

# Navigating Maternity Leave

## How to Maintain Your Sanity and Your Career

By Kelly Cullen

Whether it's your first baby or your fifth, the months before your due date are invariably spent alternating between feelings of excitement, worry, and nausea. If you're a lawyer on the brink of maternity leave, that list of emotions and concerns is considerably longer. You may be haunted by questions like "What will they do without me? I'm the only one who's read the documents." "How much do they expect me to work while I'm on maternity leave?" "How do I get back on track after months away from the office?"

There may not be a handbook for lawyers navigating maternity leave, but those experiencing or planning a pregnancy can learn a lot about what to do—and not to do—from the countless women who have enjoyed their maternity leaves and jumped back into successful careers.

### Preparing for Leave: Get Organized

Whether you're a first-year associate or a senior partner, you've likely researched an issue or read a document that you alone know about. But with a little organization and forethought, even the most pivotal team member can leave the office

behind and enjoy maternity leave.

"Organization is key to a smooth transition," explains Renee Strickland, an associate with Lynn, Tillotson, Pinker & Cox in Dallas, Texas. As an associate at a small firm, Strickland is often the only lawyer handling the day-to-day issues on a matter. To ensure that her cases continued without disruption, she created "case bibles," which she updated daily, consisting of contact information, lawyer notes, and summaries of significant phone calls, as well as copies of key pleadings, orders, e-mails, and documents. "Toward the end, I knew my maternity leave could start at any time," Strickland says. "When I left the office each day, I needed to know that the lawyers taking over my cases had all the information necessary to handle any issue that presented itself."

Amy Pohl, an associate at Jones Day's Pittsburgh office, was working on a mass tort program with over 100 individual plaintiffs before her first maternity leave. Several months before her daughter's arrival, she created a comprehensive case handbook that included contact information, as well as a complete summary of the cases, including procedural issues, discovery status, case theories and defenses, possible summary judgment arguments,

and key documents and deposition statements. "The document basically taught new people everything they needed to know about the history of the cases and what was on the horizon," Pohl says. "I also started working with the associates who were taking over responsibilities prior to my leave so that by the time I left, the 'kinks' had been worked out and they already knew how to proceed."

### Babies Don't Respect Schedules

There are some things all moms can agree with: The baby will not wait for you to write a brief or close a deal. The baby will come when the baby is good and ready. Kali Wilson Beyah, an associate with Kilpatrick Stockton in Atlanta, learned that lesson the hard way. Beyah assumed that her due date would come and go like those of many first-time moms, but her daughter had her own ideas. "You never know when the baby will arrive," Beyah says. "I had transitioned my cases to other associates, but there was one memo I hoped to complete before going on leave that I didn't finish until after my daughter was born."

The baby's arrival isn't the only reason your leave may start early. Heather Boylan Clark, an associate

with Jones Day's Pittsburgh office, was placed on medical leave five weeks before her daughter was born. "Although you don't need to relinquish your responsibilities, it's never too early to find other lawyers who are willing to handle your cases while you're on leave," she explains. Boylan Clark didn't have every loose end tied up before going on bed rest, but she wasn't scrambling to find people to pick up where she left off.

### **Being Fair to Coworkers and Baby**

Although many healthy women work full-time up to delivery, babies come early and late. Therefore, as you approach your due date, be sensible when transitioning off of preexisting cases and taking on new assignments. Three weeks before her due date, Rebecca Gelfond, counsel with WilmerHale in Washington, D.C., took on a two-week project. The timing seemed perfect, but she didn't plan for her daughter to arrive two weeks early. In hindsight, although she still would have taken on the project, she says she should have assumed a different role on the case. "Working long hours in the final weeks of pregnancy isn't necessarily bad for the baby, but it should make you wonder whether you will be able to smoothly transition out of the case when your baby arrives." Gelfond suggests planning for work coverage well in advance, with the goal of having a more fungible role on cases during the weeks immediately preceding your due date. "You don't know when your baby will actually arrive, but you can plan by transitioning your workload, which benefits you and your team," she says.

### **Maternity Leave: Not a Vacation**

Are you planning to write that article you've been putting off? Picking up a few pro bono cases? Think again. You'll be lucky to take a shower every day.

Take care of yourself. Most mothers agree that caring for a newborn is

the most stressful and exhausting job there is. When you factor in recovery from delivery and the post-partum hormone rollercoaster, you begin to understand why maternity leave is a necessity, not a luxury. In fact, many new mothers admit that during the first few weeks, finding time to bathe was an accomplishment. Consequently, many women advise against doing much substantive work while on leave, especially during the first month or so. Even if you do find the time and energy, your work product likely won't be up to par.

A number of women also admit struggling with depression after their babies were born. Going from a job where your phone rings off the hook to hours alone with a crying baby is a huge adjustment. Add in a surplus of hormones, and it's no wonder you're sitting on the couch crying. The most common piece of advice: "Get out of the house." Go for a walk, run an errand, or, better yet, go to lunch with your friends from work. They'll love fawning over the baby, and you'll appreciate some adult conversation.

### **Just How "Available" Do You Need to Be?**

Although family should be their priority, complete seclusion from the office simply isn't an option for most lawyers on maternity leave. Even if you've left hundreds of pages of notes and case summaries, questions will likely arise that only you can answer.

"Flexibility is key," Beyah says. "When someone e-mailed or called to ask a question, it was a nice reminder that I was still appreciated and needed." Of course, making yourself available to answer questions doesn't mean you should be researching a memo or writing a brief. Some women bill a few hours while on leave, but those who perform any consistent, substantive work generally do so by choice, not because they were asked. For example, Gelfond chose to work on an appellate brief for a pro bono case that she was involved in at the district

court level and that she ultimately argued before the D.C. Circuit.

Although no one should expect a speedy reply, checking e-mail and voicemail regularly may help ease your eventual transition back to work and keep your inbox from getting out of hand. "BlackBerries are a lifesaver," Pohl says. Although she didn't carry her BlackBerry while home

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with her daughter, taking a few minutes to skim through her e-mails every few days allowed her to keep up with her cases and move swiftly into work when her leave ended.

Rachel Lorey Allen, who heads the corporate practice at Jones Day's Pittsburgh office, kept work to a minimum during her three-month maternity leave. "I didn't look at my e-mail the first two weeks after my daughter was born and only answered a few questions over the phone." Allen's assistant weeded out junk e-mails and put noncritical e-mails in folders so she could streamline her work contacts. "Having a secretary who knew my clients and the lawyers I worked with was invaluable," says Allen. "By creating an efficient system before I had my daughter, I was able to focus my communications with the office during my leave to those matters that could not be handled by my colleagues."

### **The Juggling Act Begins: Getting Back to Work**

Returning to work after maternity leave is never easy. Even if you were already juggling kids and work, having another ball in the air makes

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matters significantly more complicated. You might now have two or three places to drop kids off in the morning, and you certainly have another child who's going to catch a cold and keep you home from work. There are, however, a few things that may make your life a bit easier.

Leaving your new baby is hard enough; don't make it worse by having to search for work your first few days back. "I went to lunch with the partners I work with midway through my leave to discuss what I'd be working on when I got back and then sent reminder e-mails a week before I returned," Beyah says. By staying in touch and reminding her coworkers of her planned return date, Beyah knew what was on her plate before she arrived back in the office.

If you plan to use a breast pump when you return to work, you'll be joining a long line of women who

have closed their doors and done so at the office. Every office should have some way to accommodate pumping, either a lactation room or a lock on your office door.

Britta Stanton, an associate with Lynn, Tillotson, Pinker & Cox in Dallas, Texas, suggests keeping pumping supplies handy to minimize time and hassle. A few weeks before her leave ended, Stanton contacted her office manager and requested a lock on her office door. A few days before she returned, she and her husband installed a small refrigerator under her desk. She typically left her pump in her office, so bottles were the only extra item she carried to and from work.

Remembering supplies is simple, however, compared with making the time to pump. "I typically pumped three times a day," Stanton says. Although she admits it wasn't always easy, Stanton made pumping a priority. "While there were definitely times I couldn't break away from a meeting or hearing, you would

be surprised how understanding people are when you tell them you need 15 minutes."

### Give Yourself a Break

Sometimes clichés are true: Your life will never be the same after you've had a baby. But that doesn't mean you can't make this new life work. Rachel Lorey Allen agrees that even a difficult transition becomes easier as time goes by. During those first weeks back, Allen found herself sitting at work wondering what the baby was doing and then going home and worrying about work. It does even out in time. "Eventually, you'll be where you are, when you're there," she says. ☺

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*Kelly Cullen is an associate with Jones Day in Pittsburgh, Pennsylvania, where she practices in the area of complex commercial litigation. The views set forth herein are the personal views of the author and do not necessarily reflect those of the law firm with which she is associated. A previous version of this article was published in a newsletter of the ABA Section of Litigation, The Woman Advocate (Summer 2008) and is reprinted courtesy of that publication.*

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## KEYS TO SUCCESS FOR PUBLIC DEFENDERS

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"There is a sense everywhere if you are charged with something, you probably did it," Brook explains. "A presumption of innocence is a hard proposition to get people to believe in."

And it can be frustrating when a client is convicted. For Brook, one such case still haunts her. Her client was charged with conspiring to help Oscar Lopez, a reputed leader of the Armed Forces of National Liberation, known as FALN, who was convicted on sedition charges as well as escape charges. Prosecutors say FALN was linked to bombings in Puerto Rico.

Brook listened to thousands of hours of her client's intimate conversations that were wiretapped. "I don't believe she was involved," Brook says. "She served two years, but serving a day was wrong."

In addition, many defenders say racial discrimination is an issue in their work. "The vast majority of our clients are African American and Hispanic," Brook says. "That kind of constant reminder of the disparities of our society by race is hard to see." Sometimes judges, lawyers, and others mistakenly believe that a minority defender is the criminal. Brook once asked a room full of public defenders if they had ever been mistaken for a defendant. "Almost everyone of color raised their hand," she says.

The job, however, can be very rewarding. "It is wonderful to have your client hug you," Brook says.

Hours often are long and rarely do lawyers clock in and out of an office. Committed lawyers stay late and come in early. "You have to roll up your sleeves and jump in and get a little dirty," Georgi says.

Juggling a family and a career in the public defender's office can be a

challenge, notes Brook, who has children. "It is difficult to have a full-time case load and be able to say, 'Excuse me, judge, I have to take my son to the dentist.' It is doable, but it is hard." Colleagues in these offices make the work easier. "People could be doing things where they are paid more money and have better hours, but they couldn't be with better people," Brook says.

Keeping one's sanity is essential. Georgi recommends a Friday jail interview to connect with a client and then a weekend away to connect with the outside world. "It helps to have kids and pets. You have to have a balance. Everybody needs to have an outlet," notes Georgi, a marathon runner.

"You can't do this work for any length of time and not have it be a part of you," Brook concludes. "It changes who you are." ☺

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*Hope Viner Samborn is a lawyer and a Chicago area freelance writer.*