

PROFESSOR MOM: THE PANDEMIC'S DISRUPTION OF THE PERSONAL-PROFESSIONAL DIVIDE IN LEGAL ACADEMIA

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Lecturing on the art of oral advocacy while wedged onto my daughter's bottom bunk, surrounded by her stuffed animals and proudly displayed soccer medals, pretty much epitomizes how the Coronavirus pandemic upended my professional life this spring. And while yes, I did consider using a virtual background to conceal my whereabouts, it seemed too blatant a lie at that point. I was barely holding the pieces of my life together, and I was fairly sure my students could tell.

If you can't relate to this story, you're probably not a working mom.

Even before the pandemic hit, it was clear to anyone paying attention that working moms have it, to put it mildly, *rough*. For one thing, they're underpaid. On average, full-time working mothers in the United States are paid 71 cents for every \$1 a father makes, or \$16,000 less annually.¹ Moms who've earned a doctoral degree fair better by some measures, but even then are paid on average \$25,000 less per year compared to fathers with the same credentials.²

The reasons for this inequity are multi-faceted,³ but at least some of it can be attributed to another challenge working moms face: rank

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¹ Jasmine Tucker, *Equal Pay for Mothers is Critical for Families*, NATIONAL WOMEN'S LAW CENTER FACT SHEET (May 23, 2017), https://nwlc.org/resources/equal-pay-for-mothers-is-critical-for-families/#_edn5 (interpreting data from U.S. Census Bureau, 2016 American Community Survey using IPUMS-USA, University of Minnesota, available at <https://usa.ipums.org/usa/>).

² *Id.*

³ For example, many mothers choose to work in more child-friendly jobs that are lower-paid or require fewer hours, or to take time off completely from work when their children are very young. See, e.g., *How Big is the Wage Penalty for Mothers?* ECONOMIST (Jan. 28, 2019),

discrimination. According to the research, “[e]mployers rate fathers as the most desirable employees, followed by childless women, childless men, and finally mothers.”⁴ Ouch. To add insult to injury, moms who work spend significantly more time on household chores and childcare than do fathers.⁵ And, if moms decide to take time away from paid labor to focus completely on the “unpaid work” that is their children—out of a desire to be more present or the sheer exhaustion that comes with managing multiple roles—they are routinely punished when they try to return to the work-force.⁶

One might understand then, why working moms often downplay or hide their role as caregivers while at work. Yet the global pandemic, and the rise of work-from-home via Zoom, made that a little more difficult this spring for moms like me. Indeed, it made *everything* more difficult. As both the child-care and public education systems collapsed, many moms were forced to take on even more unpaid labor, including additional child and elder care, homeschool, and household responsibilities.⁷ As this unpaid work skyrocketed, so too did performance demands in the paid workplace. For many academics, for example, the task of transferring in-person learning online was herculean, requiring more, rather than less time “at work.” Professional pressures like these were amplified for working women

<https://www.economist.com/graphic-detail/2019/01/28/how-big-is-the-wage-penalty-for-mothers>.

⁴ Claire Cain Miller, *The Motherhood Penalty vs. the Fatherhood Bonus*, N.Y. TIMES (Sept. 6, 2014), <https://www.nytimes.com/2014/09/07/upshot/a-child-helps-your-career-if-youre-a-man.html>.

⁵ Suzane M. Bianchi, Liana C. Sayer, Melissa A. Milkie & John P. Robinson, *Housework: Who Did, Does or Will Do It, and How Much Does it Matter?* 91 SOC. FORCES 55, 58 (2012).

⁶ See, e.g., Kate Weisshaar, *Stay-at-home Moms Are Half as Likely to Get a Job Interview as Moms Who are Laid Off*, HARV. BUS. REV. (Feb. 22, 2018), <https://hbr.org/2018/02/stay-at-home-moms-are-half-as-likely-to-get-a-job-interview-as-moms-who-got-laid-off>.

⁷ See, e.g., Neil Paine & Amelia Thomson-DeVeaux, *How the Pandemic Could Force a Generation of Mothers out of the Workforce*, FIVETHIRTYEIGHT (Jul. 27, 2020), <https://fivethirtyeight.com/features/how-the-pandemic-could-force-a-generation-of-mothers-out-of-the-workforce/>; Maddy Savage, *How Covid-19 is Changing Women’s Lives*, BBC (June 30, 2020), <https://www.bbc.com/worklife/article/20200630-how-covid-19-is-changing-womens-lives>; Clair Cain Miller, *Nearly Half of Men Say they Do Most of the Home Schooling. 3 Percent of Women Agree*, N.Y. TIMES (MAY 6, 2020), <https://www.nytimes.com/2020/05/06/upshot/pandemic-chores-homeschooling-gender.html>.

each week, as the possibility of losing their jobs completely became more and more likely.⁸ And, as if this situation was not explosive enough, it played out each day for academic moms on Zoom, in front of a live audience, with the constant possibility of technological failure and the incessant interruption of small children.⁹ Given these undeniably stressful circumstances, it is no surprise that many working mothers are now grappling with unprecedented mental health challenges.¹⁰

This once-in-a-generation disruption of the delicate work-life balance many mothers like me have hustled tirelessly to create is ongoing, the challenges are very real, and the lasting effects have yet to be seen.

As I've both reflected on and grappled with this reality, I've felt a lot of fear and anxiety. But I've also felt moments of insight and clarity that have mostly grown out of one thing—the messy, uncomfortable, but strangely powerful experience of being vulnerable. I'm moving forward with this insight in two ways: by reflecting on how it can make me a better teacher and by hoping it might be a catalyst for meaningful and critically important change.

First, the experience of teaching through a global pandemic has impressed on me, more than perhaps anything else could have, the power of vulnerability in my pedagogy. A funny thing happened last spring after a month of bottom-bunk, radically honest classes. My teaching evaluations were the best of my career. Student after student remarked on how much I cared about their learning, and how

⁸ See, e.g., Lauren Weber, *Women's Careers Could Take Long-Term Hit from Coronavirus Pandemic*, WALL ST. J. (July 15, 2020), <https://www.wsj.com/articles/womens-careers-could-take-long-term-hit-from-coronavirus-pandemic-11594814403>; Courtney Connley, *Coronavirus Job Losses are Impacting Everyone, But Women are Taking a Harder Hit Than Men*, CNBC (May 14, 2020), <https://www.cnbc.com/2020/05/14/coronavirus-job-losses-disproportionately-impact-women.html>.

⁹ See, e.g., Alexandra Topping, *Working Mothers Interrupted More Often than Fathers in Lockdown Study*, GUARDIAN (May 27, 2020), <https://www.theguardian.com/world/2020/may/27/working-mothers-interrupted-more-often-than-fathers-in-lockdown-study>.

¹⁰ See, e.g., Patricia Cohen & Tiffany Hsu, *Pandemic Could Scar a Generation of Working Mothers*, N.Y. TIMES (June 3, 2020), <https://www.nytimes.com/2020/06/03/business/economy/coronavirus-working-women.html>; Courtney Conley, *How Covid-19 is Impacting the Mental Health of Millennial Moms*, CNBC (May 10, 2020), <https://www.cnbc.com/2020/05/10/how-covid-19-is-impacting-the-mental-health-of-millennial-moms.html>.

dramatically they grew as writers as a result. This is interesting because if anything, once the pandemic hit and classes went online, I had even less time and energy than usual to spend on my students or our classroom activities. But what *did* increase in my classroom and in my individual interactions with students was my own vulnerability or authenticity. I was open with my students about how much stress I was under, honest about the challenges we were all facing, increasingly communicative about my concern for their own well-being, and often darkly humorous about the situation that was unfolding in my own home.

Research in multiple fields confirms that authenticity of this sort does indeed build trust,¹¹ and that trust has a measurable impact on productivity, engagement, and success.¹² And I experienced this with my students. When they saw that I was showing up, for their sake, under very real challenges, their conviction that I “had their backs” increased, and they were more willing to engage, be challenged, and grow.

To be sure, research (and common sense) also indicates that vulnerability must be coupled with competency and healthy boundaries or trust is lost.¹³ And this jibes with our experience. We all know that you can’t roll into your classroom totally unprepared, spend a couple of hours cracking jokes or unburdening yourself emotionally, and expect good things to happen. But in my experience, appropriately revealing the *context* in which you’re teaching will not only ease your own mental health burden, but build the kind of trust and rapport with your students that helps ease theirs, engaging their minds in learning rather than in a constant loop of anxiety and stress.

But beyond its place in the classroom, vulnerability strikes me as essential in the aftermath of 2020 as a catalyst for the recognition, solidarity, and support that is critical for women like me to survive and succeed.

¹¹ See, e.g., Frances X. Frei & Anne Morriss, *Begin with Trust*, HARV. BUS. REV. (May-June 2020), <https://hbr.org/2020/05/begin-with-trust>.

¹² See, e.g., David S. Yeager, Valerie Purdie-Vaughn, Sophia Yang Hooper & Geoffrey L. Cohen, *Loss of Institutional Trust Among Racial and Ethnic Minority Adolescents: A Consequence of Procedural Injustice and cause of Life-Span Outcomes*, 88 CHILD DEV. 658 (Feb. 8, 2017); Jason A. Colquitt, Brent A. Scott & Jeffery A. LePine, *Trust, Trustworthiness, and Trust Propensity: A Meta-Analytic Test of Their Unique Relationships with Risk Taking and Job Performance*, 92 J. APPL. PSYCHOL. 909, 918 (Aug. 2007).

¹³ See, e.g., Herminia Ibarra, *The Authenticity Paradox*, HARV. BUS. REV. (Jan.-Feb. 2015), <https://hbr.org/2015/01/the-authenticity-paradox>.

As I sit and write this essay, nearly one in four women in the workforce are considering “downshifting their careers” or leaving their jobs altogether.¹⁴ And the numbers are even higher for working moms.¹⁵ The slow gains in workforce equity that women have made over the years are rapidly eroding, and are in very real danger of being lost or set back irrevocably. In other words, working moms are at a crisis point.

And, while women academics enjoy some of the day-to-day flexibility that is cited as critical to retaining women and especially moms in the workforce,¹⁶ they are not immune from the burnout suggested by these numbers. It is well-documented that even in the best of times, women in academia carry an inordinate and often invisible service load, particularly when they are themselves at an age where they are “serving as the primary caregiver to their children.”¹⁷ It makes sense that this load has only increased over the last year. Consider that students are more likely, on average, to go to female faculty for mental health support,¹⁸ and that student mental health issues are currently at an all-time high.¹⁹ And consider that in the world of legal academia in particular, because of both class size and

¹⁴ MCKINSEY & CO., LEANIN.ORG, WOMEN IN THE WORKPLACE 6 (2020), https://wiw-report.s3.amazonaws.com/Women_in_the_Workplace_2020.pdf.

¹⁵ *Id.* at 21.

¹⁶ See, e.g., *id.* at 13; June Gruber, Jay J. Van Bavel, William A. Cunningham, Leah H. Somerville & Neil A. Lewis, Jr., *Academia Needs a Reality Check: Life is Not Back to Normal*, SCIENCE (Aug. 28, 2020), <https://www.sciencemag.org/careers/2020/08/academia-needs-reality-check-life-not-back-normal>.

¹⁷ Batsheva Guy, *Academic Motherhood During COVID-19: Navigating our Dual Roles as Educators and Mothers*, 27 GENDER, WORK & ORG. 887, 887 (June 22, 2020).

¹⁸ Breanna N. Harris, Shanen M. Sherrer, Kristy A. Lewis, Stephanie L. Shepherd, Puntiwitt C. McCarthy, Jessica L. Spott, Elizabeth P. Karam, Naima Moustaid-Moussai, Jessica McCrory Calarco, Latha Ramalingami, Amelia E. Talley, Jaclyn E. Cañas-Carrell, Karin Ardon-Dryer, Dana A. Weiser, Ximena E. Bernal & Jennifer Deitloff, *In the Wake of COVID-19, Academia Needs New Solutions to Ensure Gender Equity*, 117 PROC. NAT. ACAD. SCI., 15378, 15380 (July 7, 2020), <https://www.pnas.org/content/pnas/117/27/15378.full.pdf> (citing J. Sprague, K. Massoni, *Student Evaluations and Gendered Expectations: What we can't count can hurt us*, 53 Sex Roles 779, 779-93 (2005)).

¹⁹ See, e.g., Jan Hoffman, *Young Adults Report Rising Levels of Anxiety and Depression in Pandemic*, N.Y. TIMES (Aug. 13, 2020), <https://www.nytimes.com/2020/08/13/health/Covid-mental-health-anxiety.html>.

cultural norms, the legal writing professor is often, from a 1L's perspective in particular, the most visible, accessible, and engaged member of the faculty.

Though many of us signed up for this job because of how much we love supporting and caring for students, we are feeling the effects of the stress. How many of us, without the benefit of childcare for much of the last year, put research projects on the backburner, or stayed up into the wee hours working on lesson plans or grading papers—only after we'd spent the day homeschooling our children, and standing in line, masked, at the grocery store or pharmacy? How many of us spent more, rather than less time during the summer, in meetings and behind computer screens, reconfiguring our courses for online platforms and infinite contingencies, all while trying to keep kids happy without the typical relief of any camps, playdates, or childcare? And how many of us—particularly those of us who are young, female, and parenting children—did and are doing all of this in the unstable, liminal space of a pre-tenured, contractual, or otherwise contingent academic position?

For me, the stress has been palpable and the exhaustion chronic. Many articles have been written on what can and should change in academia and in the workforce generally to recognize, aid, and retain the many women who find themselves in this space. But even so, many of us are still seeing little acknowledgement or change in our institutions or departments, and are struggling mostly silently, and mostly alone.

While I don't think it will be easy, it seems to me that here, too, vulnerability is critical to movement forward. It's one thing to read an article about how many nameless, faceless, women are struggling right now; it's another thing to hear about this struggle from your own colleague, or to know that it's unfolding within your own department or institution.

And so, I put forward this essay as a small step in that direction. Change requires solidarity, and solidarity must start with a willingness to be honest with each other; to be vulnerable and open, rather than bearing our burdens alone, in silence and fear.

The pandemic has not simply disrupted my work-life balance; it has, for me and millions of other women, threatened to destroy our ability over the long-term to productively and healthily work and parent at all. It will take time for institutional and systemic change to be affected. Let's not wait it out alone.