

Mothering versus lawyering

Lessons learned in navigating the waters of pregnancy and postpartum in the legal profession

By Neda Lotfi

Among all of society's stigmas and "me too" experiences, the one that has not reared its ugly head is how female lawyers can be treated in the legal industry during child-rearing years. Specifically, when they become pregnant, continue working during their pregnancy, go on maternity leave, and the one-year period after they return from their short maternity leave and try to pick up the pieces of their life, their caseload, and their dignity. So many female lawyers have quietly faced internal and external turmoil because of this. I am one of them, thanks to my decision to have three kids. For the female lawyers with kids who have no idea what I am talking about or where this is going – I envy you.

I got married, graduated law school, and passed the bar exam all within the same year. I hit the ground running with my career as a plaintiff attorney for the next five years, had my first child in 2018, second child in 2020, and third and final child in 2022.

My pregnancies and deliveries were fairly normal from a physical and medical standpoint. Mentally, however, was something else, from pregnancy to delivery to postpartum. Severe and debilitating nausea and exhaustion presented for the duration of all three pregnancies, especially my third one. In the postpartum phase, the nausea and exhaustion were immediately replaced by anxiety, a lack of mental clarity, and just a dark cloud above my head.

It took close to a year following each of my pregnancies for me to feel normal again. And by the time I started feeling normal again, the reset button was pushed for another pregnancy. My third child is two years old now, and ever since her first birthday, a day does not go by where I think about how grateful I am to feel like myself again (and grateful for the people that stood by me). Feeling normal is the only way anyone can be the best version of themselves for their family and their career.

As a trial lawyer, all those negative pregnancy symptoms (severe nausea and exhaustion or anxiety, lack of mental clarity, and a dark cloud) are amplified to another level. You somehow tread through it and make it to the finish line of pregnancy. When you return from maternity leave, you are expected to perform exactly how you were before pregnancy. Except you are not exactly how you were before pregnancy. Most of us are significantly heavier than what our body weight is used to; we are pumping every three hours; we are thinking about the newborn baby crying for us at home with a stranger; our bodies just went through something traumatic, and our brains just do not feel normal.

Pregnancy and employment

Pregnancy and employment is such an interesting topic. The law keeps us "safe" during pregnancy and for four months post-partum, and for another "12 work weeks" in a 12-month period. Super cryptic law, entangled with all sorts of documentation requirements from a medical provider. But in all honesty, who wants to go to a doctor when they just popped out a newborn and beg for a doctor's note so they can take another 12 weeks off from work, unpaid?

Most women (like myself) take up to a mere 12 weeks of leave, then they suck it up and leave the newborn with a caretaker, put the maternity clothes back on (because regular clothes do not fit yet due to the fact that they barely have medical clearance to even exercise yet), load up the pump bag and breast milk cooler bag, and haul themselves to the office, where they are expected to get up to speed with three months of work in a couple of days.

As someone who went through this three times with three pregnancies, here are some of the things I wish I knew or that someone told me.

Do not hide your pregnancy and do not put yourself out as being "fine"

For my first pregnancy, I made the mistake of hiding it for over half of my pregnancy, in an effort to not have people feel bad for me or think I am not capable. That might be okay for some people, who actually feel like themselves. For me, it was hiding severe morning sickness, exhaustion, and migraines from caffeine-withdrawal. For the second and third pregnancies, I did not hide it for as long, but I consistently maintained that I felt great and did not need any special accommodation, when that was an utter lie.

I did not feel fine. I did not feel like myself. I should have been open and honest about it and gone from there. Instead, I spent nine months as a shell of a person that was not me and was not performing at the level that was me. Often, the performance insecurity was completely subjective. But I am a person who likes to give everything 150%, and anything lower than that is below my standard.

Communicate your shortcomings and need for accommodations. If your mornings consist of severe debilitating morning sickness, then going to court to argue against a motion for summary judgment might not be in your best interest.

Do not jump back in and think you will pick up where you left off

At some point, maternity leave will be over and you will return to work. Whether you are excited to come back to work or dreading it, just because you are not pregnant anymore does not mean you are back to normal, performing at your pre-pregnancy level. As a new mother (or new mother of two, or three, or more), you are not the same person you were prior to giving birth – not physically, emotionally, or in

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terms of responsibility. Ask for help. Call people out if they made promises to you before going on maternity leave and now those promises have disappeared.

I will share a personal example. At the end of one of my pregnancies (I will not share which one out of respect for those involved), when I was gearing up to go on maternity leave, I was told not to worry about anything and that my caseload would be covered. I was also kindly told not to monitor emails, that emails would be monitored for me and that I would be removed from work communications during leave, which was appreciated.

A few weeks prior to going on leave, I scheduled a mediation for the week that I came back from leave. I was assured that the mediation brief would be completed and submitted while I was gone and not to worry about anything. Lo and behold, I came back from leave and found out that not only was the mediation brief not done, but that we were served with a Motion for Summary Judgment ("MSJ") and the opposition deadline was two days after mediation.

The mediation brief was technically overdue at this point, so I spent my first day back from maternity leave drafting a mediation brief, as well as an apology email to the mediator. Days later, at the mediation, I was faced with being forced to settle the case for something lower than it was probably worth (despite the fact that the client was happy and pushing for it), or drafting an MSJ opposition in a couple of days (close to impossible).

The complete lack of support was horrific. How could they do this to me? And not even be aware of it (and later have the audacity to call me out for a low settlement, when I was essentially set up to fail)? In retrospect, I should have said something right away and advocated for myself. I should have asked for help. I should have questioned the lack of support. I should not have blamed myself. But at the time, I felt tremendous guilt for having the audacity to have a baby and go on 12 weeks of maternity leave.

The guilt of going back to work after childbearing

The guilt associated with childbearing and going back to work is a product of the society we live in. Historically, women are stereotyped as being less capable than men and consistently must prove that they are not. But when they are going through pregnancy and postpartum, they actually may feel that they are temporarily less capable. Couple that with the fact that many employers and colleagues are annoyed that they are forced to deal with someone else's decision to reproduce – they have to cover work, they have to pay them while they are on leave, they have to deal with the void, and so when the person returns from maternity leave, there is a sense of entitlement from the employers and colleagues that since they have dealt with that person for the pregnancy and maternity leave, things better be back to normal. And it should not be that way.

Do not be afraid to ask for help. You are not any less deserving of help just because you went on maternity leave and there is an awful toxic culture that somehow maternity leave is considered "time off." It is quite the opposite.

When you get back from leave, set boundaries and expectations. If you have been out for three months, it is not reasonable to expect yourself (or for others to expect you) to get up to speed in a few days on your caseload. The bigger your caseload, the more time you need. You should spend at least a day on each case, reviewing everything that has been done, getting up to speed on the emails and communications exchanged, and talking to the other lawyers and staff that handled the case in your absence. Make sure that someone forwards all email communications, so no context is missed for anything. Review the court filings on the court website. Reach out to opposing counsel to let them know that you are back, and what your understanding of the current status is.

Another option for some mothers could be a gradual return to work, which a lawyer acquaintance recently described to me. For both of her pregnancies, her post-partum return to work procedure was two weeks of part-time remote work, followed by a week of full-time remote work, followed by a week of three days in office and two days remote, and finally after a month, a return to normal in-office time. This transition process (and boundaries) helped her ease back in without being overwhelmed.

You are your own best advocate and should set the plan that best benefits you and everyone in the long run. Of course, being in an organization with a nurturing culture is very important. Employers and leaders should want to bring out the best version of everyone.

Forget the stigma – there is nothing wrong with PPD and it is normal

What is wrong, however, is to ignore Post-Partum Depression ("PPD"). The effects of PPD should not be normalized. PPD is not just what the name says. One does necessarily only feel "depressed." According to the March of Dimes, if you feel tired all the time, have trouble concentrating, or have little interest in things you normally liked to do, then you are suffering from PPD. And it is not your fault. There are no known causes, just possible ones, and those include genetics, changing hormone levels, and low thyroid levels. Most people know about the basics of PPD and that it is common in the weeks after giving birth.

What most people do not know is that PPD can strike up a year later and long after maternity leaves are finished, and that the stress of returning to work is a huge risk factor for exacerbating PPD. A study by Duke University found that the risk of PPD was higher in women who took maternity leaves of less than six months (J Health Polit Policy Law (2014) 39 (2): 369-416). It is also noteworthy that PPD qualifies as a disability under the Americans with Disabilities Act (ADA). That means you are entitled to protection from discrimination and entitled to reasonable accommodation.

Do not try to tough it out and blame it on lack of sleep from a newborn. Get help for it. In my case, I wish I had put my pride aside and sought available resources. Instead, I self-medicated with time and telling myself, "This too shall pass," which worked after a year, but it

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damaged my soul. Instead, I should have asked myself whether it is normal that I am suddenly having thoughts about wanting to stop practicing law and am doubting my existence in the legal profession.

I always thought that "getting help" meant getting put on medication and moving on, and because I am not a medication person, I avoided that. However, there are many things that "getting help" can mean, other than getting medication. Getting help can mean talking to a therapist, talking to friends and family, or disclosing to your employer/colleagues what you are going through. You can fake it for a while, but it will catch up to you. PPD is temporary and will pass, but dealing with it right away is in your best interest.

For me, at the lowest point of my PPD (approximately six to nine months post-partum with my third child), I felt completely helpless. I already had a three-year-old and one-and-a-half-year-old that needed attention all the time, and then my newborn stopped sleeping at around four months. She woke up every two hours throughout the night and only wanted to sleep in my arms. Add this to my already unexplained exhaustion, inability to concentrate, and lack of interest in things that were once my passion. I should have spoken up and shared my temporary shortcomings. I should have swallowed my pride and asked for more time off so I could heal. Instead, not only did I feel awkward sharing these things, but I categorically denied it was even happening to me, to everyone around me.

It has been almost two years since the lowest point of my PPD, and I am so grateful for the experiences that led me to where I am today. I have learned so much about myself, my strengths, and my resilience. I can educate other women about it and share my experiences.

You *can* have it all

"Having it all" is a state of mind. By the time my third baby turned one (summer 2023), I started feeling like myself again. I had my mental clarity back, I could focus on things that mattered, and I started loving my career again. The unexplainable imposter syndrome that I picked up during my child-bearing years disappeared.

In 2024, I took over 30 depositions, attended 12 in-person mediations, handled dozens of Zoom hearings and mediations, reviewed tens of thousands of pages of documents productions, aggressively engaged in the discovery process for all of my caseload including lots of motion practice, dropped and picked up my son from school every single day (except for those times where I had in-person mediations), volunteered at the parent-run hot lunch every single Thursday, accepted the position of first-grade room mom and dutifully fulfilled my obligations over-and-beyond including organizing field trips and class parties. I packed three home-made lunches every single weekday, cooked (easy) family dinners every night and led one of my firm's biggest cases to the eve of trial, obtaining a record-breaking settlement.

All of this required a lot of sacrifice, including staying up after putting my kids to sleep to prepare for the depositions (often until 2 a.m.), relying on my husband to entertain the kids on evenings and weekends so I could put in more work hours, and not having any "me" time because my time was split between my career and my mom duties.

I am fortunate to have a husband (who also has an equally demanding career in tech) who gets it and understands that these sacrifices are temporary. I was not around to watch my daughter take her very first steps; I have not watched television in months; I have not gone to Pilates in months; and all of my holiday gifts consisted of cash instead of thoughtful gifts. But I can give my kids whatever they want and need, my husband and I cherish the occasional date nights or meals we have together after the kids go to bed, and I have the most fulfilling career, where every single day at work brings me pure joy.


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