



Lee Burgess: Welcome back to the Law School Toolbox podcast. Today we're excited to have joining us Eve Rodsky, attorney and author of the book [Fair Play](#). Your Law School Toolbox hosts are Alison Monahan and Lee Burgess, that's me. We're here to demystify the law school and early legal career experience, so you'll be the best law student and lawyer you can be. We're the co-creators of the [Law School Toolbox](#), the [Bar Exam Toolbox](#), and the career-related website [CareerDicta](#). Alison also runs [The Girl's Guide to Law School](#). If you enjoy the show, please leave a review or rating on your favorite listening app. And if you have any questions, don't hesitate to reach out to us. You can reach us via the [contact form](#) on LawSchoolToolBox.com, and we'd love to hear from you. And with that, let's get started.

Welcome back. Today we are welcoming Eve Rodsky to the podcast. Eve is an attorney and author who wrote the book *Fair Play: A Game-Changing Solution for When You Have Too Much to Do (and More Life to Live)*, which came out in late 2019. Who doesn't find that motto, or that tagline, something that resonates with us? We're recording this during the holiday season, so everything is even crazier than usual, and there's a pandemic.

Eve Rodsky: Totally. COVID Christmas.

Lee Burgess: COVID Christmas, COVID everything. COVID Hanukkah, COVID New Year, COVID all.

Eve Rodsky: Yes, I'm COVID Hanukkah, but yes, we're coming up to COVID Christmas.

Lee Burgess: That's right. Well, thank you for joining us on the podcast today, taking a moment out of your pandemic holiday season. I really appreciate it. So, I'm going to share with our listeners about how I first got to know your work and why I reached out to you. In early 2020 – which seems like a million years ago, but which was almost a year ago – my lovely therapist, as we were talking about being moms who balance all the things, was like, "Have you read this new book? It's going around the therapists mailing lists."

Eve Rodsky: So good. I love all my therapists and my MFTs. They are an amazing group of people, and I appreciate that they were recommending it to you.

Lee Burgess: I know. So, I read it and I thought it was very interesting. And then I'll admit, the pandemic hit and it got kind of shoved to the side. And then a friend of mine attended another talk you did out at Stanford, and she's like, "You need to talk to this woman. She's so interesting. Her book is so interesting." I was like, "Wait, I read that book, and then the pandemic hit. I do need to talk to this woman." So, I just cold LinkedIn-d you, and here we are. So, thank you so much for taking the time to chat with us today. And I love talking to lawyers who are doing different stuff too, because I think that's also incredibly important. So, to get



things kicked off, I always talk to our attorney guests about their journey to become a lawyer, and then maybe the pivots that created this new role for you as an author. So why don't you share a bit with our listeners about that?

Eve Rodsky:

Absolutely. And, Lee, like I was saying before, given your audience... Hello, audience! And given that it's a holiday podcast episode, I'm definitely The Ghost of Christmas Future. I'm here to warn you not to do things the way I did them, and look at what Earth 2.0 can be, hopefully, after the pandemic. But I think what's interesting about law school for me was, I always knew I wanted to go to law school. I felt like I've been living values of justice. My mother's a social worker, so she always felt like that was another way to get to the idea of being the change you want to see in the world – the Gandhi phrase that she often used. But I would say early in my life, my mother... I'm a product of a single mother, and people liked to call me a parental child, where I was her partner. And that's why I think coming to this work later on in life was interesting, because ironically, starting at seven years old when I would help her with late eviction notices and utility bills, I would come in, I'd set piles for her. I would tell her my brother was failing, they were passing him in our public school even though he couldn't read. I vowed from an early age that I'd have an equal partner in life that would support my success.

So that's sort of the lens. And on top of that, my mother's a professor of social work, social change, community organizing. And she also doesn't believe in physical possessions. So, early on, she always said to me, "Are you sure you want that Cabbage Patch doll? It sounds awesome to have a Barbie, but that's not what we do here. What we do is we have experiences and we march." So, her gift to me every year, starting around 9 and 10, was to survey what was happening before the Internet in Washington, DC. We grew up in New York, and she said, "I'll always get you a Greyhound bus ticket and I'll go with you. We can take the Greyhound bus to whatever type of civic engagement you want to do." So, over the years, we marched for civil rights, we marched for the Equal Rights Amendment, we marched for early climate Earth Day engagements, when Earth Day was early formed. And so, that really informed my role that I thought I wanted to have in the world, which was, again, as an agent of change. And as most law students will see, there's a lot of pressure to move away from that.

Lee Burgess:

Yeah.

Eve Rodsky:

I was pressured, highly pressured, through what I would call "extrinsic goals" to pay off my loans, to go to a law firm, to almost being laughed at for continuing to think that I wanted to do public service after law school. I listened. I didn't, I didn't do it. I went to a traditional firm and I sort of gave up on those goals early. And ironically, it took me back to a life of civic engagement and service now, but it was a more circuitous route.



Lee Burgess: Yeah. There are a whole lot of ex-BigLaw people in our work that we do, my business partner and I. And I've talked a lot about that pull to those big law jobs, where you get on this train, and if you're doing well and you're seen as smart and capable, and you're on the Law Review, and you're an editor on the Law Review, and they dangle that job in front of you and say that this is the path to greatness – whatever you want to do, this is the path to greatness. So, often we all get there and say, "Wait a minute, this isn't the greatness that I wanted."

Eve Rodsky: No. And what's so interesting, and what I've learned now, doing gender division of labor work for eight years and really working on gender justice issues is that I think one of the first surprises was recognizing that law school felt really fair. There are metrics, you have grades. And so, it's so strange to enter a workplace. My friend Michelle King talks about this a lot in her book [The Fix](#). It's so weird to enter a workplace, because nothing prepares you for the fact that you're going to hit 17 barriers as a woman that you normally wouldn't hit if you're a hetero-cisgender white man. Nothing prepares you for that, because really up until you enter the workplace, for 25 years, 26 years maybe when I graduated law school – I think I was 26, maybe 27 – everything felt really fair, I felt like I was on an equal playing field with men. And then you started entering the workplace, and all of a sudden I remember this guy, Martin – he and I were both on the same M&A assignment, and I was subjected to due diligence, low level due diligence, and he was getting pulled into meetings to learn how to draft contracts, and he was on the phone with the client. And these small, subtle changes start to happen, and then you start questioning your own ability and you think maybe you're not working hard enough. But I think back to my first point of Ghost of Christmas Future is to recognize that there is a whole world out there that becomes unfair after you leave law school. What's great is if you know that to begin with, then it doesn't affect you so much personally. It doesn't become a confidence issue or an ambition issue. It becomes a systemic issue that you say, "Okay, this is what the reality is." And as my favorite sociologist says: "Private lives are public issues." So any time you feel marginalized or confused, it really is not about you. It's what's happening as an external system that's working against women. And I've always felt comfort in that; I wish I had known that earlier.

Lee Burgess: Yeah, that's interesting. I think age gives you a lot of perspective, and becoming a parent gives you a lot of perspective. But I think that's an interesting point, that there is that shift when you leave school, that maybe that element of fairness changes. And there're just systemic patterns in especially large law firms that we know, based on all of the data that we see, is going to take a long time to change.

Eve Rodsky: Yeah, and I think it's a hard field. I will say that it's one of the slowest fields to change in terms of how to redefine the ideal worker, because of having billable hours as a requirement, which is a very Draconian way to work. But yes. I think



the beauty of, again, knowing and staying true to your values. If I knew since seven or eight, or when I went on that first Greyhound bus march, that ultimately I really did want to be the change I wanted to see in the world. The beauty about taking those divergent paths, whether it was sleeping on the floor night after night, subsisting on M&Ms and candy corn, like I did after one deal in M&A... I never felt stuck because I always knew that I had a central beacon of my values to come back to, and that always guided me through to say, "I can reinvent myself. I know what I want to do." And so, I will say that it's a really important exercise, especially for women, and men, to recognize that extrinsic goals are very, very powerful, but that if you return to your values and you have that as your compass, then sometimes you can start recognizing, "Oh my God, that's an extrinsic goal. I don't want to necessarily follow that path. I do want to follow this path because that is more aligned with my values."

I will say that I took a class by David Gergen at the Kennedy School my third year of law school. I went to Harvard, and the Kennedy School was right next door. And it was sort of looked down upon as a lesser school, the Kennedy School. And I will ironically say that his class was the most valuable class I ever took, and it was what I will now call "the life-changing magic of long-term thinking". A lot of us have sort of gotten wrapped up in the life-changing magic, I think, of organizing our junk drawer. So I'm here to tell your listeners there's a real life-changing magic for long-term thinking. You just say, "Who do I want to be? What do I want to be? And why do I want to be it?"

Lee Burgess: Yeah, I think that's an excellent point. I had a coach friend recommend to me once when I was trying to change careers, and she said, "Well, you have to have a mission statement for your life." And I had never thought about life like that. And then when I became an entrepreneur, I had a business mentor who said, "Well, you have to have a solid mission statement for your business or you won't know when to say yes or no to things." And I'm like, "Do I have to have a mission statement for everything?" And he's like, "Yes, you basically do."

Eve Rodsky: Yeah, I really think that you do. What a mission statement does, as you said, all it does is it clarifies decision-making in advance.

Lee Burgess: Right. When you're not under stress.

Eve Rodsky: Exactly. It allows you, when your emotion is low and your cognition is high, to have some clarity of mind. And I think that that clarity of mind, right after law school, for me was the hardest time in my life to sort of understand that type of clarity and recognize who I want to be and what I want to do.

Lee Burgess: And what you want your life to look like and how you want to define success. My business partner and I have talked a lot about that on this podcast, about defining your own success, so you can make those choices, because it doesn't



have to be the same as everybody else's. All of our lives look completely different. We've been doing this business for like nine years now, and we have our list of core things, one of which is we always want to be location-independent, we never want to be location-dependent, and it's made it so easy. Just that little piece of our mission statement, we've been able to say no to various things, being like, "That doesn't meet that goal."

Eve Rodsky:

I love that. Well, how great is that? Yeah, and I think that that ability to say no, to set those boundaries, is another very important thing that we're not conditioned to do. And I'd say especially as lawyers, because the idea of giving and giving and giving, and paying your dues and not pushing back, and being the lowest rung on the totem pole to start out with, there's a level of hazing. And so, I think that starting to think about your boundaries, what you will and will not do, early. That doesn't mean shying away from hard work; I'm not saying that. I actually believe that "rigor" is my most favorite word in the English language. I want to tattoo the word "rigor" on my arm because I think that the rigor of a law firm, you can learn something anywhere. But what I will just say is that the idea of what a boundary looks like and how you're going to start to, as [William Ury](#), who is at the Harvard Negotiation Project says, "The power of a positive no." A beautiful no. How do you start to maintain those boundaries in a world where you become, often after law school, a cog in a wheel?

Lee Burgess:

Yeah, that's a great perspective. See, totally not what I thought we were going to talk about today, but I love it. This is like super meaty stuff. So New Year's resolutions, we've got The Ghost of Christmas Future, we've got New Year's mission statement building. I love it, I love it. Alright, well let's dive into the nitty-gritty of the book that we're here to talk about today, which is *Fair Play*. Can you give us a quick summary of your research and why this is such a big issue for women? Because I feel like every woman I know that has come in contact with this book goes, "Yeah. Mm-hmm." It's just this feeling that women are holding a lot.

Eve Rodsky:

Yes. And I will say that if you are a woman and you're listening to this and you're younger, don't do what I did. Don't ignore the past 100 years of data, which shows that 43% of us take a career detour after kids, and every single one of us is surprised by it. We're all surprised by it, that our career and marriage combo does not look the way we thought it was going to look. And I think that for me, I always say research is me-search, Lee. I write about it in *Fair Play* that I came to this work not intentionally, ironically, but with a path, where every single thing, ironically, that I had done before, in terms of a skill building set, ended up opening a path to a very new way to look at the issue of what's often called "invisible work" or "the second shift workload". And I didn't know this, but really, the book starts with how I ended up on this path of understanding gender justice and all the bias that women face in the workplace. And ironically, it started with my own home, it started with a text that my husband Seth sent



me that said, "I'm surprised you didn't get blueberries." I want everyone to help sort of picture that scene for the day because it is the type of overwhelm that you start to feel, especially after children.

The day that Seth sent me that text, "I'm surprised you didn't get blueberries", where he assumed I was the filler of his needs... Very LA. But I had a breast pump and a diaper bag in the passenger seat of my car, I had gifts for a newborn baby to return in the backseat of my car. I'd just had my second son, Ben. I'd a client contract in my lap because I had recently opted out of the traditional workforce. And I say "opted out" in quotes because language really matters here. And so, what I now say is that I was forced out of the traditional workforce. So I had become what I call "the case of the 1099". Somehow I thought if I started my own firm, I would have more flexibility, not recognizing I was losing my 401k and all of my potential career advancement within this company, and the potential to maybe effect change for many, many more women than being on my own. But I remember I had a client contract in my lap because I had started my own firm. I'm a philanthropic advisor – we can talk more about what that means – but I had a client, I had a pen. What I remember about that day, because I was racing to get my son Zack at his toddler transition program, which in America because we value working mothers and families, those programs last about seven minutes, literally. And so, I was racing to pick up Zack, he was three at the time. I had been back home with the nanny, I have all this s\*\*t around me. And I remember I had a pen that was in between my legs that would stab me in the vagina every time I hit the brakes. That was my metaphor for that day, I was being stabbed in the vagina. And then in the midst of all this craziness, I ended up pulling over and completely having a complete mental breakdown, a sobbing breakdown in the car, thinking to myself, "My marriage is over because of off-season blueberries, and how cliché is that." I really thought if my marriage is going to end, it would be over an affair with an NFL player or something super interesting out in the Caribbean. Something really cool, not... How fricking cliché.

But more importantly, I was thinking about that career-marriage combo and how I had two privileges. I was so mad at myself because I had two privileges that this should not have happened to me. As I said to you earlier, Lee, I'm the product of a single mother. I'd vowed from an early age I would have an equal marriage, I would have somebody who was there with me, raising our kids, supporting my career. And I also vowed that I would not become the default, or as I call it in *Fair Play* the "she-fault" for literally every single household and domestic task for my family. And that's where I was that day. I was there that day. And because I'm a Harvard-trained mediator and lawyer, all my CLE, all my extra work in mediation is through how to use your voice. But what I figured is that if I was having this complete breakdown... And not only had I vowed that I would have an equal partnership and stay in the workforce, but I had the training to use my voice, and I was in this situation. I started to get very curious



and become on an obsessive quest to figure out what was happening to me, and I figured other women were suffering from the same issues, systemic issues. I guess the good news for *Fair Play*, but the terrible news for society, was that this issue affects everybody. It affects all women, regardless of whether they're in a hetero-cisgender relationship, regardless of what their socio-economic status is, regardless of their ethnicity. It's a global issue. I just talked to a Norwegian legal association yesterday, because you think Norway or the Scandinavian countries are doing it so much better than we do. Only 3% of their Nordic leadership is women. It's actually worse even than here. So, this idea of women holding two thirds or more of what it takes to run a home and family – it was nothing I'd ever paid attention to, but it was a statistic that I ended up living that I had never even heard of or knew at the time.

Lee Burgess:

Yeah. For me, I also found as soon as I had my first son, who's now six, that even though I had all these ideas about an equal partnership and all this stuff, I didn't really realize how even in the beginning, because of the physical nature of you birthed the baby, and then I chose to breastfeed, and so I had to feed the baby, and then the baby had needs that I could only meet. That that just starts you on this path of collecting the responsibilities, and I wasn't really ready for that part. I was like, "No, but we're both here to take care of the baby." My husband was trying to take care of me and I was trying to take care of the baby, but then all of a sudden you start to develop these patterns and you're like, "Whoa, when did I become a baby caretaker?"

Eve Rodsky:

Yeah, but it actually starts way earlier than that. And I will say my son Ben, who's nine – he's my middle son – he always calls me from his iPad when I'm away, telling me about gender emergencies. It happens in Disney movies. But the most recent gender emergency was he was reading a Cinderella book that my daughter got for Hanukkah, with her, and in the book, Cinderella, I guess, is planning a party with the Prince because they're already married. It must be a sequel or whatever. And he says, "What can I do to help?" And Cinderella says, of course, "Leave everything to me." So, we are conditioned. If you think about wedding planning, somehow we convince ourselves that it's like the best thing in the world for us to take on all the invisible work and emotional labor of selecting a florist, and how it's supposed to be fun, right? Even before we have kids or families, we're given office housework, like, "Eve, why don't you take the notes? You should order the birthday gift for Judy, the receptionist, because you're a woman and you would know what she likes more." So, what I will say is that I guess the saddest part for me – and I don't even know if that's a word – but the hardest part for me about *Fair Play* when I was writing it, was that I really wanted, Lee, because I'm an organizational management specialist – I am a systems queen, I'm obsessed with kanbans and Trello, and I believe in organizational management. I have a lot of work in scholarship that I love and invest in in positive organizational psychology. So, I really believe in the power



of systems, and that's what *Fair Play* was. But what I realized the biggest hurdle was, was actually getting women to the table.

Lee Burgess: Interesting.

Eve Rodsky: It was very hard because a lot of men would say to me, "I know things are not working in my household." I had a man in White Plains, New York, tell me he was divorcing over a glue stick. We can unpack that in another podcast, but you can sort of get the sense. The home for us is dangerous, it presents really small, I'm thinking I'm divorcing over off-season blueberries. But I think the biggest a-ha moment for me that applies to – remember, I'm *The Ghost of Christmas Future* – applies to your audience, is that what happens to women, and you start to see it more and more as we get older in the workplace, is that we are a society that values men's time as finite, like diamonds, and we treat and we value and view women's time as infinite, like sand. Now, that time discrepancy is not something I wanted to write about, but I saw it everywhere. So we know in pay equity that if you're a woman of color, you're going to get paid 50 cents on the dollar for every white man. But what was so hard for me, Lee, was watching women discount their own time. And what I mean by that is, I asked hundreds of women, "Why are you the one picking up the phone call when the school calls you when your kid is sick? Why are you the one getting your kid?" And regardless of whoever they were, it always came down to, a) "My husband makes more money than me" – which that's a terrible argument, because like I said, women never make as much money as men.

Lee Burgess: Right. That's always a losing argument.

Eve Rodsky: Yeah, it's lose-lose. I'm in philanthropy, my husband's in private equity – that would mean I'm relegated to the childcare and housework forever. It happens even with the dogs. You end up picking up the phone from the vet, even if you don't have kids. But the more insidious arguments that women kept making to me was what made me feel like I couldn't just write about organizational systems, I had to write about women's lack of respect of their own time, because we've been conditioned to treat our time as sand. And that was arguments around, "I'm a better multi-tasker", "I'm conditioned because I'm the mother to know what this baby needs", "I'm wired differently for care." And so, I want to really break that down because I think it gets us in these patterns, like you said, Lee, "Well, I'm breastfeeding, so there's not a lot for my husband to do", if you're in a hetero-cisgender relationship. And the truth is that that's all a fallacy. If you go and you talk to neuroscientists, there's no difference in women and men's ability to multi-task, there's no difference in our oxytocin levels for how we can bond with a child. But what was most impactful to me was one neuroscientist, when I asked him, "Are women better multi-taskers or somehow are we wired differently for care?", he looked at me and said, "Imagine, Eve, we men think it's you women that you're better at wiping asses and doing dishes."





And how great, because when you're Type A and you've been better at everything, and you sort of have this "having it all means doing it all" attitude, I don't even have to force you to do it. You want to wrap the birthday gifts, you want to write the thank-you notes for the newborn baby. There's so much s\*\*t for men to do. They can cook your meals, they can write the thank-you notes, they can register for the baby. If you're breastfeeding, that's one thing out of 100 Fair Play Cards. This is an analogy, it's a card game that represents everything you do for domestic life. And then finally, the last, most insidious comment was, "In the time it takes me to tell him what to do, I might as well do it myself." That was also happening in wedding planning as well. Well, that's a terrible argument because that just counts all of your future time as... As [Dan Ariely](#), the behavioral economics professor who wrote many best-selling books will say, "Women just have finite time." So, unless we're Albert Einstein and we can f\*\*k with the space-time continuum, which we can't, women just have as much time as men do, we just get 24 hours in a day. But what happens over time is that we believe we have a lot less time choice over how we use those hours as men do. And once men start guarding their time, they take twice as much leisure time, then all of a sudden, they have the time for their self-care, they have the time to go golfing with their friends, they have the time to finish the PowerPoint deck, they have the time to check Sports Center. Whereas often we end up in service of our household the minute our head hits the pillow at midnight. And that's the true version of burnout that I think we're seeing now, where 2 million women have been forced out of the workforce, just in the last eight or nine months.

Lee Burgess: Yeah. I have friends that have left because it is brutal. They were already holding so much and then they were homeschool teachers, and you name it. I think outsourcing has been one solution, especially for professional moms, and then a lot of that outsourcing got gobbled up. Even during the pandemic, it's like all of a sudden there are no housekeepers. A lot of things that people used as coping mechanisms to kind of hand the cards to different people outside the family – all those cards came back, and I don't think most of us were reshuffling them. I think we were cleaning toilets.

Eve Rodsky: A hundred percent. Nobody was asking men to take that load. What many women do is they think they can solve this time discrepancy problem by putting a lot of the invisible work of childcare and domestic tasks onto other women, and often they're women of color. Outsourcing is a very complicated gender justice intersectional feminism issue, because we're not going to solve any problems by saying, "Okay, well, society is built on the backs of the unpaid labor of women, so to get the society off of our backs, I'm going to put it onto undervalued and underpaid care of women of color." It can't be women replacing women. We have to invite men to step into their full power in the home, so that we can step into our full power in the world. And I will say that if



Seth and I had not been... In *Fair Play*, when we lost our housekeeper and nanny, and all the things that you talk about, we would have done it through divorce. Yeah. I would have said, "Enjoy half the week. I'm going to get my half the week back by you living in a different household." By the way, that's the *Eat, Pray, Love*. That's the untamed narrative. A lot of things say you can blow up your life and start over, and that's fine, but it wasn't the choice that I wanted to make for me. And the other choice was going to be losing myself and my identity in the process of not being anything like the Eve I was before children. That wasn't an option either. So the only option was to invite Seth to the table and say, "F\*\*k this. What's been working for you for 10 years is not working for me anymore, and we're going to completely shift up this dynamic because I'm a game changer in my own life, and I'm taking the agency back to change things." But that process took me nine years. So we're unpacking all this in 40 minutes, so I will say this is like a 101 primer, this is not the 401 class, but at least it gets people exposed to these issues so that when you come to this part of your life, you say, "Oh my God, I remember that this is not about me. There's not a surprise here. This is a systemic issue, and it's not anything about my capabilities or my self-worth."

Lee Burgess:

Yeah. I think that's a really good point. I love that you love systems, because I studied organizational psychology in college. We also use all the systems in Trello. I would have invited you to a Trello board for this if I'd known you were such a Trello lover. And one of the things I appreciated about your book is you did use that lens to solve some of these problems, because I do think, oftentimes, people forget that a home, a life you build with somebody else, whoever that other person is, is its own business and company. You are business partners with your partner. Even if you just have to pay rent together, you're both on a lease. I think it starts very early, and I don't think we're oftentimes taught that there is a business element kind of a relationship to building a life with someone. And so I liked the fact that you started applying some of those rules and norms to a domestic household. And especially the one that really resonated with me was this concept of the CPE – the conception, planning, and execution of tasks and household management, because one of the things I think that oftentimes women do – and I've seen myself do it, I've seen my friends do it – is we say, "Great, I'm going to tell my husband to do X, but then I'm going to set it up and then I'm going to nag him about it, and then he'll do the last piece of the puzzle." So why do you think...

Eve Rodsky:

Exactly.

Lee Burgess:

Yeah, so why do you think that... Basically, should the CPE framework apply to all tasks? Is that how we truly lighten our load?

Eve Rodsky:

One million percent. It's the most transformative thing for my life and for the thousands of people who are playing *Fair Play* along, my cultural warriors along



with us. And I will say that what CPE does... And I'll explain it for your listeners to break it down really, because it's really about the life-changing magic of mustard. It's a very simple concept for people who may be afraid of the word "organization" or "systems". But given that organizations are what I think about on a daily basis, what I realized what was happening was when I decided after that blueberries day that I was going to start thinking about what I wanted to do with my life, Lee, I started like probably every other woman would – I started with a list. I'm a Type A person, like all of your listeners, I started with Excel. I opened up an Excel sheet because I'd started reading every article about the second shift, emotional labor. But my favorite term for what was happening to women was "invisible work". It was a term coined in 1986 by a sociologist named [Arlene Kaplan Daniels](#). What she argued is that so much of the work done by women is invisible and it's not valued because it's women's work. But what I loved about that term was there was a modicum of solution, because if you could just make the invisible visible, I felt like everything was going to change. And so, I spent nine months creating a 98-tab spreadsheet that ended up being over 2,000 items of invisible work that I called "The S\*\*t I Do". It was an amazing experience with other women because I crowdsourced from people all over the country. Women I didn't even know started getting the spreadsheet, saying things like, "Eve, I love your spreadsheet, but I don't see Elf on the Shelf under your magical beanbag. You have Lucky Leprechaun, Santa and The Tooth Fairy, but you forgot Elf on the Shelf." I was like, "Okay, I'm a Jew, I don't... Okay, I'll put Elf on the Shelf. Okay, that's 20 minutes times 20 nights. Okay." And then, same thing, it would be like, "Oh, I didn't see sunscreen on your list." "Well, okay, that's because you didn't go to tab 72. You have to go to Medical and Healthy Living. If you go to Medical and Healthy Living, scroll to tab 16, you'll see application of sunscreen. That's under Medical and Healthy Living." And then people would say, "Well, it's only two minutes for the application. What about 30 minutes for the chase?" "Okay, 30 minutes for the chase."

So, it was this really beautiful crowdsourcing experiment, and then just like probably a lot of us do, I use all my work, I sort of threw that away, all my expertise at the door, and decided to just send it to Seth one day after nine months, the 19 million megabyte spreadsheet with zero context, with the subject line: Can't Wait to Discuss. And as you can imagine, his reaction was not the one I was looking for, especially for a nine-month project that I thought was going to revolutionize my life. I got just the monkey emoji, the sad... Not even the trio. Just the sad monkey that's covering its eyes – that's all I got back. And I do remember thinking that day, I had three choices: I could resign myself to continue to do... Look, I did my lists, I did everything. I thought he would want to engage. He didn't. I could resign myself to continue to do all the 2,000 items of invisible work myself, and continue to lose myself in the process and my identity as a human outside of my roles. I could *Eat, Pray, Love* it and blow up my life. Or I could get my ass in gear and become my own client. And I think that was so fun because back to the idea of systems, what I did was the first question



I started to ask myself was, "If I was my own client, the question would be, how do I treat my home as my most important organization? What would life look like if I treated my home as my most important organization?" Well, I know how it wouldn't look like. It wouldn't look the way most people were doing it up and to that point that I'd come into contact with. It wouldn't look like setting the table, screaming about who's setting the table when we're already hungry and cranky. It wouldn't look like deciding who's taking the dog out when it's about to take a piss on your rug. It wouldn't be the type of drowning in decision fatigue that I see so many women doing as early as planning their wedding. What I knew it would look like is something different.

So the question I started to ask women and men was, "How did... " And I asked this globally, so it wasn't always mustard, but it was an appropriate cultural condiment. But I would ask, "How did mustard get into your refrigerator?" And once I realized I could break it down the same way I would do organizational management, a light bulb went off, because people were saying to me, "Okay, Lee, I noticed your second son Johnny eats French's yellow mustard. That's why it's in your refrigerator." Okay, I'd write that down. "And he eats that because he chokes otherwise on his protein. He won't eat it." Okay, that's conception. That's a conception. And then, just like at work, you have stakeholder buy-in. You have to survey everybody else for what groceries they need, and monitor that mustard for when it's running low. Ooh, I know that phase – that's planning. And then someone has to get their butt to the store to go purchase the French's yellow mustard, and I recognized that stage – that was execution. And when I realized that when I interviewed over 500 men and women that mirrored the U.S. Census, and almost all men in the hetero-cisgender categories told me that that's where they were stepping in, at the execution phase, and then they'd bring home a spicy Dijon every f\*\*king time, and you asked for French's yellow, "Are you blind? You've been sitting here for seven years. Do you not see what Johnny eats?" All of a sudden, we're not talking about mustard anymore. And that's what I was able to pinpoint, that the presenting problem as a mediator is not often the real problem. Once I realized this was not about mustard or blueberries or glue sticks, but this was about a systems failure. Then once you start to get rid of that systems failure by applying an ownership mindset, of holding the conception, planning, execution together and not just having somebody execute on your vision, which is where you lose all intrinsic motivation to do something, everything started changing. And that's how Seth and I started to change our life, and that was how I started to test *Fair Play*, by recognizing what happens when people start moving to an ownership mindset in their home. And it's a revolutionary thing.

Lee Burgess:

And I feel like I'm even imagining myself as a law student living by myself when I started law school, that if I had even started to look at my own solo life tasks in this way as actual tasks – how often do I clean the house, how often do I grocery shop – even then when I found a partner that I pulled in, then it would be like,



"Great, now we share the rent, but now we share the life tasks." But I never... When I was younger, and especially when I was single, I just did not see life tasks as tasks, like I would at work. My business partner and I, every year in January, we sit down and we say, "Okay, what are things that are on your responsibility list that you don't like or you don't want to do anymore, or that we want to assign to somebody else, or that are creeping in that you said you didn't want?" But we really don't do these exercises with our home life, and I probably spend just as much, if not more time, managing my home and my kids, especially post-pandemic, than I do on my business.

Eve Rodsky: Well, look, if you care for productivity, if you care about staying in the workforce... And I will ask all of you, why are you in law school if you're not going to stay in the workforce? Because I'll just say just retire now then. You won't need your degree if you decide that you're going to take that career detour and never come back. I would say more than a majority of my friends who I graduated with at Harvard did that. They were surprised by the overwhelm of the housework and childcare, and what they've said to me is, "I've sort of lost my purpose in life." And I will say that made me angry and you can hear it in my voice. I get upset because I realize that is such an injustice and an unfairness for the world, that these women have these amazing skillsets to share with the world, but the way of the systemic bias of how we value care and how it falls on women has led them to be forced out of these leadership settings.

Lee Burgess: Yeah.

Eve Rodsky: And so, I guess if you care about DEI, if you care about productivity, if you care about who is going to be sitting at the table, which is ultimately what you care about in diversity, equity and inclusion, you care about who's not only being invited to the table, but who stays at that table, who's decision-making at that table. If you don't want it to look just pale and male and sort of white, hetero-cisgender male, then we have to understand that these are serious biases that start super early. And like you said, if we can start to just unpack these patterns early, then we can make a really, really big difference at who ultimately stays at that table.

Lee Burgess: Yeah. It was fascinating when I was pregnant with my son, my business partner and I were at a conference full of lawyers. And I was pretty pregnant – I think I was like six, seven months pregnant, so there was no hiding that I had a baby coming. And multiple men came up to us – and we're 50/50 business partners – and said, "What's going to happen to the business when Lee has the baby?" And we were like, "It will continue on." We didn't even know how to answer. And then someone else to me personally said, "Well, when did you tell Alison that you were pregnant?" And I was like, "After I told my husband." Because she's my second long-term relationship, she's my business partner, and it is part of



our business if I was going to take time off or if I was going to need to re-juggle things to make room for kids. It's a business. I was like, "She and I strategically planned, knowing I was trying to get pregnant." And it was fascinating to me, all these assumptions that we couldn't figure it out, and she's like, "Oh my gosh, well, if two women lawyers who own their own business and who have nobody telling us what to do cannot stay in business while one of us chooses to have children, we are done." But it was so eye-opening to me that from the outside, men kept asking us what was going to happen.

Eve Rodsky:

Yeah. You're hitting on another statistic that I did not know at the time that I wish I did. And again, I keep coming back to the fact that I feel like today, maybe because it's the end of the year and I'm ending the year of rage, I'm in a little bit of a less conciliatory mood. But I will say that I was shocked to understand and to unpack the fact that motherhood is the strongest bias against women by far. And it is huge bias, it is why many women ultimately become like I did, what I call "the case of the 1099", why we think that there's going to be more flexibility in starting our own businesses, because many traditional workplaces don't make room for any scenario other than the ideal worker, or they create a completely separate track where they think, "Oh my God, I'm so lucky I get to be of counsel here because I get flexibility." Whereas every real person gets to, quote unquote, "be partner". It's this bias against caregiving that, if God forbid, you have to take your child to the pediatrician's office, that that's way less valuable than an hour in the boardroom. So I think what I wish for society is for us to recognize that an hour holding our child's hand in the pediatrician's office is just as valuable as an hour in the boardroom. And the more we parent out loud, and we invite men to parent out loud, it's going to close... It won't eliminate the bias against caregiving and women, but at least it'll close it. And so, I think that was always what people would ask me before the pandemic, what's my wish for society? And it was always that I wish for societies that we become the BBC guy, that we're all interrupted with kids racing on a walker behind us on a video conference. I didn't realize that my wish was going to come true, in a crazy global pandemic. But I will say I do believe we're at an inflection point now where we can continue to go and lose 2 million more women, force them out of traditional labor because of caregiving responsibilities, or we can say that we can blow the s\*\*t up and start and say that you are just as valuable, Lee, because you want a... And even more valuable as a manager and a business owner, because you have caregiving responsibility.

Lee Burgess:

Yeah, I think that's true.

Eve Rodsky:

And we know that. We know that women are highly productive after kids, and ultimately we get penalized for it. And that also makes a lot of decisions for us for why women end up being the primary caregivers, because of our wage discrepancy with our often male partners.



Lee Burgess:

And it's interesting, I really like too how you're talking about unapologetic caregiving because I feel uniquely positioned where I work for myself, I have a business partner who is very invested in my life and my family, and then we have tried to create a company culture of honesty, because we hire a lot of moms that have left the legal workforce that teach for us. And it's always interesting to me when someone is so trained against being honest about life and those responsibilities that we have to work really hard to convince them to be honest. It's like if your kid is sick or hurt – and recently, it's been like your nanny got exposed to COVID and so you've lost your childcare – you just have to tell us and we will all figure it out together. But I didn't fully appreciate how ingrained it was in all of us to apologize or hide it or pretend like we were all okay. It's much easier to function when we can all be honest about our struggles and not be penalized for it. But it's even to create my own company culture where that exists and we are very straightforward about that, it still takes a lot of time. The first time I took a client meeting with my kid on my hip because someone was out sick and this, and I remember being on the sales call and I was so worried, and I'm like, "I just have to apologize, my six-month-old is here. We can reschedule, but this is it." And he laughed and said, "Well, I have five kids." So we were good. And it was almost a freedom of that, of me realizing the only way this changes is if we're all honest about what's going on around us. It was a great sales call, I sold work, and then I'm also modeling that for my daughter. It is interesting though, how hard it is to change, even when you're in control, and in most of the workforce, we're not in control.

Eve Rodsky:

A hundred percent. I think that that's such an important point, that psychological safety as you become a manager and you think about places you want to work. If you have a feeling... And these are questions you can ask if you have a feeling that there's any sort of fear around things. The more there's fear, the less psychological safety you have, and that leads to less productivity and more attrition over time. And really what I think about with psychological safety is, how many fears are there? Is there a fear of telling your employer that you are pregnant? Is there a fear of leaving early because you want to take a dance class? Is there a fear of telling your employer that you want to do a vow renewal ceremony, I don't know, and you're going to take two weeks off for that? So, I think it's not about over-sharing, which can be sort of a Gen-Z and Millennial problem. I'm not talking about over-sharing. I think professionalism can exist with the idea of being psychologically safe, which is just understanding that you are more than your role, you're more than your job, and that you should be at a workplace where it is okay to check in with your manager and to feel heard and supported for your family structure.

Lee Burgess:

Yeah. I think it was in [Daring Greatly](#), but Brené Brown has a great section on vulnerability and how vulnerability is not over-sharing, and what those two things... And I do think that that line of authenticity and vulnerability is one to practice, because I think you've got to find out where those lines are because I



agree, it's like you don't want to put your problems on somebody else, but you still want to feel safe to be like, "This is my deal, this is my life."

Eve Rodsky: "This is my boundary. One, these are my boundaries, and this is how I ask for what I need." And so oftentimes, I will say that to younger – to more at your audience level who are younger and earlier in their career – I will say, "Make sure that you have those two things in your pocket." Like we said earlier, that you understand your boundaries, and that you feel safe to ask for what you need. Those are two really important tools to continue with in your workplace and also in your home, because your boundaries and asking for what you need is almost harder for people in their home life, with their partners, ironically, than it is with their employers.

Lee Burgess: Yeah.

Eve Rodsky: So many people tell me they have a harder time asking for what they need at home, and so that was how I felt. It was much easier for me to quit my job at JP Morgan than it was to ask Seth to do more housework and childcare. It didn't even occur to me that my solution could be I could stay in the traditional workforce if Seth would just step up and use an ownership mindset to take more of the childcare and housework off my plate. It wasn't even an option. So I think 10 years later, I sort of kick myself, saying, "How did that not even come to my head?" That I thought that Seth was part of the solution, that somehow I thought having it all meant doing it all. Very strange. And I guess I keep thinking about where I was in that mind space. And if we can channel people in that mind space – remember, childcare and housework is not just your responsibility. It is a joint responsibility if you are lucky enough to have a partner. And if you are a single parent, then that is harder, but then you have even more license to ask and develop a community around you.

Lee Burgess: Yeah. So, we're almost out of time, but the one thing I wanted to share for the folks that are listening is if you're pre-family – maybe you have a partner, maybe you don't – but you're trying to say, "Okay, I want this equal relationship, but I want to lay the foundation knowing that it could get gnarlier later." And I think life always gets gnarlier later – between family and this and that, something will happen to make life more challenging. So what are the tools that folks can use, both from your book and from our discussion, to start practicing these skills, so when things get more complicated, they're not asking this question: "Do I blow up my life, or do I have to change everything?" You're laying the systems in place.

Eve Rodsky: Absolutely. I think this is my favorite audience to talk to, and that's why I responded to you right away on LinkedIn, because when you can set these patterns early, it is life-changing. Because they are patterns, they are practices. So many of the articles that have come out around women and coronavirus is





that it's a disaster for feminism, it's inevitable that all the childcare and household work is going to fall on women. What I'm here to tell you is this is not inevitable. This is f\*\*king evitable. This is the way that society has been designed. And so when you say, "I'm going to take agency in my own life not to allow societal conditioning to affect my partnership", it is very freeing. What happens is that early on, all you have to do is you just practice. Practice communicating, practice communicating. Most people use communication as a means to an end. You're lawyers, we're trained to communicate. Not as well as we should. I always think it's weird that law school has no public speaking classes and somehow you're just going through mock trials with no skill set, and it's very odd. But pretend that you were trained to communicate, that you're actually getting the training we paid for and deserve. What you will learn about communication, or what I've learned over the years about communication, is that... And this is from a mediation practice that's over a decade old, and I work for families that look like they should be on the show Succession. So you should all feel bad for me because they're very difficult families. But I do allow families to communicate with grace and humor and generosity around the most complex organizational and financial decisions of their family foundations and family businesses.

And what I've learned from that is there's a lot of beauty in two things. One is recognizing that we don't always get to tell our stories to the people we care most about. And number two is that communication is a practice. We look at meditation as a practice or exercise as a practice. I wish I could run once and be fit forever – I'm highly sedentary and I hate to run. But it doesn't work that way. We recognize that exercise is a practice, or meditation is a practice. We don't look at communication like that. We look at it as a means to an end. But if you recognize that you can keep coming back to the table, just say, "I don't care what we talk about, but I want to practice a 10-minute check-in every single day with you for the rest of our lives. I want to invest that instead of scrolling Instagram for another 10 minutes or scrolling Twitter. 10 minutes." At the end of our day, we bring tequila, tacos, cookie dough, Lucky Charms. Seth and I have done that. We've invested 10 minutes a day in each other, and that investment has paid off in spades in how we can talk to each other, how psychologically safe we feel to bring up complicated and hard issues, whether it's the fact that he forgot to put the garbage liner back in, and he owns garbage, and I want to kill him, or whether it's bigger things like where our son is going to go to school, or what value system we have around seeing family during COVID.

And so what I will say is what you can do now is start practicing. And the number one thing to take away, I would say from here, is to remember that communication is a practice, it is not a means to an end. And once you start looking at it like that, it's easier to make mistakes and just say, "Okay, that communication check-in didn't work. Emotion was high, cognition was low. I called you the worst father that's ever existed. Let's come back tomorrow night



and try again." I will say, to me that's how you set a foundation for having these game-changing systems later on, by setting up a communication practice for the people that you care about and love most, and that can include your children too. We check in with my older son every day. We have a five-minute check-in with him: "How are you? What are your responsibilities to this family?" Those are conversations that we take for granted, but we often don't have.

Lee Burgess:

I think that that's really true. I've been in my long-term relationship for 13 years, and the amount of different life situations we've been in, you have to renegotiate constantly. From moving in together, to deciding to get married, to planning that wedding, to job changes, life changes, family illnesses, all sorts of stuff, then comes children. There's always a need to kind of reshuffle, based on what's happening. It's ongoing.

Eve Rodsky:

Yeah. And if you think outsourcing is the solution, then what you realize... And this is why I ultimately made [The Fair Play Card Deck](#), which was 100 cards that symbolize what it takes to run a home and family. It doesn't mean you have to play them all, and hopefully you do not. The point is to get buy-in to take things off your plate. But the beauty of seeing it is to recognize that even if you wanted to outsource everything, there're still 50 cards in the deck that are not outsourceable. As much as you love Alexia, she's not deciding whether your child's adenoids are coming out. As much as you love Alexia, she's probably not taking your kid to their first haircut. And so what you start seeing is that even if you thought you could outsource your whole life and that's how you're going to solve these issues, there're about 50 cards in my data from, again, 500 plus interview that mirror the U.S. Census – there are 50 cards that people were able to use an external source to help with. But there's an additional 50 cards that are not outsourceable. So, even if women are holding those whole 50 cards that are not outsourceable, that's too much. If you're privileged enough to have a partner, you should not be holding all those non-outsourceable cards.

And so, I think that was the beauty of looking at Seth and not saying, "You have to take out the garbage every night." It wasn't the "what". It was starting to tell him the stories that he may not know about me for why I cared about certain things. All of a sudden, he started to buy in. He doesn't give a s\*\*t about garbage. He said he lived on... He slept on Domino's pizza boxes. So when I was able to tell him that I grew up in a single mom household, and my mom was often not home at night, and my brother who was disabled would ask for a glass of water, and I'd have to go into our kitchen and there'd be cockroaches and waterbugs that would scatter everywhere, and I'd have to close my eyes until they were all gone to go get the water and run out, and that's what I think about every time I see an overflowing garbage can – then all of a sudden, he may not still agree to what I do, but what we can come up with is what you learn in Torts 101, which is the minimum standard of care, the idea that, what does a reasonable person do? Once you have a reasonable person standard for your



home, for everything you do, then you default to that, and it's the most beautiful thing. It is a life-changing thing to say, "Our reasonable person standard for garbage is that Seth owns it, and it goes out once a day." And then I'm not looking at him all day long, wondering if he's going to take out the garbage, seeing if I have to remind him. His responsibility, that's our reasonable person standard, it's our minimum standard of care, and we live our life with expectation. And I think once you have accountability and trust and expectations of each other that aren't unreasonable, that you buy in together, then you can really create a life where women have power. I feel like I finally have power in my life to do the things I want to do.

Lee Burgess: Yeah. I won't admit to you how long I spent working on holiday gifts for my kids' teachers and administrators today.

Eve Rodsky: Maybe that's your card. I hold the VIP gifts card, which means very important people like teachers, and I will always hold the gifts card because I love the gifts card. But I don't get bitter and resentful of Seth for not holding it because we dealt to me six months ago. Seth holds many other cards that I never have to think about, including school forms, which I freaking hate, and I never have to do. I can just forward every single school form that comes through my inbox, without getting some of those practices under your belt. And part of it, as I said earlier, is to recognize that communication is a practice and it's going to become your most important practice in the course of your life.

Lee Burgess: Well, it's cheesy, but if you had only been The Ghost of Christmas Future back 13 years ago when I was in law school...

Eve Rodsky: All of your listeners are going to do it better than we do.

Lee Burgess: That's right.

Eve Rodsky: But you can never claim that you're going to have surprise, at least, because we are here to guide you, to support you, and to say whatever your life's path is, this is not one way to get there. But you should feel that you have as much power and that there's no surprise along your way to be as empowered as you want to be in your life.

Lee Burgess: Yeah. Well, this has been amazing. Thank you so much for taking time to meet with us. If our listeners want to know more about your work, how should they do that?

Eve Rodsky: They can absolutely follow us on [Instagram](#). [Fair Play Life](#) is our official Hello Sunshine channel. Then [Eve Rodsky](#), we answer DMs. We have a team that answer DMs. Or if you want to continue on the journey with us, we also are at



[fairplaylife.com](http://fairplaylife.com), which explains a lot more about the bigger changes we're trying to make in society around value and care.

Lee Burgess: Well, I love it. Well, I hope this isn't our last conversation because this was so fun, and I look forward to a time where the next time I'm in Southern California, we can do it in-person maybe. How fun that would be!

Eve Rodsky: Yes. Lee, I'm so happy to get to meet you.

Lee Burgess: Yeah, absolutely. Well, with that, we are out of time. If you enjoyed this episode of the Law School Toolbox podcast, please take a second to leave a review or rating on your favorite listening app. We'd really appreciate it. And be sure to subscribe so you don't miss anything. If you have any questions or comments, please don't hesitate to reach out to myself or Alison at [lee@lawschooltoolbox.com](mailto:lee@lawschooltoolbox.com) or [alison@lawschooltoolbox.com](mailto:alison@lawschooltoolbox.com). Or you can always contact us via our website [contact form](#) at LawSchoolToolbox.com. Thanks for listening, and we'll talk soon!

## **RESOURCES:**

[Eve Rodsky](#)

[Philanthropy Advisory Group](#)

[Fair Play: A Game-Changing Solution for When You Have Too Much to Do \(and More Life to Live\), by Eve Rodsky](#)

[The Fair Play Deck](#)

[Eve Rodsky – Instagram](#)

[Hello Sunshine: Fair Play](#)

[The Fix: Overcome the Invisible Barriers That Are Holding Women Back at Work, by Michelle P. King](#)

[Daring Greatly: How the Courage to Be Vulnerable Transforms the Way We Live, Love, Parent, and Lead, by Brené Brown](#)

[Invisible Work – article by Arlene Kaplan Daniels](#)

[William Ury](#)

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[Podcast Episode 134: Strategies for Maximum Personal Productivity](#)

[Married Law Students: Lucky or Unfortunate?](#)