

Intergenerational Competency in the Legal Workplace

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This article is intended to provide some practical suggestions for creating more intergenerational competency in the legal workplace. Four generations in the same workplace creates a material, yet “silent” diversity issue in legal organizations. Generational diversity, like other diversity issues, may impact attrition in the workplace because of a lack of cultural competency. Generational differences are openly judged, with the younger generations being viewed as “less than” the generations in power solely on the basis of different generational characteristics.

Generations	
Builders	Born before 1946
Baby Boomers	Born between 1946 – 1964
Generation X	Born between 1965 – 1979
Generation Y	Born between 1980 – 1997

The attrition rates in most legal work environments have climbed in the last decade as Generations X and Y have entered the work force and faced mainly Baby Boomer ideals and structures. Now that Generation X has achieved critical mass (or even majority status) among the four generations and Generation Y continues to increase their presence at junior ranks in legal organizations, it is time for the legal workplace to rethink some of its structures and practices to accommodate the needs and desires of these two younger generations. To do so will take leadership from the top, and that leadership tends to be Baby Boomers.

1. Mentoring, Coaching and Championing

Let’s define these terms before discussing the particulars of this suggestion—all three forms of mentoring require a high degree of trust in the relationship in order to achieve efficacy. Mentoring is a reciprocal relationship that involves professional development and personal growth. Coaching is a unilateral relationship where the coach provides assistance and support in connection with the mentee achieving a particular professional goal. A champion is a person who provides the mentee with a road map to get what he/she wants and then “stands side-by-side” and navigates as the mentee executes on the road map.

In most legal workplaces, effective mentoring has been materially impacted by the increased personal time demands on those who could be mentors and by the increased attrition rate of those who could be mentees. In addition, an investment in a mentoring relationship is rarely rewarded by the compensation system, and potential mentors direct

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their time and energy to activities that are directly rewarded. What has been lost is that mentoring is a high return on investment activity in the workplace. The benefits of effective mentoring for the mentee include access to timely information, introductions, key skill and profile building and good judgment. Modeling opportunities are also a direct advantage of effective mentoring relationships. The returns on a mentoring investment for the mentor include higher personal satisfaction, improved morale, decreased attrition and increased promotion potential of the talent in the group. The returns for the organization include higher retention and satisfaction rates and an increase in those attorneys who are ready for promotion.

Instituting a formal mentoring program, while a good first step, is not enough. These types of programs provide necessary training and a “bridge” for new employees, but few formal matches become effective mentoring relationships due to the awkwardness of “assigned” mentor/mentee relationships and the high degree of trust necessary in an effective mentoring relationship. Informal mentoring must become a key component of the legal organization’s culture for it to provide the professional development and personal connections that truly impact the retention and promotion of attorneys.

2. Training and Professional Development

Typically, training is comprised of learning substantive legal skills or other information necessary for the completion of an assignment. Most legal workplaces provide adequate training of this type. Professional development focuses on the development of the managerial and leadership skills of junior. To meet this need, legal organizations have moved to having a dedicated professional or group of professionals who focus on not only compliance with all mandatory continuing legal education requirements, but also the broader professional development needs of the attorneys.

Understanding the path for matriculation within the organization allows attorneys to develop a career plan with definite goals for developing necessary skills. The matriculation path can be set out in clear developmental guidelines or during the evaluation process. The attorneys are then in a position to “own” their own career success and seek out growth opportunities through substantive assignments, professional development offerings and outside conferences to achieve the matriculation goals set out in their plan. This high degree of personal ownership and ready access to necessary resources, especially when coupled with effective mentoring, adds to the retention of Generation X and Generation Y attorneys.

3. Feeling Valued and Valuable

The two younger generations want to feel valued and empowered at work. They want assignments with client contact where their opinions are elicited and considered. In a perfect world, each of us would want the same, but in the real world many legal assignments will not meet these criteria. Consequently, it is important to compensate when an assignment will not meet these criteria. For example, a thorough explanation of

the context for the assignment provides the attorney with a better understanding of the value of the assignment. Context includes not just the rationale for the particular assignment in the context of the matter as a whole, but what is in it for the person doing the assignment, professionally and personally. These younger two generations are motivated by skill development, responsibility and autonomy. Structuring the assignments and, when that is not possible, the assigning process, to motivate has a direct impact on retention.

The National Association for Law Placement² developed a set of “misery factors” based on extensive qualitative research on the rationale given by Generation X and Generation Y associates when they leave law firms. The “misery factors” are:

- When they work (schedule)
- What they do (tasks and responsibility)
- What they are (or are not) learning on the job
- Who they work with (relationships)
- Where they work (location and environment)

The flip side of these factors, of course, is a legal workplace which addresses these concerns and becomes positively differentiated with regard to recruitment and retention.

A place to begin in addressing the “misery factors” is to eliminate any “hall monitor” behavior existing in the organization. A hall monitor is someone who believes that an hour of work is worth more if it is done at a time that is inconvenient for the person doing the work, i.e., the hall monitor walks around to see who is still there at 7 PM at night. The younger two generations are adept at utilizing technology and, thereby, being in a position to accomplish work at their convenience and remotely, if that is necessary. While many legal organizations would claim that face time is a thing of the past, it obviously is still quite real in many legal workplaces as it represents a common topic in the blog posts of more junior attorneys.

One final practical recommendation on making Generation Y feel valued in the legal workplace. The members of this generation were raised receiving trophies for participating on sports teams. Contrast this behavior to the Baby Boomers who competed for trophies and only got them after they beat all of the other teams or participants. This most junior generation in the workplace expects to receive regular positive acknowledgment for their participation. Most legal organizations reserve any thanks and recognition for major successes. This current level of recognition will not be enough positive reinforcement to retain many Generation Ys.

² *In Pursuit of the Workplace of Choice, Why Both Associates & Law Firms are Focused on Professional Development, Generational Accommodations, Loyalty & Work Life Balance Initiatives*, The NALP Foundation (2006).

4. Communication

As legal workplaces have become larger and the time demands on individual lawyers have escalated, the quality of communication has decreased. The level of uncertainty in any legal organization has materially increased at the same time. Efficient mechanisms for the dissemination of timely and accurate information are essential. Electronic communication is the most efficient and most commonly used vehicle for mass communication of information to a group of people. That vehicle is better than no communication, but not as good as a vehicle that allows for two-way communication and an opportunity to ask questions. Some organizations specifically utilize their mentoring relationships to ensure that information that has been disseminated electronically is understood and to allow for an upward flow of information about the concerns and issues the information creates for more junior people. Other organizations utilize forums, such as “town hall meetings” where information is presented and people are encouraged to ask questions (even if they are submitted anonymously) and discuss concerns and issues.

The quality of communication within a legal workplace is also important on a more macro level. For example, many younger Generation X and Generation Y attorneys report that they are put in the position of having to guess what the person giving them an assignment expects because the assignment is transmitted via email and the person giving them the assignment is “unavailable”. The tendency in every legal work environment is to be as efficient as possible. While electronic communication does have the efficiency advantage, it also is impersonal and very prone to (mis)interpretation. Effective communication requires the human touch at appropriate times.

Both Generations X and Y are motivated by feeling that they are valued by the organization, and Generation Y has been empowered to express their views since childhood. Both generations respond positively to receiving timely and regular communications, as discussed above. One-way communication does not suffice for these younger generations. It is important to create forums that allow for two-way communication in a manner that does not result in retribution. The best signal to the younger two generations that the legal organization has viable two-way communication is that the leaders of the organization not only listen to the issues raised by the younger generations, but respond to the concerns and involve them in the implementation of solutions.

5. Viable Work/Life Policies and Practices

Balance is an important term to Generations X and Y. These generations tend to be dual centric, with both work and personal lives sharing importance, whereas Baby Boomers tend to be work centric. Balance concerns may involve family commitments, but do not necessarily always relate to family. Another interesting generational shift is in parenting styles of men³. Baby Boomer and Generation X mothers tend to spend roughly the same number of hours with their children on a work day. Compared with Baby Boomer fathers, Generation X fathers, however, have significantly increased the number

³ *Generation & Gender in the Workplace*, Families and Work Institute (2004).

of hours they spend with their children on a work day. Add to these generational differences one further difference in the balance arena: Baby Boomers generally feel that they can do it all and have it all. On the other hand, Generation Xs fundamentally believe that they cannot⁴. Consequently, when workplace demands do not allow a Generation X attorney to parent in a manner that he/she finds acceptable, then they feel they are being asked to choose between the two. When faced with that choice, the legal workplace is likely to lose the Generation X attorney.

Benchmarking workplace policies on flexible hours, family leave, and reduced schedule becomes an important retention tool. For example, in the *American Lawyer's* 2007 survey of summer associates, the factor named most often as being the biggest influencer in whether they would accept an offer was work/life balance. In addition to benchmarking the actual policies, audit your organization's practices under its policies to ensure that attorneys can viably use the policies. Many legal organizations have a disparity between the language of their policies and the practices allowed under them; this disparity can be eliminated with leadership and education. Legal workplace managers must understand that parenting and balance are not just women's issues. Men today are more likely to utilize paternity leave and reduced schedule options, and they do not expect there to be a gender stigma to their use of an organization benefit. Another practice that should have transparency is the impact on promotion, if any, of use of the family leave, flexibility and reduced schedule options. Communicating well on these types of policies and practices and publicizing your success stories goes a long way toward convincing attorneys that acceptable balance is possible within the legal workplace.

6. Alternative Paths to "Success"

Few Generation Xs or Generation Ys want to be like Baby Boomers. Allowing personal definitions of success as well as alternate time tables for achieving success is an important component to intergenerational competency. Most existing compensation and matriculation systems do a credible job of providing incentives to Baby Boomers. These systems need to be reexamined so that they also provide incentives to the other generations. Law firms have clearly learned that money alone is not a way to motivate or retain Generation X and Generation Y attorneys, as the attrition rate in law firms for associates has never been higher during this latest salary escalation phase in the legal industry.

A critical factor in establishing or redefining alternative paths to "success" is to ensure that all paths involve the attorney being valued by and valuable to the organization. Many alternative paths that exist now do not meet this criterion.

Any definition of success that demands a linear path to success has a disproportionate impact on women. The Department of Labor statistics indicate that 92%

⁴ I am not ignoring Generation Y in this discussion. They are so recent to the professional workplace and many have not yet chosen to start families. Consequently, the research on generational differences in parenting styles has not yet included them.

of women have a child while working. Any required linear pathway interferes with a women's choices vis-à-vis timing of child bearing. Flexibility needs to be included in the timing requirements as they define the path to success, allowing both men and women to customize their path to success.

7. Creating Social Ties to the Organization

The demands of legal workplaces have escalated and technology has reduced the interpersonal time at work in material ways. Consequently, organizations need to consciously plan opportunities for attorneys to develop interpersonal ties to the organization and each other. When engaging in this planning, solicit input from all generations with regard to the types of activities considered attractive. You may be surprised to find that the two younger generations are not as excited about a drink after work as they are about participating in a civic give-back activity with the group/

Many Baby Boomers in power will resist the suggestions made in this article. Others will conclude that these suggestions create an environment that "coddles" younger attorneys in a manner that is unhealthy, or at least contrary to the way Baby Boomers did it when they were in the inferior power position in the legal workplace. The strongest reason for considering these suggestions, and hopefully implementing some of them, is that the two younger generations have proven that they are willing to walk from a work environment that does not meet their needs. Each of these suggestions is intended to address the material generational concerns that are at the root of the increased attrition rates. That incentive should make increased intergenerational competency more palatable for the more senior generations.