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Pumping and Practicing: A Delicate Balance for Breastfeeding Lawyers



(L-R) Baili Rhodes, associate at West Webb Allbritton & Gentry and Shannon White, Wood, Boykin & Wolter, P.C

Riding the elevator down after a day of work, associate Shannon White had some awkward conversations when colleagues asked innocently, “What’s in the ice chest?”

White, a young mother practicing at Wood, Boykin & Wolter in Corpus Christi, Texas, replied that she was carrying food for her baby boy. Women got the reference, but men sometimes looked puzzled, prompting White to explain: The ice chest carried breast milk.

“People would get really confused,” she said.

Working mothers who nurse must express their breast milk—a process that takes about 20 minutes—every two to three hours to supply food for their babies and cue their bodies to continue making enough milk. For lawyer moms, who often practice at the whim of client

demands, it's a huge challenge to keep a set schedule to pump their milk, especially in a profession in which when they often can't control times for meetings, breaks and court appearances.

Employers under the Affordable Care Act are required to provide time and space for new mothers to express breast milk until the child turns 1. The law allows women to pump as often as necessary for a "reasonable amount of time," and it requires employers to provide pumping mothers with a clean, private space other than a bathroom.

In White's case, she pumped and practiced simultaneously. She closed the door of her private office to pump, and took her milk home in her ice chest at the end of the day.

"I was able to get a quite a bit of work done while pumping: conference calls, emails, documents—I kept working," White said.

The law has helped nursing moms, and society's changing views on breastfeeding may also make lawyers more comfortable about working and pumping, said Carrie Cohen a partner in Morrison & Foerster's New York office.

"I think it's something more out in the open than it used to be over the past 10 to 15 years," said Cohen, a mother of one girl and three boys, ranging in age from 6 to 14.

"I think there's a real shift in not having to hide it at work—putting a sign on your door and closing it," Cohen said. "I think people are more comfortable talking publicly about their choices, which is always a good thing, because there's nothing embarrassing along with it."

A simple "Do Not Disturb" sign has made pumping easier for Baili Rhodes. A partner in West, Webb, Allbritton & Gentry in College Station, Texas, she was surprised at how she was able to effectively manage work and pumping. She nursed each of her two children—a boy, 5, and girl, 2—for eight months.

"It is amazing how productive you can be when your door is shut with a 'Do Not Disturb' sign on it," she said. "I think the hardest thing was having 'one more thing' that I needed to take care of during the work day. That being said, it was less difficult than I expected to make it work."

Making it less difficult for nursing mothers was the motivation for a new program unveiled earlier this month at Latham & Watkins. The firm **ships breast milk** (<http://www.law.com/sites/almstaff/2016/09/15/got-breast-milk-latham-will-ship-it/>) back home for women who must travel for firm business. Partner Jennifer Koh, a nursing mother working from Latham's San Diego office, described the program as "amazing."

Law firms that go beyond what the law requires are more likely to attract and retain committed, diverse, high-quality attorneys, said Liz Morris, deputy director of the Center for WorkLife Law at the University of California, Hastings College of the Law. She cautions, however, that simply closing an office door may be an option only for higher-level female attorneys. "Other law firm employees, like legal secretaries, may need accommodations for expressing breast milk at the office, including break time and a private, nonbathroom location to pump," Morris said. She added that the best policies provide paid leave for new mothers, which, research shows, means their children get breast fed longer.

Balancing the demands of pumping and work has been a challenge for Alicia Calzada, an associate in Haynes and Boone's San Antonio and Austin offices. She nursed her first son—now three years old—for 15 months, and on Sept. 26 she returned to work after being on maternity leave with her second son, who is 3 months old. She'll keep nursing him, too.

"The hardest thing is when you just kind of get a rhythm going with something you are doing and then, frankly, I wasn't as good as I should have been at stopping when I should have stopped," she said. "I get in a groove and I need to stay in a groove. That made it hard to pump on a schedule."

When asked how the legal industry could change to be better for nursing lawyer-moms, Calzada said that some companies offer on-site day care. When her older son was a baby, a day care company was considering opening a location in Calzada's building, but it fell through.

"I was so excited because that would have allowed me to go to work and then just go downstairs and nurse him," she said.

White, at Wood Boykin, also felt fragmented.

"I remember one day of depositions and having to run back to my office on my breaks. Obviously, it's challenging," White said. "The client or court or deposition always came first."

It would help if partners, judges and opposing counsel knew more about the "amazing health benefits" for babies who nurse, which motivates lawyer-moms to keep it up, White said.

"Until people become educated and breastfeeding becomes less of a taboo subject, I don't think anything is going to change," she said.

White added that since she mainly practices transactional law for banks and real estate companies, nursing while working was probably easier for her than for litigators.

Rhodes, the West Webb litigator who practices family, employment and higher education law, said she had to remain flexible when she was in court, a client meeting or a deposition.

"I never had a situation run so far over that I actually had to take a break," she said. "I understand that most judges are more than willing to provide a jury room or other private place for moms. I think this is wonderful."

Rhodes said that in a perfect world, it would be so common for lawyers to be nursing moms that they wouldn't need specific accommodations.

"I think the more people are willing to talk about it, and the challenges they face, the less difficult it will be," Rhodes said.

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