

How Working Mothers Can Have it All

by Miriam Kim with Susan Har

“Can I have it all?” I asked myself that question many times last year when I was up for partner.

I have two boys ages 2 and 5, and my husband is a physician. I practice complex business litigation on a reduced-hour schedule, but my days (and nights) quickly fill up with obligations to work, family, church, and a NAPABA affiliate, the Asian American Bar Association of the Greater Bay Area (AABA). Eager for advice as a new partner, I decided to interview other mothers seeking to have it all in their chosen areas of the law.

By many accounts, Margaret Fujioka has it all. She is the Vice Mayor of Piedmont, California, and she will soon become Mayor. She is an Administrative Hearing Officer with the City of Oakland Community and Economic Development Agency and a former Deputy City Attorney in the Oakland City Attorney's Office. Her husband, Cedric Chao, is a partner at the law firm of DLA Piper. She chose to work in government because of her commitment to public service and the realization early on that two parents on the firm fast track would not have worked for her. As if that were not enough, Fujioka co-chairs the NAPABA Women's Leadership Committee and is a past president of NAPABA and AABA.

But if you ask Fujioka if women lawyers can have it all, her response may surprise you. Fujioka says that it depends on how you define *all* and that everyone has to give up some things.

Despite the difficulties faced by working mothers, my conversations with Fujioka and other women confirmed that you can have *your all* by prioritizing what is important to you and works best for your situation.

DEFINE YOUR ALL

Defining *your all* is a deeply personal decision. For Charmaine Mesina, Corporate Vice President of Legal Affairs and Ombudsman at Applied Materials, Inc., having it *all* means having a gratifying career while making some sacrifices at home. She has built a global ethics program that has placed Applied Materials on Ethisphere's list of the World's Most Ethical Companies in 2012 and 2013. Being an executive of a global company often requires taking calls in the evenings and



Miriam Kim, partner at Munger, Tolles & Olson LLP



Miriam Kim with her family during her son's preschool graduation

on weekends. Her husband has worked more regular hours, so he coached and attended more games as their son, now 23 years old, was growing up.

Lisa Tsai, founding partner at Reid, Collins & Tsai LLP and mother of two (and one on the way), puts a different spin on it. For her, it is no loss that her husband does the lion's share of the “kid logistics” — picking them up from preschool, dropping them off, and helping them with things around the house. This means more time that the kids can bond with their father. And even if it's a grandparent or other caretaker, that means there is another person who loves the children and is developing important relationships with them.

The definition of *all* has changed over time for EunHae Park, Senior Corporate Counsel at Oracle Corporation and mother of two boys. She had her first child while working at a law firm but decided to leave the firm and serve as a federal law clerk while her children were young. Now that both boys are in elementary school, she has joined Oracle's Litigation Department where she manages patent and commercial matters. Park states that the benefits of working include a sense of professional accomplishment, personal enjoyment, and — not to be understated — financial benefits.

Linda Lu is a mother of three, a former NAPABA Board member, and current Vice President of Litigation and Chief Litigation Officer at Nationwide Insurance. For Lu, being challenged at work allows her to be a better spouse and mother. *All* isn't just about work and family — it's about you, too. And for her, she needs the fulfillment of work in order to be her full self.

Many women face significant obstacles as they figure out their own definition of *all*. Many workplaces lack the institutional support necessary to allow mothers to make real choices. Law firms are especially susceptible to losing talented women because of the billable hour expectations and other economic pressures. According to a 2012 survey by the National Association of Women Lawyers, only 15% of equity partners in the nation's largest

law firms are women. Staff attorney — a non-partner track position — is the only category where women represent the majority (70%).

Family and other personal commitments leave some women with no meaningful choice but to leave the practice of law or pursue careers that allow for more flexibility. Others would like to stop working, but they cannot afford to do so.

If you are able to decide that your all includes having children and an ambitious legal career, there are many women who have strived to make it all work. We will now explore some words of advice from some of those women.

STAGE YOUR CAREER

Tsai encourages aspiring mothers to properly stage their careers. If you can foresee early on that you want to have an ambitious career, you may want to consider waiting to have kids. By getting to the highest level possible in your career *before* starting a family, you can be in the enviable position of already having shown your commitment to work. For her, that meant waiting to become partner, then getting married and having kids.

Angie Kim, a writer and mother of three boys, offers an alternative approach. Some people may find success in having children first, then attending law school after the kids are grown. This way, there are minimal interruptions during your career, enabling you to devote yourself fully.

Several years ago, she surveyed the 226 women in her law-school class. As she reported in a Slate.com article (“The Mommy Track Turns 21”), “the majority of the women of the class of 1993 of Harvard Law School have left the fast track.” Thirty percent of respondents had “mommy track jobs,” and another thirty percent were staying at home. Kim recently told me, however, that the handful of women who had children before law school were doing “fabulous.”

Regardless of the approach you take, there is wisdom in planning for anticipated absences. Gina Shishima, co-chair of the NAPABA Women's Leadership Committee, NAPABA

Southwest Regional Governor, and a partner at Norton Rose Fulbright LLP, calls it “building up a bank of goodwill.” There may be a time when you need to draw on that goodwill, so it is best to try to plan ahead. For example, Shishima had to rely on her husband and colleagues when she was on bed rest for nearly three months with her twin girls.

FOUR PILLARS FOR WORKING MOTHERS

While staging your career may be important, it is equally important to be flexible, especially on a day-to-day basis. Part of having it all means you are different things to many different people. Depending on the day, something will have to take priority. Kids will get sick, and clients will have emergencies.

In the midst of competing demands and surprises, how can you thrive as a mother and lawyer? I rely on four primary pillars of support:

1. A supportive partner

If you have a partner, you should ensure that you support one another's career goals and share the parenting responsibilities. In her book “Lean In,” Sheryl Sandberg encourages women to “make your partner a real partner.” For some women, this may mean having a partner who does not work or is not the primary breadwinner. According to a recent Pew Research Center analysis of U.S. Census data, 40% of households with children under the age of 18 include mothers who are the sole or primary source of income for the family. 37% are married mothers with a higher income than their husbands.

For other women, having a supportive partner means taking turns over time prioritizing the other person's career. For single mothers, it may mean having a friend or parent who can help with the kids and encourage you when life gets overwhelming.

2. A supportive work environment

It is essential to have a supportive work environment — a law firm, company, or organization that understands the importance of family and seeks to retain and promote women with children. Park advises young women to talk to other women where they work to learn about

their policies, whether the firm actually abides by them, and how they can make it work.

In-house counsel can play an important role in creating a supportive work environment. Lu believes that clients have a responsibility to promote diversity in law firms. For example, in-house counsel can clearly communicate that law firms are not going to suffer any consequences for having an attorney on the team who is on a reduced-hour schedule. Through its network of in-house counsel, NAPABA may also serve as a catalyst for change.

3. Reliable, quality childcare (and backup care)

Whether you have a stay at home partner, great preschool, or nanny, excellent childcare is like gold. Once you find a situation that works for you, treasure it! I have had the same nanny for over five years, and I leave for work worry-free. I know she loves my sons and will keep them more physically engaged than I would. At the same time, she never oversteps into the areas of parenting that are most important to me — teaching my children about God, our Korean heritage, and our family values.

It is also valuable to live near grandparents, relatives, or friends who can help with the kids. Unfortunately, there will be occasions when the nanny is sick, your child is sick and can't go to school, or you simply need a date night.

4. Self-confidence to let go

There are barriers for Asian Pacific American (APA) women in the workplace. Shishima explains that implicit biases against women and minorities create less room not to exceed expectations. She also points out that APA women may be less likely to promote themselves or take center stage. Mesina agrees that there is a reluctance to promote yourself. Part of that is gender expectations and part of it, she says, is being APA, where you don't tout how great you are.

Many working mothers also feel some form of what Lu dubbed *mom guilt*. *Mom guilt* manifests itself through those questions that bother you: “Am I home enough?” “Am I spending enough time with the family?” It may

be particularly difficult to avoid feelings of guilt if most of the mothers in your neighborhood do not work outside the home.

A good starting point to overcome such barriers is to go back to your “all.” For example, if you believe that you are a better mom for being challenged at work, this may help you let go of any guilt. As challenging as it was for Fujioka to have

someone else watching her kids, she wanted to be a good role model for her daughter as a working professional.

Most importantly, have the self-confidence that you are doing what is best for you. Remind yourself that you are a good mother and lawyer. Everyone is doing the best they can, and there is no reason to beat yourself up for not being perfect — no one is.

THE FOUR PILLARS AT WORK

How do these four pillars work in practice? A few months after returning from my first maternity leave, one of my cases was heading to trial for two weeks on Samsung Electronic Co. Ltd.'s effort to obtain a \$400 million patent damages offset through breach of contract counterclaims against my client Rambus, Inc. My son was nine-months old, and many mothers told me it was too soon to go to trial. My husband and colleagues told me that they would support whatever decision I made. And they did.

I moved my baby (and life) to San Jose, CA. My husband, mother, and mother-in-law took turns coming to watch the baby. I went to court during the day, ran back and forth to nurse my son, and spent my nights preparing for the next day and putting my baby back to sleep.

None of this would have been possible but for the support of my husband (supportive partner), my colleagues and client (supportive work environment), and the grandparents (reliable, quality childcare). Although I felt guilty for moving my family and participating in team meetings by phone while I nursed my son, I had the self-confidence that this was what was best for me.

Not everyone has the support or desire to make such an arrangement work. But for me, this experience in my early days as a mother reaffirmed that having my all includes having a rewarding legal career.

About the authors:

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Margaret Fujioka (center) and her family