

Returning after parental leave – a roadmap for success



Emily Morrow

By **Emily Morrow**

Over the years, I have spoken with many lawyers who are returning to the practice of law after parental leave. The common theme I heard was that returning to the law after having been home for a while with a child is, not surprisingly, hard work.

But, that said, it does not have to be a negative experience. The memorable first line from Charles Dickens' book, *A Tale of Two Cities* comes mind: "It was the best of times, it was the worst of times, it was the age of wisdom, it was the age of foolishness ..." Despite the hard work, some of the returning lawyers spoke enthusiastically about their experience, while others were struggling to barely keep their heads above water.

Why is this? Why is it that some lawyers positively thrive during this transition in their lives and careers, whereas others find it almost traumatic? What can a law firm, a practice group, or an in-house legal team do to make the process as seamless as possible?

The benefits of handling the "returnship" process well are obvious. Assuming the returning lawyer is highly valued and regarded, the loss of the individual would be damaging to the office and for the professional.

Two cases

Consider the following. Ann is a lawyer with 12 years' experience working both in New Zealand and overseas. She is a senior associate with excellent experience and is bright, highly motivated and hard-working. Ann went on a one-year parental leave for the birth of her first child. She's been back at her office for about four months and is thoroughly enjoying both her work and her role as a mother, despite having had some trepidations about returning to work. She now works five days a week, leaving each day at 3:30. Ann told me that "Although I work hard to accomplish everything, I feel energised by the experience of parenting and working. Being a parent has matured me considerably and this has enhanced my capabilities as a lawyer".

Sally is a senior solicitor with 8 years' experience at several excellent firms. Like Ann, she is exceedingly capable, committed to her work and viewed by her firm as a high potential. Sally went on parental leave two years ago and has been back at work for about a year. She works three full days a week, taking Mondays and Wednesdays off. Although Sally enjoyed the time off, she was looking forward to returning to the firm. To her surprise, she found the re-entry process much more difficult than she had anticipated. She experienced chronic stress, feelings of inadequacy and dislocation, and had concerns that she

was less than fully successful either as a parent or as a professional. Sally is unsure whether she wants to continue practising law. "It's really unfortunate, but it all feels like it is too hard much of the time."

What needs to occur so the return from parental leave is a seamless segue rather than a rocky re-entry? Because young women often go out on parental leave when their careers are just beginning to get traction, and approximately 60% of recent law school graduates are women, getting this right is essential for the future of the profession.

Elements of a seamless segue

I asked Ann to articulate the elements for an optimal return to law practice after parental leave. Here's the list she came up with:

Clear parameters

Ann initiated several discussions with the firm about both their expectations and her parameters in terms of the parental leave process and her return to work. "By doing this, I avoided a lot of misunderstandings that often occur and create problems. My employer was very receptive to such discussions and we agreed on the guidelines for my re-entry into the firm".

Sufficient time to plan

By notifying her employer well in advance about her departure and plans to return, the firm could proactively address staffing needs which lowered everyone's overall stress. "There were no surprises for the firm and any tendency I might have had to feel guilty about not 'carrying my weight' was reduced."

Be explicit

"It's important to make both the process and the dialogue explicit between the employee and the employer by having direct, detailed conversations to create a mutually agreeable framework for success. There are no crossed fingers. If something is difficult to discuss, lean into it, don't back away from it". One way to address this is to create a checklist of what needs to be done before the employee goes on parental leave so everyone knows exactly what needs to be accomplished, by whom and when.

Get stuck back into the work ASAP

Ann's employer lined up several good, chunky projects for her to dig into her first day back. He also scheduled a meeting for the entire team to talk about what she would be doing in the team, including business development efforts. "This enabled me to kick-start my career immediately.



Photo by Girls Scouts of Central and Southern New Jersey CC-BY-NC.

Although I missed my baby, being involved with great work and with the team helped me get through that much more effectively.”

Supportive services

Having an internal person who checks in with the returning parent (such as an HR professional), and an external resource person with whom to discuss the “returnship” process was very helpful. “It’s particularly important that either or both of these people have had personal, practical and successful experiences in making the transition. I found this exceedingly helpful and it reassured me that I could make the transition successfully as well”.

Respect time constraints

Ann goes into the office five days a week, starting at a relatively early hour but leaving each day at 3:30. If she is unable to complete a time sensitive assignment before her departure, she and the partner with whom she works discuss how best to address this in real time. Sometimes she works on it later in the evening, comes in a bit earlier the next morning or the client is consulted. “The partners have been remarkably good about respecting my time constraints. This lowers the anxiety level for everyone and, interestingly, I have found clients to be extremely supportive of the process as well. We always make the time-critical deadlines, we meet or exceed the clients’ expectations, and it works for everyone.”

Don’t “censor out the good work”

Some of Ann’s colleagues at other firms

have reported that, following their return from parental leave and while they are working a somewhat reduced schedule, they are not getting the interesting work from the partners to whom they report. Ann and the partners with whom she works have discussed this directly and they have all made a commitment to including her in a cross-section of work. She is highly motivated, appreciative of their doing so and performing at her peak. She also feels a strong sense of loyalty which reinforces her desire to make a long-term commitment to the firm.

Professional programmes

Although there are frequent professional seminars about gender diversity and women in the practice of law, Ann said she did not know of seminars having to do specifically with returning from *Continued on next page...*

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parental leave. “It would be exceedingly helpful to have the Law Society sponsor one or more such seminars, both for the returning parent and other members of the firm.”

“Don’t turn away”

Ann commented: “When life intrudes into the practice of law, everyone has a tendency to turn away. Because your people are the firm and its fabric, you need to be sure the knowledge base and the capabilities return to the firm and that they are not lost when a lawyer becomes a parent.” No truer words have ever been spoken, in my experience.

Flexibility and fluidity

Ann decided to come into the office every day but leave early, although she knows other lawyers who work full days and take a full day or two off each week. “The important thing is that the employer and the employee together agree on what arrangement will best meet everyone’s needs.”

Pathway to success

Ann and her employer have had frank and comprehensive conversations about what she needs to do to become a partner. “Because I understand what I need to do and what the firm is going to hold me accountable for achieving, I don’t worry about it. I just focus on getting my work done, meeting my clients’ needs and being with my family as much as I can. I don’t waste any psychic, intellectual or emotional energy worrying about these things.”

Stay involved in the social aspects of the firm

“It’s important to stay involved with what’s going on socially in the firm as well as doing the work and interacting with clients. Because I go into the office every day, I am able to do this quite effectively. At the end of the day, it doesn’t take a lot of time and it’s definitely worth it.”

Check in regularly

The re-entry process is a moving target and it’s important that both the employee and the firm speak regularly about how it’s going. “During parental leave, the employer does not want to impose on the employee’s time off. This creates a natural tension between the employee’s need for space and both parties’ need to remain in contact during the period of absence.” Staying in regular contact is crucial – “it helps you feel included, ‘in the loop’ and involved in decision-making”. Also “what works well when you first return to the firm may change over time. If both parties speak regularly about this, then you can keep tweaking the process and keep everyone on track.”

The rocky re-entry

Sally and I discussed Ann’s experience in returning to her firm and what seemed to correlate with a successful outcome.

She said: “I could not agree more with what Ann said. Unfortunately, before, during and after my parental leave, there was very little if any discussion about the process. Also, when I returned, there was no real focus on re-integrating me into the team’s workflow. I felt unsupported and disengaged. Ultimately, I became quite depressed, missing my baby and not feeling involved at work.” Sadly, Sally is considering leaving the practice, which would be a real loss both for her and for the firm, considering her professional capabilities.

I suggest every firm should develop a “returnship” programme for its lawyers who are coming back after parental leave. Interestingly, Allen and Overy has recently developed such a programme, although I do not know its details. Although women now constitute the vast majority of lawyers who take extended parental leave, I expect this will begin to change as more men consider being the primary caregiver for a child. Regardless of gender, it’s all about the employer and the employee collaborating in a high trust way to make sure everyone’s critical needs get met.

Having lawyers who want to take parental leave is non-optional for an employer. It will happen and it will happen with regularity. The only choice to be made is whether the parties do it right the first time or not. It’s an easy choice when you look at it that way. ■

Emily Morrow was a lawyer and senior partner with a large firm in Vermont, where she built a premier trusts, estates and tax practice. Having lived and worked in Sydney and Vermont, Emily now resides in Auckland and provides tailored consulting services for lawyers, barristers, in-house counsel, law firms and barristers’ chambers focusing on non-technical skills that correlate with professional success; business development, communication, delegation, self presentation, leadership, team building/management and the like. She can be reached at www.emilymorrow.com.



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