

Commentary: Part-Time Lawyer Dads Are Still a Rare Bird

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Twenty years ago, a father who took paternity leave was the stuff of urban legend: Though rumors of the species circulated, proof remained elusive. Lawyers who became fathers got less sleep and made more runs to the grocery store, but they kept coming to the office.

Times have changed -- a bit. Today, the leave-taking lawyer dad is on par with the [orange-faced honeyeater](#), the first species of bird identified in New Guinea in over 60 years. He's rare, but he's been spotted in the wild and is starting to be documented and studied.

It's one thing for men to be less reticent about taking a week or two off work; it's another to change a culture. Lawyer dads today who take extended leave to be more participatory or primary parents are the rarest of creatures. As with paternity leave long ago, reduced hours and other balance-oriented programs are on the books at firms in a gender-neutral way, but it's the women who take advantage of them. Some men remain uninterested, while others are merely reticent to sacrifice advancement opportunities in the name of balance.

The 1993 Family and Medical Leave Act required most employers to give up to 12 unpaid weeks after a birth and did so in a gender-neutral way. Since then, many firms have gone beyond that and are tripping over themselves to ensure that paid parental leave for "primary caregivers" meets the new bar of 18 weeks.

But although [more men -- more than none, anyway -- are taking paternity leave](#), they are not yet pushing for the same reduced hours and extended-leave options as their female colleagues. On balance, men are still pursuing the traditional breadwinner role, as opposed to breadwinner-plus.

Look, for example, at a recent [New York University School of Law](#) survey. Seventy-two percent of male students and 76 percent of female ones said that they were "very or extremely worried" about being able to balance work and family. But although all NYU law students were repeatedly asked to participate in the survey, just 9 percent of male students cared enough to do so. (Women, 24 percent.) Of that 9 percent, nearly a third said they weren't that worried about balancing work and family.

As a practical matter, they don't need to be. The Daddy Wars -- paralleling the tension between stay-at-home and working moms -- haven't arrived. According to the [University of Wisconsin's](#) National Survey of Families and Households, women still shoulder twice the housework and five times the more mundane child care duties (dressing, cooking, feeding, cleaning) than their spouses. These percentages vary only marginally when the wife also has a full-time job. "None of this is all that different, in terms of ratio, from 90 years ago," sociology professor Sampson Lee Blair told *The New York Times Magazine*.

Law firms typify this inertia. [Skadden, Arps, Slate, Meagher & Flom](#) has several balance-oriented programs, all under its Women's Initiative. [Heller Ehrman's](#) Opt-In Project was "designed to ... find new solutions to keep *women* in the workplace and in positions of leadership." The italics are mine, but the implication is theirs: Like parental leaves of yesteryear, career flexibility remains a female issue, and the part-time lawyer dad is our latest statistical possibility wrapped in a stigma.

But many factors are at work that make change inevitable. "More men and women entering large law firms are interested in working a reasonable, sustainable schedule," says Andrew Canter, co-founder of [Building a Better Legal Profession](#) -- a grassroots organization started by two Stanford law students (both men) that [seeks market-based, balance-related reforms for large private firms](#).



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Simultaneously, the demands of parenthood in general and fatherhood in particular are increasing. Public school parents oversee more than twice the homework of 30 years ago, and homeschooling too has spiked. Chances are you know (or have) a child with autism or ADHD. And more divorcing dads are seeking and winning custody.

These forces are all pushing fathers to spend more time at home. At the same time, the forces pushing back are weakening. Steve Jobs once described the challenge of starting Apple Computer as follows: "People couldn't type. We realized: Death would eventually take care of this."

So it will be in large firms. As the men running those firms come to terms with changing priorities and responsibilities outside the office, things like [on-site child care](#) and [alternative schedules](#) with paths to partnership might finally morph from women's issues into people ones.

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