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Same-sex couples helping to push parental leave issue forward

BY CLAIRE BUSHEY

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Jonathan Boyles, now 41 and a partner in the New York office of McDermott Will & Emery, was expecting his twins to be born in November in southern Illinois. But when the babies' surrogate mother went into labor a month early, he and his husband raced to the airport, only to find they'd missed the last flight to St. Louis.

Their only chance to arrive in time was to fly to Washington, D.C., for a connecting flight. Like desperate travelers before him, Boyles turned to Twitter, pleading with the airline to hold the plane. The flight waited, and the couple made it to the hospital to welcome their twin boys.

In most respects, lawyers in same-sex relationships say their experience taking parental leave does not differ from the experience of their straight colleagues. But as Boyles notes, one difference is that same-sex couples often have to travel farther than the local hospital to meet their children, which "can eat into time that's for bonding."

Leave policies that favor mothers can hurt gay men or lesbians whose partners give birth, says Brad Harrington, executive director at the Boston College Center for Work and Family. Progressive organizations are moving away from strict notions of "paternity" and "maternity"

leave, which benefits same-sex couples. Instead, they are switching to gender-neutral terms like "parental leave" and separating the time available to women to recover from birth from the time granted to the "primary caregiver"—male or female—to promote bonding.

Boyles stretched his four weeks of paid leave into seven by working from home about 10 hours a week, though he was careful to inform his clients about the situation.

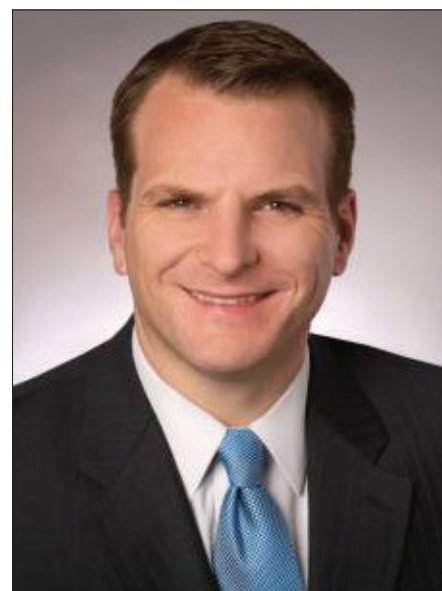
"The pressure for me was totally internal," he says. "I wanted to make sure my clients still found me responsive."

Ray Koenig, 41, joined the Chicago office of Detroit-based Clark Hill in April 2009, and his daughters, also twins, were born 11 months later. He took the firm's full two weeks' leave. As with any life change, he considered how it would affect his work, he says, "but I knew I had the support of my partners."

"If I had been somewhere else, I don't know I would have come to the same conclusion," he says.

Taking leave certainly hasn't hurt his career: Since his daughters' birth, Koenig has become an equity partner, assumed leadership of the Chicago office and joined the firm's seven-person executive committee.

Adam Unikowsky, 33, took almost his full six weeks' leave for the arrivals of his son and daughter. Jenner & Block, where he works in



Clark Hill attorney Ray J. Koenig III

the D.C. office, has a number of gay and lesbian attorneys who have taken parental leave, so he didn't think twice about doing the same.

In some ways, parenthood has given him a new appreciation for his profession. After a weekend of trying to stop the children from eating lint or running into walls, he says, "going to work in the morning on Monday feels like I'm relaxing."

Ray J. Koenig III is a member in Clark Hill's Litigation and Personal Legal Services Practice Groups and serves in the leadership role as the Managing Member of Clark Hill's Chicago office. His areas of emphasis and experience include: will contests, will construction, citations to recover, probate litigation, trust contests, trust reformation, trust construction, total return trusts, trust litigation, breach of fiduciary duty claims, fiduciary litigation, claims for fiduciary and legal fees, guardianship litigation, elder law, estate planning, probate estate administration. **Contact him at: rkoenig@clarkhill.com or (312) 985-5938.**

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