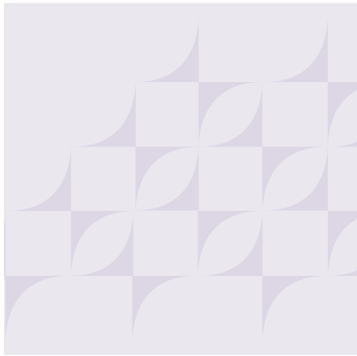


Fatherhood and the Law—Being Present and Maintaining a Presence: Part I of 2

By Benjamin A. Mains, Timothy J. Domanick &

November 28, 2023

Meet the Authors

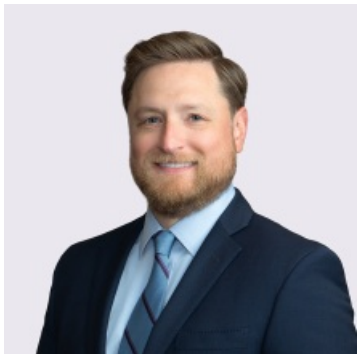


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Details

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Guest Speaker: Ron Bell, CLO at Collective Health

A more inclusive workplace culture is evolving to support parents in creating fulfilling and sustainable careers while being present for their families. Fathers have been perceived historically as having less interest in both career achievement and parenting, however, employers acknowledge parents' of all genders face challenges providing for their families, while simultaneously being involved in their children's day-to-day lives.

Jackson Lewis P.C. · Fatherhood and the Law - Being Present and Maintaining a Presence: Part I of 2



Transcript

Alitia Faccone:

Welcome to Jackson Lewis's podcast, We get work. Focused solely on workplace issues, it is our job to help employers develop proactive strategies, strong policies, and business-oriented solutions to cultivate an engaged, stable, and inclusive workforce. Our podcast identifies issues that influence and impact the workplace and its continuing evolution and helps answer the question on every employer's mind, how will my business be impacted?

A more inclusive workplace culture is evolving to support parents in creating fulfilling and sustainable careers while being present for their families. Fathers have been perceived historically as having less interest in both career achievement and parenting. However, employers acknowledge parents of all genders face challenges providing for their families while simultaneously being involved in their children's day-to-day lives.

In part one of this two-part episode of We get work, four fathers discuss why it's essential to create a safe space for parents to address these issues in the workplace while providing practical takeaways on what employers can do to help. In part two of this two-part episode of We get work, our four dads discuss the push-pull between work and home life, how employers and parents can openly

communicate their needs, and what employers can do to boost employee morale.

Our hosts today are Ron Bell, chief legal officer at Collective Health, Tim Domanick, a principal in the Long Island office of Jackson Lewis, Drew Kozlow of counsel, and Ben Mains, an associate both in the Jackson Lewis San Francisco office.

Ron, the father of fraternal teen twins, likes to say that he has survived all parenting stages from, "Dad, can I have that Tonka truck?" to "Dad, can I have a car?" When he isn't lawyering, he, his wife, daughter, and son enjoy exploring all the San Francisco Bay Area has to offer. Tim, a father of two, enjoys spending time with his family and coaches his son's basketball teams. When not navigating businesses through the maze of California employment law, Drew enjoys spending time with his wife and three daughters. And Ben is an enthusiastic backpacker, a requisite for a San Francisco native, and above all, an extremely proud father and husband.

Ron, Tim, Drew, and Ben, the question on everyone's mind today is how has the workplace culture evolved generationally to help parents balance their responsibilities in the workplace and at home and how does this impact my business?

Tim Domanick:

Hi, my name is Tim Domanick. I'm a principal at the Jackson Lewis Long Island office. I am the proud father of two growing boys, ages nine, soon to be nine and 11. Drew, why don't you introduce yourself?

Drew Kozlow:

Thanks, Tim. Yeah, Drew Kozlow. I'm in the San Francisco office for Jackson Lewis, and I have the pleasure of being father of three daughters, sixth grade, fourth grade, and first grade. And I'm really looking forward to talking to you guys about this topic.

Tim Domanick:

Ben, how about you?

Ben Mains:

Good to see all you guys. I am also in the San Francisco office. I have my own set of two gremlins, though mine are on the younger end. I've got a two-and a-half-year-old and a seven-month-old.

Tim Domanick:

Great. And what about you, Ron?

Ron Bell:

Thanks so much, Tim. My name's Ron Bell. I am chief legal and administrative officer at Collective Health, which is a company that helps self-funded employers with their health benefits, including family benefits. And I'm also the father of

fraternal teen twins now juniors in high school. Looking forward to the discussion.

Tim Domanick:

Great. So we're here to talk about a very important topic, which is practicing and parenting from the father's perspective. Oftentimes, when we see these types of discussions or anything else like that, it's geared more towards the mother aspect, but obviously fathers are parents as well. So this is obviously something where perhaps maybe the issue is generational, right? Maybe this is something that's changing in the workplace and not just even from a law perspective, just for all employers across the country. This is something that everyone will have to ultimately discuss and talk about and figure out are they complying, are they not complying? So Ron, from your perspective, why do you think that this type of topic is important?

Ron Bell:

Well, it's important not just from the workplace perspective, it's important from a societal perspective. I mean, in 1970, 67% of Americans aged 25 to 49 lived with their spouse and younger children under the age of 18. And in the past five decades, that picture has dropped to 37%. So it's a dramatic change in the home life of employees and as employees are having children at an older age and often waiting before they get married, you're finding that how workplaces are handling and working with working parents is becoming all that much more important to retaining them, to growing them, and to being supportive?

Tim Domanick:

Yeah, I mean, that's a very interesting point. I mean, from my perspective, obviously, look, expectations change. When I was growing up, the expectation of the stereotypical family household was that the father would be out and about working, earning a living and providing, and then the mother would be the one who is ultimately doing the child-rearing. So yeah, my father was always at work just because he had to. That was just the reality with three crazy gremlins running around the house because now I'm stealing Ben's word.

But yeah, that's definitely something that's important. I mean, look, from my perspective, I have a little bit of a unique situation in the sense that my younger guy was born physically disabled. So that's just the reality of my situation. That's not something where one parent can shoulder that burden and also work full-time because living on Long Island is expensive. So yeah, that's something where from a generational standpoint, I'm down in the muck as they say as a parent. I'm helping just both my kids, but my younger guy just physically and medically just so he can get through the day. And that's something that, yeah, that's certainly a different experience than what my father had.

But when we're talking about resources and things like that, things that can support practicing fathers, Ben you and I actually had a conversation not that long ago and you had an interesting issue, right?

Ben Mains:

Yeah. So the idea of this generation where we share the responsibility of making the family income, but also sharing the responsibility of raising our kids. My wife is also a full-time practicing litigator just like I am. And so we really come to the table both very full plates. And the interesting thing that I have found is that there aren't the same resources available to fathers that there are for mothers, which obviously isn't to say that mothers don't totally need all of the resources available. But as we were ramping up to have our first son, and then as we've kind of been navigating through toddlerhood and infancy, there are a lot of community groups and social groups and just sort of general resources available to mothers that are not available to fathers. And as I've been sort of looking around on Facebook or on various different local platforms to try to find communities of young fathers, and by young I don't mean age because I am not young, but in terms of our relative experience as fathers, it's hard to find.

And even in the universe where it's far more common these days for both parents to be just as crucial for the family income side of things, it's hard to find folks who are in a similar boat where the expectation is that we do as all four of us do, we put in the hours at work. There's constantly a negotiation between my wife and I about who is not going to take this hour to bill, who is going to forego doing this call or forego doing this court appearance or whatever so that we can make sure that there's somebody always here for the kids.

So yeah, so it's definitely something that I've been on the hunt for trying to find community groups, frankly. And this is such an awesome opportunity for us to kind of connect in ways that I didn't know were available even to us at the firm. So thanks you all for doing this.

Tim Domanick:

It's a great point. And Ben, look, as far as age is concerned, young at heart, that's all it really matters. But by looking at this, when you're talking about perhaps lack of resources, something I just took away from what you said, it's expand upon the conversation we had previously is, yeah, there maybe are some issues where generational issues are breaking down. Even within the home, whoever you're co-parenting with, those folks are expecting equal pitch-in from everybody, as they should. I mean, that's the reality of it. I mean, personally I'm relatively successful attorney, but I also want to be a relatively successful father and I think that's important overall.

So potentially maybe this is a situation where from a societal standpoint, we've got some catch-up work to do. We need to get some more resources out there to help people. But Drew, I mean, from your experience, what are some of the things that you see and struggle with when you're talking about this topic?

Drew Kozlow:

I appreciate that. And to Ben's point, I think all things or many things at least recently that COVID has definitely altered our perspective on the home life, and I think it has definitely shifted prior expectations, prior belief structures as to what a home parent looks like for the better. I have found, at least post-pandemic, that raising issues such as I need to step out to run somebody to practice or to pick

somebody up doesn't get the same maybe a raised eyebrow that it might have once 10 years ago that I can remember when I was starting out. And so I think that's a huge positive. I think it's just a function of everybody gets it now.

We had these separate lives for so long and then we were forced to throw it all together for a period of time and everybody was in that boat and we just a lot more empathetic to that. And I find that from all folks, even opposing counsel. That's what I've actually found very pleasurable. We may disagree on everything, but we can agree that, hey, you got to pick up your daughter. You got to pick up your daughter. I totally get it. So that's been great.

So I definitely think that shift in expectations and the way we saw our home life through COVID has really kind of turned the corner for this for us as fathers.

Tim Domanick:

I mean, look, I think you're absolutely right. I mean, I just had a conversation with an opposing counsel while I was sitting sideline at my kid's basketball game just the other day. And yeah, look, people are more understanding, right? Because that time in COVID, that was a situation where suddenly everyone is with remote work, they're seeing the family, they're seeing kids walking through the background and asking for a snack when you're on a conference call. It happens all the time, right?

Ben Mains:

Oh, yeah. During depositions that I'm doing from home, if I've got my toddler is going to have poke his head up or something, or opposing counsel's toddler pokes their head up, it's an amazing moment where we can just put the adversarial hat to the side and just everybody have a moment to connect and be actually human with each other, which we didn't get before.

Tim Domanick:

Yeah, at the end of the day, this is not necessarily you have a work role where you're just a lawyer or you're just defense counsel, a plaintiff's counsel, you're actually a person. You actually have a life, and that's actually probably good in order to kind of build those connections going forward.

But Ron, Drew mentioned something about how his experience, obviously his kids are a little bit older than mine, I think. So he had that situation where maybe it was a little bit different when he was coming up. I mean, you have two, they're on the older side at this point. So what was your experience like and how have you seen it change moving forward?

Ron Bell:

I have a boy and a girl. It's changed a lot even in the last, I'd say 10, 15 years that they've been alive. I mean, when I came to Silicon Valley in the 90s, the Palo Alto Parents Club was basically the Palo Alto Mothers Club. There was no involvement of fathers, and it wasn't until the early 2000s that started to change and now it's a very inclusive kind of environment.

And I think that kind of goes, Ben, in part to awareness, as Drew was saying, that people, more people or parents are having children at an older age, but also I think it goes to a need for employers to really ask about the situations of their workplaces. Your situation, you live in San Francisco. I live down on the San Francisco Bay Peninsula. You were finding that you couldn't find a parenting club. Down here, they're actually quite a bit. And we could work at the same law firm very easily. So it's a matter of knowing where your people are working, asking them what they're struggling with and what benefits are going to be useful to them. What are they missing, as you were saying, Tim?

Tim Domanick:

Yeah, so Ron brings up a good point as far as the workplace generally changing and how can we all kind of help and step in. And Ben, you mentioned obviously your anecdote about folks popping up during depositions. But in your mind, look, hybrid work, it works for some, doesn't work for all, but in your mind, has hybrid work kind of affected this type of trying to balance your home life and your work life?

Ben Mains:

Well, again, in a family with two litigators and two really young kids, I call it the... Whenever anybody comes in the front door, I always say, "Welcome to the Thunderdome," because it's a madhouse all the time. But I really enjoy it. I mean, my wife primarily works from home. I work from home as often as I can. Our oldest is in preschool now, but there's always some craziness going on.

I know that there is value to having a work-life divide. There are days definitely when I go into work and it's just relaxing to be in my office as opposed to at home. But at the same time, I love that that divide has sort of broken down and involving my kids and involving my family, and it feels way more holistic. And the fact that I could take my full paternity leave and not feel like I was getting judged for it, that people were absolutely understanding and not only understanding supportive or telling me... There was a couple of times when I would sneak on to check my email and just check on how a matter was doing, and I would get scolded from folks saying, "What are you doing? Go back to the Thunderdome for a little while."

Tim Domanick:

First and foremost, I feel seen and heard because I literally make a Thunderdome reference about my own house on a weekly basis, and it usually stems around my two kids fighting, and I often tell them two men enter, one man leaves. But that's okay. Well, look, one thing you mentioned is, I think it's very important is you mentioned parental leave. When my first little guy was born, for some employers parental leave didn't exist. It was maternity leave and that was it. And perhaps the father would take some time, but some people often felt pressure to come back to work. It seems now that that's changing. So Drew, when we're talking about that type of an issue, what are your thoughts about removing certain stigmas from a workplace environment when it comes to this type of a topic?

Drew Kozlow:

I think it's important for employers to be aware of this kind of shift and they have to have that expectation that their employees are going to expect that if they want to take the leave, if the leave's available, that they should be able to take it. Not just with parental leave, but just with if it's intermittent leave or if it's time to step away early from a day.

Employers, I think in this kind of post-COVID, turning the corner as we were talking about earlier need to be aware of that, that their employees are going to expect it. And as long as there's that healthy respect between the employer and the employee that the work's going to get done, the work is getting done at a high quality, that they need to be able to not be as Draconian as perhaps employers might've been in the past with expectations or maybe here's the policy, but here's really what goes on around here. Because not only do employees deserve it, but they're going to expect their employers to treat them that way.

Again, it's a two-way street. As long as the work is getting done at a high quality and the employees holding up their end of the bargain, I really think employers need to be aware of this because moving forward, this is kind of the new paradigm that we're seeing in the workplace.

Tim Domanick:

Yeah. You bring up an interesting point as far as, look, obviously it's changing and employers need to react, right? So Ron, from your perspective, what are some things that you've seen as far as maybe some potential issues that any employer should be keeping in mind when let's just say employee, a father, someone who's working there, all of a sudden their significant other gives birth. What can an active employer do?

Ron Bell:

Well, first you should be thinking and planning for your employee's parenting lifecycle, right? So it starts with thinking about what do they need at the birth period in terms of benefits, in terms of education, in terms of flexibility, paid time off. The ability as you and Ben were saying about taking time off to be able to have that parenting bonding time.

You have to think about things like childcare, stipends, wellness programs. Parenting is hard as we were discussing it like with Thunderdome. It is Thunderdome and sometimes you just need a little time to unwind. So whether it's the wellness benefits for the parents that may not directly tie to parenting or onsite childcare or a childcare stipend, all those things need to be planned out and thought of along that lifecycle. As a teen parent, my needs are very, very different from say, what someone who has younger children may be experiencing.

Tim Domanick:

Look, I mean, at the very least, I think we're going to drive internet search results for Mad Max Thunderdome at this point, so that's great. But look, Drew

mentioned, "Hey, look, we got to make sure the work has to get done. So long as the work's getting done, people need to be more flexible." Ron, you mentioned flexibility several times, and you also mentioned not every single parent's needs are the same, right? Different stations in life. All of a sudden things are going to be different. Maybe you have a situation where people are going to have to run out for more doctor's appointments when the child is younger versus, "Oh, we have to go and start looking at colleges," and things like that.

I mean, I could tell you from my perspective, and I have a somewhat unique perspective, and ideally no practicing attorney will ever have to deal with this, but statistically that's unlikely. Yeah, my needs were different than everybody else's. I mean, even between my two kids. I had my first one, my wife did a great job obviously, she always does. He came out "fine," everything was okay, and it was just business as usual, any parent. My second one came out, unfortunately he was born with a number of difficulties, and then my life got turned upside down. Obviously, my wife's a saint and she was able to shoulder a lot of the burden, and I obviously did as well.

So suddenly, from an employment perspective, all of a sudden we're hitting on everything. I was oftentimes doing work outside of the office when remote work wasn't really a thing yet. It was well before COVID. It didn't really exist. So when we're talking flexibility overall, Ben, as far as from a flexibility standpoint, what are some things that you see that oftentimes can help practicing parents, because obviously your situation's different than mine?

Ben Mains:

That's a great point. To anybody that I work with, I go offline at 4:15 to go pick up my kids, and then I am full-on dad mode until they go to bed at 8:00, and then I'm back on again. So from 4:00 till 8:00, feel free to email me, but I am not available for those hours. So if there's an emergency, obviously text me. But then I work until 12:00, 1:00, and that's great. I mean, that's sort of, then it's quiet and I have the opportunity. Nobody's emailing me, nobody's bothering me, and I can get back up to speed on everything that I need to be getting back up on.

But it's been the fact that not only internally everybody understands that, but we were talking about earlier, opposing counsel get it, in-house get it. It's just sort of a par for the course thing. It's something that when I first kind of made it known that I was going to need to take this period of time to be with my family, that I was a little bit worried about that. I didn't want people thinking I was cutting out of work early or that I wasn't really putting in the time. And then folks start seeing emails from me at 12:30, 1:00 at night, and they're like, "Oh, okay, well, now I understand where those hours are going."

So that's been really, really helpful, that even though we live in this profession now where you send an email, we expect a response, you leave a message, you respect a response immediately, and I don't have to have an out-of-office saying I'm going to help my kids. It's just sort of understood. And I found that to be really, really, really great and that I don't know that I would find elsewhere actually.

Tim Domanick:

I mean, look, and that's a great point. I mean, from my perspective, pre-COVID to COVID, pre-COVID when my younger guy was... We were traveling across the entire country and we'd lost count, I want to say 16 surgeries or something like that. In that situation, yes, of course, my employer was more than understanding. My adversaries, the bulk of them, were more than understanding. Everything kind of worked out fine. And then life got back to "normal." And then the pandemic hits, and then, yeah, you know what? I think across the board lots more people are much more understanding when it comes to this topic because, look, most folks in our stations of life they're parents as well, so they have similar experiences.

So when it comes to some of these things, Drew, what types of things have you implemented in either your home life or your career life where you're trying to figure out that balance?

Drew Kozlow:

Yeah, I mean, I think that's just such a loaded word, balance, work-life balance, all these things. This unattainable idea, but we still strive for it. And so really, I think the number one thing we can do is be empathetic to other folks. And that actually I think helps my situation because as long as I'm aware of other people's situations, then they're much more aware of my situation. And I think what I implement at home would be those things as though I have a dedicated workspace at home and I try and use that. Kids know when I'm working, a little signs up, a little figure or something, whatever. I know. Ron, you have kind of a system for that, don't you?

Ron Bell:

I do. I have a little Yoda statue, and when Yoda is standing up, that means dad is not to be disturbed. But when Yoda has fallen over on his face, then the kids can come by and ask anything that they want and they sometimes forget. But it's our little secret and it seems to work very well for them.

Drew Kozlow:

Yeah, I always think there's just little things you can do to try and still draw a line at home. Because that is one thing that I have really struggled with is the benefits of being able to work from home, but then trying to minimize the negatives. And one of the big negatives is just this meld of physical space. And then there's the different expectations among the family, and then there's expectations with myself when I'm in that space. So trying to draw physical lines or using little systems and symbols like Ron used, I think is a huge help on the home front.

Alitia Faccone:

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