

## As Election Day Nears, Law Firms Offer Paid Time Off to Boost Turnout

Orrick, Jenner, Mintz and Fenwick are offering employees time off on Election Day. Several large companies, including Coca-Cola, JPMorgan Chase, Nike and Twitter, have already pledged to give their employees paid time off to vote.

By Patrick Smith  
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In June, Mintz, Levin, Cohn, Ferris, Glovsky and Popeo managing partner Bob Bodian had been reading a lot about voter suppression in elections and how the 2016 election saw the lowest voter turnout since 1996. He decided to address the firm's policy committee on what Mintz could do to help and to work with other firms to get an actionable plan together.

"In grade school, we learn that voting is a cherished right of democracy," Bodian said. "But we make it as difficult as possible to do so. And that is reflected in the turnout."

Mintz can't control the federal government, but it can control its firm. The Boston-founded Am Law 100 firm is giving all of its employees, around 1,200, a paid day off to vote or conduct other activities such as poll watching, giving rides to potential voters or doing pro bono work on Nov. 3.

Several other firms are also giving paid time off for employees on Election Day, including Orrick, Herrington & Sutcliffe, Jenner & Block and Fenwick & West.

Fenwick has announced it will be providing a paid civic holiday on Nov. 3 for all of its attorneys and staff as well, the extension of a years-long program the firm has on civic engagement and a part of the firm's Action for Change initiative.



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Jenner announced Wednesday that it will allow employees a personal day on November 3 as part of its commitment to give its employees the opportunity to participate in the electoral process. The firm has also applied to Time To Vote, a non-partisan coalition of companies that have made a commitment to ensure their employees have a work schedule that allows them to vote in elections.

Orrick said Wednesday that the firm will officially be closed on November 3, with employees encouraged to use the time to vote, do pro bono work or engage in other activities around enabling voters.

Meanwhile, Boston firm Burns Levinson has begun working with local organizations around voter

registration and is in the process of seeing what would need to be done in order to allow its employees time off to vote on Nov. 3, according to firm partner Mark Manning.

Richard Dickson, chair of Fenwick, said voting is the most effective way to bring about change. “But it requires broad participation. It should be a national day of civic engagement. We are hoping others will do this. It is a pillar to our democracy,” he said.

But Election Day is not a holiday, and private companies are not under any legal obligation to allow time to vote. Democrats have previously made overtures to change that, most recently in the new congressional session at the beginning of 2019 when Maryland Rep. John Sarbanes introduced it as part of the For the People Act of 2019.

Senate Majority Leader Mitch McConnell, R-Kentucky, dismissed the act as a “power grab” for Democrats, and the bill died, even though a Pew poll from November 2018 showed broad approval across voters from both parties.

A very different GOP had previously tried to make Election Day a holiday in 1998, a plan that also was rebuffed.

Many of the difficulties Americans face while attempting to vote are well known, such as the reduction of polling sites in certain areas and the concept that most people have to work on a Tuesday (federal elections are law bound to have the first Tuesday after the first Monday in November as the date. In 2020, that is Nov. 3). Add fear of contracting a deadly virus to the mix, and you have a recipe for nonparticipation.

The firms above believe that if the federal government can’t step in, then it is up to the private sector to take the lead.

Several large companies, such as Twitter, Nike, J.Crew and Coca-Cola, have already pledged to allow their employees time off to vote this year.

While Big Law can’t necessarily change the federal structure around voting, it can impact its own employees and potentially influence peer firms as well as clients to make the act easier.

“I looked into what firms have done previously around voting, including ours,” Bodian said. “It isn’t unusual for firms to give a couple of hours at the beginning or end of the day, but I didn’t see anything where firms were giving the whole day.”

Bodian said he hopes the actions of Mintz will inspire other firms to do the same, perhaps in the way that many firms rallied around Juneteenth earlier this year.

It won’t be easy. There are very real financial considerations to make when deciding to allow a full day of paid leave to the entire firm. And there is the risk of perceived political bias, even for the act of voting, in a decidedly hyperpartisan environment that risk-averse law firms are content to avoid.

But major companies and law firms are showing that it can be done if the will is there.

*Is your law firm taking action to make it easier for its employees to vote or assist others in the voting process? We want to know. Contact Patrick Smith at [pasmith@alm.com](mailto:pasmith@alm.com) and fill us in!*

**Patrick Smith**, based in New York, covers the business of law, including the ways law firms compete for clients and talent, cannabis law and marketing innovation. Reach him at [pasmith@alm.com](mailto:pasmith@alm.com) or on Twitter at [@nycpatrickd](https://twitter.com/nycpatrickd)