

Commentary

Are Women Getting Snookered By Those Latest Fertility Perks?

It seems half of the female lawyers I know are having babies through IVF or thinking about it.

By **Vivia Chen** | February 18, 2020 at 05:58 AM | The original version of this story was published on [The American Lawyer](#)



Photo: Shutterstock

For a change, I'm not the cynical one.

When Weil, Gotshal & Manges [rolled out its assisted pregnancy benefits program](#), I thought it was sensible, even laudatory. The coverage includes up to three rounds of in

vitro fertilization, egg freezing (with a year of free storage) and up to \$25,000 allowance for each surrogacy pregnancy or adoption.



Of course, you can argue the program is designed to garner positive publicity and make the firm look cool and caring to those demanding millennial recruits. But as far as headline-grabbing benefits go, Weil's package is actually practical. It seems half of the female lawyers I know are having babies through IVF or thinking about it, so getting up to \$45,000 worth of coverage (each procedure costs about \$12,000 to \$15,000) is a real perk.

Well, let no good deed go unpunished.

To my amazement, there was visceral hostility to Weil's generous offering. One of my colleagues called it "dystopian," while another accused Weil of "perpetuating a view that women in Big Law often hold—that it's best not to let your personal life, especially kids, hold you back."

So what's the deal? Are these reproductive benefits giving women peace of mind or lulling them into the foolish belief that it's perfectly normal to pop out a baby at age 59?

"These are excellent benefits to offer attorneys that give women a chance to have children when it might not otherwise be possible," says Shari Lusskin, a professor of psychiatry, obstetrics, gynecology and reproductive science at the Icahn School of Medicine at Mount Sinai. "Women defer conception for many reasons, not just because of work commitments."

I agree. From my observation, women aren't pushing pregnancy into their 40s or beyond for the sake of partnership. They're doing so for the most obvious reason: They haven't found a suitable mate to have babies with. (And please don't tell me they don't have husbands because they're too career-focused.) I might be out of it, but I don't think women are consciously sacrificing their fertility to appease the Big Law god.

And the view from lawyers?

"I'd like to have been a fly on the wall at Weil to hear how the cost-benefit equation for this program was discussed," says a male partner at a big firm in New York. "My first reaction was that this is great because it might ease the pressure some women face on whether to prioritize their law careers or start a family in their late 30s. But then the cynic in me thought that this might simply be a way for law firms to incentivize women to delay motherhood to the firm's advantage—so they can push hard in the years before coming up for partnership."

But who cares about law firms' motivations with these types of policies? Why look a gift horse in the mouth?

One female partner at a big firm in New York said that women used to be suspicious about flexible work arrangements too, but that it's now widely accepted and used by everyone. "There were arguments that flextime would marginalize women who take it, even though the policy has good intentions."

This partner says Weil should be neither slammed nor praised for its latest offering. As she sees it, the firm is offering what's now considered basic. "Weil is trying to sound progressive but is in fact behind for coverage," she says, noting, "many firms, like Ropes & Gray, provide unlimited fertility treatments." That we make such a fuss about Weil just shows "the glacial pace of law firm change," she adds.

But even the most lavish offerings of fertility treatments shouldn't change fundamental life decisions. "If you want kids, have kids," says this partner, who had her three children before she came up for partner. "It is a fool's errand to structure your family around certain milestones in your career. We make plans and God laughs. Partnership is uncertain. Fertility is uncertain. You can only plan so much. Women need to decide what matters to them and go after that goal with all of the ambition of a mediocre white man."

Contact Vivia Chen at vchen@alm.com. On Twitter: [@lawcareerist](https://twitter.com/lawcareerist).

SHARE ON FACEBOOK SHARE ON TWITTER

Vivia Chen

Vivia Chen is a senior columnist at The American Lawyer and the creator of The Careerist blog.

https://www.law.com/2020/02/18/are-women-getting-snookered-by-those-latest-fertility-perks/?utm_source=email&utm_medium=enl&utm_campaign=morningminute&utm_content=20200218&utm_term=law