

Coming Up for Air:

WOMEN IN LAW AND ADAPTING TO THE IMPACT OF COVID-19

BY JENNIFER L. SMUTS

Prior to the COVID-19 pandemic, researchers and reporters covering the legal profession regularly highlighted the trend of female lawyers leaving private practice. Although more than half of U.S. law school students are female, only one-third become practicing lawyers and less than 20 percent of those practicing lawyers earn equity partner status in private practice. In January 2020, Lori Mihalich-Levin's *Vault* article, "Why Women Leave Law Firms," reported "...the data make clear, experienced women lawyers bear a disproportionate brunt of responsibility for arranging for care, leaving work when needed by the child, children's extracurricular activities, and evening and daytime childcare. Any one of these factors affects the time and effort expected for a successful law practice, and the combination competes all the more for a lawyer's time."

Now one year later, the effects of a global pandemic have put women in law even further behind. Twenty-five years of progress growing the maternal workforce has been undone. From *McKinsey* to *Forbes*, esteemed news outlets have reported on the regression of women in the workplace. By September 2020, more than 865,000 women left the labor force — more than four times the number of men who did the same. This new reality is having a sobering macroeconomic effect across many industry sectors. But what about women in law?

I recently reached out to several female lawyers to learn how their lives have been impacted by COVID-19. Their stories represent a reaction to the upheaval caused by the pandemic and the roles they have assumed in order to transition in an effective way.



Cristina M. Shea, Esquire
Global Chair, Women's Initiative Network ("WINRS")
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Mayhem is the perfect word to describe 2020. Women have been described as the shock absorbers of society — making sure all family-related things are running smoothly, carrying the larger portion of childcare and parent care — but that notion has become even more pronounced during this pandemic. It's a real strain on families, but particularly on women who often are the caregivers — whether it's children or other family members. There have been a lot of discussions here regarding "burn-out" and stress. The firm is focused on the mental health and well-being of its lawyers and personnel during this tough time. There has been a re-emphasis on our part-time policy: attorneys can go on a reduced schedule, albeit with a reduced salary. But that does not mean they are giving up their career track or that they'll never make partner. A lot of women have made partner while being on a part-time schedule. And this option really acts as a pressure relief valve and helps buy some sanity in a really tough time. Also, being flexible is of utmost importance right now. In some situations, job-shares are an option. I'm taking on a job-share situation with a male colleague who is on medical leave. With open communication it has been very manageable and enjoyable and the client is appreciative that they have 24/7 coverage from their lawyers. I know of other instances in our firm where attorneys are job sharing. It isn't something that works in every instance, but with some flexibility and communication, it can work just fine.

From virtual war room meetings at the kitchen table to Zoom webinars with colleagues, this entire experience has had a humanizing effect. Clients that once had a perception of their lawyer as a legal force sitting behind a big desk, strategically reviewing reams of legal documents now see my children reaching in the fridge for lunch. The COVID-19 pandemic has taught us how to live without having control. While that's difficult for Type-A personalities such as myself, it's been an important life lesson.



Jennifer Jauffret, Esquire
Chair, Labor & Employment Group, Richards Layton & Finger

As a partner at Richards, Layton & Finger, heading the firm's labor and employment group, and a mother of five kids between the ages of 5 and 16, I thought I was used to chaos and necessary multitasking. But the pandemic flipped our world and taught me not only to find new ways to adapt and move forward, but also that burdens bring blessings.

Five kids attending three different schools at home was certainly stressful — such as when I was rushing home to get my first grader on a school Zoom call, pulled in the garage too tightly and ripped the door off my minivan — but I learned more about my children's education and their classmates and teachers than I ever did by looking at finished work and asking questions. On top of that, my husband, a municipal bond trader, and I both experienced craziness at work as the markets were volatile and the pandemic created a host of new employment laws and issues that I needed to quickly master. I was forced to reorganize my schedule and work systems to create new efficiencies and pockets of uninterrupted time. Although it sometimes seemed like I was drowning, I felt reinvigorated about my practice. I was grateful to be able to help employers navigate new personnel issues, save their employees' jobs, and meet business needs. Ironically, without attending a single in-person meeting or networking event, I have learned more about many of my clients and colleagues than ever before.

The pandemic also gave more people, along with me, permission to show grace and forget about internal competition

with each other and instead fight together. Another positive result of the pandemic is that while many working mothers certainly have taken a hit during this time, fathers who are working from home are experiencing what it takes to simultaneously hold a demanding job and run a household with children. The shutdown in travel and remote work allowed time for my husband and me to find new ways to spend time with our kids, making family memories with activities like family soccer night, card games, and watching sports movies and documentaries. And I could be there for my kids when they needed me while still being able to meet the needs of my clients.

Over the summer when a tornado rolled through our area, I was able to drop everything from my home office to quickly pick up my son, who was out running. Rain pelted the car windows, branches were coming down around me, and a tree crashed on my car, shattering the window. But my son and I made it home safely. The pandemic has been a true storm, but I am blessed that we — my family, other working moms, and my community — are all still standing, ready to continue to fight for and with each other.

I do not want everything to go back to "normal." I hope we establish a new normal that supports families and does not require women to sacrifice their careers. For me, I plan to try to be more intentional with the use of my time, aligning my family and work priorities and giving myself and others more grace along the way for imperfections. I hope that by surviving this storm, other working moms feel empowered to do the same.



Tahisha Fugate, Esquire
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During this time, my children were in very different stages of their lives. At the beginning of the pandemic, my oldest was a senior, navigating his last year of high school via distance learning and the disappointment of not having a prom, a traditional graduation, and having to make the decision to defer his first year of college. My daughter, who was a kindergartner at the beginning of the pandemic, had just started her formal school journey and was getting used to being in the classroom, and it all came to a halt. Parenting at these vastly different stages of my children's lives was a challenge. With my son, I went from mommy to mom coach — trying to keep him motivated and encouraged during a time of great disappointment.

For my daughter, we've been navigating distance learning for nearly a year and it's been hard as she's very much an extrovert and thrives in the energy of the classroom — which with my best efforts cannot be replaced at home.

Working from home full-time and helping my first grader hasn't been easy. While I experienced "mommy-guilt" working outside the home, it is still very real while working from home. To my six-year-old, it feels like I work all the time. The reality is that I'm working my normal hours. However, because she finishes with class at 2 p.m. and I'm typically online for work until 6:00 p.m., to her it seems like I'm "working forever" (her words).

Additionally, my husband's business started to decline amidst the pandemic

and we made the hard decision to close the business after seven years. This loss of income was significant, but we are very grateful for the conservative financial decisions we made over the years, understanding that many families haven't fared as well.

Lastly, I took a leap of faith and started a new job. Given the racial injustice over the course of time and especially last summer, with the murder of George Floyd and Breonna Taylor, I feel inspired that my work and my values are aligning and I'm able to contribute in a significant way. I also feel empowered to bring my entire self to my professional environments — which has become increasingly important in advocating for others that look like me and other marginalized communities.

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Pamela Polacek, Esquire
Chief Legal and Regulatory Officer
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The COVID-19 pandemic reinforced the reasons why I was considering a major career change by leaving private practice for an in-house position with one of my long-term clients. I already was aware that I wanted to be living closer to my aging mother and the other members of my family in Southwestern Pennsylvania. After the pandemic hit, I spent most of my time working remotely in that area of the Commonwealth, which confirmed the intangible benefits of being closer to my family. From a professional standpoint, I wanted a position that involved organizational leadership and business strategy, with professional growth potential. My client was willing to create a position for me, but their offices are in Northern Pennsylvania. The pandemic forced many businesses, including my new employer, to quickly adapt to remote working. Because the pandemic accelerated remote working acceptance and technology, both sides became comfortable that this new arrangement was feasible.

While 2020 presented many challenges for women in law, it's important to recognize the historic milestones that unfortunately were trumped by COVID-19. In 2020, women's advancement onto public company boards continued to increase. Women now hold 24 percent of board seats of the 25 largest IPOs. Also, 2020 afforded us the centennial celebration of the 19th Amendment. This amendment empowers women as advocates who create meaningful change. Today and for many years ahead, women will showcase the meaning of resilience. The pandemic may have pushed women back, but it definitely won't keep women down. 

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