

# Surviving and succeeding as a working parent in litigation



In June, the LSLA held a roundtable called ‘surviving and succeeding as a working parent in litigation’. The LSLA hosts these roundtables periodically, to bring together members from all parts of the profession and hear their views on a variety of topics.

The aim of the roundtable was to explore the challenges of being a working parent with a focus on particular issues related to litigation work.

It was noted that there has been a shift in the typical household set up over the last 15-20 years, moving away from a single income household model, with one working parent and one stay at home parent. The SRA diversity statistics from January 2024 indicate that of solicitors working in law firms, over a third of lawyers have primary caring responsibilities

for children (35%), up from 33% in 2021. 41% of all partners have childcare responsibilities, up from 38% in 2021 and, 31% of solicitors have childcare responsibilities. There are obvious different challenges for different levels of seniority, and different challenges with children of different ages, but these figures show that a significant proportion of solicitors are now going into senior positions already having childcare responsibilities.

Change within the legal profession is happening – recently there has been a spate of firms such as Clyde & Co, Lewis Silkin and Jenner & Block revamping parental leave policies to bring the position for parents more in line, regardless of gender. We discussed this and explored the stumbling blocks that remain, what firms, leadership and working parents can do to ensure that the legal profession is able to retain its best talent throughout child rearing years, ensure parents have a positive experience and that they can feel proud to be parents working in the profession.

### **Good practice and current challenges**

All agreed that there has been a big change over the last few years with employers recognising more fully the importance of offering family friendly policies as part of a wider attractive benefits package. Further, there is now a generation of partners, male and female, who are sharing parental responsibility and who can act as positive role models for junior fee earners.

Particular difficulties associated with litigation work were identified, such as court deadlines falling at 4pm – exactly the time children would be returning home from school. And whilst generally colleagues and clients are supportive, there are unavoidable situations where court hearings or meetings are arranged at short notice.

The participants noted that whilst helpful in principle, emergency childcare schemes were rarely fit for purpose and there remained a huge reliance on family and friends stepping in.

Litigators are often required to network to generate work. This often involves evening engagements and overseas travel which can be challenging with childcare responsibilities. Jeremy Snead of Ogier noted that while expenses of working abroad and out of hours will often be paid by an employer, extra childcare costs are not and this can be a barrier to parents of young children pursuing business development activities.

While there is increasing recognition these days of alternative career paths within the profession, participants noted that opportunities in litigation are predominantly in private practice.

Katy-Jade Church of Brown Rudnick spoke about the additional challenges for single parents

and returners to the legal profession in finding a working pattern that accommodated childcare needs. She explained that she had very positive experiences of working within well-managed teams with good communication that ensured tasks could be shared out to accommodate childcare needs. However, this is something that is not always a given.

Zara Okereafor, Associate at Stewarts shared her experiences of going on maternity leave not long after qualification. The nature of work done by more junior fee earners is often longer in-depth tasks which is difficult to break off and not possible to delegate further. Zara noted it took her some time to find childcare arrangements and a working pattern that worked both personally and professionally - employers and managers being understanding about this process is key to retaining talent.

One participant spoke from the barrister's perspective explaining that self-employment had some obvious upsides in terms of allowing flexibility within the working day, and in his experience instructing clients are very understanding regarding availability limitations due to childcare.

This led to a discussion surrounding issues with court deadlines falling just after children have returned home from school, and participants recognised that biggest issue encountered is when judges request parties to come back to court at short notice at times that doesn't fit with existing arrangements. This can raise challenges for both barristers and solicitors as it is very difficult to say no to this with the client sitting with you in court.

### **Hybrid and flexible working - a blessing or a curse?**

While flexible working arrangements have helped many parents to better manage their working and parenting schedules, they also come with drawbacks. Post-pandemic, most firms and employers have hybrid working policies which have completely changed attitudes to working from home, with the great benefit of allowing parents to spend more time with their children during the working week.

The participants noted that while mum guilt or dad guilt is a recognised phenomenon, it's a myth that working parents are less committed. Indeed, a number of participants said they felt equal work guilt i.e. the feeling of letting colleagues down by not being available at certain times, recognising that being out of action e.g. at bathtime does have an impact on colleagues who could otherwise finish tasks earlier in the day and generates a more 24/7 culture.

To deal with the pressure that hybrid working creates, transparency is needed all-round. People should always flag when they have another commitment while working away from the office – whether it be taking a child to school, or caring for them at home – so that the

necessary adjustments can be made to help them manage both their personal and professional lives.

Nikki Edwards, President of the LSLA, and Partner at Howard Kennedy highlighted that some parents don't feel able to raise the fact that they have other commitments, because they're unsure of what the response will be. To overcome this issue, formalised flexible working arrangements can help. Whilst some law firms prefer informal agreements that are agreed within teams and often without the involvement of HR, this can cause anxiety. Of course flexibility is required on both sides but for some a formal arrangement is necessary to provide security and transparency. This also helps to set a good example for more junior team members.

### **Parental leave policies**

The attendees spoke about how traditional working dynamics have moved on. More women are working than ever before, and women make up over half of UK lawyers. Yet take up of shared parental leave is low and the majority of businesses and law firms have very different parental leave regimes for men and women.

Tim Sales, LSLA Committee Member and Partner at CMS noted that to address this issue, law firms should be implementing equalising policies that encourage both men and women to take the same amount of maternity/paternity or unpaid leave. Doing so encourages both men and women to take the time they need to focus on their parental obligations, without stigma.

Stephanie Kay, Managing Associate at Lewis Silkin spoke about her firm's new Parental Leave Policy, which allows any parent to take 12 months' leave after the birth of a child, 6 months of which are paid leave. This expands the previous maternity leave policy to allow men and same sex couples to have the same entitlement as women in the firm. The policy also provides flexible options such as taking leave in multiple chunks of time, for example a father could take leave during the first 3 months after the birth and then again when the baby is 9-12 months, enhancing the opportunity for new families to bond and for mothers to potentially return to work earlier. Encouraging men to take parental leave will help to change attitudes about parenting being a woman's issue, and help men to better understand the impact taking parental leave can have on one's career. Oliver Middleton, Partner and Chair of Latham & Watkins' Litigation department in London, spoke about his experience of taking shared parental leave and dealing with the challenge of being away from the office for a long period of time. For example, allowing others to take over cases is accepted as normal for women, but less so for men. As the third male partner from Latham's litigation department in London to take shared parental leave in the last few years,

Oliver highlighted the importance of not over-praising men who take paternity leave, as women who take parental leave are rarely praised or acknowledged for what might be a challenging time.

Tim Sales also noted that while equalising policies can be really helpful, there is still a general lack of awareness around them, and a hesitancy to take them up. Parental leave may well have an impact on your career, but this is OK.

### **Parenting – not a women’s issue**

Lisa Unwin of the Relgnite Academy, which offers advice, job opportunities and coaching to lawyers returning to law or move in a new direction noted that in her experience many talented women have left the legal profession because of a failure to find a way to make the demands of the job work with young children, and while things have improved it is still often the female partner who takes a step back. She noted that lawyers are inherently competitive and the law has traditionally had a very linear career path which can lead to parents feeling they have no option but to drop out of the race. This seems to affect women more than men.

However, the attendees all acknowledged that especially since the experience of working from home during covid allowed colleagues insight into each others lives, men have begun to open up more about parenting. The attendees discussed the concept of “parenting out loud” in the workplace. While recognising that some feel more comfortable than others in talking about their personal life at work, there is value in sharing with colleagues both the brilliant aspects of being a parent, and the challenges. It is important that both men and women are vocal so that parenting is not seen as an issue just affecting the female workforce.

Carla Matthews, Partner at PwC highlighted that something as simple as a blocking the school run off in your calendar creates the space for open conversations around how working and parenting schedules are intertwined – and makes more junior members feel more comfortable to initiate such conversations in the workplace without feeling stigmatised. She also pointed to encouraging equal celebration of parenting milestones as part of a culture within a firm, pointing to recent paternity leave drinks that had been arranged within the team.

### **Role models - transparency, openness and honesty**

Elaina Bailes, LSLA Committee Member and Partner at Stewarts emphasized that leading by example is key. She recalled that early in her career, there were not many examples of

senior leaders setting a good example of how to achieve a good work/life balance, or how to manage being both a parent and a litigator (there was always the implication that they had to pick one or the other). It's important to be transparent and honest at work about how these responsibilities often overlap, and set a positive example of how to establish boundaries to help manage these pressures.

The panelists spoke about how, although the nature of being a litigator makes it hard not to be competitive, or comparative, everyone is on their own trajectory and timeline. We must instill this into the next generation to ensure they don't leave their careers after having children. It's possible to do both, it just might look slightly different than what was originally envisaged!

*Chairs: Elaina Bailes (LSLA Committee Member at Partner at Stewarts), Tim Sales (LSLA Committee Member and Partner at CMS)*

*Around the table: Nikki Edwards (LSLA President and Partner at Howard Kennedy), Lisa Unwin (Co-founder & CEO of Reignite Academy), Jackie Thomas (Legal Director at Fox & Partners), William Harman (Barrister at 4 New Square Chambers), Carla Matthews (Partner - Head of Contentious Insolvency & Asset Recovery PwC), Zara Okereafor (JLSLA Committee Member and Associate at Stewarts), Jeremy Snead (Partner at Ogier), Oliver Middleton (Partner at Latham and Watkins), Stephanie Kay (Managing Associate at Lewis Silkin), Katy-Jade Church (Associate at Brown Rudnick)*