

## Giving Birth In BigLaw, Billable Hours Is Both Perk And Hurdle

By **Aebra Coe**

*Law360 (November 30, 2021, 2:35 PM EST)* -- Despite grueling hours and high levels of stress, the very thing that makes a job in BigLaw a heavy lift may be the same thing that can make it a relatively friendly place to work for some pregnant lawyers: the billable hour.

Law360 Pulse recently spoke to several lawyers who have given birth in the last five years, and those in BigLaw said their employers were generally flexible about when and where they worked, as long as they met their billable hour targets.

That could mean working from home, if needed, even before the pandemic; taking breaks for fertility appointments and doctor's appointments; or starting work later in the day due to morning sickness.

Jenner & Block LLP partner Alison Stein said she remembers chatting with a group of female friends she commuted with from Connecticut to Manhattan before the pandemic, all nonlawyers with "big jobs in corporate America."

Stein sometimes left work earlier than the rest of them to go home for a competing obligation and would go into the city less often, instead working from home — a level of flexibility the other women envied. But, she said, they were far less envious of the fact that Stein worked more hours than they did to meet her billable hour goals and respond to her clients' needs.

"The challenge is the sheer volume of work and the intensity of our job," Stein said. "And the fact that you need to be on quite frequently and often, but I still think that's countered by the flexibility and control over your schedule, particularly as you get more senior."



Alison Stein

Ashley Barebo, an associate at Nelson Mullins Riley & Scarborough LLP, gave birth to her now 9-month-old daughter and 2-year-old son while working at the firm.

Like Stein, Barebo said that leaders at her firm were flexible on work hours and location, but hitting her firm's hours and collections goals was the "hardest part of my pregnancy."

"I had a lot of morning sickness with my son, and that definitely made things difficult, but the senior leadership in my office was good about saying, 'If you need to go home in the middle of the day that's fine.' With the caveat, you still have to hit your billable hour requirements," she said.

Another attorney at a large law firm who had her first child in 2020 and is now expecting her second told Law360 Pulse that her firm didn't care where or when her hours were billed.

The attorney, a non-equity partner, asked not to be named. She said her experiences were not overly negative.

"If I had to run to a doctor's appointment for an hour and then work an hour earlier or later that day, the people I work with are very flexible about that," she said.

She said she took the full 18 weeks of paid maternity leave her firm offers after her first child and then transitioned back from the break into a busy practice. In fact, when she got back, she was assigned to take on a federal appellate argument.

"I felt quite comfortable that the individual leaders in my group were really committed to making sure I was successful when I came back," she said.

### **A Government Lawyer**

Away from BigLaw, female attorneys' stories about pregnancy and maternity leave can be much different.

Jobs in government often offer more of a 9 to 5 schedule than BigLaw, with fewer hours worked in all. But they can also be less flexible, and some don't include the same maternity leave benefits.

A lawyer with three young children who is a prosecutor in Texas and asked to remain anonymous told Law360 Pulse that she has never received paid maternity leave.

When she had her first child, she was working in a large county with a high-volume court, and for the next two she had moved to a medium-sized county. Neither workplace provided maternity leave. Instead, she said she accumulated vacation and sick time and used those, along with unpaid time off, to recover from giving birth.

She also said there wasn't much flexibility at either office. In fact, she went with an OB-GYN that wasn't her first choice because she wanted one close enough to the office that she could go to appointments on her lunch break. She was not afforded the flexibility to take off for doctor's appointments during work hours otherwise.

There also wasn't a gradual ramping up after she returned from leave. In 2019, she took on three trials in five weeks after she got back. And in 2021, she returned to take the lead on a trial over the capital murder of a child, during which she says the judge on the case didn't respect her requests to take 40 minutes away every few hours to pump breast milk.

"I've always been so frustrated with the judges and being able to do my job but also take care of the basic biological needs of having an infant," she said.



Ashley Barebo

## Meeting Goals

According to Barebo, the challenge of being a BigLaw attorney while pregnant and giving birth was meeting requirements around billing hours and collections.

She said she dealt with a lot of morning sickness early on and then was feeling "big and uncomfortable" near the end, which whittled away at the time she was available to devote herself wholly to work.

During her leave, the law firm adjusted her goals downward in order to account for the 16 weeks she spent away to care for her infant.

But, she said, it was still really hard to meet those goals. This year, she joined a program through her firm that allows attorneys to work 75% of the hours in exchange for 75% pay. She can scale that back up whenever she chooses.

"It's been a huge help especially since my daughter was born," she said. "Having two small children is a lot, and being able to scale back at work and still keep my position is nice to have."

Stein said that while she knows many large law firms are working hard to provide programs to help new moms transition back to work, there is still room for improvement.

"My firm is incredibly supportive and has great resources when it comes to getting ready for maternity leave and handing off cases," she said. "What's challenging for law firm lawyers is it's hard to come back to a stressful work environment when you've been out on leave and disconnected."

She said law firms should consider giving new parents two or three months after returning from parental leave to work their way back up to the firmwide billable hours targets.

"It's very important for law firms to give new parents some space to ramp back up," she said.

--Editing by Brian Baresch and Alyssa Miller.