



Lawyer Dads Bonding with Their Newborns

Leslie A. Gordon

When social media lawyer Ruth Carter attended the Dad 2.0 Summit conference in San Francisco in February, she learned that paternity leave was a hot-button issue. “One guy told a story about telling his boss he had a baby coming. The boss said, ‘I have three children. I don’t know their birthdays. You’re going to have to decide between your job and parenting,’” Carter recalls.

While that’s an extreme case, men do still face challenges when it comes to paternity leave. “Even if paternity leave is offered, many men don’t take it. It’s like a badge of honor,” says Carter, who practices in Phoenix and spoke to The Bar Association of San Francisco (BASF) in April about using social media effectively. In the legal profession, billable hour requirements typically aren’t adjusted for men who take leave, and some new fathers may unwittingly put themselves on the so-called daddy track. “There can be a stigma attached to paternity leave. Slacker, soft. Those are the stereotypes these guys face.” But, Carter adds,

there’s a shift happening. “Some men will leave jobs that don’t support people who want to be active parents. There’s pushback.”

For Warren Braunig, a Keker & Van Nest litigator, there was no question he’d take paternity leave when each of his three children was born. “It’s a time in your life, your spouse’s life, and your child’s life that’s like no other,” says Braunig, whose leaves varied from four to six weeks. “I wanted to be in the moment. That can be hard in our profession when you’re getting 150 emails a day and have a brief due. But it was important to me to carve out a piece of my life for that experience.”

Jeff Kayes, a project finance lawyer at Morrison & Foerster, similarly wanted to be “emotionally and physically present” when his daughter was born last May. He took two and a half weeks at the outset and then another ten days intermittently over the next six months. “Becoming a father was an amazing feeling. There’s this instantaneous love connection. It’s a chemical thing.



Jeff Kayes with his wife Nicole and their daughter Sidney

I am glad I was present for that.”

For lawyers like Braunig and Kayes who want to take time off after the birth of a child, certain factors ensure smoother leaves and minimize the career impact.

Work Where Paternity Leave Is Not Just Available but Encouraged

Braunig was an associate when his first two kids were born. When asked if he was worried whether paternity leave would derail him from partnership, Braunig replied, “Not at all. Our firm wants people who appreciate a work-life balance. Taking paternity leave helped me present my-

self as a balanced person, and I felt very supported by the firm in taking it.”

Similarly, at Morrison & Foerster, Kayes was “absolutely encouraged” to take paternity leave, even though he was up for partner at the time. “Once I announced we were pregnant, I was immediately assigned someone from the benefits department so all that stuff was taken care of” long before his daughter was born. He ended up making partner despite taking the time off.

Working at smaller firms may also provide distinct advantages to new fathers. “It might have been harder at a big firm where it’s less personal,” speculates Ernest Galvan, a litigator at Rosen Bien Galvan & Grunfeld, who took two



Ernest Galvan with his children

eight-week paternity leaves as an associate. “At a big firm, it may be harder to know how you’re doing or where you stand with partners.” Being at a small firm, “I knew I had enough professional capital around here.”

Government lawyers’ experiences vary. Mark Conrad, Bar-risters Club 2014 president, took four weeks off when he was an associate at Munger, Tolles & Olsen and another four weeks at the U.S. Attorney’s Office, where he still works. Both employers took family obligations seriously and supported his time off, he says.

But Na’il Benjamin had a different experience when he took a twelve-week paternity leave as a deputy city attorney in San Francisco. It was his second leave—his first having been for a month when he was an associate at Colblentz Patch Duffy & Bass. “It was definitely different at the city compared to the firm,” Benjamin observes. “At the city, I felt like paternity leave was a little like a second-

class citizen compared to *maternity* leave. I didn’t get the feeling it was seen as justifiable if a male was seeking to spend as much time at home as the rules provided. There was tension regarding the overall process. I was not supported in taking the leave; rather, leave was an obstacle to be smoothed out.” Benjamin’s experience expedited his decision to leave and form Benjamin Law Group.

Have a Supportive Team

When lawyers are on vacation, they’re usually still expected to check email, according to Kayes. But paternity leave is different, and one secret to a successful parental leave is when colleagues know the difference. “This time, I was away and I was *away*,” Kayes explains. “Everyone around me rallied and covered for me so I could be very focused.”

Similarly, when Conrad was at Munger Tolles, he was eager to take several depositions scheduled during his leave. A partner told him, “There will be years to do de-posit. You should go and take the time,” Conrad recalls. “At both the firm and the government, my colleagues took on extra work not only because paternity leave was a matter of employer policy but also because they themselves had kids and families and knew how valuable that time was. They shielded me from the demands of work.”

Benjamin’s firm doesn’t yet have employees—just interns and of counsel. But when his firm does grow to include employees, he’ll ensure that paternity leaves are supported. “I come from a sports background,” explains Benjamin, who played football at UC Berkeley. “You have two or three levels of players—starters, first string, second string, backups. If someone on the team needs to be away, you support that person.”

Prepare in Advance

Preparation is the key to a successful leave, these dads insist. Several weeks before his wife’s due date, Kayes began preparing clients and opposing counsel. Braunig, too,

“overcommunicated” to clients who would be covering their matters. “All three times, I drafted a memo to my teams including the status of projects, who was covering hearings, the phone numbers of witnesses we needed to interview. It was already drafted and ready to send so I was not doing it in the hospital while trying to come up with a name,” Braunig recalls.

Expect Transition Adjustments

For Kayes, being up for partner required diving headfirst into work after his leave. And he found himself “emotionally very homesick” in those early days back at the firm. “So we started a tradition that we’ve continued: every day at three o’clock, my wife sends me a picture of my daughter.”

When Galvan’s paternity leave ended, he was similarly

thrown right back into the fire. “The partners lined up some pretty challenging things right when I walked in,” he recalls. “In retrospect, it was good to have some challenging assignments at the beginning. I was able to seamlessly resume practice.”

Even though Galvan’s children are now twelve and fourteen, he attributes his close relationship to them partly to his paternity leaves. “I gained a lot of experience with the personalities of my children” by taking time off after they were born, he insists. “They come out with a lot of personality traits. If I hadn’t taken that time off, I wouldn’t know them as well. I now see the whole arc of their development. It’s nice to have that time at the beginning.”

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