invest in a paperless case management software and communication technology to help managers stay connected with their teams and monitor performance of remote workers.

This study will help managing attorneys better supervise associate attorneys working in a law firm with remote and flexible work options. This study will also help senior partners and law firm managers design and implement a functional flexible

working program for their teams. The collaborative leadership practices demonstrated by the managers in this study may also prove to be helpful to other organization leaders looking for practical strategies to manage remote employees. Finally, this study contributes to the existing literature on alternative work by providing a needed piece to the flexible working puzzle from the managers' perspective, which is often overlooked.

References

- Altman, J. (2017). How much does employee turnover really cost? *Huffington Post*.
https://www.huffpost.com/entry/how-much-does-employee-turnover-really-cost_b_587fbaf9e4b0474ad4874fb7
- American Bar Association (2018). ABA National Lawyer Population Survey Lawyer Population by State. *Americanbar*.
https://www.americanbar.org/content/dam/aba/administrative/market_research/National_Lawyer_Population_by_State_2018.pdf
- Anderson, S., Coffey, B., & Byerly, R. (2002). Formal organizational initiatives and informal workplace practices: Links to work-family conflict and job-related outcomes. *Journal of Management*, 28(6), 787-810.
[https://doi.org/10.1016/S0149-2063\(02\)00190-3](https://doi.org/10.1016/S0149-2063(02)00190-3)
- Antonakis, J. & House, R. J. (2014). Instrumental leadership: Measurement and extension of transformational–transactional leadership theory. *The Leadership Quarterly*, 25(4), 746-771. <https://doi.org/10.1016/j.leaqua.2014.04.005>
- Arbon, C. A., Facer II, R. L., & Wadsworth, L. L. (2012). Compressed workweeks – Strategies for successful implementation. *Public Personnel Management*, 41(3), 389-405. <https://doi.org/10.1177/009102601204100301>
- Ashauer, S. A. & Macan, T. (2013). How can leaders foster team learning? Effects of leader-assigned mastery and performance goals and psychological safety. *The Journal of Psychology*, 147(6), 541-561.
- Babbie, E. (2017). *The basics of social research*, (7th Ed.). Cengage.

- Baer, D., & Akhtar, A. (2019). Nearly one in 4 American workers would take a pay cut in favor of more time off – and research says this could lead to better job performance. *Business Insider*. <https://www.businessinsider.my/why-incentives-dont-actually-make-people-do-better-work-2014-3/>
- Barbuto, J. E., Jr., & Scholl, R. W. (1998). Motivation sources inventory: Development and validation of new scales to measure an integrative taxonomy of motivation. *Psychological Reports, 82*, 1011-1022.
<https://doi.org/10.2466/pr0.1998.82.3.1011>
- Bareket-Bojmel, L., Hochman, G., & Ariely, D. (2014). It's (not) all about the Jacksons: Testing different types of short-term bonuses in the field. *Journal of Management, 43*(2), 534-554. <https://doi.org/10.1177/0149206314535441>
- Barham, L. J., Gottlieb, B. H., & Kelloway, E. K. (1998). Variables affecting managers' willingness to grant alternative work arrangements. *Journal of Social Psychology, 138*(3), 291–302. <https://doi.org/10.1080/00224549809600382>
- Barrett, V. B. (2019). Workplace flexibility is here to stay, report says. *HRDive*. <https://www.hrdiver.com/news/workplace-flexibility-is-here-to-stay-report-says/555005/>
- Barrett, V. B. (2018). Researchers: Workers without flexibility options are less happy, more likely to leave. *HRDive*. <https://www.hrdiver.com/news/researchers-workers-without-flexible-options-are-less-happy-more-likely-t/522564/>
- Bean-Mellinger, B. (2018). Nonprofessional vs. professional jobs. *Chron*. <https://work.chron.com/list-careers-use-algebra-14592.html>

- Beer, M. & Katz, N. (2003). Do incentives work? The perceptions of a worldwide sample of senior executives. *Human Resources Planning*, 26(3), 30-44.
- Berger, S. (2018). These are the states with the longest and shortest commutes — how does yours stack up? *CNBC*. <https://www.cnbc.com/2018/02/22/study-states-with-the-longest-and-shortest-commutes.html>
- Boies, K., Fiset, J. & Gill, H. (2015). Communication and trust are key: Unlocking the relationship between leadership and team performance and creativity. *The Leadership Quarterly*, 26(6), 1080-1094.
- Boitnott, J. (2015). How flexible hours can create a better work-life balance. *Inc.com*. <https://www.inc.com/john-boitnott/how-flexible-hours-can-create-a-better-work-life-balance.html>
- Brenan, M. (2020). COVID-19 and remote work: An update. *Gallup*. <https://news.gallup.com/poll/321800/covid-remote-work-update.aspx>
- Clark, S. C. (2001). Work cultures and work/family balance. *Journal of Vocational Behaviour*, 58, 348-365. <https://doi.org/10.1006/jvbe.2000.1759>
- Clifton, J., & Harter, J. (2019). *It's the manager*, (1st ed.). Gallup Press.
- Coenen, M., & Kok, R. A. W. (2014). Workplace flexibility and new product development performance: The role of telework and flexible work schedules. *European Management Journal*, 32, 564-576. <https://doi.org/10.1016/j.emj.2013.12.003>
- Creswell, J. W. & Creswell, J. D. (2018). *Research design: Qualitative, quantitative, and mixed methods approaches*, (5th ed.). Sage.

- Creswell, J. W., & Poth, C. N. (2018). *Qualitative inquiry and research design: Choosing among five approaches*, (4th ed.). Sage.
- Den Dulk, L., & De Ruijter, J. (2008). Managing work-life policies: Disruption versus dependency arguments. Explaining managerial attitudes towards employee utilization of work-life policies. *The International Journal of Human Resource Management*, 19(7), 1222-1236. <https://doi.org/10.1080/09585192.2012.676925>
- Dimitrova, D. (2003). Controlling teleworkers: Supervision and flexibility revisited. *New Technology, Work and Employment*, 18(3), 181-195.
<https://doi.org/10.1111/1468-005X.00120>
- Duan, N., Bhaumik, D. K., Palinkas, L. A., & Palinkas, K. H. (2015). Optimal design and purposeful sampling: Complementary methodologies for implementation research. *Administration and Policy in Mental Health and Mental Health Research*, 42(5), 524-532. <https://doi.org/10.1007/s10488-014-0596-7>
- Duxbury, L., & Haines, G. (1991). Predicting alternative work arrangements from salient attitudes: A study of decision makers in the public sector. *Journal of Business Research*, 23(1), 83-97. [https://doi.org/10.1016/0148-2963\(91\)90060-B](https://doi.org/10.1016/0148-2963(91)90060-B)
- Eaton, S. (2003). If you can use them: Flexibility policies, organizational commitment, and perceived performance. *Industrial Relations: A Journal of Economy and Society*, 42(2), 145-167. <https://doi.org/10.1111/1468-232X.00285>
- Edwards, S. (2015). Examining the relationship between workplace satisfaction and productivity. *Inc.* <https://www.inc.com/samuel-edwards/examining-the-relationship-between-workplace-satisfaction-and-productivity.html>

- Elowitz, A., & Watson Wasserman, M. (2017). *Lawyers as managers*. American Bar Association.
- Eweinstein, B., Hancock, B., & Komm, A. (2016). Ahead of the curve: The future of performance management. In M. Nathan (Ed.), *Annual editions: Human resource management*, (23rd ed., pp. 64-68). McGraw-Hill.
- EY Belgium. (2020). Why remote working will be the new normal, even after COVID-19. https://www.ey.com/en_be/covid-19/why-remote-working-will-be-the-new-normal-even-after-covid-19
- Fernandes, P. (2016). Support your employees by creating a family-friendly workplace. *Business News Daily*. <https://www.businessnewsdaily.com/9614-family-friendly-workplace.html>
- Forsey, C. (2018). Flexible schedules: The good, bad, & the surprising. *Hubspot*. <https://blog.hubspot.com/marketing/flexible-schedule>
- Friedman, R. (2006). Why do law firms resist innovation? 10 reasons. *American Bar Association: Law Practice*. https://www.americanbar.org/publications/law_practice_home/law_practice_archive/lpm_magazine_articles_v32_is8_an2.html
- Friedrich, T. L., Vessey, W. B., Schuelke, M. J., Ruark, G. A., & Mumford, M. D. (2009). A framework for understanding collective leadership: The selective utilization of leader and team expertise within networks. *Leadership Quarterly*, 20(1), 933-958.
- Fuhl, J. (2020). 12 ways to support a better work-life balance for your employees. *Sage*. <https://www.sage.com/en-gb/blog/hr-support-better-work-life-balance-workplace/>

- Fusch, P. I., & Ness, L. R. (2015). Are we there yet? Data saturation in qualitative research. *The Qualitative Report*, 20(9), 1408-1416.
- Future Workplace. (2018). The work connectivity study. *Workplacetrends*.
<https://workplacetrends.com/the-work-connectivity-study/>
- Gajendran, R. S., & Harrison, D. A. (2007). The good, the bad, and the unknown about telecommuting: Meta-analysis of psychological mediators and individual consequences. *Journal of Applied Psychology*, 92(6), 1524-1541.
<https://doi.org/10.1037/0021-9010.92.6.1524>
- Gaskell, A. (2020). Managerial support needed for remote working to endure. *Forbes*.
<https://www.forbes.com/sites/adigaskell/2020/09/28/managerial-support-needed-for-remote-working-to-endure/?sh=26949354636c>
- Golden, A. G., & Geisler, C. (2006). Flexible work, time, and technology: Ideological dilemmas of managing work-life interrelationships using personal digital assistants. *Electronic Journal of Communication/La Revue Electronique de Communication*, 16(3-4). <http://www.cios.org/EJCPUBLIC/016/3/01633.HTML>
- Golden, L., Henly, J. R., & Lambert, S. (2013). Work schedule flexibility: A contributor to happiness? *Journal of Social Research & Policy*. 4(2), 107-135
- Grandey, A. A., Chi, N.W., & Diamond, J. A. (2013). Show me the money! Do financial rewards for performance enhance or undermine the satisfaction from emotional labor? *Personnel Psychology*, 66(3), 569-612.
<https://doi.org/10.1111/peps.12037>

- Grant, A., & Singh, J. (2011). The problem with financial incentives - and what to do about it. *Wharton*. <https://knowledge.wharton.upenn.edu/article/the-problem-with-financial-incentives-and-what-to-do-about-it/>
- Grenny, J., & Maxfield, D. (2017). A study of 1,100 employees found that remote workers feel shunned and left out. *Harvard Business Review*.
<https://hbr.org/2017/11/a-study-of-1100-employees-found-that-remote-workers-feel-shunned-and-left-out>
- Grover, S. L., & Crocker, K. J. (1995). Who appreciates family-responsive human resource policies: The impact of family-friendly policies on the organizational attachment of parents and non-parents. *Personnel Psychology*, 48, 271-88.
<https://doi.org/10.1111/j.1744-6570.1995.tb01757.x>
- Hammer, L. B., & Barbera, K. M. (1997). Toward an integration of alternative work. *People & Strategy*, 20(2), 28-36.
- Hammer, L., Kossek, E., Yragui, N., Bodner, T., & Hanson, G. (2009). Development and validation of a multidimensional measure of family supportive supervisor behaviors (FSSB). *Journal of Management*, 35(4), 837-856.
<https://doi.org/10.1177/0149206308328510>
- Heathfield, S. M. (2020). Life and family challenges with flexible work schedules? *The balance careers*. <https://www.thebalancecareers.com/life-and-family-challenges-with-flexible-work-schedules-1919423>
- Hernandez, A. (2016). 5 reasons to go paperless. *American Bar Association*.
<https://www.americanbar.org/publications/youraba/2016/december-2016/5-reasons-to-have-a-paperless-practice-.html>

Hickman, A. (2020). How to build trust and boost productivity within remote teams.

Gallup. <https://www.gallup.com/workplace/316931/build-trust-boost-productivity-within-remote-teams.aspx>

Hickman, A., & Asplund, J. (2019). Do your remote workers feel seen? *Gallup*.

www.gallup.com/workplace/267899/remote-workers-feel-seen.aspx

Hickman, A., & Robinson, J. (2020). Is working remotely effective? Gallup research says

yes. *Gallup*. <https://www.gallup.com/workplace/283985/working-remotely-effective-gallup-research-says-yes.aspx?version=print>

HR Daily Advisor Editorial Staff. (2019). Stressful commutes make for stressed

employees. *HR Daily Advisor*.

<https://hrdailyadvisor.blr.com/2019/11/21/stressful-commutes-make-for-stressed-employees/>

Idris, A. (2014). Flexible working as an employee retention strategy in developing

countries. *Journal of Management Research*, 14(2), 71–86.

Ikram, L. (2021). Top 9 non-monetary incentives to motivate and retain your employees.

Vantage Circle. <https://blog.vantagecircle.com/non-monetary-incentives/>

Ingham, L. (2019). Flexible working the “new normal” as technology redefines the

office. *Verdict*. <https://www.verdict.co.uk/flexible-working-technology/>

Jacob, S. A., & Furgerson, S. P. (2012). Writing Interview Protocols and Conducting

Interviews: Tips for Students New to the Field of Qualitative Research. *The*

Qualitative Report, 17(42), 1–10.

- Julien, M., Somerville, K., & Culp, N. (2011). Going beyond the work arrangement: The crucial role of supervisor support. *Public Administration Quarterly*, 35(2), 167-204.
- Kaiser, R., Craig, S., Overfield, D., & Yarborough, P. (2011). Differences in managerial jobs at the bottom, middle, and top: A review of empirical research. *The Psychologist-Manager Journal*, 14(2), 76-91.
- Klein, K. J., Berman, L. M., & Dickson, M. W. (2000). May I work part-time? An exploration of predicted employer responses to employee requests for part-time work. *Journal of Vocational Behavior*, 57(1), 85-101.
<https://doi.org/10.1006/jvbe.1999.1729>
- Kohn, A. (1993). Why incentive plans cannot work. *Harvard Business Review*, 71(5), 54-63.
- Kossek, E., Barber, A., & Winters, D. (1999). Using flexible schedules in the managerial world: The power of peers. *Human Resource Management*, 38(1), 33-46.
- Kossek, E. E., Lautsch, B. A., & Eaton, S. C. (2006). Telecommuting, control, and boundary management: Correlates of policy use and practice, job control, and work-family effectiveness. *Journal of Vocational Behavior*, 68(2), 347-367.
<https://doi.org/10.1016/j.jvb.2005.07.002>
- Kratz, G. (2016). The business case: How work flexibility can help companies save money. *Workflexibility*. <https://www.workflexibility.org/business-case-work-flexibility-can-help-companies-save-money/>

- Lally, R. (2015). Two more cities to require employer-provided transit benefits. *Society for Human Resource Management*.
<https://www.shrm.org/resourcesandtools/legal-and-compliance/state-and-local-updates/pages/cities-transit-benefits.aspx>
- Lansdown, T. C. & Saunders, S. J. (2012). Driver performance, rewards and motivation: A simulator study. *Traffic Psychology and Behaviour*, 15(1), 65-75.
<https://doi.org/10.1016/j.trf.2011.11.004>
- Lautsch, B. A., Kossek, E. E., & Eaton, S. C. (2009). Supervisory approaches and paradoxes in managing telecommuting implementation. *Human Relations*, 62(6), 795–827. <https://doi.org/10.1177/0018726709104543>
- Lautsch, B. A., & Kossek, E. E. (2011). Managing a blended workforce: Telecommuters and non-telecommuters. *Organizational Dynamics*, 40(1), 10-17.
- Levit, A. (2018). How to create and manage an effective flexwork policy. *SHRM*.
<https://www.shrm.org/resourcesandtools/hr-topics/benefits/pages/how-to-create-and-manage-an-effective-flexwork-policy.aspx>
- Loubier, A. (2017). Benefits of telecommuting for the future of work. *Forbes*.
<https://www.forbes.com/sites/andrealoubier/2017/07/20/benefits-of-telecommuting-for-the-future-of-work/#521e9fc16c65>
- Mankin, E. (2006). Innovation in practice: Why it's so hard. *American Bar Association: Law Practice*.
https://www.americanbar.org/publications/law_practice_home/law_practice_archive/lpm_magazine_articles_v32_is8_an4.html

- Martin, T. (2019). Why flexible working is one of the most important benefits you can offer. *The Olson Group*. <https://theolsongroup.com/flexible-working-most-important-benefits/>
- McDonald, P. (2015). 9 essential tips for managing remote workers: *CPA Practice Advisor*.
- Medhi, B. (2020). Flexible working hours: 5 ways it boosts productivity. *Vantage Circle*. <https://blog.vantagecircle.com/flexible-working-hours/>
- Murphy, M. (2020). The surprising truth about how many employees want to keep working from home. *Forbes*. <https://www.forbes.com/sites/markmurphy/2020/11/18/the-surprising-truth-about-how-many-employees-want-to-keep-working-from-home/?sh=5d9a31b17b43>
- Nobel, C. (2016). Why isn't business research more useful to business managers. *Forbes*. <https://www.forbes.com/sites/hbsworkingknowledge/2016/09/20/why-isnt-business-research-more-useful-to-business-managers/?sh=42e8542321a9>
- Oah, S. & Lee, J. H. (2011). Effects of hourly, low-incentive pay on simulated work productivity: Initial findings with a new laboratory method. *Journal of Organizational Behavior Management*, 31, 21-42. <https://doi.org/10.1080/01608061.2011.541820>
- O'Connor, L. T., & Cech, E. A. (2018). Not just a mothers' problem: The consequences of perceived workplace flexibility bias for all workers. *Sociological Perspectives*, 61(5), 808-829. <https://doi.org/10.1177/0731121418768235>
- Olson, A. K., & Simerson, B. K. (2015). *Leading with strategic thinking: Four ways effective leaders gain insight, drive change, and get results*. Wiley.

- Olson, J., & Olson, G. (2014). How to make distance work work. *Interactions*.
<http://interactions.acm.org/archive/view/march-april-2014/how-to-make-distance-work-work>
- Parker, S. K., Knight, C., & Keller, A. (2020). Remote managers are having trust issues. *Harvard Business Review*. <https://hbr.org/2020/07/remote-managers-are-having-trust-issues>
- Peak, M. H. (1994). Why I hate flextime. (Editorial). *Management Review*, 83(2), 1.
- Petersen, L. (2018). Negatives of flexible work schedules. *Chron*.
<https://smallbusiness.chron.com/negatives-flexible-work-schedules-1236.html>
- Powell, G. N., & Mainiero, L. A. (1999). Managerial Decision-making Regarding Alternative Work Arrangements. *Journal of Occupational and Organizational Psychology*, 72, 41-56.
- Professional employees. (n.d.). *Parks, Chesin & Walbert*.
<https://www.pcwlawfirm.com/professional-employees.html>
- Putnam, L. L., Myers, K. K., & Gailliard, B. M. (2014). Examining the tensions in workplace flexibility and exploring options for new directions. *Human Relations*, 67(4), 413–440. <https://doi.org/10.1177/0018726713495704>
- Rackley, M. (2020). Working remotely: A manager’s perspective. *CMS Wire*.
<https://www.cmswire.com/digital-workplace/working-remotely-a-mangers-perspective/>
- Rasico, A. (2020). Flexibility at work. *Circa*.
<https://jobs.localjobnetwork.com/employment-resources/detail/flexibility-at-work/11368>

- Reynolds, B. W. (2019). 100 top companies with remote jobs in 2019. *Flexjobs*.
<https://www.flexjobs.com/blog/post/100-top-companies-with-remote-jobs-in-2019/>
- Roberts, C. M. (2010). *The dissertation journey: A practical and comprehensive guide to planning, writing, and defending your dissertation*, Corwin Press.
- Robinson, J. (2020). Will millennials finally get the workplace they want? *Gallup*.
<https://www.gallup.com/workplace/324218/millennials-finally-workplace.aspx>
- Rockwood, K. (2017). The 9-5 workweek is dead. Here's what's next. *Inc*.
<https://www.inc.com/magazine/201612/kate-rockwood/tipsheet-productivity.html>
- Rudgard, O. (2017). A 20 minute increase in commute time is as bad as taking a pay cut, study finds. *The Telegraph*. <https://www.telegraph.co.uk/news/2017/10/23/20-minute-increase-commute-time-bad-taking-pay-cut-study-finds/>
- Ryan, A. M., & Kossek, E. E. (2008). Work-life policy implementation: Breaking down or creating barriers to inclusiveness. *Human Resource Management*, 47(2), 295–310. <https://doi.org/10.1002/hrm.20213>
- Saldana, J. (2009). *The Coding Manual for Qualitative Researchers*. Sage Publications Ltd.
- Sander, L. (2019). It's not just the isolation. Working from home has surprising downsides. *The Conversation*. <https://theconversation.com/its-not-just-the-isolation-working-from-home-has-surprising-downsides-107140>
- Sarbu, M. (2018). The role of telecommuting for work-family conflict among German employees. *Research in Transportation Economics*, 70, 37-51.
<https://doi.org/10.1016/j.retrec.2018.07.009>

- Senge, P., Smith, B., Kruschwitz, N., Laur, J., & Schley, S. (2010). *The necessary revolution: How individuals and organizations are working together to create a sustainable world*. Broadway Books. ISBN: 978-0-385-51904-5.
- Schawbel, D. (2018). Survey: Remote workers are more disengaged and more likely to quit. *Harvard Business Review*. <https://hbr.org/2018/11/survey-remote-workers-are-more-disengaged-and-more-likely-to-quit>
- Schiff, P. (1996). *Work Concepts for the Future: Managing Alternative Work Arrangements*. Crisp Publications, Inc.
- Schleckser, J. (2019). Why cash is the most expensive way to motivate your team. *Inc.com*. <https://www.inc.com/jim-schleckser/why-cash-is-most-expensive-way-to-motivate-your-team.html>
- Simovic, D. (2021). The ultimate list of remote work statistics – 2021 edition. *SmallBizGenius*. <https://www.smallbizgenius.net/by-the-numbers/remote-work-statistics/#gref>
- Smith, B. (2018). 5 ridiculously useful non-monetary reward examples that improve employee engagement. *Business2community*. <https://www.business2community.com/human-resources/5-ridiculously-useful-non-monetary-reward-examples-that-improve-employee-engagement-02147022>
- Soojung-Kim Pang, A. (2020). It's time to end 9-5 office hours: The business case for the five-hour workday. *The Guardian*. <https://www.theguardian.com/commentisfree/2020/mar/10/five-hour-workday-shorter-book>

- Spieler, I., Scheibe, S., Stamov-Roßnagel, C., Kappas, A., & Chen, G. (2017). Help or hindrance? Day-level relationships between flextime use, work–nonwork boundaries, and affective well-being. *Journal of Applied Psychology, 102*(1), 67-87. <https://doi.org/10.1037/apl0000153>
- Stajkovic, A. D., & Luthans, F. (1997). A meta-analysis of the effects of organizational behavior modification on task performance, 1975-95. *The Academy of Management Journal, 40*(5). 1122-1149.
- Sweet, J. (2021). The loneliness pandemic: the psychological and social costs of isolation in everyday life. *Harvard Magazine*.
<https://harvardmagazine.com/2021/01/feature-the-loneliness-pandemic>
- Sweet, S., Pitt-Catsouphes, M., & James, J. (2017). Manager attitudes concerning flexible work arrangements: Fixed or changeable? *Community, Work & Family, 20*(1), 50-71. <https://doi.org/10.1080/13668803.2016.1271311>
- The state of working from home. (2020). *Leadership IQ*.
<https://www.leadershipiq.com/blogs/leadershipiq/the-truth-about-working-from-home-in-24-shocking-charts>
- Thompson, S. (2017). The importance of non-financial rewards for the organization. *Small Business Chronicle*. <http://smallbusiness.chron.com/importance-nonfinancial-rewards-organization-45146.html>
- Traub, G. (2008). Do you speak Ignatian? A glossary of terms used in Ignatian and Jesuit circles. In Traub, G. (Ed). *A Jesuit Education Reader* (pp.390-409). Loyola University Press.

- Tufford, L., & Newman, P. (2012). Bracketing in qualitative research. *Qualitative Social Work: Research and Practice*, 11(1), 80-96.
- Useem, J. (2017). When working from home doesn't work. *The Atlantic*.
<https://www.theatlantic.com/magazine/archive/2017/11/when-working-from-home-doesnt-work/540660/>
- Uzialko, A. (2020). Examples of employee goal setting and why it is important for business. *Business News Daily*. <https://www.businessnewsdaily.com/15865-employee-goal-setting.html>
- Vanderkam, L. (2015). The scheduling secret that will make your team more productive. *FastCompany*. <https://www.fastcompany.com/3049827/the-secret-to-making-your-team-more-innovative-and-productive>
- Van Manen, M. (2017). Phenomenology in its original sense. *Qualitative Health Research*, 27(6), 810-825. <https://doi.org/10.1177/1049732317699381>
- Wilkie, D. (2019). Why are companies ending remote work? *SHRM*.
<https://www.shrm.org/resourcesandtools/hr-topics/employee-relations/pages/drawbacks-to-working-at-home-.aspx>
- Wynn, A., & Rao A. H. (2019). The stigma that keeps consultants from using flex time. *Harvard Business Review*. <https://hbr.org/2019/05/the-stigma-that-keeps-consultants-from-using-flex-time>
- Young, G. J., Beckman, H., & Baker, E. (2012). Financial incentives, professional values and performance: A study of pay-for-performance in a professional organization. *Journal of Organizational Behavior*, 33(7), 964-983.
<https://doi.org/10.1002/job.1770>

*Appendix A***Invitation to participate in the research project on Managing Attorneys in Flexible Working Environments**

Dear (Gilson Daub Manager)

I am conducting interviews as part of a research study to increase our understanding of the lived experiences of managers overseeing attorneys working in flexible working environments. As a manager at Gilson Daub, you are in an ideal position to provide valuable first-hand information from your own perspective. This research is for educational purposes and will be incorporated into my dissertation project I am working on through Creighton University.

I estimate this informal interview will take between 30 minutes and an hour. In an effort to maintain confidentiality, the interviews will be conducted online through Zoom by a Creighton graduate student Ryan Eikmeier who will be trying to capture your thoughts and perspectives on what it is like to manage attorneys who work in a non-traditional working structure. I will not have access to the audio recording and the transcript will be coded to help ensure that personal identifiers are not revealed during the analysis and discussion of findings.

You are not required to participate in the interviews and participation in this study will not have any impact on your employment with Gilson Daub. There is no compensation for participating in this study. However, your participation will be a valuable addition to further the existing research into flexible working programs. If you are interested in

participating, the interview will be scheduled at a time convenient for you at a day and time that suits your calendar.

Should you have any questions about this research project or your rights as a participant, you can contact the Creighton University Institutional Review Board at 402-280-2126.

You may also contact my dissertation chair should you wish to learn more about this project:

Leah C. Georges, Ph.D., M.L.S.
Assistant Professor
Interdisciplinary Ed.D. Program in Leadership
Creighton University
2500 California Plaza
Omaha, NE 68178
(402) 280-3414
LeahGeorges@creighton.edu

Thank you.

A handwritten signature in blue ink, appearing to read "Brent M. Daub".

Brent Daub

*Appendix B***Interview Protocol**

Date:

Time of Interview:

Interviewer: Ryan Eikmeier

Interviewee:

Thank you for agreeing to be interviewed for this research project on managing attorneys in flexible working programs. I want to remind you that your comments will remain confidential. If you need a break or would like to end the interview at any time, please let me know. Do you have any questions about the interview or the research project?

1. What is it like supervising attorneys in a flexible work environment?
2. Describe to me a time when managing a team of attorneys working in flexible working environment was going really well. What was that like?
3. Tell me about a time when managing a team of attorneys working in a flexible working environment was not going very well. What was that like?
4. What has been your experience meeting your own managerial expectations and goals while supervising a team of flexible working attorneys?
5. What is something you think I should know about managing attorneys in a flexible working environment?
6. Is there anything else you would like to share that I didn't ask you about?

*Appendix C***Information Letter**

As you are aware, I am conducting a research study in connection with my education at Creighton University exploring the lived experiences of managers overseeing attorneys working in flexible working environments. The study involves a series of 30 minute to an hour interviews with managers who supervise attorneys working within flexible time and space situations. Participation in this study is completely voluntary and you may withdraw at any time. As a potential participant, you would answer questions about your experiences supervising attorneys who at times work outside of a traditional 9:00am to 5:00pm schedule and outside of the traditional physical office. The information you provide in the interviews will be incorporated into my dissertation project which will be submitted to Creighton University and help inform the research on this important subject.

I do not anticipate any risks to you as a participant of this study. There are also no direct benefits or compensation to those participating in the research.

I will do my best to keep your responses to the questions confidential as per our study design. The interviews will be conducted online through Zoom by a Creighton graduate student Ryan Eikmeier who will be trying to capture your thoughts and perspectives on what it is like to manage attorneys who work in a non-traditional working structure. I will not have access to the audio recording and the transcript will be coded to help ensure that personal identifiers are not revealed during the analysis and discussion of findings.

I have enclosed a copy of the Participant's Bill of Rights for your review. Should you have any questions about this research project or your rights as a participant, you can contact the Creighton University Institutional Review Board at 402-280-2126. You may also contact my dissertation chair should you wish to learn more about this project:

Leah C. Georges, Ph.D., M.L.S.
Assistant Professor
Interdisciplinary Ed.D. Program in Leadership
Creighton University
2500 California Plaza
Omaha, NE 68178
(402) 280-3414
LeahGeorges@creighton.edu

Sincerely,

A handwritten signature in blue ink that reads "Brent M. Daub". The signature is written in a cursive style with a large initial "B" and "D".

Brent M. Daub

*Appendix D***Bill of Rights for Research Participants**

As a participant in a research study, you have the right:

1. To have enough time to decide whether or not to be in the research study, and to make that decision without any pressure from the people who are conducting the research.
2. To refuse to be in the study at all, or to stop participating at any time after you begin the study.
3. To be told what the study is trying to find out, what will happen to you, and what you will be asked to do if you are in the study.
4. To be told about the reasonably foreseeable risks of being in the study.
5. To be told about the possible benefits of being in the study.
6. To be told whether there are any costs associated with being in the study and whether you will be compensated for participating in the study.
7. To be told who will have access to information collected about you and how your confidentiality will be protected.
8. To be told whom to contact with questions about the research, about research-related injury, and about your rights as a research subject.
9. If the study involves treatment or therapy:
 - a. To be told about the other non-research treatment choices you have.
 - b. To be told where treatment is available should you have a research-related injury, and who will pay for research-related treatment.

*Appendix E***IRB Approval Letter****Office of the Provost**

Research Compliance

DATE: 23-Jun-2020
TO: Daub, Brent
FROM: Social / Behavioral IRB Board
PROJECT TITLE: FLEXIBLE WORKING
REFERENCE #: 2001113-01
SUBMISSION TYPE: Initial Application
REVIEW TYPE: Exempt
ACTION: APPROVED
EFFECTIVE DATE: 23-Jun-2020

Thank you for your Initial Application submission materials for this project. The following items were reviewed with this submission:

- Creighton University HS eForm~

This project has been determined to be exempt from Federal Policy for Protection of Human Subjects as per 45CFR46.101 (b) 2.

All protocol amendments and changes are to be submitted to the IRB and may not be implemented until approved by the IRB. Please use the modification form when submitting changes.

If you have any questions, please contact the IRB Office at 402-280-2126 or irb@creighton.edu. Please include your project title and number in all correspondence with this committee.

Institutional Review Board

☎ 402.280.2126 | ☎ 402.280.3200
Dr. C.C. and Mabel L. Criss Health Sciences Complex I
2500 California Plaza Omaha, NE 68178

creighton.edu
creighton.edu/researchservices/rcocommittees/irb