

Will Latham Trigger Family Leave Acts?

The Recorder

By Kellie Schmitt

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LOS ANGELES — Latham & Watkins announced a new parental leave policy for associates this week that significantly ups the amount of time biological and adoptive parents can take leave while receiving their full base salary.

Some observers say that, much like associate salaries, Latham's move — and some by other firms — could have ripple effects.

"Any time a market leader makes a move that can be interpreted as a recruiting tool, other firms in the space will take a long, hard look," said Peter Ocko, a Los Angeles-based associate recruiter for Major, Lindsey & Africa.

Latham's new policy scraps one that provided 12 weeks for primary-caregiver birth mothers and four weeks for new fathers and adoptive parents. It replaces it with 18 weeks for birth mothers who are primary caregivers and adoptive parents who are primary caregivers. It also increases to 10 weeks the time other primary caregivers — such as a biological father — can take off.

The firm is also launching an option for associates to return on a reduced schedule for six months after their child's arrival without prior approval — and without full-time billable-hour requirements.

Latham isn't the first firm to up the family benefits package — Simpson Thacher & Bartlett made a similar move this summer, expanding its policy to 18 weeks, paid, for primary caregivers.

Such moves underscore just how important those benefits can be to new recruits, legal professionals say. They could be harbingers of industry-wide improvements to family leave benefits.

"For many associates, whether or not they have families, it's an indication of flexibility," Ocko said. "Associates care about all that a firm offers."

Latham made the decision because of a groundswell from its associates committee suggesting the change, said Richard Bress, the chairman of that committee.

"It is an attempt to support associates, including those with new children, and help them balance work and family," Bress said.

A POSITIVE RESPONSE

Leaders at other firms applauded the move.

"We are in an exhausting profession," said Nancy Cohen, the head of Heller Ehrman's Los Angeles office. "Whatever a law firm can do to make their business more family-friendly, then firms need to do that."

She added that "the generation coming out of law school worries about how they're going to balance work life and home life."

After a year of employment, full-time Heller associates are entitled to take up to 16 weeks off to care for a newborn, newly adopted or fostered child, according to the firm's Web site.

At Quinn Emanuel Urquhart Oliver & Hedges, 16 weeks of paid leave for female associates — as well as being flexible about individual needs such as working from home — is important to retain talented women who may one day enter the partnership, said partner William Urquhart.

"I think all law firms are looking for ways to keep an incredible talent base not only for reasons of diversity but also to better serve clients," he said. "We, like every other forward-looking law firm, are looking for ways to accommodate women, particularly when they have kids."

A key segment of Latham's new policy is the option of returning on a reduced schedule, said Joan Williams, the director of the Center for WorkLife Law at Hastings College of the Law. Williams said she's aware of just a handful of other firms doing that, and will probably have the center adopt the idea as a "best practice."

"I think law firms are trying very, very hard because they are truly alarmed about the rates of attrition among lawyers they want to keep," she said.

She also pointed out the importance of increased paternity leave, saying studies have linked early paternal care to a father's long-term involvement with a child.

Broadening the definition of primary caregivers represents a change in Latham's policy.

"Before, we didn't have the concept of a primary caregiver for the father," Bress said.

Under the policy, the firm will be open to hearing about someone's situation when it comes to designations like "primary" or "non-primary," Bress said.

"You can't foresee all family situations," he said. "We're not going to go knock on people's doors."

Generally speaking, within a couple, one person is designated primary caregiver under Latham's policy. But the new policy allows for all kinds of arrangements. For example, if a father stays at home to take care of a baby, he can become the primary caregiver — earning 10 weeks off.

The firm also greatly expanded the benefits for adoptive parents.

"Families come in all shapes and sizes," Bress said. "We wanted to mirror what we're doing for the birth parents."

And that's important for lesbian and gay parents who choose to adopt children, said recruiter Claudia Trevisan, who works at L.A.-based Swan Legal Search.

"I find it's quite important to have these policies — not just for female associates but also for fathers-to-be as well as gay and lesbian associates," she said. "When a firm isn't proactive about policies, that's what makes associates leave. It's great that Latham is stepping out in the forefront."