



Tuesday, October 20
2:30 pm–4:00 pm

707 X and Y and Boomers Too: The Ins and Outs of Generational Diversity in the Legal Workplace

Arin Reeves
Principal
The Athens Group

Veta Richardson
Executive Director
Minority Corporate Counsel Association

Faculty Biographies

Arin Reeves

Arin N. Reeves, JD, PhD is a principal consultant, speaker, trainer and personal coach works with The Athens Group in Chicago. Dr. Reeves' work with The Athens Group focuses primarily on diversity (race, ethnicity, gender, sexual orientation, generation and religion) issues within law firms, corporate legal departments, legal work places in the public/government sector, law schools, and professional associations within the legal community.

Prior to joining The Athens Group, Dr. Reeves gained valuable experience in the areas of racial/gender discrimination, conflict resolution, and effective communication as an attorney practicing in the state of Illinois. In addition to her legal background, she has several years of consulting experience that include working with organizations to develop human resource strategies, policies and training programs in various industries.

Dr. Reeves is currently a council member on the ABA Presidential Advisory Council on Diversity, and she was a commissioner on the ABA Commission on Women (2003-2006) where she co-chaired the Women of Color research project. She has also served as the chair of the Chicago Bar Association's YLS Committee on Racial & Ethnic Diversity and as a member of the Chicago Bar Association's Special Commission on Diversity. Dr. Reeves is also currently an adjunct professor at Northwestern University's College of Arts & Sciences where she teaches courses on race and gender issues as they pertain to law and society.

Dr. Reeves received her BS from DePaul University, her JD from University of Southern California, and her PhD from Northwestern University where she conducted several research projects on race and gender issues in the workplace.

Veta Richardson

Veta T. Richardson was named the executive director of the Minority Corporate Counsel Association in January 2001. She also serves as the director of publications for MCCA's magazine, *Diversity & the Bar*, which is published bimonthly and distributed to a global circulation base of more than 35,000 corporate attorneys. MCCA's mission is to advocate for the expanded hiring, promotion, and retention of minority attorneys by corporate law departments and the law firms that serve them. Since its founding in 1997, MCCA has emerged as a knowledge leader on diversity issues in the legal profession, and its expanded platform addresses diversity management issues involving women, physically challenged, and gay, lesbian, bisexual and transgender (GLBT) lawyers, in addition to lawyers of color (which remains its primary focus).

Prior to joining MCCA, Ms. Richardson was vice president and deputy general counsel of the ACC and in-house counsel to Sunoco, Inc. in Philadelphia, PA, where her practice focus was corporate governance, transactions, securities and finance.

Ms. Richardson has been recognized for diversity leadership by a number of organizations, including the US Equal Employment Opportunity Commission, Black Law Students Association, National Minority Business Council, ACC, Bar Association of the District of Columbia and the Asian American, Korean American, and South Asian Bar Associations of New York.

She received a BS from the University of Maryland at College Park and a JD from the University of Maryland School of Law.

Generations Defined

What is a GENERATION?

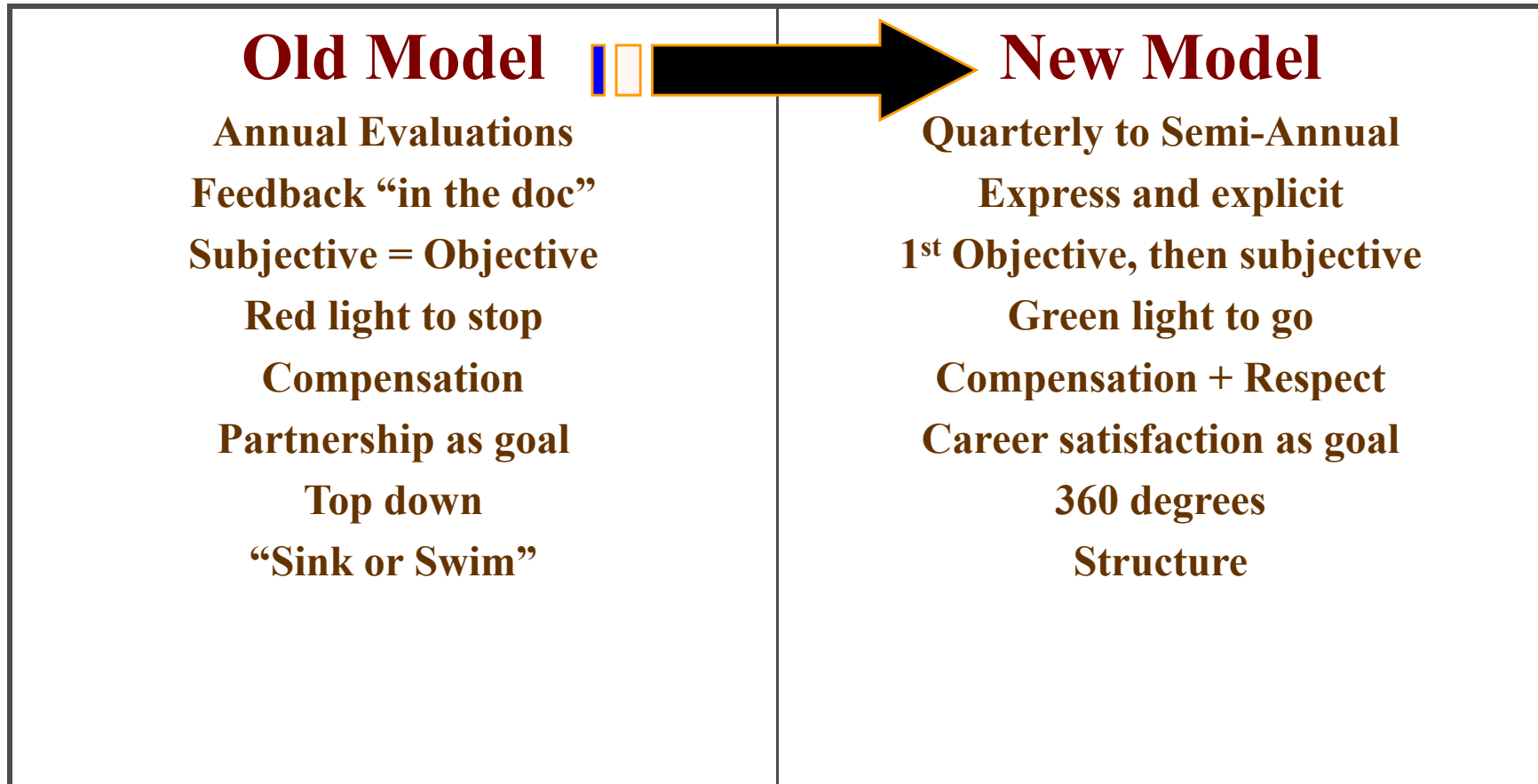
- *Linear construction of birth demographics with accepted but debatable start and end points*
- *Cultural and social construction of an age-based group's perspectives based on exposures to similar cultural events and social factors*
- *Behavioral and attitude predictor based on generalizations that inform us and guide us but should never define us or limit us*

Years of Birth	Popular Name of Generation
1900 - 1945	Traditionalists
1946 - 1964	Baby Boomers
1965 - 1980	Generation X
1981 - 1995	Generation Y

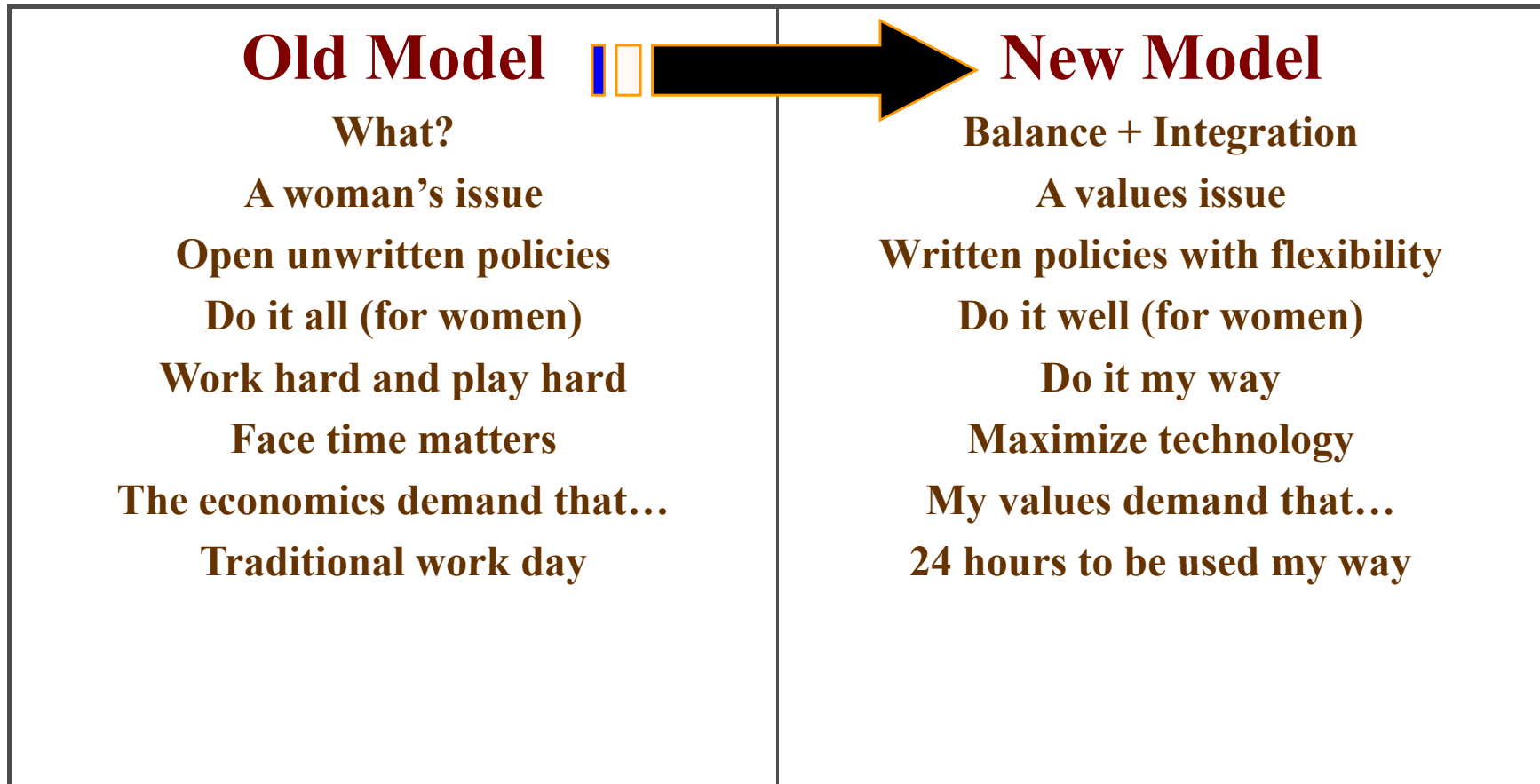
Generational Differences in the Workplace

	Who are they?	Value in the Workplace	Views of Leadership	Views on Authority	Views on Feedback	Views on Balance	Work Ethic
1900 - 1945	Traditionalists	Loyalty Similarities	By Hierarchy	Automatic Respect	No news is good news	Don't quite get it	Dedicated Deliberate
1946 - 1964	Baby Boomers	Profitability Reputation "Sink or Swim"	By Consensus	Love/Hate	Once a year with documentation	Sandwich generation	Driven Play to Win
1965 - 1980	Generation X	Stimulation Balance Feedback	By Competence	Unimpressed & Unintimidated	Periodic feedback with 360° factor	Want balance now	Balanced Decisive
1981 - 2000	Generation Y	Diversity Structure Relationships	By Pulling Together	Impatient	Impersonal feedback at the touch of a button	Need flexibility to create it	Adaptable Creative

Feedback & Evaluation in Legal Workplace: *Communicating with Gen X & Gen Y*



Work – Life Balance: *The values of Gen X & Gen Y*



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Mentoring Across Differences

Mentoring Bridges the Generation Gap

By Ida O. Abbott, Esq.

This is the fourth of six articles that will be written this year as a continuation of the "Mentoring Across Differences" column, which will highlight mentoring issues and spotlight how lawyers of different racial, gender, and cultural backgrounds can build successful mentoring relationships.

Ida O. Abbott, Esq. is the principal of Ida Abbott Consulting (www.IdaAbbott.com), which helps clients create systems and environments where professionals flourish, excel, and advance. She specializes in mentoring and lawyers' professional development. Additional information about mentoring and diversity can be found in MCCA's [Mentoring Across Differences: A Guide to Cross-Gender and Cross-Race Mentoring](#).

The term "generation gap" is commonly used to describe a lack of understanding and communication between parents and children. But today's workplace—where four distinct generations are employed together—creates multiple generation gaps. As such, even as those committed to diversity rightly pay close attention to gender and ethnic groups, age diversity must be considered as well. While lawyers must be treated as individuals, not on the basis of group membership, there are very real differences between older and younger lawyers that impact the development and retention of associates and the operation and prosperity of law firms (see sidebar). Bridging the gaps among the generations is critically important, because if law firms expect to remain viable in the long term, they need lawyers of all ages to work together harmoniously. One proven method for bridging generation gaps is mentoring.

Generational Barriers

The major intergenerational problem today is that partners and associates have divergent values around institutional loyalty, definitions of career success, and the centrality of work versus family. When such core work values conflict, partners have little motivation to mentor associates, and associates reject partners as irrelevant advisors and role models. In the past, even when older and younger lawyers had different agendas, they shared common goals and values about work and defined career success as becoming a partner in the firm. When idealistic baby boomers entered the profession, they may have questioned authority, but they also aspired to partnership and the status it carried. When young lawyers enter firms now, their expectations are short-term and partnership is usually not their goal. Rather than a linear career path, they contemplate more fluid "career lattices" that involve multiple jobs, lateral as well as upward movement, and careers that start and stop for periods of time.

The crux of the problem is that law firms are becoming more demanding at a time when young lawyers are seeking less responsibility. Young lawyers work hard, but more and more are unwilling to make the trade-offs that come with partnership. While news reports focus on a so-called "opt-out revolution" in which women are dropping out of law, a recent study of generations in the workplace found that the real revolution is a downward trend in career ambitions of both men and women.¹ Rather than dropping out, they seek jobs that allow them to have both productive careers and time for a personal life. This means eschewing partnership and positions that require too much responsibility. This trend has profound implications for law firms that require talented, driven lawyers to sustain the firm as a business entity.

Senior lawyers have an interest in ensuring the permanence of the successful institutions they have built. The established law firm business model has served them well, and as long as they continue to enjoy high profits, they have little inclination to change it. But young lawyers make a compelling case for changing what many agree is an unsustainable business model dependent on increased billable hours and higher hourly rates. Both views are valid and can be reconciled if the generations are willing to listen and learn from each other.

Getting everyone to listen is the first hurdle. Partners find it hard to accept that what they spent a lifetime creating is no longer valued by the associates they are expected to mentor. A partner who has spent decades building a career and a firm finds little motivation to mentor a young lawyer who says, "I don't want to be a partner here. I don't want a career like yours. I just want to do interesting work, get paid well, and still have time for a personal life." The partner sees this associate as having no drive or commitment. When expected to mentor this associate, the partner asks, "Why should I invest time and effort to help you when you show me no loyalty or respect? Where do you think your interesting work and hefty paycheck come from? They come from the incessant hard work and sacrifices that you decry!"

The associate perceives the situation differently. Where a Boomer may see an arrogant, ungrateful slacker, a GenXer sees a self-reliant pragmatist. He or she thinks, "I work very hard, but work isn't everything. I want a life. The sacrifices you made were too great. Just because you did it that way doesn't mean it's the right way or the only way. You're making plenty of money off my labor but you won't promise me job security. I need to make big money while I can and will depend only on myself."

This scenario cries out for clear thinking and creative solutions. Considering that young lawyers represent the future of their firms, senior lawyers must listen closely and support changes that will enable their firms to recruit and retain them. And young lawyers need to understand the business realities of today's legal marketplace and appreciate the compromises that are inherent in career success under any definition. Mentoring is an excellent mechanism for starting this dialogue.

Modern Mentoring Bridges Generation Gaps

Traditional mentoring is founded on generational differences. Historically, mentors were wise old men who shared the wisdom derived from age and experience to help a younger protégé learn and develop. In law firms, this mentor was a partner who sponsored and promoted an associate to become a successful lawyer and partner in the firm.

While that kind of mentoring still exists for a few young lawyers, most mentoring today follows a different paradigm. Age differences can create barriers to mentoring, but mentoring can also provide a medium for bridging generation gaps. The heart of mentoring has always been—and remains—open communication in trusting relationships. But mentoring practices have adapted to the modern law firm, moving away from the top-down archetype that made mentors patrons and mentees beneficiaries of the mentor's aid and support (see Table 1).

Table 1. Traditional and Modern Mentoring Models

Traditional	Modern
Mentor-driven	Mentee-directed
Hierarchical	Egalitarian
Mentee-focused	Mutual learning
Similarity-based	Differences valued
One mentor	Multiple mentors
One-on-one	Groups, teams
Open-ended	Short - or long-term goals
Same office	Anywhere via technology

In the new model of mentoring, mentors and mentees engage in bilateral communication, mutual learning, and shared responsibility. To make this kind of mentoring work, mentors and mentees need to appreciate the different ways they view work and career, accept the validity of diverse points of view, and apply the perspectives of each for the benefit of all. The new approach to mentoring recognizes that young lawyers have an interest in controlling their own careers. It expects them to take a more active role in directing mentoring relationships that are oriented to their specific career and development goals. It emphasizes mentoring as a learning partnership. It permits a younger lawyer with particular expertise or knowledge (of technology or diversity, for example) to be the mentor and an older lawyer to be the mentee ("reverse" or "upward" mentoring). And it accepts the use of technology to facilitate ongoing communication between the mentor and mentee, especially when they are in different locations.

Under this new form of mentoring, partner-mentors are expected to learn—and use what they learn—to adapt themselves and the firm to the changing world. As they better understand the perspectives, stresses, and work experience of younger lawyers—which are substantially different in many respects from previous generations—they can craft progressive policies and practices that are meaningful to young lawyers and make business sense for the firm.

How Mentors Can Overcome Generational Barriers

This new mentoring paradigm presupposes that mentors are willing to listen to young lawyers' viewpoints and not write them off. If mentors can withhold judgment and be receptive to new ways of thinking, they can use mentoring relationships to build trust, commitment, and even loyalty in their associates. Below are some strategies to promote this process.

- **Maintain a dialogue.** Partners often tend to lecture, instruct, or reminisce about what life was like "when I was your age..." Young lawyers are interested in the present, not the past. They expect more collaborative discourse. Tap into their knowledge and energy. Ask them for their views and suggestions. If they hold misconceptions, correct them, but acknowledge that your perceptions may not always be correct.
- **Search for new solutions.** Law firms have to adapt management practices to the needs, priorities, and expectations of a new generation of lawyers. Make an effort to understand their reasons and ideas for change; see the world through their eyes. Take their concerns and suggestions seriously, and invite them to help you create solutions. Work together to find and adopt new approaches that will improve the current system.
- **Set clear, specific expectations.** Even young lawyers with ambitions other than partnership want to become great lawyers, and they want mentors to tell them how to succeed in the firm. Young lawyers are uncomfortable with ambiguity. They want to know exactly what the firm expects of them—and why. Be very specific about those expectations. Cover every area from economics to ethics to etiquette.
- **Present positive role models.** Young lawyers need to see attorneys who love what they do and live lives that they can emulate. Try to be that role model. But recognize that not every associate will want a career or personal life like yours. If a young lawyer does not favor your practice, career path, or lifestyle, introduce him or her to other possible role models who might be more appealing. Not being the perfect role model does not mean you must end your mentoring relationship with an associate. You can continue to be a worthwhile mentor, assisting in other valuable ways. It is important for young lawyers to see that there are few perfect role models and that they can learn something useful even from those who are less than ideal.
- **Nurture ambitions.** There are still many associates who want or might want to pursue partnership and leadership in the firm. Look for those associates and encourage them. Explain what it takes to become a partner and what they can do to increase their chances.

Intergenerational differences can be a rich source of vigorous new thinking and innovative changes. Because mentoring naturally spans generations, sympathetic, receptive mentors can set the firm on a positive course for current and future generations of lawyers.

Generation	Birth Period	Current Age	Size
Traditionalists	Before 1945	Over 60	75 million
Baby Boomers	1946–1964	Early 40's to 60	80 million
Generation X	1965–1980	Late 20's to early 40's	46 million

Table 2. Four Generations in the Workplace			
Millennials (GenY)	1981–2000	Mid-20's	76 million

Table 2 illustrates the approximate birth periods, current ages, and sizes of the four demographic groups now in the workforce. Each generational group is associated with certain characteristics derived from the formative historical and cultural events they experienced growing up (see Table 3). These generational characterizations help explain each group's different behaviors, attitudes, and ambitions. However, individuals do not necessarily share the attributes of the generation they are born into.

Table 3. Generational Attitudes toward Authority and Career Goals		
Generation	Authority	Career Goal
Traditionalists	Respect authority	Build a legacy
Baby Boomers	Accept authority	High status, leadership
Generation X	Unimpressed by authority	Free agent
Millennials	Defer to authority	Work-life balance

Their experience, upbringing, and personal beliefs may vary greatly from their peers. Moreover, distinctions among these groups—even the dates bracketing each generation—are somewhat fuzzy. For instance, different sources place the birth periods for Generation X at 1960–1981, 1965–1977, 1965–1980, or 1963–1981. Generational attributes like those shown in Table 3 are interesting and fun to ponder, but as with any group generalization, they promote stereotypes and should be considered with caution.

NOTES

1. See "Generation & Gender in the Workplace: An Issue Brief," Families and Work Institute for the American Business Collaboration, Oct. 2004.

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Generational Perspectives

Small Law Firms, Big Ambitions

Two generations of lawyers at two different law firms discuss how they seized the opportunity to advance diversity—and, in doing so, led their firms to success.

The year 2008 has proven to be a notable one for Taylor Fields. His Kansas City law firm, Fields & Brown LLC, is celebrating its 20th anniversary, and as founding partner of the defense litigation firm, he is particularly proud of its status as the largest minority-owned firm in Missouri. His daughter, Carla Fields, is also part of the celebration. A 12-year attorney and partner with the firm, she has witnessed a significant part of the firm's evolution.

But Carla wasn't privy to the ups and downs involved in starting the business during a vastly different social and political time. Back in the 1970s and 1980s, when her father ventured into uncharted territory, he helped blaze the trails toward a more inclusive profession.

Twenty-eight years old and fresh out of law school, Taylor Fields realized that the types of practice that were readily available to him and his African American cohorts were limited. "In Kansas City, the African American lawyers who were practicing law in private practice were limited to certain areas—some criminal defense work, traffic matters, probate work, and workers compensation. There was very little work done on the defense side of the bar and the idea of a firm beyond two or three lawyers of color was a rare thing," Fields recalls. "Of course that changed in the late '70s and early '80s when large public institutions and some private institutions began to look at small minority-owned firms. The window of opportunity opened up in the '80s and '90s."

Seizing the Day

Fields was one of the first to seize on this opportunity. Rather than settle for work that didn't inspire him, he set his sights on defense and worked hard to open doors that had previously been closed to him and his African American colleagues. He became heavily involved in the National Bar Association, taking on the role of chairperson for its newly developed Commercial Law Section. Through this involvement he was able to take advantage of the growing trend among corporations to recognize the need to do business with people who mirrored their buyers, a group that included a growing number of minorities.

"There was a group of lawyers around the country that had the idea that if they could market themselves to large corporations, there was a window of opportunity and a valuable service they could provide in a cost-effective way," Fields explains. "By putting our heads together, it bore

fruit.”

Together this group of lawyers, including Fields, developed the National Bar Association Commercial Law Section’s Corporate Counsel Conference, an event designed to increase the utilization of smaller minority-owned firms by larger corporations. Although it had humble beginnings, today—thirty years later—this conference is heavily supported and well-attended by corporations, large law firms, and small law firms alike, and has evolved into one of the most sought-out conferences sponsored by the National Bar Association. “It fills up quickly,” Fields says. “It’s one of the association’s signature events each year.”

Whereas the work open to African Americans was limited when her father founded Fields & Brown, by the time Carla Fields joined the firm in 1995 the tides had begun to turn. “At that point, our firm was doing a lot more defense work,” Carla says. “A lot of our clients were public sector clients, like the Kansas City Area Transportation Authority and the Kansas City School District, and we were starting to do some insurance defense work.” Indeed, the work of her father and his cohorts had an indelible impact on the profession at large, which was—and still is—a work in progress. “In terms of more complex litigation for Fortune 500 companies,” Carla adds, “that wasn’t there when I started. I think that started to really evolve maybe seven years into my practice.” Today the firm represents such Fortune 100 companies as Bank of America, General Motors Corporation, The Coca-Cola Company, ExxonMobil Corporation, Lowe’s Home Centers, Inc, American Family Insurance Group, and The Travelers Companies, Inc.

Diversity from Day One

James Leader, founding partner of Leader & Berkon LLP, in New York, also embarked upon a foray into private practice in the late ’80s. Along with litigation partners Frederick Berkon and Mary Faucher, Leader started up a small firm designed to serve individual and corporate clients. Because the firm was based in New York, a largely diverse city, Leader and his colleagues believed that developing a diverse staff of attorneys was a must. Right from the beginning and still today, the firm has employed a significant number of minority attorneys. “Whether it’s pitching a client’s cause to a jury or pitching our firm to a corporation, having a diverse team has helped,” Leader says.

Leader’s son, Joshua Leader, also a partner at Leader & Berkon, adds that although the firm had been practicing inclusiveness right from the beginning, today’s marketplace makes diversity a non-negotiable. “Maybe we were somewhat ahead of the curve,” he says. “But for the most part today, clients are insisting that a law firm be diverse. In today’s legal market and in the world, if you don’t have diversity in your business place, you’re missing out on something.”

These changes in the corporate climate, plus the firm’s location in New York, have proven to be a fortuitous combination for the firm. “New York is certainly a magnet for top legal talent of all different kinds of backgrounds, so there’s a better pool from which to select better litigators,” says James Leader.

A byproduct of the advancement of diversity is increased competition. Carla Fields notes that today’s large law firms typically employ more minorities than they did in the past, which has a

direct impact on a minority-owned firm's niche. "There's been a large push with the minority attorneys in major firms to capture some of the work that would've been carved out for smaller, minority-owned firms," she says. "We're seeing ourselves competing a lot more with those attorneys."

Current Challenges

Though Taylor Fields and James Leader have seen critical progress in terms of diversity and inclusiveness over the past three decades, there are still a host of challenges that prove difficult for smaller firms in a landscape dominated by large law firms. Leader explains that with the globalization of business, Leader and Berkon's New York location no longer offers a competitive advantage. "The New York metropolitan area has become a much more competitive arena for litigation firms. Many firms that were good sources of referrals in the past now have New York offices, so instead of getting referral work, we're getting conflict work."

Joshua Leader agrees that large-firm competition presents the biggest challenge for smaller firms, and says that the bulk of major corporate cases typically go directly to the country's largest law firms. "The competition for that type of work for major corporate clients is very, very difficult. Convincing large companies to hire a litigation-only firm, especially one of our size, to handle these types of cases is something that we are constantly working at. It's a marketing challenge in today's environment to differentiate ourselves from the pack and demonstrate that we have the same experience and impact and, in some cases, are better equipped to handle certain cases."

Convincing potential clients often proves difficult, but according to James Leader, establishing a strong network can be the key to continued growth. "Getting our foot in the door is the biggest problem with potential new clients," he says, adding that once he and his colleagues have the chance to prove themselves, the rest falls into place. This was particularly critical in the firm's initial years. "Right from the get-go, we had a large stable of interesting, challenging cases," he says, noting that a strong network with other law firms has been invaluable. "Many of the attorneys we've worked with in-house have risen within their legal departments and now can put in a good word for us with other corporations and businesses around the country," adds Joshua.

The current push toward cost reduction has provided smaller firms with somewhat of an edge. "We have more flexibility in terms of staffing and fee setting," Joshua explains, noting that in-house legal departments are feeling a financial squeeze from their boards of directors to scale back their legal budgets and enter into different types of fee arrangements. Alternative fee arrangements appear to be a critical asset that smaller firms can capitalize on.

Competition remains fierce even in this changing climate. It is challenging to be a competitive law firm in today's climate, both legal and economic. The tendency of corporate America to cling to the use of extremely large law firms continues even as the cost effectiveness of that approach has been called into question. But the bottomline is that the cost-effective manner in which firms deliver legal services and the diversity of its talent can make all the difference.

Evolution is Evident

Over the past three decades, James Leader, and Taylor Fields have seen significant strides in diversity within the corporate arena and the legal profession. The contributions they made to continue the momentum undoubtedly changed the landscape that their children ultimately entered into, which is particularly evident through the vastly different experiences of Taylor Fields and Carla Fields.

Both served as president of the Jackson County Bar Association, Kansas City's National Bar Association affiliate chapter, but during very different times. Perhaps most significant was the vastly different composition of members. During Taylor's term, minority members were primarily lawyers in private practice or in government service or public defender's office positions. "When I started, you could count all the African American judges on one hand," notes Taylor. When Carla served as president, however, it had evolved to include many more minority lawyers in majority firms and in the judiciary.

Another notable difference is the improved service the bar association provides to its members, which leads to a greater impact on the promotion of diversity. "One of the major challenges then was that I didn't have the breadth of influence that [Carla] had [during her term]," Taylor explains. "She had the opportunity to recommend people for commissions or committees that select attorneys for positions, and to co-sponsor programs by the Kansas City Bar Association. It brought more connection and more influence in shaping the overall legal community, and has led to having an input on issues."

Without the foresight of forward-thinking lawyers like Taylor Fields and James Leader, it's hard to say what the landscape of smaller firms with a commitment to diversity would be today. What is certain is that they have inspired a new generation of attorneys that will likely continue their push toward a more diverse, inclusive, and successful business environment. **DB**

Kara Mayer Robinson is a freelance writer based in northern New Jersey.

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Waiting for the World to Change: Generation XYZ Speaks Out

By Kara Mayer Robinson

In an effort to bridge the gap between traditional law firm structures and the needs of the newest generation of attorneys, MCCA recently conducted a survey of young attorneys. Here, the results of the survey, including thoughts and insights about the practice of law as seen by this generation of lawyers.

Recent trends indicate that attrition rates among young lawyers are on the rise, particularly in large law firms. Though many firms open their doors to recent law school graduates, new hires seem to be leaving in droves within the first few years of employment. Why? Are young attorneys less committed than their elders to their careers? Do they have a weaker work ethic? Or does the problem lie with traditional employment structures that are a poor match for the values and beliefs of Generations X and Y? The MCCA® Survey of Young Attorneys, conducted in July 2007, sought to answer these questions.

More than 200 attorneys from a variety of settings—including both private and public sectors—were surveyed. The respondents represented an array of employers, including district attorney's offices, government agencies, small businesses, and large corporations. The vast majority of respondents were law firm associates; the second largest group consisted of partners. We also surveyed corporate counsel, judicial clerks, prosecutors, consultants, advisors, and analysts. Some were interns; others were unemployed.

Forty-five percent of those surveyed had graduated from law school within the past five years. Just over a quarter completed law school five to ten years ago. A small percentage (12.5 percent) had been in the field for more than ten years. Law students represented 17.1 percent.

In general, the survey group responded with openness and candor, eager to offer feedback and constructive criticism. The overwhelming message was that traditional structures are a poor fit for a generation of people who value life-work balance. One attorney commented that “too many older partners do not understand the experiences of younger minority attorneys.” Another suggested that “the tradition of the law firm is so ingrained that young lawyers are simply molded to fit the firm and [therefore become] disillusioned.”

Why the Law?

These young lawyers chose the law profession for various reasons. The majority (66.4 percent) noted that passion for the law was significantly or extremely important in their decision to attend law school. Also significant were money (61 percent) and reputation (51.1 percent). One-third of those who took the survey indicated that a desire to change the world were slightly important.

Just under half (48.9 percent) said they selected law school as an option because they had no alternative plans for the future.

Acquiring a practical skill set, intellectual challenge, a marketable and flexible degree, a stable career, an opportunity for lifelong learning, and family influences also were mentioned. Some chose the law for personal reasons such as “honor and dignity,” “respect as a woman,” and “empowerment to help others.”

The Influence of Pop Culture

This generation grew up in a culture saturated with television, film, and books. They watched sitcoms like *The Cosby Show*, *Family Ties*, and *The Fresh Prince of Bel Air*, and dramas that featured a glimpse into the legal system, like *Law & Order* and *The Practice*. Despite this exposure growing up, very few currently watch television on a regular basis.

The majority of respondents have seen a number of films depicting the justice system, including *Erin Brockovich*, *A Civil Action*, *Wall Street*, and *My Cousin Vinny*; though very few claim to have been influenced by them (20.7 percent, 17.9 percent, 10.1 percent, and 9.2 percent, respectively). There were exceptions, including one respondent who said that “several civil rights-era movies have molded my idea of the power of law, including *Mississippi Burning*.” Also notable were *The Devil’s Advocate* and *The People vs. Larry Flynt*. Books that left strong impressions were classics like *To Kill a Mockingbird* and *The Caine Mutiny*, and John Grisham’s legal thrillers, *A Time to Kill* and *The Pelican Brief*. One lawyer cited books by or about Malcolm X, Mohammed Ali, and the Black Panthers as influential.

Though most denied being affected by television and film, respondents were often descriptive and animated about television’s skewed views of lawyers. Many referred to false images of being “rich,” “powerful,” “glamorous,” and “exciting” as sensationalizing lawyers. Several noted that distasteful advertisements for personal injury lawyers were a major turn-off.

The survey group had strong opinions about how pop culture portrays the practice of law. One commented that television and film “made me think that being a lawyer was a noble profession where you could really effect change”; another noted that “the law firm environment seemed full of excitement and [one in which] everyone worked together to come up with creative ideas.” Many thought that while television offered a general introduction to and understanding of the legal system, inaccuracies were rampant. One respondent said, “Pop culture makes it seem glamorous with hints of austerity; the reality is that it is austere with hints of glamour.” Several noted that legal issues are incorrectly portrayed as running down clear moral lines. “These shows are so far removed from reality that they are laughable,” said one.

The Reality of Practicing Law

When they actually entered into the practice of law, respondents’ perceptions changed dramatically. “The media make the courtroom look like an intense tennis match, when the truth is that most days, it’s just another routine game of Pong,” said one respondent. By and large, this

group of lawyers expressed disappointment in the reality of practicing law, describing the work as “drudgery,” “a grind,” and “boring.”

Many of the lawyers surveyed expressed disillusionment with the long hours, corporate politics, and questionable ethics. “Only a small segment of the field allows you to serve the public interest; the rest of it is basically moving money around,” said one. “I also learned that while bad lawyers ruin just about everything, good lawyers—though few and far between—are the glue that hold civilized society together...often by a thread,” remarked another.

When polled about what matters to them now, money was the strongest motivator, with 50.6 percent indicating that it was “strongly motivating” and an additional 42.2 percent describing it as “somewhat motivating.” Many indicated that paying off massive student loans was the reason. Also at the top of the list were reputation and a passion for the law, with only 13 percent unmotivated by these factors. A lack of alternative future plans was no longer prominent; 59.2 percent of respondents described it as irrelevant. Some were driven by intellectual challenge, the development of skills, and the ability to solve problems. Some cited the desire to help people in need as a strong motivator.

Despite their misgivings, the majority of those surveyed plans to continue practicing the law. Just over 23 percent plan to practice indefinitely; another 32.5 percent will continue until retirement. A small group of respondents (14.7 percent) plan to practice for another 11–20 years; 19.8 percent will stay for another five to ten years, and 9.6 percent anticipate leaving the law within five years or less.

What’s the Incentive?

While it may be true that money is the strongest motivator for most Generation X and Y attorneys, traditional incentives don’t always match their approach to building a career. While some reported current remuneration and partnership tracks as being “partially” or “marginally” effective, more cited problems with the billable hour. “Being rewarded on time spent on a project serves neither the firm nor the client,” said one, adding that it inadvertently rewards those who work slowly. “Attorneys who find solutions and work quickly have no incentive and quickly become bored,” said another. “That approach runs counter to all concepts of business efficiency.” A large number of respondents repeated this sentiment, including one who described billable hours as “ineffective in capturing the quality and worth of someone’s contributions.”

Some referred to partnership tracks as “rigid” or “stifling.” Others remarked that they’re particularly out of synch with women’s needs, resulting in the loss of a talented pool of lawyers who look elsewhere for more flexible career opportunities. Another stated that this structure is “tailored to a subset of lawyers [and] leaves a lot of people out.” One respondent asked, “Who wants to be a partner anymore?”

This raises an important point. Dozens of respondents reported that lifestyle is of great importance to them. Clearly, this is a generation of attorneys who were raised with an emphasis on balancing family and career. The nature of large law firms, with long hours and heavy responsibilities, sharply conflicts with these values. Men and women alike expressed a desire to

cut back on hours and spend more time with family. One lawyer described traditional structures as “predicated on expectations built around a man with a [stay-at-home] wife.”

“Law students of the new millennium are looking for balance and want to enjoy life,” said one respondent, indicating that law students are increasingly wary of large law firms. “I think government positions are great alternatives—and you can take vacations without bringing your laptop [or] BlackBerry!—but the problem is that the pay scales have not kept up with the times,” this respondent continued. Others agreed that the appeal of public service jobs is limited because salaries aren’t high enough to repay student loans.

Some conveyed a view that law firms lack values that are in line with those of young attorneys. “Why does it always have to be all about the profit margin?” asked one. Another suggested that seniors “treat young attorneys like people instead of profit centers [and] realize that not everyone is willing to forsake their family for the almighty dollar.” And another said that “law firms have not caught up to the business world in valuing diversity, in recognizing the need to have a people-centered workplace, and in creating the right kind of incentives and structures that will continue to bring in—and retain—intelligent and motivated attorneys.”

A Meeting of the Minds

Though flexibility and balance are in demand, a scant 4.1 percent of those polled have taken advantage of parttime or flex-time programs. This may be because their firms do not offer such programs, as 35.2 percent indicated. But what about the 35.2 percent of lawyers who have not taken advantage of company programs? Some said it’s difficult to implement. Others said that although these programs are offered, not working full time is frowned upon. For the most part, those polled expressed an interest in flexible arrangements. Among those whose firms did not offer programs, some believed it was possible to negotiate an arrangement on a case-by-case basis.

In addition to more flexibility, many respondents indicated a desire to have access to more mentoring, training, and skill development. A number wished to see more guidance during the first years of practice, better feedback, and an improvement in the level of respect within the hierarchy. Some noted “cliquishness,” “favoritism,” and “lack of respect,” which they would like to be less prevalent in the workplace.

These young attorneys would also like to see more opportunities for women and minorities, an increase in law school internships and practicum, involvement in prominent cases, and improved communication channels. With respect to hiring practices, many suggested that firms recruit from a variety of schools, be open to nontraditional backgrounds, and offer a critique or feedback to a candidate who is not selected.

Some respondents suggested that alternatives to the traditional partnership track would be useful. Others emphasized the importance of creating an environment with increased civility. One lawyer recommended pairing associates with partner mentors. Another suggested that part-time opportunities should be advertised and crafted with associates’ input. Some voiced a desire for a de-emphasis on face time, allowing for more opportunities to work from home.

When pressed for practical solutions and alternatives to the billable hour, many respondents were stumped. Others, however, offered fresh ideas. Many suggested linking compensation to alternative measures, such as assignment complexity, client satisfaction, and efficiency. “Starting pay should be based more on what the associate did for the firm [such as working] outside of [the] standard practice area,” said one; for example, looking for work when hours are down, routinely offering assistance, mentoring other associates, doing pro bono work, and actively seeking out new clients. Alternative suggestions included two salary tracks linked to billable requirements, using a flat rate or fixed billing system, and implementing a formal assignment system to ensure equal opportunities to work on lucrative assignments. One young lawyer suggested that the American Bar Association (ABA) develop a matrix, detailing specific skills that must be developed each year, that could be used as a guide for in-house training and assessing progress.

The results of MCCA’s survey make it clear that this is a new generation of lawyers with a unique set of values and concerns. It is evident that this is a group of critical thinkers who, though somewhat disappointed in the reality of practicing law, are up for the challenge of making positive changes and committed to the concepts of justice and good will.

“Many of us do not think of our jobs as solely defining who we are; [we] want to live and enjoy our lives outside of work,” said one respondent. “This means allowing more flexibility in the workplace, whether it’s through allowing part-time employment, flexible schedules, telecommuting, or reduced billable hour requirements, even if it means a reduction in salaries.”

DB

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From the [10-year Commemorative issue](#) of Diversity & The Bar[®]

[RESULTS OF MCCA SURVEY OF YOUNG LAWYERS](#)

MCCA® Survey of Young Lawyers

1. Where are you employed?

Answer Options	Response Percent	Response Count
[fill-in answer]	100%	209
answered question		209
skipped question		16

2. What is your position?

Answer Options	Response Percent	Response Count
[fill-in answer]	100%	209
answered question		209
skipped question		16

3. When did you graduate from law school?

I am still attending law school	16.8%	37
Within the last 5 years	45.9%	101
5–10 years ago	25.0%	55
More than 10 years ago	12.7%	28
answered question		220
skipped question		5

4. How important were the following factors in your decision to go to law school?

	Not Important	Slightly Important	Significantly Important	Extremely Important	Rating Average	Response Count
Passion for the law	7.1% (13)	26.4% (48)	43.4% (79)	23.1% (42)	2.82	182
Money	8.4% (16)	30.5% (58)	44.7% (85)	16.3% (31)	2.69	190
Fame	76.6% (131)	17.5% (30)	4.7% (8)	1.2% (2)	1.30	171
Stature	17.4% (30)	37.8% (65)	33.1% (57)	11.6% (20)	2.39	172
Reputation	12.8% (23)	35.8% (64)	38.0% (68)	13.4% (24)	2.52	179
Desire to change the world	18.8% (34)	35.4% (64)	26.0% (47)	19.9% (36)	2.47	181

No alternative plans for my future	51.1% (90)	20.5% (36)	19.3% (34)	9.1% (16)	1.86	176
Television shows	78.2% (133)	20.0% (34)	1.8% (3)	0.0% (0)	1.24	170
Other (please specify)						47
answered question						207
skipped question						18

5. Did you watch the following shows during their initial runs on network/cable television?

	Did not watch	Watched occasionally	Watched regularly	Response Count
Ally McBeal	42.3% (71)	39.9% (67)	17.9% (30)	168
LA Law	62.3% (104)	24.0% (40)	13.8% (23)	167
Fresh Prince of Bel-Air	31.4% (53)	40.2% (68)	28.4% (48)	169
Cosby Show	20.1% (33)	40.2% (66)	39.6% (65)	164
Family Ties	29.4% (48)	39.9% (65)	30.7% (50)	163
Hill Street Blues	78.7% (129)	16.5% (27)	4.9% (8)	164
NYPD Blue	66.3% (108)	25.8% (42)	8.0% (13)	163
Murphy Brown	45.1% (73)	39.5% (64)	15.4% (25)	162
Arli\$\$	81.5% (137)	17.3% (29)	1.2% (2)	168
Law & Order	22.6% (37)	37.8% (62)	39.6% (65)	164
The West Wing	55.6% (94)	22.5% (38)	21.9% (37)	169
Others (please specify)				18
answered question				191
skipped question				34

6. Do you currently watch the following shows?

	Do not watch	Watch occasionally	Watch regularly	Response Count
The Riches	96.2% (152)	3.2% (5)	0.6% (1)	158
Boston Legal	70.1% (115)	19.5% (32)	10.4% (17)	164
Entourage	64.0% (103)	9.9% (16)	26.1% (42)	161
Big Love	79.3% (134)	11.2% (19)	9.5% (16)	169

CSI	51.8% (85)	31.1% (51)	17.1% (28)	164
Without a Trace	71.5% (118)	18.8% (31)	9.7% (16)	165
The Wire	87.3% (138)	5.7% (9)	7.0% (11)	158
The Shield	90.6% (144)	4.4% (7)	5.0% (8)	159
Others (please specify)				14
answered question				181
skipped question				44

7. Did you watch the following movies and, if so, how influential were they on your view of the practice of law?

	Did not see it	Saw it but didn't influence me	Saw it and influenced me to some degree	Response Count
Wall Street	40.1% (69)	50.0% (86)	9.9% (17)	172
Erin Brockovich	20.4% (34)	59.3% (99)	20.4% (34)	167
A Civil Action	36.3% (62)	46.2% (79)	17.5% (30)	171
My Cousin Vinny	16.9% (28)	74.1% (123)	9.0% (15)	166
answered question				185
skipped question				40

8. Please list additional shows and/or movies that influenced your ideas about the practice of law.

	Response Count
[fill-in answer]	36
answered question	36
skipped question	189

9. Please describe how, as a young person, these pop-culture experiences helped shape your understanding of the legal/justice system, business, and society as a whole.

[fill-in answer]	100%	109
answered question		109
skipped question		116

10. Have your perceptions changed since then? If so, how?

[fill-in answer]	100%	104
answered question		104
skipped question		121

11. Now that you're a lawyer, what motivates you?

	Not at all	Somewhat motivating	Strongly motivating	Rating Average	Response Count
Money	6.9% (11)	43.1% (69)	50.0% (80)	2.43	160
Fame	79.6% (125)	17.2% (27)	3.2% (5)	1.24	157
Stature	31.0% (49)	54.4% (86)	14.6% (23)	1.84	158
Passion for the law	12.8% (20)	50.0% (78)	37.2% (58)	2.24	156
Reputation	12.9% (20)	59.4% (92)	27.7% (43)	2.15	155
Desire to change the law	30.5% (47)	51.9% (80)	17.5% (27)	1.87	154
Desire to change the world	36.4% (56)	45.5% (70)	18.2% (28)	1.82	154
No alternative plans for my future	58.4% (87)	25.5% (38)	16.1% (24)	1.58	149
Other (please specify)					26
answered question					160
skipped question					65

12. How long do you expect to practice law?

Less than 5 years	9.4%	15
5–10 years	20.1%	32
11–20 years	14.5%	23
Until I retire	32.1%	51
Indefinitely	23.9%	38
Comments or additional information		18
answered question		159

skipped question					66
13. In your opinion, how effective are the law profession's traditional incentive structures?					
	Not effective	Somewhat effective	Very effective	Rating Average	Response Count
	33.8% (54)	57.5% (92)	8.8% (14)	1.75	160
Please explain.					83
answered question					160
skipped question					65
14. Does your firm currently offer a mentoring program?					
Firm does not offer				37.8%	56
Firm offers but I haven't used it				11.5%	17
Firm offers and I have taken advantage of it				35.1%	52
Not sure				15.5%	23
Please explain.					35
answered question					148
skipped question					77
15. Does your firm offer a part-time or flex-time program?					
Firm does not offer				35.4%	52
Firm offers but I haven't used it				35.4%	52
Firm offers and I have taken advantage of it				4.1%	6
Not sure				25.2%	37
Please explain.					26
answered question					147
skipped question					78
16. In your opinion, which traditional employment practices should be re-evaluated and reconstructed to meet the needs of young lawyers?					
[fill-in answer]					92
answered question					92
skipped question					133
17. What are your suggestions for doing so?					

[fill-in answer]		72
	answered question	72
	skipped question	153
18. How can law firms improve as employers? Please be as descriptive as possible.		
[fill-in answer]		88
	answered question	88
	skipped question	137

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Perspective

Views from the EEOC Generational Diversity

By Cari Dominguez, Chair, U.S. Equal Employment Opportunity Commission

When most organizational leaders think of diversity initiatives, they tend to think of racial, gender, and cultural diversity. Another aspect of workplace diversity that almost every organization has, but remains largely overlooked by most organizations today, is generational diversity. If your organization is like most others, you probably haven't given much thought to the generational dynamics in your workforce. A recent report from The Conference Board found, for example, that 66 percent of organizations surveyed did not even have an age profile of their workforce. They also found that 81 percent of those organizations did not include cross-generational issues in their diversity training. If generational diversity is not on your radar screen, you may want to put it there. Let me tell you why.

Four different generations participate in the American labor force today – the Silent Generation (roughly ages 59 and older), the Baby Boomers (ages 41 to 58), Generation X (ages 24 to 40), and Generation Y (age 23 and younger). Each of these generations has lived through a common set of social and historic events that have helped shape their unique attitudes, ambitions, and world views. Not surprisingly, research shows that each generation approaches work and career in different ways. That is not to say that the members of any given generation think or behave exactly alike. Rather, because of their shared experiences, employees of similar ages often will bring common approaches, ideas, and values to the workplace.

In today's highly-competitive, global economy, an organization in tune with its age-diverse workforce will enjoy a real competitive edge. Generational blending can enhance creativity and productivity, as age-diverse work teams are able to approach problems and challenges from a variety of vantage points and draw from a greater breadth of experience. A recent survey by the American Management Association found, for example, that diversity in senior management teams – including generational diversity – consistently correlates to superior corporate performance. Organizations would be wise to draw on the diverse perspectives, skills and strengths of all generations and use these to their advantage in the marketplace.

Understanding generational differences also can help an organization recruit, develop, and retain top talent of all ages. Savvy organizations appreciate, for example, that a different approach may be required to motivate a team-oriented Baby Boomer versus her independent-minded Gen-X colleague. Yet, in other respects, the needs of those same two generations can sometimes converge; as Gen-Xers begin to raise new families and Baby Boomers assume greater elder care responsibilities, for example, both generations have begun to place a premium on flexible work arrangements. Organizations that understand what makes each employee tick will have a leg-up

in the war for talent. Viewing the situation through a "generational lens" can sometimes be a good starting point for assessing an employee's needs.

Understanding the generations in a particular workforce can help make an organization stronger. Conversely, failing to appreciate the dynamics of an age-diverse workforce can seriously hurt any organization. The same generational differences in values, perspectives, and approach that can enhance organizational performance and productivity, when properly managed, can also create division among employees when ignored. Age-based stereotypes and prejudices are often fueled by generational differences. Competition for jobs, flatter organizational hierarchies, and the gradual transition from seniority to performance-based pay and promotional systems all set the stage for heightened generational tension as each generation jockey for the best employment opportunities.

Intergenerational conflict can have a disastrous impact on the morale and productivity of any workforce. It can also lead to EEO complaints and lawsuits. In recent years, age discrimination has become the fastest growing category of charges that EEOC receives – up 41 percent since 1999. Although workers under the age of 40 are not protected by the federal age anti-discrimination law, younger workers also can be the targets of age-based stereotyping, particularly as they move into positions of greater responsibility. Organizations that fail to address the needs of younger workers risk higher turnover and lower productivity.

If you're thinking you can just ride out this storm, think again. Research indicates that America's workforce will continue to be age-diverse for many years to come as America's Baby Boom generation redefines attitudes and expectations toward work and retirement. Research shows that 80 percent of Baby Boomers plan to work at least part-time during their retirement years. Increased life expectancies, ever-rising health care costs and 401(k) plans shrunk by a declining stock market could keep many Boomers in the workplace for a long time.

As Baby Boomers do begin to retire, though, many organizations will face yet another and related crisis – a shortage of skilled workers. Generations X and Y combined are simply not large enough to replace the number of older workers that will leave the workforce. Organizations will need to explore strategies – as many already are – to keep older workers in the workforce longer, including the use of part-time arrangements, flexible work schedules, and gradual retirement alternatives. Likewise, many organizations will need to focus on succession planning to ensure the smooth transition of younger workers to positions of greater responsibility and authority.

Inevitably, all organizations will be forced to grapple with generational diversity issues whether they want to or not. Organizations that do so sooner rather than later will be better positioned to minimize legal costs and costs associated with decreased morale and productivity. If you aren't sure where to start, don't worry. You don't need to go it alone. There are a number of books on the market now on the subject of generational diversity in the workplace, and many diversity consultants and trainers have begun to add age to their diversity training repertoire. Additionally, the EEOC offers outreach, technical assistance and training on the subject of age discrimination and issues relating to the federal Age Discrimination in Employment Act. For more information, see our website at www.eeoc.gov.

Cari Dominguez is chair of the Equal Employment Opportunity Commission. The EEOC enforces Title VII of the Civil Rights Act of 1964, which prohibits employment discrimination based on race, color, religion, sex or national origin; the Age Discrimination in Employment Act; the Equal Pay Act; the Rehabilitation Act of 1973, which prohibits discrimination affecting individuals with disabilities in the federal government; Title I of the Americans with Disabilities Act, which prohibits employment discrimination against people with disabilities in the private sector and state and local governments; and sections of the Civil Rights Act of 1991. To contact the EEOC, or to get further information about the Commission and the FTC Initiative, please visit the EEOC's website: www.eeoc.gov.

From the [July/August 2003](#) issue of Diversity & the Bar[®]

ACC Extras

Supplemental resources available on www.acc.com

Recruiting and Retaining Generation Y Legal Professionals.

Article. August 2008

<http://www.acc.com/legalresources/resource.cfm?show=140647>

Managing a Cross-Generational Legal Workforce.

Article. July 2009

<http://www.acc.com/legalresources/resource.cfm?show=434902>

Managing Diversity for All Employees.

Program Material. March 2006

<http://www.acc.com/legalresources/resource.cfm?show=20279>

Please note, these additional resources are provided by the Association of Corporate Counsel and not by the faculty of this session.