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IT'S ALL ABOUT TRUST

When it comes to ensuring that lawyering and parenthood mix, it's time to ditch the paperwork, scrap the empty vernacular and start trusting your colleagues. **MICHAEL BRADLEY** writes.

Marque Lawyers started in 2008 with a 60 per cent female workforce. It's never reached such a low level again (we're currently at 77 per cent). The partnership is 50 per cent female, so we do still have some progress to make. However, my favourite percentage is 100. Six of our senior female lawyers have had babies (five have had or are soon to have their second Marque baby) and taken parental leave, and they've all come back. In an industry where so many working mothers simply give up trying to balance work and parenthood, our 100 per cent mum-retention rate is something special.

Those numbers don't fit comfortably with the legal profession's hand-wringing narrative around why it's so hard to reconcile the 60 per cent female law graduate ratio with the under 20 per cent of law firm partners who are women. The biological imperatives of motherhood are politely tip-toed around, but the meta-message is constantly being reinforced that women do have babies, you know, and it's just a square peg in a round hole scenario after that. Legal practice is hard, clients are demanding, so no matter how flexible and accommodating law firms try to be, it just doesn't quite work ...

The business model is part of the problem: timesheets, the relentless focus on money, the internally competitive culture. While these things do make private practice unpleasant for everyone, particularly for lawyers who have other priorities (such as kids), there's something else at play.

We used to puzzle over this, too, and a few years ago when four of our partners and senior associates announced their pregnancies almost simultaneously, by necessity we had to give it serious thought. What would make our mums want to come back and, when they did, what would enable them to stay?

Paid parental leave is an obvious component, accepting as we do that having a family is a good thing, not an annoying distraction. So we pay 12 weeks, which isn't industry-high but not too shabby either. The big question is what happens when you have both a job and a baby. "Flexibility" has become as much a buzz word as "work-life balance", with extra irony attached as soon as you say, "We have a policy for that".

Firms have put a lot of effort into developing written policies to manage working parents. They deal with part-time work, work from home,

technological support, and sometimes childcare. They prescribe what is possible and what isn't. This approach conforms to the general corporate bias towards rule-based cultures. The instinctive response of corporate entities, embodied by "management" but reflexively accepted by everyone, is to make a rule for every challenge. It makes rational sense, because what corporate organisations fear most is anarchy.

If I say, "How about you ditch all those rules and treat people as individuals?" the response usually is, "That'd never work". Why? The real answer is, "Because, if we didn't make rules, we don't believe that our people would do the right thing on their own initiative." It's simply an absence of trust. Most organisations, certainly most law firms, do not trust their own people. We see manifestations of this everywhere.

If you don't trust your staff, then of course they won't trust you back. You must then make them live by rules, because there's no other basis on which you can relate to each other. That's fine, but you shouldn't be surprised when the rules prove to be insufficient for their purpose, given that everyone is, in fact, an individual.

Anyway, we decided to make no rules at all. Each of our returning mums has determined her own arrangements, and those arrangements change as often as suits her. We've all had to learn to work differently, as pretty much every day someone is working from home.

As a firm, we agreed in principle that being physically together is a value in itself, so we commit to gathering together at certain times. Outside that, we're free agents. We've established, through lived experience, that our approach works. We'll be sticking with it.

If your ultimate reaction to this is to put air quotes around "working from home" because you doubt that that's really "work", then you should stick to making rules about flexibility. **LSJ**

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ENJEL PHOON, PARTNER AND MUM

When Michael asked me to join Marque as a partner, I turned him down. I wanted children and I wasn't convinced it was possible to combine motherhood with partnership and be happy. Michael, on the other hand, was certain it was possible and assured me we would find a way.

In a leap of faith, I joined Marque, got married and fell pregnant quickly. Soon, others at Marque fell pregnant, too, and one by one we waddled off with big bellies and swollen feet to start parental leave. On our return, we were greeted with cake, hugs and, best of all, the freedom to tailor working arrangements to suit us and our families.

Looking at the arrangements each mum has set up at Marque, it's clear that what works for one family doesn't necessarily work for another, and circumstances change all the time, so nothing's fixed for long. In a workplace where we don't count the hours, no one raises an eyebrow when I walk out the door one day at 4pm and 2.30pm the next day, or questions my commitment to the firm when I want to stop working full time and trial a nine-day fortnight.

The freedom to do whatever we need to do, whenever we need to do it, might sound like total chaos, but it works. It works because we trust each other – I trust my partners and my team of lawyers, and I know they trust me. It works because we support each other. We communicate constantly. It works because we're in it together – and we don't need a policy to tell us that.