

2021 Parental Leave Survey



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Parental Leave Survey

Introduction

In collecting this data, we endeavored to capture how lawyers feel right now about parental leave at large, the policies at their firms and the role parental leave plays in their career planning. Some of the results surprised us—a testament to the value of this kind of exercise.

What follows is a snapshot of parental leave at law firms in 2021. The majority of respondents are the primary caregivers in their families. The firm's leave policy as written was the main factor in their decision regarding how much time to take away from work. Twenty-eight percent (28%) of respondents felt that their decision to take leave negatively impacted their path to partnership. Seventeen percent (17%) of respondents said that another firm's reputation for parental leave/parental leave policy was a primary consideration when they were deciding whether to join that firm. These policies—often opaque from the outside—are a major driver for this generation of lawyers. We hope you find this data helpful.

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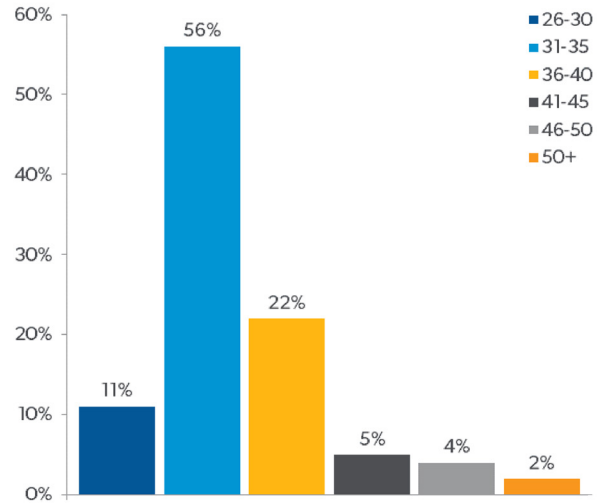
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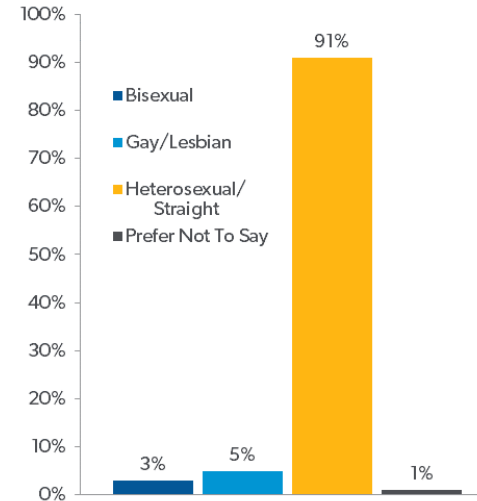


DEMOGRAPHICS

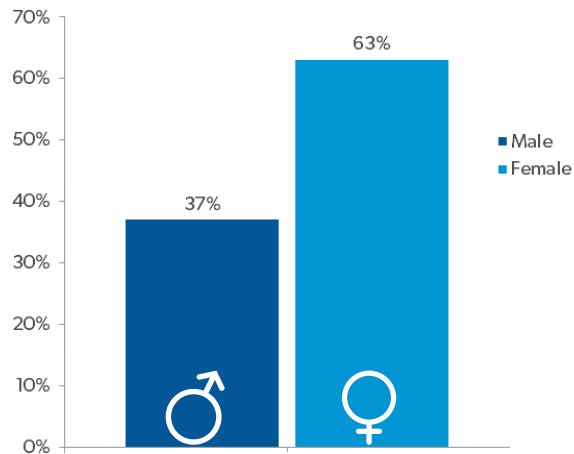
1. What is your age group?



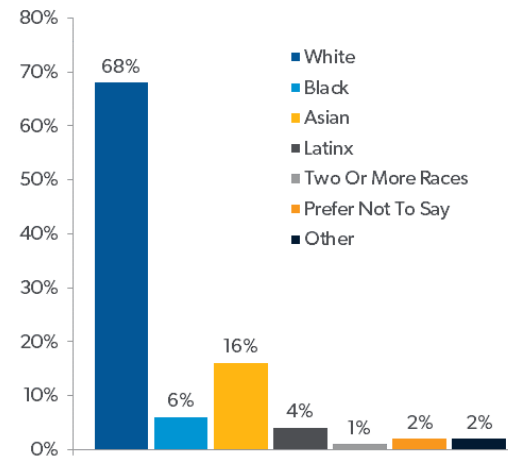
3. Sexual orientation



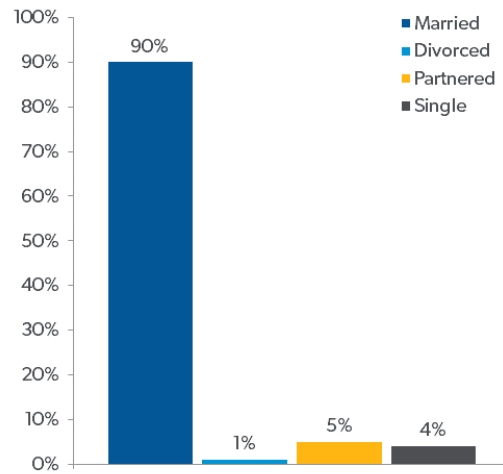
2. Gender



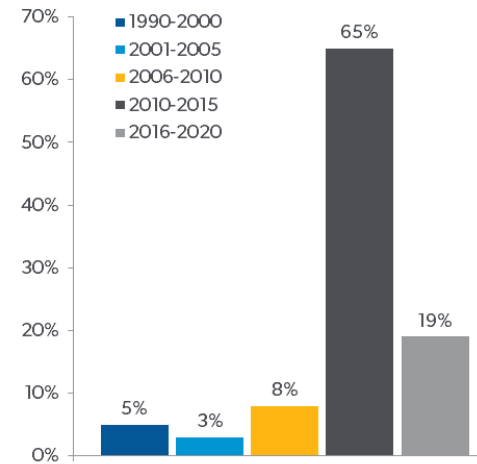
4. Race



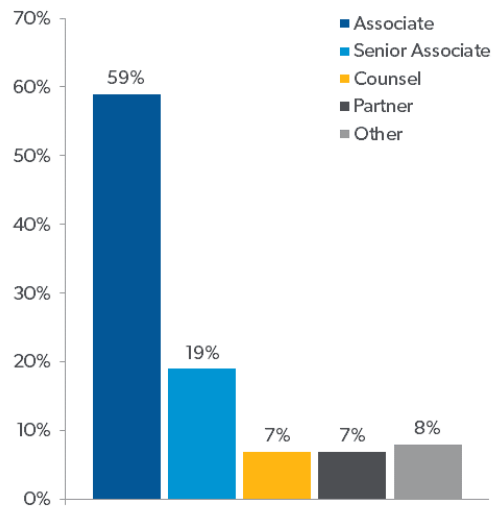
5. Marital status



7. Class year range

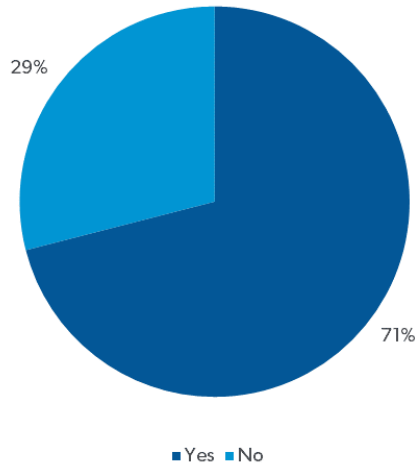


6. Firm title

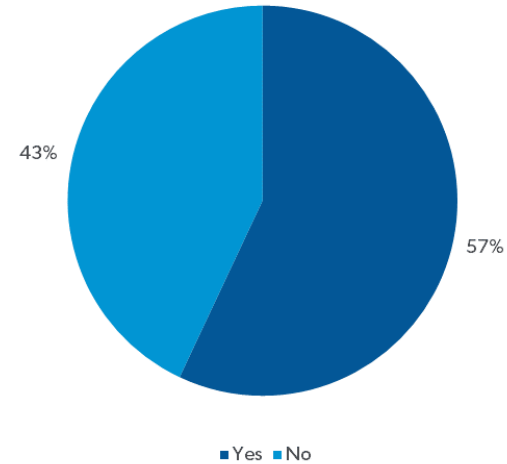


LEAVE POLICY

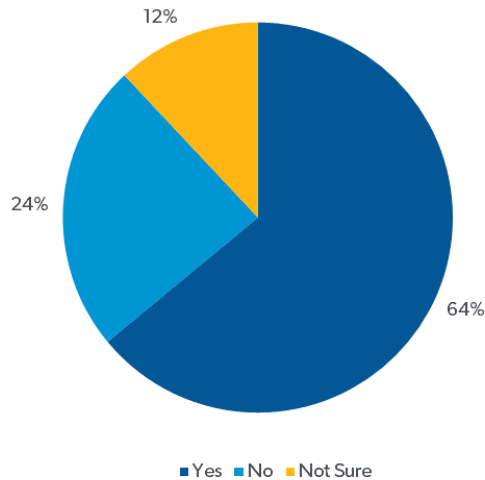
8. Have you ever taken parental leave?



10. Are you the primary caregiver?



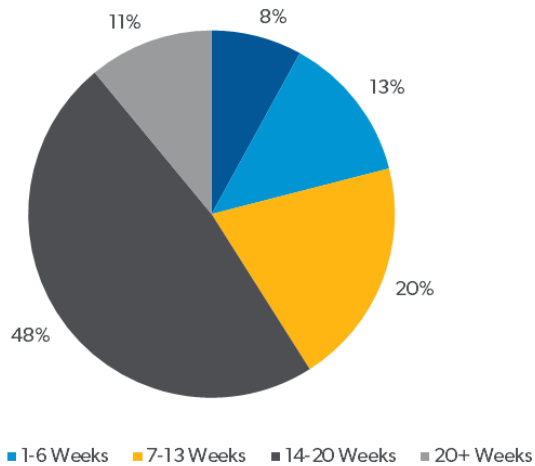
9. Do you plan on taking advantage of your firm's parental leave policies in the future?



- > Seventy-one percent (71%) of survey respondents have taken parental leave. Furthermore, 64% of survey respondents plan to take it in the future.
- > Of the respondents, just over half (57%) are the primary caregiver to their child/children, further highlighting the importance of generous parental leave policies.
- > These results indicate how important and relevant parental leave is for the associate population. Given its importance, law firms should recognize the impact parental leave can have on associate satisfaction and retention.



11. How many weeks of paid leave are given to mothers as part of the maternity leave policy at your current firm (including disability)?

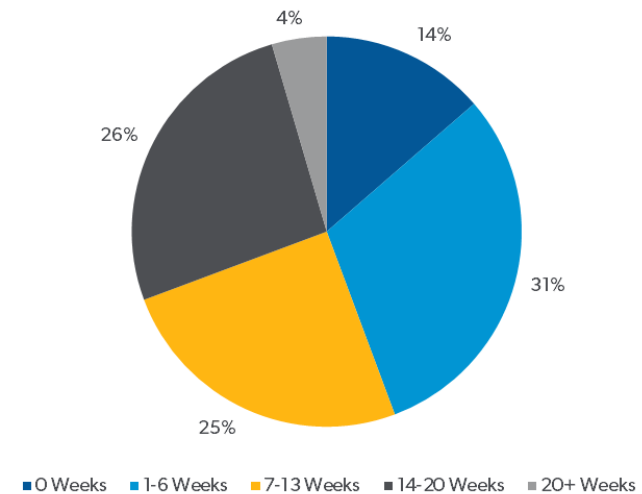


- > Under the Family and Medical Leave Act, statute, individuals are entitled to 12 weeks of unpaid leave while their employment stays protected. Many states are now providing for paid family leave, including California, Connecticut, the District of Columbia, Massachusetts, New Jersey and New York.¹
- > From our data, we can see that law firms are ahead of the curve in providing paid leave benefits to their lawyers. Forty-eight percent (48%) of respondents shared that their firms are providing 14 to 20 weeks of paid maternity leave (compared to 26% for paid paternity leave), 11% are offering over 20 weeks (compared to 4% for paid paternity leave) and 20% are providing 7 to 13 weeks of paid leave (compared to 25% for paid paternity leave). This shows that these firms are providing significant benefits above federal standards for maternity leave, but not for paternity leave.

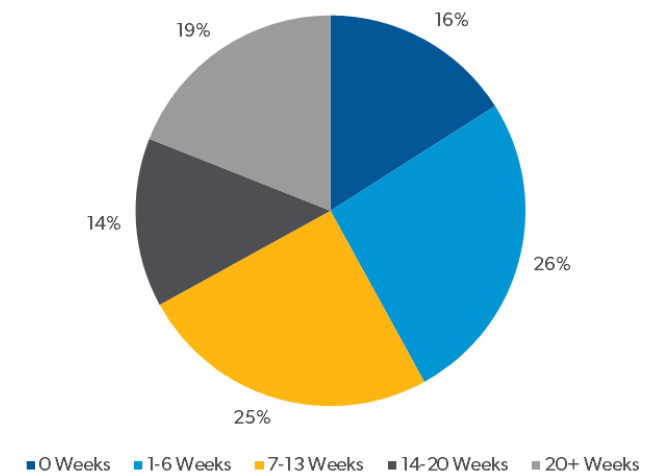
¹ <https://www.ncsl.org/research/labor-and-employment/paid-family-leave-in-the-states.aspx>

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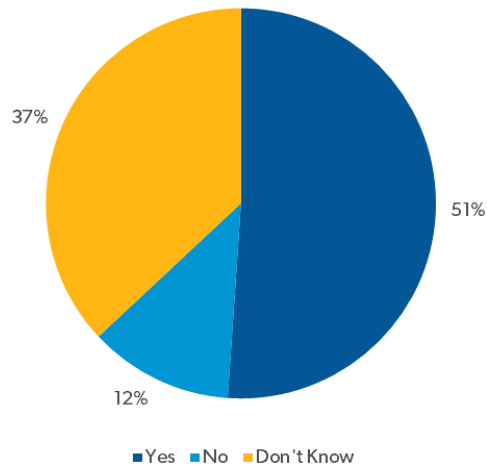
12. How many weeks of paid leave are given to fathers as part of the paternity leave policy at your current firm (including disability)?



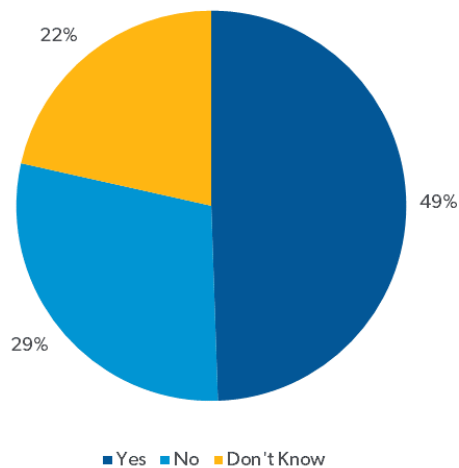
13. How many weeks of unpaid leave can you take at your current firm?



14. Does the parental leave policy apply equally to birth, adoption and surrogacy?



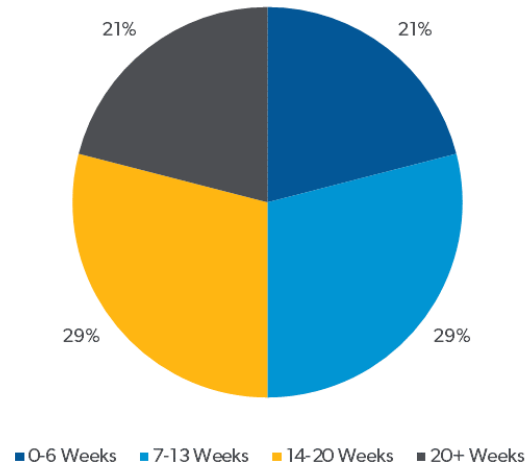
15. Does your firm have a gender-neutral parental leave policy?



› Firms are ahead of the curve in providing paid leave benefits to female lawyers; however, the data suggests that paid leave policies may ignore nontraditional parental roles (i.e., males are sometimes the primary caregivers and do not have equal access to paid parental leave). The disparities between different firms' unpaid leave policies are vast and there is no consistent trend. While there is some advancement in paid leave for women, current firm policies generally ignore the varied paths to parenthood and changing gender roles in parenting.

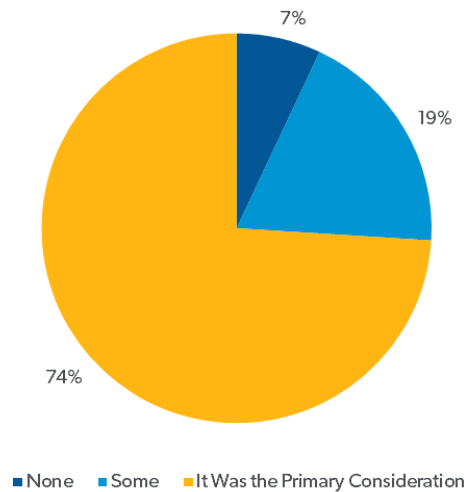
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- › Associates are unsure whether parental leave policies apply equally across different paths to parenthood. While 51% of respondents acknowledged that the policies do apply equally, at least a third did not know whether their firm's policy applied to different paths to parenthood. This presents challenges for people who might seek other paths to parenthood (like adoption and surrogacy) because information about what parental leave they can take is not communicated clearly.
 - › As more women become the primary breadwinners, traditional gender norms are shifting and law firm policies around leave need to reflect this. Our data shows that 29% of firms do not provide neutral policies, and 22% don't know whether the policies are gender neutral.
 - › Some firms are making positive steps around their parental leave policies—access to key information for some is easy, but there are still a significant number of firms where the policy on type of parental leave available, and whether the policy is gender-based, remains unclear.

16. If you plan to have more children, how many weeks of leave will you plan to take?

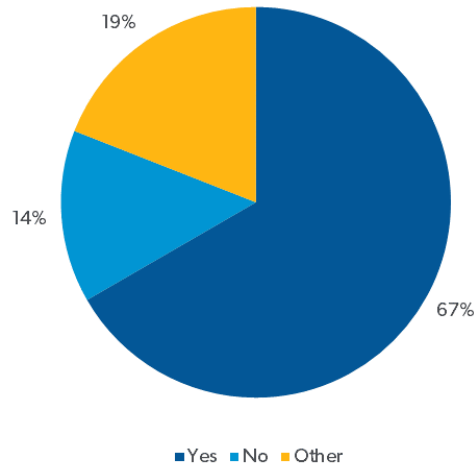


- > People want to take leave of different lengths of time, with many leaning toward the upper amounts available through legislation, but their decision is largely made based on their firm's policy.
- > Parental leave policy is impactful to law firm lawyers in their overall lives, with 74% stating that the policy was their primary consideration when deciding how many of weeks leave to take.

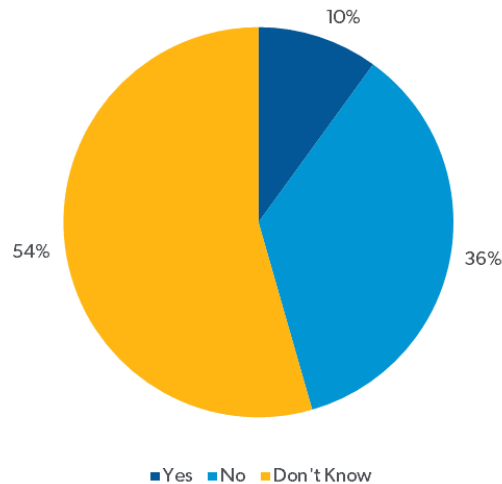
17. What role did your firm's parental leave policy play in your decision regarding how many weeks to take?



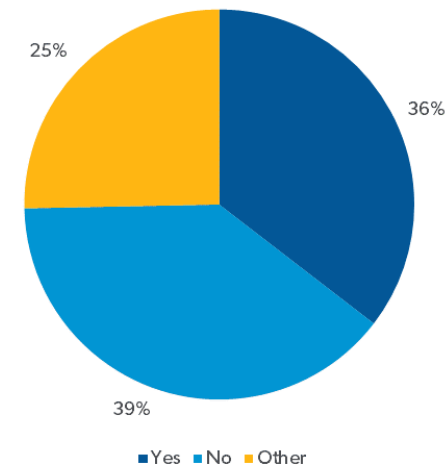
18. Did your firm prorate your hourly requirement for the year when you took parental leave?



19. Are policies different for associates and partners?



20. Was your bonus affected negatively by taking parental leave?

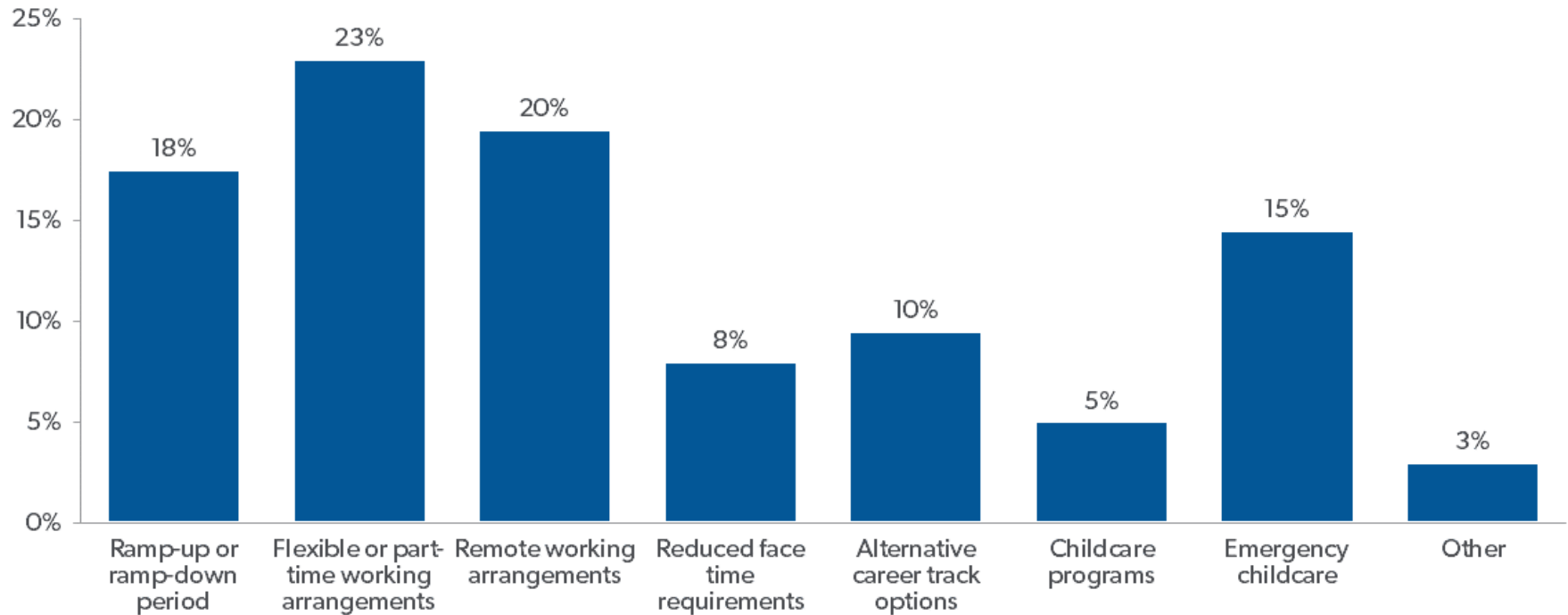


- › Firms are surprisingly progressive on prorating hour requirements for the year. This indicates a trend toward encouraging lawyer retention after taking parental leave and fostering a culture that encourages and accepts parental leave. Prorating hours for lawyers who took parental leave ought to ensure (1) they have a smooth transition back to billing based on a realistic target for hours and (2) they are not financially punished for utilizing their parental leave benefits and remain bonus eligible based on their new prorated hours.
- › Contrastingly, our data shows there was a real mix of bonus payout systems for respondents, with only 39% having no negative effects on their bonus from taking parental leave. Is it fair to punish parents for taking parental leave in the form of different bonus payouts?
- › Interestingly, there is little clarity on differences in policy between the associate and partner ranks—54% of people did not know whether policy differed for partners and associates, and 10% said that it did. From a progression point of view, this uncertainty diminishes the prospective partner pool. If associates feel that partners have a better leave policy, they may wait to have a family. Likewise, if they feel partners' leave policies could be worse, they may look to exit the firm before partnership eligibility, thereby reducing the pool of partnership talent.

PARENTAL ASSISTANCE AND CAREER PROGRAMS

These questions reveal the degree to which respondents' current firms provide assistance to parents and career programs.

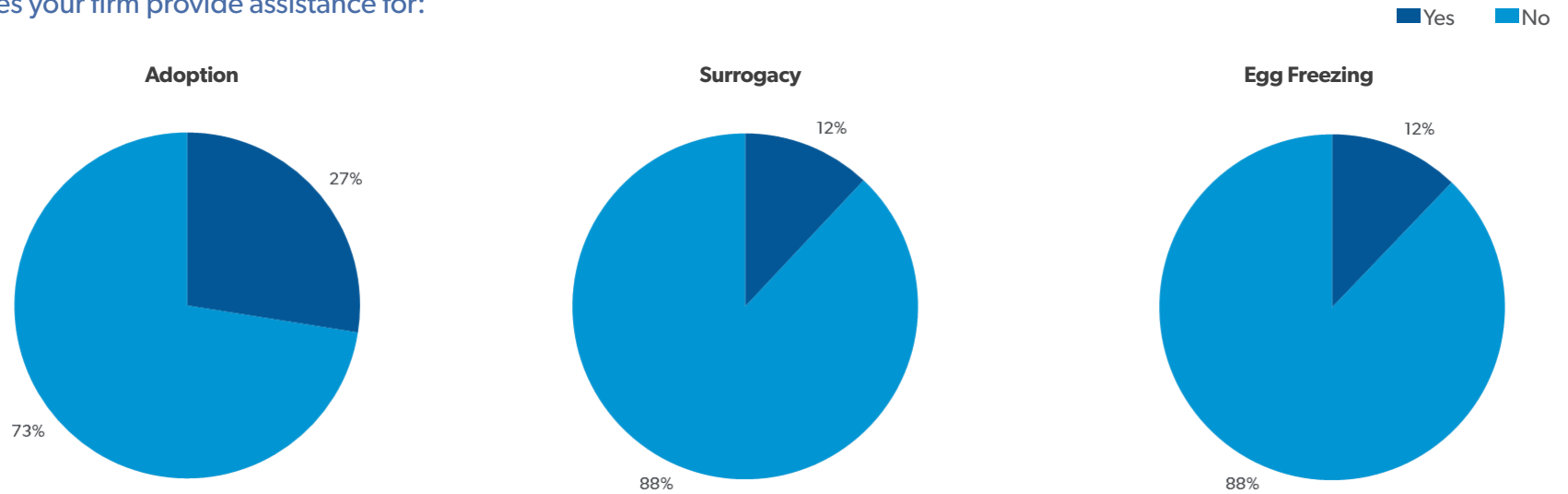
21. Does your firm offer any return-to-work benefits? Select all that apply.



Support for parents doesn't end when an attorney comes back from leave, and we found that while some firms offer return-to-work benefits, there are many areas of opportunity for firms to grow. The most notable benefits listed were firms offering flexible or part-time working arrangements, ramp-up/ramp-down periods, and remote working arrangements. However, these benefits were offered at less than 50% of respondents' firms. The transition back from parental leave is incredibly challenging, and firms offering parental assistance policies are helping their attorneys to do so more successfully. With only 21% of associates indicating that impactful changes have been made to parental leave policies over the past year, there is significant opportunity for firms to be proactive in developing policies that will allow for their attorneys to be more successful when they return from leave. These new parents don't necessarily want perks—they want to be able to manage their own time and circumstances; however, often the firms' policies are not gender neutral/all-encompassing.



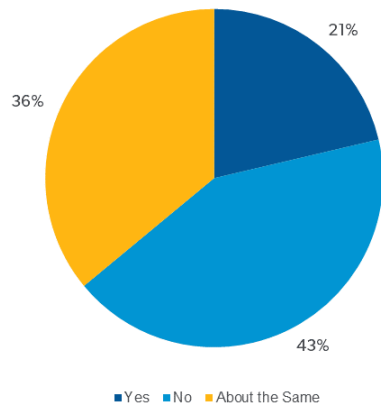
22. Does your firm provide assistance for:



Another benefit that has begun to be commonplace within corporations is support for programs offering assistance for adoption, surrogacy and egg freezing. Respondents very clearly demonstrated that law firms are behind, as these types of programs are still lacking.

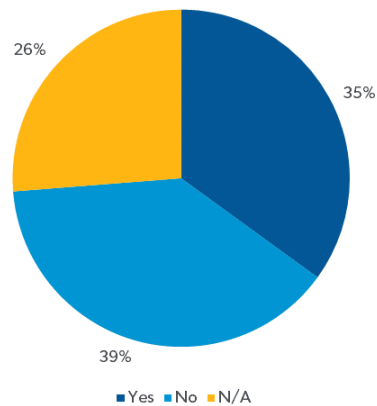


23. Was your access to quality work affected by taking parental leave?



Becoming a parent presents its own challenges at home, but it's clear that the work environment that one comes back to has also changed significantly. Almost a quarter of respondents said that they suffered negative consequences because of having taken parental leave. This includes being given a lower quality of work and their advancement opportunities being impacted.

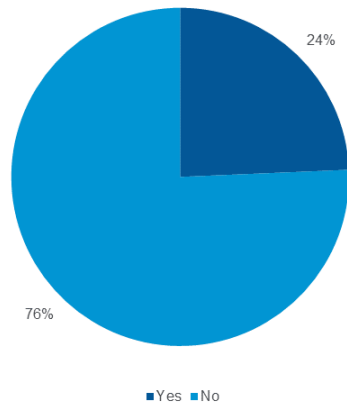
24. Do you feel your opportunities for advancement toward partnership were affected by taking parental leave?



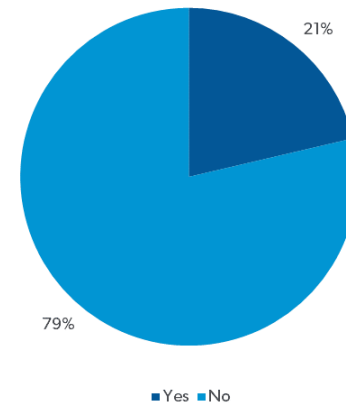
Overwhelmingly, respondents agreed that law firm partners and management play the biggest role in how parental leave policies are implemented. This demonstrates that regardless of what is written down on paper, the success of these policies is dependent on the support and investment of law firm leadership.



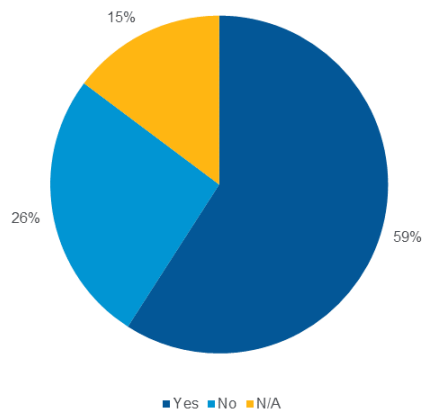
25. Did you suffer any negative consequences or actions by the firm because of your parental leave?



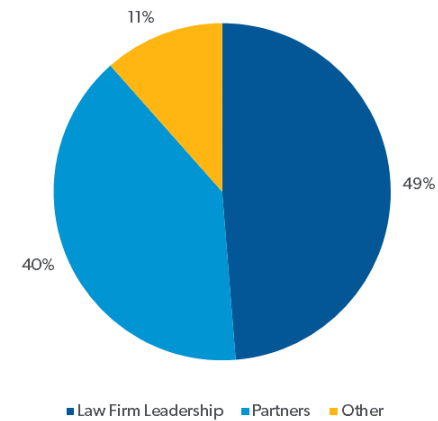
27. Has your firm made any impactful changes to its parental leave policy over the past year?



26. Are all of your partners and team members understanding if you have to leave work early or make schedule changes due to childcare obligations?



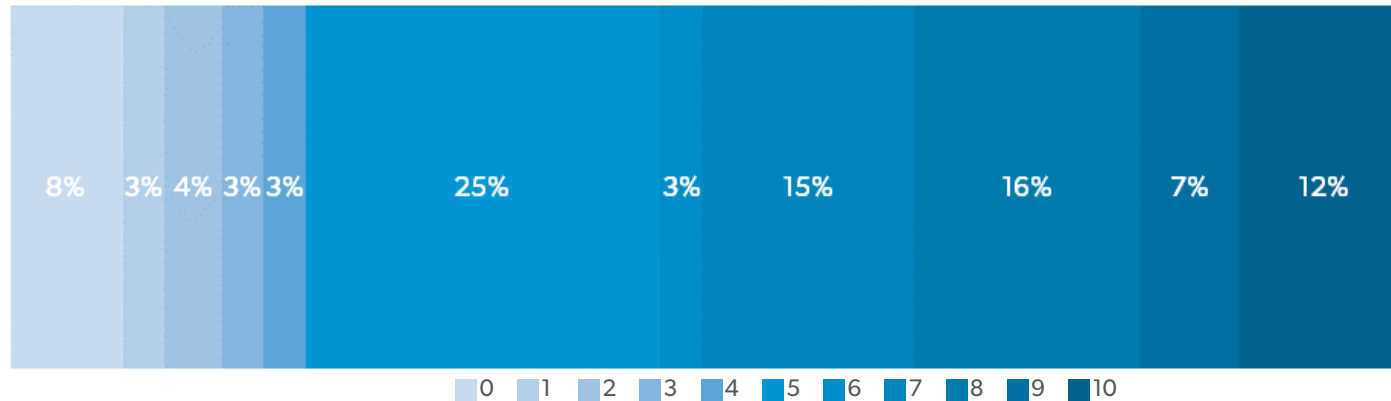
28. What plays the biggest role in how your firm's leave policies are implemented as written (law firm leadership, partners in your group, other)?



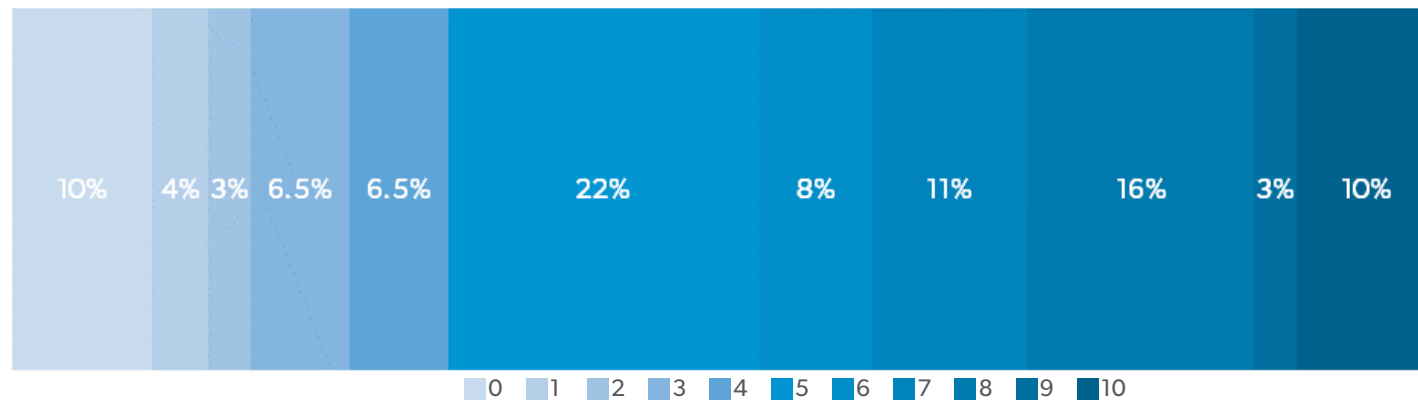
ATTITUDES TOWARD FIRM

This section reviews respondents' experiences of and attitudes about firm policies and juggling being a parent.

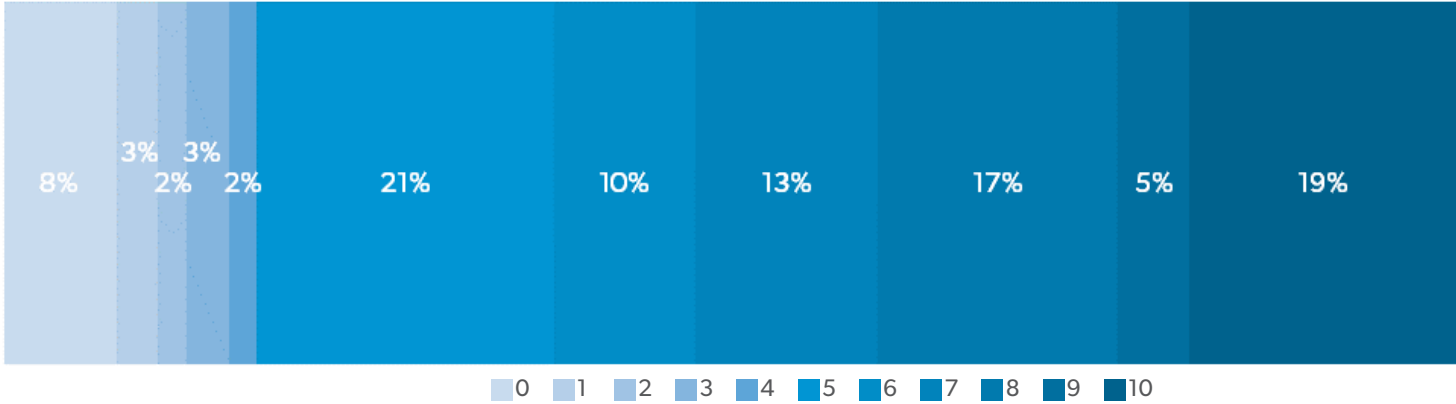
29. On a scale of 1-10, does your firm's parental leave policy make you more or less likely to stay at your current firm? (1-10 scale – 10 being most likely)



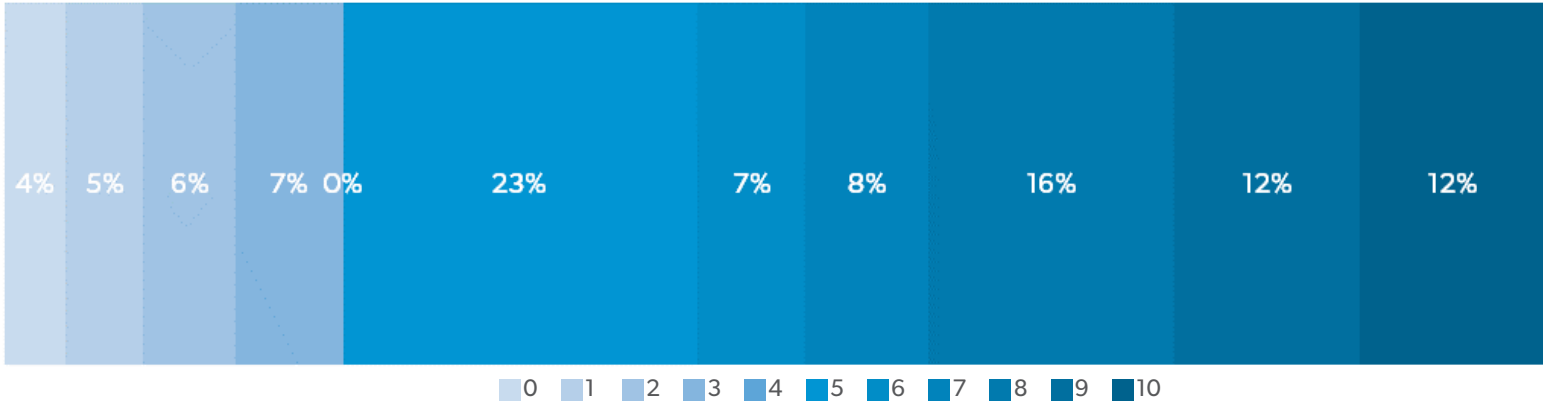
30. On a scale of 1-10, does your firm's treatment of parents after they return from leave make you more or less likely to stay at your current firm? (1-10 scale – 10 being most likely)



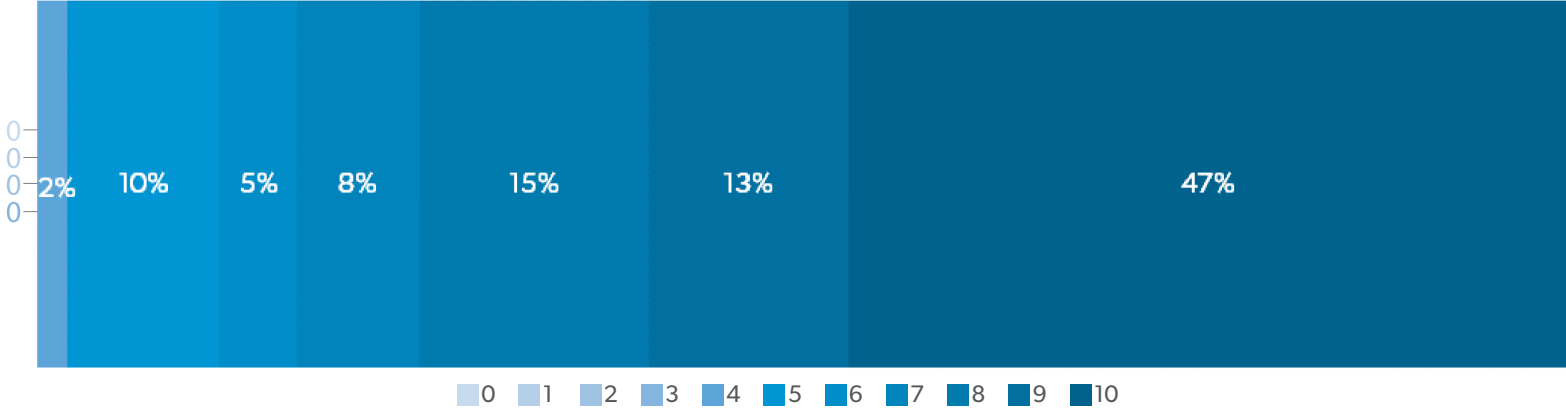
31. On a scale of 1-10, would another firm's reputation on parental leave and parental leave policy make you more or less likely to join that firm? (1-10 scale – 10 being most likely)



32. On a scale of 1-10, how supportive has your firm been during COVID-19 in facilitating your balancing work and being a caregiver to your children? (1-10 scale – 10 being excellent)



33. On a scale of 1-10, how beneficial would it be for your family if you had the flexibility of a long-term remote-work option during the COVID-19 pandemic? (1-10 scale – 10 being very beneficial).



The **vast** majority of respondents say that their firm’s leave policy makes them more likely to stay at the firm. It has a dramatic impact on lawyers’ experiences of becoming and being a parent while working. The results were similar regarding the firm’s treatment of parents after return—these things matter significantly for retention. Attrition is expensive, as is replacement cost. Firms should consider weighing the factors here. A more generous leave policy, while potentially expensive and inconvenient, would likely lead to more retention.

When it comes to possibly leaving their firms, lawyers who responded were also consistent. A positive environment for parents—as represented by the leave policy and the freedom to take that leave—will draw talented lawyers away from their current firms. Only a small percentage of respondents said that it would not have a meaningful impact on their decision.

COVID-19 has turned parents’ lives upside down. The response is clear here. Some firms have done a good job of being supportive of the balancing act, but most are in the middle of the pack. Lawyers are screaming out for long-term remote work. Some people want to move closer to family support to help with the childcare burden, but they also want to continue doing compelling big-city work. Firms will have some serious decisions to make going forward about face time versus flexibility.



FURTHER COMMENTS

*Firm leadership seems to understand the importance of offering generous parental leave benefits, but the old white men heading up the practice groups are still stuck in the 1950s-family-structure mentality. Their wives stopped working after they had kids and these guys just have no clue about current, more gender-balanced parenting styles where the mom can *gasp* go back to work after having kids and have a meaningful career!*

From my experience and that of others (both male and female) who took primary caregiver leave (18 weeks), it was extremely difficult to get staffed on matters upon returning from leave. It took most months to get a single billable hour. One male who took 4 weeks leave with his first child [and] then 18 weeks for his second child who had special needs remarked at what a different experience it was returning from parental leave with the second child. The first time around with just 4 weeks of leave, he was still copied on emails for his matters [so he could] stay in the loop, and the team held his spot on those matters. The second time around, he was still copied on emails on his matters, but his spot was filled and the team was unwilling to make room for him on the team when he returned. Personally, when I was brought on teams because someone who had been working on the matter went on parental leave, I took it upon myself to tell the partner staffing the matter that the attorney was due to return from leave and that I would be happy to transition their role back to them. The staffing partners should be the ones making sure attorneys returning from leave can reintegrate.

Thank you for the chance to reflect back through this. It confirms the need for me to job search and how hard the legal profession really is. I hope we can build a better tomorrow!

Remote working hours and child care obligations really only work if "off hours" are respected.

Law firm leadership needs to support working parents, or a significant number of parents will leave for in-house positions that have better communication and policies.



This survey was difficult for me to take because my answers depend on whether we are talking about my prior firm (the firm I left because of its parental leave policy) or my current firm (which has a true gender-neutral policy). My prior firm's policy provided women 20 weeks of paid leave and men 8 weeks of paid leave. As a gay man that had a child via surrogacy, that policy had a disparate impact on me and my family. What's more, that prior firm was not supportive of me traveling to the state where my son was born in advance of his birth so that we could be there for his arrival. My current firm, on the other hand, is extremely supportive when it comes to these types of issues.

Remote and flexible work arrangements are the most important factor for me in deciding where to work as a working parent. I turned down more lucrative job offers to maintain my current position at a non-profit where they allowed me to work from home part-time and ramp up and down my hours when my daughter was an infant.

Being required to exhaust leave banks before using parental leave sucks. I wanted to break up my leave into a 4-week and a 2-week block much later in the year. But because this meant that each period of leave required me to exhaust my leave bank, there was little difference between parental leave and just using up my vacation days. I ended up taking only 4 weeks rather than 6 because by the time I wanted to use the last 2 weeks, it was just the same as taking a vacation. I chose to preserve my vacation days instead. I would much rather have taken the 40% pay cut for those 2 weeks than have to burn my leave.

Parental leave is extremely important for both parents and needs to be supported and encouraged by all firm leadership.

As a lateral, I still need to find out what effect a parental leave will have on my career.

Parents are bearing the brunt of COVID difficulties. Firms are slashing pay while failing to provide flexibility to working parents.





MAJOR,
LINDSEY
& AFRICA

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