



## Parental leave - balancing the scales

By Renée Bianchi

I was asked to write about the positive experience I had taking parental leave and since returning. Such stories need to be made public. I have become a vocal proponent of the 'you cannot be what you cannot see'. Those thinking about studying law, need to know that the bar is a good choice if that's what they want.

I cannot say it has been easy, and I do not know what the next week will be like nor the one after that, but this is my experience. This is not just a women's issue. It's a whole bar and profession issue.

I like to plan. At Law School I decided I would practise as a solicitor for around five

years then go to the bar. In addition to wanting to be an advocate, the bar appealed to me for its flexibility and autonomy, things I did not think I would get working in a firm.

As a solicitor and then a reader I was often told by those more senior that I should wait until my practice was developed before start-

ing a family – their advice ranged from waiting at least five years, to 10 years. I decided to give myself five years as I thought that would give me sufficient time to build a practice and reputation. I would be known, which would hopefully make it easier to return from parental leave.

I had been warned that solicitors may not brief me if they found out I was pregnant, and/or they may not brief me once I returned from leave. When I found out I was pregnant I became concerned about work drying up. I thought solicitors would forget about me or that because I was on leave, they would have to brief someone else and they would continue to brief that barrister rather than me after my return.

Suffice to say, that is not what occurred. I was very clear that I would only be taking around four months of leave and I have been incredibly fortunate that my solicitors were waiting for my return. They have all been incredibly supportive. The nature and type of work is the same if not better than it was before I went on leave.

In discussing those that have been supportive, I cannot go past my Floor, 13th Floor St James Hall Chambers. My Floor continued to keep me updated with what was going on. I had bought a room some years prior to my leave so was also involved in the running of my Floor. These commitments did not stop and allowed me to still feel part of the profession.

My clerk, Eugenie Crosby, ensured I received all emails and my baby and I were welcomed to Floor functions, including when she was about eight weeks old and hiccupped through a seminar delivered by a past member of the Floor, the now NSW Solicitor-General Michael Sexton SC – he took it in his stride as did everyone else. Having a very good working relationship with my clerk both during pregnancy and while on leave made my return even smoother.

My clerk and fellow Floor members have been particularly helpful in recommending me to solicitors (and reminding solicitors that I am back) to ensure that my diary and practice slowly filled up. As a fellow Floor member said, it is important to the Floor that my practice is at the level I want it to be and that I was supported in my return to work.

I was nervous about asking my Floor about arrangements for when I was on leave. I did not know how I was going to meet the costs of maintaining my room while on leave. My Floor had adopted the Best Practice Guidelines but not the option of a period of six months free of rent and chambers fees during the period of leave. I asked my Floor what arrangements would, or could, be made. My Floor kindly offered to waive my rent and chambers fees for a period of four months, with an option to extend if I so requested.

I did not seek to waive any other fees or



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Renée and her daughter

CPD requirements due to the time I took off. I was not aware that I could seek a waiver of my practising certificate fees as I was the primary caregiver of my child for greater than two months.

My attitude following the birth of my child is very different to my attitude beforehand. I told very few barristers that I was pregnant. I told even fewer instructing solicitors that I was pregnant, leaving it to the last possible moment. I was concerned that if I told them with six months or so of my pregnancy to go, they would take matters off me, or not brief me at all.

After my daughter was born I took the view that I would not keep the fact I had a child a secret. When necessary she has turned up to CPDs, meetings and other functions (even making a guest appearance at a mediation when the 6.00pm childcare pickup called).

I decided early on that I would only take a short period of leave. I was very clear with my solicitors about the period of time and when they could expect me back in chambers. I also started getting in touch with solicitors in the month prior to my return so that work would be waiting for me. Others I connected with and arranged coffee and/or lunch to reconnect with them and make it clear that I was now back.

Taking the amount of leave that I did meant that I returned to chambers mid-year and had the rest of the year to build my practice back up to where it was before taking leave. I have returned to Chambers in 2019 to a full diary for the first few months and the other months are filling. This brings with it a feeling of the unknown as to how I juggle my increasing work commitments with spending time with my family. I have become more vocal about what I can and cannot do, and clear with instructing solicitors about when I am available.

Upon my return, I chose not to take hearings of longer than a day for the first six months and while I returned on a fulltime basis, my hours for the first six months would be considered part-time.

I still try to leave chambers no later than 5.30pm so that I can be home for the nightly routine. If required I then continue working after my child's bedtime. I try not to make this a regular occurrence, and in doing so, have become more efficient in managing my time, particularly when in Chambers.

I have been fortunate to be able to return fulltime as my husband works in an industry where flexible work practices are the norm. However, on the days he works, he is unable to leave, so if our daughter is unable to attend childcare, I have to stay at home. This has only happened on two occasions so far, thankfully.

We do not have a fallback option for childcare and we need to arrange one.

Upon my return to work, we decided to place our daughter in childcare one day per

week. This has just increased to two days per week. The childcare chosen was one close to Chambers, available to members of the NSW Bar Association.

While I was on leave, I remained active on social media and in professional associations so that I could keep abreast of the general news but also of legal developments. I also tweeted about being a barrister and being a mum, adding my little story to the dialogue around parental responsibilities and the legal profession.

In doing so, I came across an initiative of the VicBar where they have a parental leave get together. The Women Barristers Forum happily took onboard my suggestion that we adopt this initiative and the first informal roundtable on parental leave was held with a great turnout (and baby attended with me).

The right time to have a child is the right time for the individual. For me, I wanted to establish myself as a legal practitioner (by the time I had my child I had been admitted for a decade) and that seems to have worked for me.

Various comments have been made about whether my advocacy style will change now that I am a mother (it hasn't) and how hard it must be to be a working mum (no harder than for anyone else that has responsibilities outside work). I have not changed as a practitioner and I have not forgotten how to do my job.

My commitment to my work has only increased since having a child, as it is important to me personally but also important that others see this as an option. The bar has the flexibility and autonomy to be welcoming to all. Let's make sure it is.

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I came back to the bar from maternity leave seven months after having my first child (although before then, when my first son was four months old, I had returned to run a week long hearing in a matter I had not been able to persuade myself to relinquish.)

My plan was to work part-time upon my return, but it did not quite work out that way. Although my hours can be flexible, court timetables and commitments do not lend themselves to working a set, limited number of days per week.

Things without which life upon my return to the bar would have been extremely difficult are (a) reliable childcare five days a week (whether we need to use it or not), and (b) both my husband and I being able to pick up an approximately equal share of the practical parenting load (pick up and drop off at day-care; doing the dinner, bed and bath routine). It also helped that my chambers (Greenway) has adopted the model parental leave policy – importantly, it also adopted the optional clause 11, which provides relief from rent and



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floor fees for a period of six months for those taking parental leave.

Without that policy being in place, the stress of taking parental leave would be much greater. There already are so many aspects of taking extended leave from the bar and becoming a parent that create stress and anxiety that the difference the adoption of that model policy makes is tangible and significant.

My husband also runs his own business. It cannot be denied that both his business and mine have suffered to some extent, but we try to balance that in about equal shares. Before I went on parental leave the first time I had the usual apprehension that my practice would stall and I would struggle to rebuild it, but I found that upon my return to the bar most of my instructing solicitors resumed briefing me with the same regularity with which they had

briefed me before that leave.

I try to be upfront with my instructing solicitors about the competing demands placed upon my time arising from being a parent at the bar, because if we do not talk about these things openly, the profession will never properly adapt to the competing demands of family and practice as a barrister.

Encouragingly, I have found that that approach often opens up a line of dialogue that helps, rather than hinders, the development of those professional relationships – both among colleagues at the bar and between counsel and instructing solicitor.

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