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## Big Law Onsite Day Care: The Trend That Wasn't

By **Angela Morris**

Big Law couple Liz and Matthew Dubeck both made partner at their respective Los Angeles firms this year, thanks in part to wallabies, cheetahs, pandas and giraffes.

"I currently have a giraffe and a panda," said Liz Dubeck, referring to her son Emmett, 5, and daughter Lillian, 3. Their animal identities came from their classes at Hope Street Friends, a day care co-sponsored by Dubeck's firm, O'Melveny & Myers—which partnered with Munger, Tolles & Olson and an investment firm to start the day care.

"We don't see how it would have worked without the flexibility of having the day care center there," said Dubeck, whose practice focuses on finance and real estate development, and whose husband is a partner with Gibson, Dunn & Crutcher. "It has made it possible to stay. From a practical standpoint, I really don't know how I would continue working full-time without it."

It's common for law firms to provide emergency or back-up child care for lawyers who must work nights or weekends, or who need child care during school holidays or when kids are sick. But very few have taken the next step by opening full-time, onsite day care, despite their lamentations about the exodus of women from Big Law once they start families. Cost, it seems, is the primary reason the service hasn't caught on.

Law firms that are providing onsite day care for the children of attorneys and staff say they see benefits in recruiting lawyers and keeping them at the firm. Tamerlin Godley, partner in the Los Angeles office of Munger Tolles and co-chair of its women's initiative, said that Hope Street Friends has been wildly successful and popular. It's made an impact in retaining female lawyers, because it eliminates stress



Courtesy photo

Matt, partner with Gibson, Dunn & Crutcher in Los Angeles, and Liz Dubeck, partner with O'Melveny & Myers in Los Angeles, and their children Emmett and Lillian, who both attend daycare at O'Melveny & Myers's Hope Street Friends daycare.

in dropping off and picking up their children, and it assures them their children are getting high-quality care. Fifteen O'Melveny families, some with more than one child, and 13 children from Munger Tolles go to Hope Street Friends.

"A lot of the new generation of lawyers aren't willing to sacrifice the quality of their lives for money, so if we have successful law firms in the future, we have to think of people's quality of life," said Godley, a business litigator who focuses on entertainment cases. "It shows a firm commitment to the lawyers in the firm and the importance of family."

There's a well-documented departure of women from private law practice: Women make up 45 percent of associate ranks, but drop off steeply at the glass ceiling—only 18 percent of equity partners are

female, according to 2017 figures from the American Bar Association Commission on Women in the Profession. The firms with onsite day cares say it's a great recruiting tool and that it helps them hold on to female—and male—lawyers.

“In retention, it's huge,” Dubeck said about Hope Street Friends. She noted it's costly when lawyers leave a firm after it invested in training them. “I think that's the major benefit the firm is trying to make out of it.”

Both Munger Tolles and O'Melveny were asked for numbers that show that Hope Street Friends increased retention of female lawyers. The firms said they had not tracked or polled lawyers who use the day care to ask the role it played in retention. But O'Melveny spokeswoman Julie Fei said that the stories of lawyers like Dubeck's demonstrate that the day care has made a big impact.

The trendsetter in law firm day cares was Arnold & Porter Kaye Scholer in Washington, D.C. In 1995, it opened its Children's Center. A couple of other D.C. firms followed suit: Covington & Burling in 2005 and Crowell & Moring in 2007.

Atlanta is home to two more law firm day cares. In 2001, Alston & Bird opened the Children's Campus, run by Bright Horizons Family Solutions Inc., which runs employer-sponsored day cares across the nation. Bright Horizons estimated in 2008 that the day care saved the firm more than \$250,000 by reducing employees' time off work. The state of Georgia offers a tax incentive for employers that offer day care, which made it financially feasible for Alston & Bird, according to Bright Horizons.

Most firms that offer day cares contract with other companies to run them—such as Bright Horizons. Firms also partner with each other, like what O'Melveny and Munger Tolles did. In Atlanta, Smith, Gambrell & Russell partnered with Kilpatrick Townsend & Stockton to open the Bright Beginnings Children's Center in 2006.

Hope Street Friends was the first law firm day care on the West Coast, Godley said.

Other firms that offer full-time, onsite child care include Akin Gump Strauss Hauer & Feld, King & Spalding and Hogan Lovells, according to Bridget Perry, spokeswoman of Bright Horizons, which operates 10 total law firm onsite day cares.

Deborah Epstein Henry, a legal industry consultant on women, careers and the law, said it's uncommon to see law firms offer full-time, onsite child care, but that it's more frequent in large companies.

“Part of it is the size of the employee base in law firms. The largest firm is small compared to many large companies,” said Henry, president of Flex-Time Lawyers. “A lot of firms found it's a harder investment to justify.”

The fact that big law firms have offices scattered across the country doesn't help.

“Law firms tend to have a smaller number of total employees in one location. They tend to have smaller offices and several offices across the country, or even internationally,” said Jennifer Vena, vice president of Horizons Workforce Consulting. Those law firms that partnered together to open a day care were consolidating their employee bases to reach a higher population for a day care, she added.

### **Significant Cost**

Considering the potential benefits, Henry said onsite day care at law firms are not more widespread because of the significant cost, and perhaps because firms “are worried about liability issues, and don't want to get into the business of care-taking.”

For example, onsite injuries and keeping the facility secure, in addition to adhering to state regulations, could present challenges.

But Henry added that it's a worthwhile investment.

“It's a distinguisher in recruiting. It's one more reason attorneys would want to stay at law firms,” Henry said. “The loyalty engendered from that investment is immeasurable.”

Still, that investment is no small matter. Godley, at Munger Tolles, said the firm and its partners paid to build out the day care in a high-rise building in downtown Los Angeles. The tuition that parents pay does not fully cover the expenses. The firm and its partners subsidize the rest, she said. She declined to identify the specific cost of the center.

Perry, at Bright Horizons, said the cost to launch and run a day care would depend upon the expenses of building or renovating the space, the type of child care program, how much the firm was willing to subsidize, tuition costs and local costs for rent, utilities, janitorial services and more. The prices for each item would vary widely based upon location and a center's size, Perry added.

The tuition that O'Melveny lawyers and staff pay for their day care is competitive in the market, Dubeck said, but parents there have the benefit of lower-than-normal child-teacher ratios, and

the center is open longer—7 a.m. to 7 p.m., to accommodate lawyers' busy schedules.

"It's an additional expense for the firm that can be hard to justify in [that] it's not something that can be passed to clients," Dubeck said. "It's something the firms have to decide to do to improve employee morale and retention. It's a leap of faith to have faith that enough employees will use it to make the indirect benefits outweigh the cost."

### Coordinated Schedules

Some of the benefits, however, are more tangible, Vena said. Onsite day care can help a law firm increase its billing and help lawyers to reach their billable hours, she said. The day care matches the firm's work hours and holiday schedule so that it's not closed when lawyers are working, she explained.

"The care never breaks down. It allows them to come to work every day and bill their hours, which is key to a law firm's existence and a lawyer's success, so it really improves productivity and being on the job," Vena said. "They need their lawyers to produce for them, and the lawyers themselves need to reach their billable hours to feel successful and reach their goals."

Horizons Workforce Consulting surveyed parents who had children in work day cares across all industries—not specific to law firms. The 2013 survey said that parents reported that work day care helped them concentrate at work, meet job expectations and increase productivity. Respondents said it factored into their choice to join the company and that they turned down other jobs so they could keep their kids in their day care.

"Once you have access to that, you don't want to risk giving up that benefit and switching jobs," Vena explained.

Many workers said the day care was important in deciding to come back to work after having a baby, the survey found.

Laura Smolowe sees the advantages. She became a partner in Munger Tolles in between having her two girls—a 4-year-old giraffe and 14-month-old wal-laby, who both have attended Hope Street Friends since they were tiny. Smolowe, a commercial litiga-tor with expertise in the areas of trade secrets and employee mobility, said the day care increased her productivity by sparing her from having to leave

work and drive to drop off and pick up her girls, or to attend school events and parent-teacher confer-ences.

While Smolowe might have become a partner at Munger Tolles regardless, she said Hope Street Friends saved her from making hard choices that she would have faced otherwise. She said that the center helps male and female attorneys equally.

"It's made my work-life balance so much more approachable and manageable," Smolowe said. "It's such a relief to be able to check in on them in the day and maintain the connection. It gave me more energy for my work, knowing I wasn't worried about what was going on with them, and also emotional fulfillment in getting to see my kids."

Firms, especially now, must consider the long-term rewards when considering whether to offer full-time day cares, she said.

"As we move into a world where people work all the time with smartphones and things like that, there is no instance [when] you're done at the end of the day, like there used to be. We have to find new innovative solutions to let people integrate family lives in a way they can be working and also parents," Smolowe said.

Attempts were made to reach several law firms without onsite, full-time day cares, including Vinson & Elkins, Norton Rose Fulbright, Baker Botts and Skadden, Arps, Slate, Meagher & Flom, to ask their diversity or women's initiative partners if they have considered establishing such facilities. These firms in the past have signed on to initiatives or created their own programs, to improve the retention of women in the profession. They did not respond to requests for interviews.

Andrews Kurth Kenyon in Houston, which offers back-up child and elder care, also didn't return a call seeking comment, but firm spokeswoman Ashley Nelly emailed a statement.

"Our firm has not implemented on-site child day care due to excellent day care options in the areas in which we operate," Nelly said.

At firms that have taken the leap, it's a crowd-pleaser, for parents, anyway:

"People feel like they can see themselves moving forward in their careers and [can] be happy people," Smolowe said.