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LAWYERSLIVES

Is the future of
work/life balance
being written by
a small firm in
Des Moines?

Babies on Board

BY ELIZABETH GOLDBERG

ROXANNE CONLIN still remembers how it felt, leaving her first child with a babysitter when the infant was only one week old. It was 1966. There were few women in the law and even fewer in practice after having children. Conlin was finishing her last year of law school and had a job with a small firm that offered no maternity leave. "It was horrible," she says. "I cried every single day."

When Conlin started her own firm in 1991, she swore that the women who worked for her would not have to play out that same wrenching scene. Today, Roxanne B. Conlin and Associates, a Des Moines-based plaintiffs firm, is one of only a handful of firms in the country that allows parents to bring their babies to the office. This is not on-site day care; it is full-time parenting in the workplace. Over the last 18 years, Conlin's firm has had 20 "office babies."

There is no rule about how long a child can come to the office, but most go to day care at about age 1. Conlin says day care may be good for toddlers, but the first year is for bonding between parent and baby. "There is just no substitute for being held in your father's or mother's arms," she says.

Conlin runs a small shop. She is the sole



Conlin with Ty (left) and Kennedy Meyer, two alums of her novel program

PHOTOGRAPHS BY DAVID BOWMAN

owner, backed by one other lawyer and a dozen legal staff. But anyone who thinks that babies can interfere with major litigation should talk to Microsoft Corporation. Conlin's firm won a \$180 million settlement from the software giant in 2007 after three months of trial and earned an additional \$75 million in legal fees, an Iowa state record. Sibling publication *The National Law Journal* has named her one of

One lawyer worked ten hours a day while her baby either slept in the office or was carried in a sling.



the ten most influential women attorneys in the country.

She calls herself an evangelist, but few big firms have asked to hear Conlin's good news. Alston & Bird, Arnold & Porter, and Sullivan & Cromwell provide some on-site day care. But Carla Moquin, president of the nonprofit Parenting in the Workplace Institute, says that employers are deeply skeptical about the notion that filing briefs and filling bottles are compatible. After all, it's a challenge just to eat and shower with a baby in the house, so how can one function at the office with junior's bouncy seat on the desk?

Conlin understands that reaction, but says it's uninformed. In her experience, parents are so happy to keep their kids nearby that they are motivated to perform at the top of their game. And because they aren't constantly worrying whether their child is being fed or changed, they are better able to focus. Parents have the baby in their office or by their desk throughout the day, with colleagues readily available to babysit during meetings or calls.

Amy Hernandez, a former law clerk, had her baby on hand when she drafted the response to a summary judgment motion in a sprawling fraud case. She was

working ten hours a day; her baby either slept in the office or was carried in a sling. Rather than feeling burdened, she was thankful. "[Conlin] never made me separate from my baby," says Hernandez. "I would have walked on hot coals for that woman."

Not only is this arrangement good for parents, Conlin says, it's good for the office as a whole. Babies relieve tension and offer much-needed distraction. They also elicit good behavior from adults in the room—even opposing counsel. Tiffany Klosener, a senior attorney with Conlin's firm for six years, routinely had her baby with her during conference calls and depositions. If he fussed, someone in the office would hold him until she was done. But, she says, a little cooing in the background often kept the dialogue civil. "It's harder to be aggressively adversarial with someone who has her child there," says Klosener.

This arrangement doesn't work in every case, however. A decade ago, when Conlin started the firm, she had a young receptionist who abused the opportunity to bring her baby to work by leaving the child with other staff members to care for him all day. Conlin says that failure taught her that success requires constant multitasking. The next receptionist she hired, who brought two of her kids, can feed a baby with one hand and type with the other.

For Conlin, the greatest benefit of allowing babies in the office is that it has allowed her to keep talent. Deborah Epstein Henry, president of Flex-Time Lawyers, a work/life consulting firm, says the months after maternity leave are crucial: "If you can respond in the vulnerable time with a creative solution, it might carry women through."

The turning point for Shelly Johnson, Conlin's longtime discovery manager, came after her twins were born in 1991. This was during the asbestos litigation boom, and she was the resident expert in those filings. But with two other kids already, child care was an issue. She and Conlin worked out a schedule that let Johnson bring her twins to work in the evenings, once her husband was home with the older children. "It allowed me not to have to make that choice between staying at home with my children and having a career," says Johnson. "I can have both."

Elizabeth Goldberg is a freelance writer based in Philadelphia.

SECOND STAGE

Seven years ago, Norman Beamer (right), a patent litigator at Ropes & Gray, reunited with his first love. He and his wife, Diane Tasca, cofounded the Pear Avenue Theater in Mountain View, California.



The 50-seat theater, which lies in the shadow of Google Inc.'s headquarters, produced seven plays this season, from established classics such as *Eccentricities of a Nightingale* by Tennessee Williams, to the final play of the year, *Metamorphoses*, a contemporary take on Ovid's interpretation of mythology. A review of *Nickel and Dimed*, based on the book by undercover journalist Barbara Ehrenreich, noted Beamer's "ingenious" set design.

Although Beamer acted in plays as a student at the University of Illinois, acting is almost the only job that he does not play at the theater. Beamer is the general counsel, set designer, and handyman. (Tasca is the artistic director.) He was slated to act in a play last year, but he broke his foot while building a set. "Right now I'm content with staying behind the scenes," he says.

Beamer says that the Pear's keys to survival in recession-era America have been staying small and not relying too much on donations. Depending on corporations has sunk several other larger local arts organizations in Silicon Valley in the past year, he says. The Pear operates on a budget of just \$100,000 a year, of which two-thirds comes from admissions. Donations are great when you can get them, he says. But "sweat equity" is never subject to the whims of the marketplace.

—BEN HALLMAN



From *The Way of the World*: dollops of sweat equity

5 TOP FIVE

Up the Creek



ONE MIGHT EXPECT an ambitious litigator at Fulbright & Jaworski to write a book entitled *A Litigator's Guide to Expert Witnesses*. Cecil Kuhn III (left) has done that, but he's also written *Whitewater Rafting: An Introductory Guide and Kayak Touring & Camping* and eight more books on the subject of paddling, a term that encompasses kayaking, canoeing, and rafting.

Kuhn is from Lubbock, Texas, "a town with no water," he says. After high school graduation, his grandfather sent him on a trip down the Colorado River, and Kuhn has been slipping downstream ever since. He started writing in college, spent his honeymoon on a river in Costa Rica, and currently squeezes in about two paddling trips a year.

Kuhn's top five favorite trips are listed below, along with Web sites that provide trip information and outfitters. —PAUL BRAVERMAN

COLORADO The king of rivers. Rapids like Lava Falls and Crystal Rapids are the benchmark for paddlers, and the starting point for most conversations about whitewater. The two-week trip

down the Grand Canyon is a geologic odyssey; the farther one moves downstream, the more layers of rock and time are exposed. oars.com.

SALMON Dubbed the "River of No Return" (possibly by Lewis and Clark), the Salmon cuts a mile-deep path through virgin wilderness in Idaho. canyonsinc.com.

GAULEY Flowing deep in West Virginia, the 1,000-foot-high walls flanking the Gauley contain foam and fury moving at a pace difficult to comprehend. aceraft.com.

CHATTOOGA Made famous by the movie *Deliverance*, its major rapids are steep, narrow, and complex. A paddler who makes a bad decision is quickly rewarded with a boat draped around a rock or overturned at the base of a waterfall. Makes it hard to enjoy the beautiful gorge. noc.com.

ARKANSAS The ten-mile run through Colorado's Brown's Canyon includes the raft-eating Siedel's Suckhole, a bob-and-weave affair with big boulders and immense waves. Only occasionally do boaters have time to catch their breath and shake out their arms. dvorakexpeditions.com.

COLLECTIONS

BEETLEMANIA

IN 1979, WHEN Robert Heggstad of Troutman Sanders paid \$600 for a wooden cabinet in an antique store in Arlington, Virginia, he thought it would look good in his dining room. The butterflies, beetles, moths, and shells stuffed into the drawers were pretty, but just a curiosity, even when the antiques dealer told him that the collection had supposedly been assembled by Alfred Russel Wallace, a contemporary of Charles Darwin.

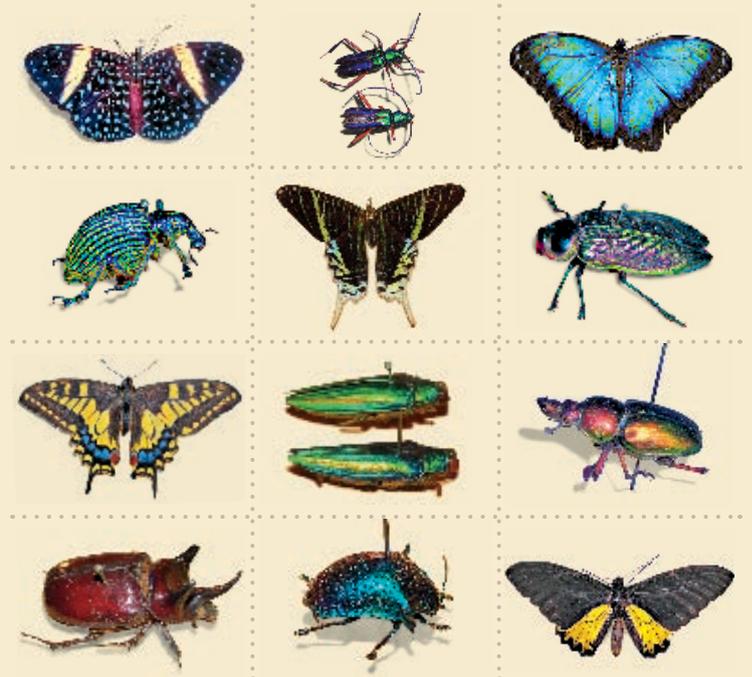
Years later, a friend told the lawyer that the collection belonged in a museum, and Heggstad decided to establish its provenance. He quickly became engrossed in the project. Heggstad learned that Wallace had postulated the theory of natural selection independently of Darwin. Heggstad took photos of the labels that accompanied many of the specimens and sent them to the British Museum, which owned the only known Wallace collection. He assembled binders full of the



labels, and hired a handwriting expert to compare them to examples of Wallace's script. He eventually prepared a 62-page report, supplemented with two thick binders of exhibits, to support the theory that his collection once belonged to Wallace.

Three museums are currently interested in buying the collection. The value has soared from \$600 to millions. Heggstad declined to specify his price, but says he'll take the windfall, so long as the collection remains "available for research—and for history."

—ALISON FRANKEL



BUTTERFLIES, BEETLES, AND BUGS, OH MY!

Specimens from Robert Heggstad's million-dollar collection, put together by Alfred Russel Wallace, one of the leading evolutionary thinkers of the nineteenth century.

The Loneliness of the Long Distance Lawyer

BY BEN HALLMAN

ON THE FIRST DAY of the 350-mile Iditarod Trail Invitational in Alaska—somewhere around the eighteenth consecutive hour running through temperatures that dropped to minus 35 degrees—Robert Struble considered quitting. “I was cold,” he says, understandably. But Struble, a corporate lawyer at Meyer, Unkovic & Scott in Pittsburgh, pushed on, surviving a charge by a moose, a torn nerve in his shoulder, and the loss of three toenails to frostbite. He crossed the finish line six days later at Kaltag, a village on the Yukon River.

For Gibbs & Bruns litigator Scott Humphries, a relaxing day out of the office means a 2.4-mile swim and a 112-mile bike ride, followed by a 26-mile run. He has completed 20 of these Ironman triathlons in the past five years, usually finishing in about 13 hours. It hurts. At the end, Humphries says, “you are racing against your desire to stop.”

If the first question to ask these endurance athletes is “Why do this to yourself?” the second is “What’s with all the lawyers?” Cycling, running, triathloning—the starting lines of endurance races are crowded with attorneys. Jean Knaack, the executive director of the Road Runners Club of America, who is married to a lawyer, says she has noticed that lawyers seem especially drawn to the longest, most grueling distances. The odds that a racer will have a juris doctorate also seem to increase with age. Robert “Bo” Phillips, Jr., a Reed Smith partner in San Francisco who has completed 46 road marathons, estimates that as many as half of all long-distance runners over the age of 50 are attorneys.

The reason that so many lawyers run or bike distances that others would hesitate to drive—rather than chill with a book and a beer—has something to do with the genetic code of the lawyer, say more than a dozen long-suffering lawyer-athletes interviewed for this story. These lawyers note that en-



durance racing and the practice of law both demand mental discipline, stamina, and a high threshold for self-abuse. “The profession draws overachievers and people who are goal-oriented,” says Eric Berlin, a Jones Day litigator who blazed through the Chicago marathon in two hours and 38 minutes a few years ago. Berlin says he runs “as a form of meditation,” but that doesn’t explain why he subjects himself to punishing 80-mile weeks in preparation for a race. Maybe it has something to do with a lawyer’s sense of entitlement, he says: “Why do I run a marathon? Because I’ve been able to do anything I want to do in my life.”

Many lawyer-athletes also say that with endurance sports, they can race competitively at an older age. They can’t dunk a basketball at 50 (if they ever could), but they can grind it out mile after mile on the hot tarmac. The mind is more important than the legs in such a sport, and with age and experience comes mental toughness. “One of the things I discovered about running longer distances is that I’m stubborn, and that people I can’t outrun in three miles

or six miles, I can outrun in 26 miles,” says Phillips, the multiple-marathoner from Reed Smith.

Struble, who is 58, also cites competition, or at least peer pressure, as a motivating factor. A friend of his ran a 50-kilometer race, so he did the same. Then another friend did a 50-miler, so Struble ran a 50-miler. If someone runs a ridiculous distance and doesn’t die, Struble tries it.

Professional predisposition and competitive instinct help explain the motivation, but not why lawyers are attracted to sports in which they compete alone. Could it be that lawyers simply don’t play well with others?

By nature, says Jamie MacPherson, a sports psychologist in Princeton, most lawyers are loners. They manage their own matters, argue their own cases, generate their own business. And they don’t like to share—the origination credit, the ball, or the glory.

Not surprisingly, few lawyers admit to being a bad teammate. Most said that they simply preferred solo sports (or, when we asked if they were bad sports, laughed nervously). But Timothy Epstein, a sports lawyer at SmithAmundson in Chicago, came clean. Neither he nor his lawyerly brethren make particularly good teammates, he says. “I did the lawyer’s league basketball thing,” he says. “Every time someone went to the hoop, someone would call a foul. Fights would break out. Lawyers are just way too contentious.”

Epstein has come to embrace his bad sportsmanship. He plays two-man beach volleyball on Lake Michigan with a teammate who is also a lawyer. Other players on the beach use positive energy to encourage each other. Not Epstein. “We fight all the time,” Epstein says. “Other teams high-five, but we tell each other that we suck.”

Call it professional courtesy.

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