



Feature

Family Leave and Lawyers

A four-year college degree, three years of law school, and passing a state’s written bar exam are the formal requirements for one to become a lawyer, though these requirements may vary from state to state. Every aspect of our society is related to the legal system in one way or another, and lawyers are the main players in this system. They observe a strict code of ethics, holding positions of enormous responsibility.



Lawyers, also known as attorneys, are the advisors and legal advocates in every society. They counsel society about its legal rights as well as obligations, and affect both criminal and business matters. Attorneys apply the law to the different situations that clients or society in general face.

Family leave, also known as parental leave, has been an area of concern in many fields, including the legal industry. Now, most law firms have to embrace and provide parental leave to their employees, with as much as 16 weeks for working mothers every year. This law is known as the family medical leave act. The law was passed to ensure that any working mother is entitled to not less than 16 weeks of leave from work when expecting a baby. This leave is not a paid leave in most of the states in the United States except California, Washington, and now New Jersey, which will soon be the third state to require some sort of paid maternity leave. Fathers are also entitled to paternity leave, though it is shorter in duration than the maternity leave for mothers.

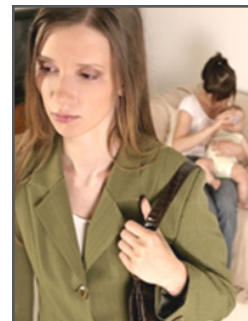
Most mothers are always left wondering if they should utilize the entire family leave provided by law, sometimes referred to as disability leave. They are always worried that it could ruin their careers. Most of the women dealing with these concerns fear that during their absence, their employers might have the idea that they can do without them. There are also those who have assistants or other support staff who can run things while they are away on family or maternity leave.

Some mothers face the decision of motherhood or career, and it’s always a delicate balance between the two if you can’t stick to only one. Sometimes there are employers who give family leave to the expectant mothers, but who will continuously be bombarded by work calls while at home.

Many women are discriminated against after their return to work from maternity or family leave, as those who were doing the mother’s job during her absence feel that they are more qualified or deserving of the position. Despite all the hurdles, efforts are still being made to ensure that all family leaves are paid for by the respective firms or employers that hire women.

Males can actually accomplish much during family leave, as they are not physically recovering, nor are they necessarily responsible for the well being of the newest family member to the same degree as the mother. Though typically shorter than family leave for mothers, men can play a critical role in helping out their wives who are limited in their activity due to pregnancy. Often, other family members need the assistance of at least one of the parents. Fathers can contribute in many ways, including dropping the kids off at school.

When paternity leave was first introduced, most men didn’t go for it. Males accounted for less than one percent of those who were eligible for the leave. However, that figure has increased over time. Scientific research has shown that newborn babies who bond with both parents see advantages in both social as well as cognitive development. When family leave was initially introduced, many employers were worried that most employees would abuse the time off,



and that their businesses would suffer as a result, but it has not proven to be a problem. Moreover, the paid leave is not funded by the employer, but rather by federal funds initially generated by payroll taxes paid by the employee, that are used to provide paid benefits for an employee’s own non-work-related disability.

As far as legal jobs are concerned, most attorney positions are self-employed, and some of the remaining few work



Feature

as partners in competitive legal firms. For one to take maternity leave would mean losing the firm's competitive edge, especially if the person taking the leave happens to be among the best lawyers of the firm. There is always firm competition in legal jobs everywhere. Therefore those who seek to take maternity leave risk losing their jobs, since there are so many job seekers well-qualified for the same job. Even though family leave is unpaid in certain states, those who seek maternity leave could simply be told not to return after their previously granted leave

completes. Since most legal jobs are self employed, if you go on maternity leave, you will put yourself out of business as you will be dormant for a period of 16 weeks, which is a long time for an attorney to stay away from his or her office.

This is one of the main reasons why some women are faced with a very difficult decision if they feel that they have to choose between their careers or having children.

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