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Baby Love: Firms Let Dads Indulge

Employers, Male Lawyers Place Increasing Value on Work-Life Balance

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LOS ANGELES — When corporate attorney Brian Casey learned he and his wife were having a baby, he had no qualms about taking the entire four weeks offered by his firm for paid paternity leave.

Casey, 31, who took the leave in 2007 to help his wife, Leila Casey, and bond with their new daughter, Ava, is part of an emerging group of fathers at law firms who are taking time off without the fears that have dogged men of past generations, such as challenges to their masculinity or questions about job commitment.

“As long as I got the work done, I wasn’t worried at all,” Casey, a Los Angeles associate at Latham & Watkins, said.

In fact, as more men are opting to stay home with their newborns, parental leave has become the latest carrot dangled before prospective new lawyers by law firms.

Recently, several big firms have upped their primary caregiver leave to 18 weeks, with the latest being Skadden, Arps, Slate, Meagher & Flom in February.

Although the new policies most often apply only to birth mothers, improvements in leave for fathers — ranging from two to six weeks for secondary caregivers at firms that offer it — may not be far behind.

The trend also marks a dramatic shift in the value male lawyers place on balancing work and family.

Jim Tancula, managing partner of the Los Angeles office of Mayer Brown, said changes in men’s roles in families and a broader acceptance by law firms of parental leave have contributed to a change in lawyers’ perceptions about paternity leave.

“More and more fathers are comfortable with taking the time,” Tancula said. “More responsibility is expected from us, and I think it’s a plus. I get a lot more enjoyment with my children.”

He recalled that, when his twins were



GERARD BURKHART / for the Daily Journal

Attorney Brian Casey took Latham & Watkins’ entire four-week paid paternity leave to bond with his daughter, Ava, when she was born in 2007. “As long as I got the work done, I wasn’t worried at all,” he said.

born seven years ago, taking paternity leave wasn’t an option.

The firm, like many others at that time, didn’t offer it.

Instead, Tancula said, he used his vacation days to spend a week with his newborns. He said he felt comfortable taking time off because he was a senior lawyer at the firm, but he might have felt different if he had been an associate.

“There’s always a few people who will grumble, ‘Why should they be taking time off? It hurts our business,’” Tancula, 50, said. “That’s shortsightedness, and that’s faded away greatly. I won’t say there aren’t people who won’t grumble still. But we rarely hear

them anymore. When you do, you tell them to shut up.”

Today, Mayer Brown not only offers a whopping six weeks of paid leave for secondary caregivers but also has raised its paid leave time for birth mothers who are primary caregivers from 12 to 18 weeks.

Tancula said the firm created the leave for fathers several years ago, after recognizing that supporting a better work-life balance made good business sense.

Still, the time allowed for paid paternity leave for secondary caregivers remains essentially unchanged at most firms, even as the time off for family leave has increased.

And law firms trail the rest of corporate America in providing work-life balance,

Baby Love: Firms Let New Fathers Indulge

said Cynthia Calvert, the deputy director of the Center for WorkLife Law at Hastings College of the Law. They range widely in their commitments, Calvert said, with some firms offering no paid parental leave to some offering 18 weeks.

In focus groups and studies, she said, she has heard from fathers at law firms who continue to feel stigmatized by the “double-whammy” criticisms of lacking firm commitment and questions about their masculinity. These comments feed the fear that fathers who take time off will not make partner or receive good work from the firm, she said.

“If there is a chilly climate for mothers in law firms, there’s a frigid climate for fathers,” Calvert said.

She said the criticisms in many cases have been blatant.

“If they try to be actively involved in their families’ lives, they get snide comments made to them, like partners going up to men and saying, ‘Your wife should be taking care of that,’” Calvert said. “We’ve heard of men being warned that they won’t be made partner if they continue to put family first.”

But for the most part, those interviewed said law firms are being supportive of new fathers and recognizing the need for paid paternity leave policies.

In the San Francisco Bay Area, 60 percent of firms responding to a 2006 survey on work-life balance by the Bar Association of San Francisco had paternity leave policies. The survey also found that big firms were more likely to have such a policy. Eighty-two percent of law firms surveyed had maternity leave policies, according to the survey.

Similar data was not available from the State Bar of California or the Los Angeles County Bar Association.

Law firms that provide paid paternity leave are in the minority of businesses. Only 17 percent of U.S. companies offer a policy on paid leave for fathers, according to a 2007 study by the Society for Human Resource Management.

At Latham & Watkins, more male associates are choosing to take the full four weeks of paid paternity leave than ever before, said Richard Bress, a Washington, D.C., partner who heads the firm’s associate committee.

“When it first came into vogue, people didn’t take the full time off as often, perhaps because they thought others would feel they shouldn’t,” Bress said.

Bress, the father of a 16-year-old, said he

sees the change as a generational shift, with today’s fathers expecting their firms to provide them with paid time to spend with their families. He said that, when he first became a father, men usually took a couple of days off for the birth of a child.

“The generation coming up now, the generation ahead, is probably far more used to the idea that this is something they value greatly and have come to expect as something firms and other businesses will offer and provide,” Bress said.

The 1993 federal Family and Medical Leave Act includes a provision in the labor law that allows employees to take up to 12 weeks of unpaid leave to, among other things, care for a newborn.

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California became the first state in 2004 to offer paid family leave to new dads. Since then, the number of fathers applying for paternity leave throughout the state has risen from 26,300 in 2004, to 31,700 in 2007, according to the California Employment Development Department. Data tracking family leave specific to law firms in the state was not available.

Bryan Cave, which began implementing its paternity leave policy in 2006, has seen a marked increase in men interested in taking paternity and adoption leave, said Lori Johnson, Bryan Cave’s chief human resources officer. Johnson said she has received four paternity leave requests in the past year, compared to none for the three previous years.

The firm provides six weeks of paid leave to fathers, as both primary and secondary caregivers.

“Things are changing, and everybody recognizes it takes both parents to raise a child,” Johnson said. “It’s that glass ceiling thing. I think men now have broken through, and it’s seen as acceptable.”

Latham & Watkins was one of the first to increase the paid leave time for primary caregivers to 18 weeks, which it announced in December 2007. The paid leave for fathers who are secondary caregivers remained unchanged at four weeks.

Since then, several firms have followed, to match the market of 18 weeks for primary caregivers, including Arnold & Porter in January, and Skadden and Cleary Gottlieb Steen & Hamilton in February.

Law firms that give work-life benefits to fathers can gain an edge over their competition, said Calvert, who also co-directs the law school’s Project for Attorney Retention.

Calvert said the corporate world has recognized the benefits of being flexible with employees’ time. For example, she said, corporations such as Aetna and Deloitte & Touche have saved millions of dollars in attrition costs through improved work-life benefits.

“In order to retain excellent attorneys, law firms are going to have to adapt,” Calvert said. “It’s really necessary for men to be able to have that time.”

Some firms are recognizing that.

Bryan Cave’s Johnson said the firm’s leadership has intentionally created an encouraging environment for people wanting to take parental leave, a necessary step for any firm wanting to build support for work-life balance.

“Some of it is that the firm has really embraced parental leave, and when people have taken it, they’ve seen that the firm has supported it,” Johnson said.

“There were no repercussions, which I think is critical,” she said. “It takes someone to take those first steps.”

Gerald Audant, 37, an associate at Fenwick & West in San Francisco, said achieving a work-life balance was important to him from the get-go.

Audant took six weeks off in 2007, including three weeks consecutively, after the birth of his daughter.

Although Fenwick offers two weeks of paid paternity leave, Audant said he was impressed that the firm also lowered his minimum billable hours requirement during that time, from 1,950 to 1,725, allowing him to maintain his good standing with the firm.

He said today’s law firms need to make efforts to show attorneys that they are more than moneymakers to the firm.

“Times have changed in that, in this day and age, we are 24/7 attorneys,” Audant said. “We are available on our GoodLink, BlackBerry, Trio, PDA. We’re expected to check voice mail nights and weekends.

“The trade-off should be when you’re home with your family, you’re home with your family,” he said.