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Big Law Firms Show Sharp Divide Between Attorney and Staff Parental Leave

By [Stephanie Russell-Kraft](#) - Big Law Business

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Many Big Law firms promote generous paid parental leave policies in order to woo young lawyers hoping to start a family, but those benefits often don't apply at the same levels to staff providing support work, an analysis by Big Law Business has found.

At the 44 AmLaw 100 firms that shared their leave policies with Big Law Business, primary caregivers who are lawyers receive an average of 5.7 to 8.3 more weeks of paid leave than their staff counterparts, depending on the staff member's employment status.

Lawyers who are birth-mother primary caregivers receive an average of 17 weeks paid parental leave, while staff average nine to 11 weeks, depending on their employment status, according to the law firm survey.

At some AmLaw 100 firms, hourly staff members receive no paid parental leave.

Secondary caregiver lawyers, who in general receive far less time off than primary caregivers, receive 2.2 to 2.7 more weeks of paid leave than their staff counterparts.

The numbers show that law firm staff do better than their counterparts in similarly paid jobs, but that law firm paid leave policies still lag behind some of the biggest U.S. companies.

BLB sent queries to all AmLaw 100 firms requesting data on their paid parental leave policies for attorneys and staff.

Fifty-seven firms provided information about their paid leave policy for lawyers, and 44 also provided policies for staff. Of those firms not included in the total, some didn't respond to BLB's query, while others responded but declined to provide data.

Many firms reported a range in leave policies for staff, depending on the employee's status as exempt or non-exempt, and whether or not they work in a managerial role. Several of the firms that reported their staff policies don't provide paid parental leave for all staff members such as hourly employees.

The averages represent total weeks of paid time off, but do not reflect differences in policies between paid time off and paid disability leave, or policies that provide for paid time off at a percentage of an employee's salary.

These numbers provide a snapshot of a Big Law benefit, but they don't paint a complete picture of how staff policies compare across BigLaw.

Several firms, including Polsinelli, Husch Blackwell and Fragomen, offer the same amount of leave, 12 weeks, for attorneys and staff members who are primary caregivers. Other firms also offer their staff members 12 weeks of paid time off, but provide lawyers with even more time. At Morrison Foerster, staff member primary caregivers receive 16 weeks of paid time off, while lawyers receive 20 weeks.

Only two firms stood out on generous paid leave policies for attorneys and staff. Arnold & Porter and Mintz Levin offer all primary caregivers 18 weeks of paid time off, regardless of position. They offer six and eight weeks of paid leave for all secondary caregivers, respectively.

Despite these outliers, Big Law still lags slightly behind much of corporate America, according to Brianna Cayo Cotter, chief of staff for Paid Leave for the United States (PL+US), an advocacy organization founded by former Change.org staffers.

"What you see from the top employers in the country is that about half of them offer equal leave to all of their employees, and explicitly, say 'We are making this policy and it is essential that it applies to everybody,'" said Cotter.

In May, PL+US published [a report](#) documenting what it called the "haves and have-nots" of paid family leave. Workers in the U.S. who make more than \$75,000 are twice as likely to get paid leave than those who make less than \$30,000, according to the report.

Starbucks, one of the companies in the report, [came under fire](#) this summer when it was reported that the firm offers 18 weeks of fully-paid leave for new mothers in corporate headquarters, while only offering six weeks to birth moms who work in Starbucks retail outlets.

Large companies that offer equal paid time off to hourly and salaried employees include Bank of America, Wells Fargo, JPMorgan Chase, Hilton, IKEA and Apple, according to the report.

Law firm staff members do receive more paid time off than the majority of workers in the United States, which remains the only industrialized country with no federal law requiring paid family leave.

In 2016, only 14 percent of non-government workers in the United States had access to paid family leave, according to the federal Bureau of Labor Statistics. Although 88 percent of civilian workers may take up to 12 weeks of unpaid leave under the Family Medical Leave Act, taking this time off is often infeasible for low-income workers.

"I didn't have to save every penny so I could survive," said Krizia Cabrera, a senior legal secretary at AmLaw200 firm Lowenstein Sandler who was given 16 weeks of paid time off after the birth of her third child this summer. The firm offers the same policy to all employees.

As a resident of New Jersey, Cabrera would have been eligible for leave under a state law that provides paid family leave at two-thirds of their pay for six weeks. She said the extra time off, paid at her full salary, was a "breath of fresh air."

"I could stay home longer, which is a blessing for any mom with a new child, especially in the first couple of months," the 33-year-old, who makes \$67,000 per year, told Big Law Business.

Rhode Island and California offer similar laws, and a new paid leave statute will take effect in New York in January. It remains unclear how the New York law will impact paid parental leave policies offered to staff at New York law firms.

Several firms asked by Big Law Business about the differences between paid time off given to staff members and attorneys cited industry standards.

"I think it's market driven and at all the firms I've been at, we review the market," said Kristine McKinney, chief professional development officer at Fish & Richardson.

Gary Wingens, chair of Lowenstein Sandler, said the firm didn't begin offering staff the same duration of paid leave until it [implemented a gender-neutral paid leave policy](#) last year.

"Honestly, we just hadn't thought about it that way before," said Wingens. "If this is really about the family and bonding with a new child and creating an environment at home, what does a law degree have to do with how much time somebody may need to have the right environment?"

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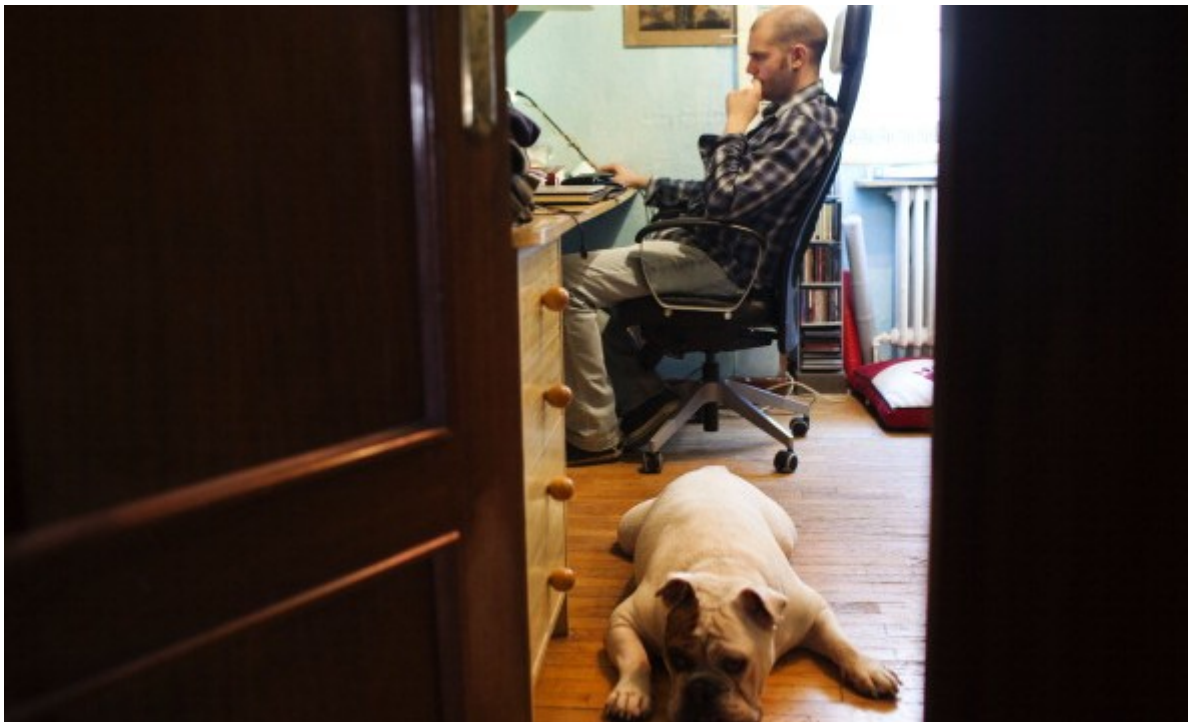
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