Millennials Rising:  
Generational Differences and the Practice of Law

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Millennials Rising: Generational Differences and the Practice of Law

I. Introduction

The rise of the millennial generation is imminent. The importance of the Millennials and their elevation as leaders in our legal community cannot be underestimated. Similar to other diversifying characteristics, generational diversity within the legal community is expected to positively impact law firms and corporations by providing a broad range of cultural enhancements. Despite the cultural enhancements of generational diversity, intergenerational differences are expected to cause a rift in the current state of the legal profession. As witnessed with the passage of time, the practice of law continues to evolve as each generation enters into the profession. To overcome intergenerational conflicts, law firms and legal departments must understand generational differences and similarities, and prepare to adapt to the progression of the practice of law driven by the employee, client, and consumer of the millennial generation.

II. An Overview of Generational Characteristics, Differences, and Similarities

The majority of attorneys practicing law today fall into one of three generations: Baby Boomers, Generation X, or Millennials. Each of these generations is characterized by its own set of unique traits that are informed by the significant societal and political events of the era in which that generation grew up. Baby Boomers (born between approximately 1946 and 1964) received their generational name because they were the result of an increase in child births that occurred just after the end of World War II, and their influencers include the Civil Rights Movement and the Cold War of the 1950s and 1960s. Meet the Generations, available at http://extension.missouri.edu/extcouncil/documents/ecyl/Meet-the-generations.pdf. Generation X (born between approximately 1965 and 1980) were shaped by Watergate, Reagonomics, the introduction of computers, and the increase in divorces and mothers who worked outside the home. Id. Finally, Millennials (born between approximately 1980 and 2000) were influenced by the rise of the Internet, an increase in terrorism and school shootings, “helicopter parenting”, and, more recently, the Great Depression. Id. Although generational researchers differ slightly on the start and end year of each generation, they are fairly consistent in defining the traits and influencers of each generation.

Baby Boomers were the first generation to be raised in a more child-centric society. They typically grew up in two-parent households in which the parents, following the advice of Dr. Spock, focused on praise rather than punishment, and in which the mother rarely worked outside the home. Allan Schweyer, Generations in the Workforce & Marketplace: Preferences in Rewards, Recognition & Incentives, Incentive Research Foundation, July 21, 2015, http://theirf.org/research/generations-in-the-workforce-marketplacepreferences-in-rewards-recognition-incentives/1427/. These “traditional values” carried over to the workplace, where Baby Boomers value hierarchy, “paying your dues,” and loyalty. The caricature of the Baby Boomer worker is that they work long hours and seek public recognition of their success, including the materialistic trappings of success. Meet the Generations, available at http://extension.missouri.edu/extcouncil/documents/ecyl/Meet-the-generations.pdf. However, as Baby Boomers have aged, they have begun to focus less on working long hours and more on achieving a work-life balance. Scott Reeves, An Aging Workforce’s Effect on U.S. Employers, Forbes, September 29, 2005, https://www.forbes.com/2005/09/28/career-babyboomer-work-cx_sr_0929bizbasics.html. In part, at least, this may be due to the fact that Baby Boomers are remaining in the workforce longer than their predecessors. Lydia Dallett, Hard-Charging Baby Boomers May Never Leave Their
Millennials, in general, are the children of younger Baby Boomers (and some older Gen Xers). Consequently, they share many characteristics with their Boomer parents. Like Baby Boomers, but to a greater extreme, Millennials were raised with a focus on praise, the building of self-esteem, and positive reinforcement. Because they were raised with personalized schedules of extracurricular activities, Millennials tend to be team-players at work who appreciate bosses who are strong leaders. Meet the Generations, http://extension.missouri.edu/extcouncil/documents/ecyl/Meet-the-generations.pdf. Although more entrepreneurial than Boomers, Millennials are equally ambitious and have a “contact me anytime” mentality. Greg Hammill, Mixing and Managing Four Generations of Employees, FDU Magazine Online, Winter/Spring 2005, http://www.fdu.edu/newspubs/magazine/05ws/generations.htm. Like Boomers, they want public recognition of their success, but whereas Boomers have a “buy now, pay later” attitude towards material purchases, Millennials are considered more financially savvy and spend what they earn. Id. Millennials also place more value on personal fulfillment and seek jobs that provide flex hours and work-life balance. Meet the Generations, available at http://extension.missouri.edu/extcouncil/documents/ecyl/Meet-the-generations.pdf.

Millennials are also unique in that they expect the same constant communication and positive feedback from their supervisors that they grew up with from their parents. Id. And because they grew up participating in sports where “everybody wins” and using technology that provided information at their fingertips, they want instant gratification and are achievement oriented. Id. Because they grew up with technology, Millennials tend to prefer electronic communications to face-to-face or even telephonic meetings. Greg Hammill, Mixing and Managing Four Generations of Employees, FDU Magazine Online, Winter/Spring 2005, http://www.fdu.edu/newspubs/magazine/05ws/generations.htm. Millennials are also more racially and ethnically diverse and, consequently, tend to be more in favor of social and political diversity initiatives. According to the Wolters Employment Law Daily Survey, nearly half of Millennials value diverse and inclusive workplace environments. Weber Shandwick, Diverse, Inclusive Workplace Important to Millennials, Business Facilities, December 6, 2016, https://businessfacilities.com/2016/12/diverse-inclusive-workplace-important-to-millenials/.

Sandwiched between Baby Boomers and Millennials is Generation X. Whereas Boomers were raised by stay-at-home mothers and Dr. Spock, and Millennials were raised by “helicopter parents,” the generation that is now called “Generation X” was initially known as “latchkey kids,” because they frequently grew up in one parent households or with two working parents. While twenty-something Millennials currently have a bad reputation of being entitled and “spoiled brats,” Generation X got its name because, as twenty-somethings themselves, they were portrayed in the media and in film (Singles, Reality Bites, Fight Club) as flannel-wearing slackers who were unsure of their place in the world and who were trying to find meaning in their lives that was different from the Boomer majority.

As they have aged, however, Gen Xers have become very independent and self-reliant, but they are not necessarily team players. Meet the Generations, available at http://extension.missouri.edu/extcouncil/documents/ecyl/Meet-the-generations.pdf. Because they grew up in the era of Watergate and the materialistic 1980s, they do not trust institutions, do not like to follow the rules, and are particularly distrustful of Baby Boomers and their values. Id. While they appreciate recognition for their achievements, Gen Xers do not need public recognition like Boomers or Millennials, but rather, prefer acknowledgement that is done privately. The Generation Game: Millennials, GenXers, and Baby Boomers Working Together, NEMA 2016, available at https://www.nemanet.org/files/3914/7827/4632/handout_for_game_show_session.pdf. As Boomers have begun to focus more on their impending retirement and have dialed back on work, Gen Xers have become the hard
working generation, but because they grew up on their own they value freedom in the workplace and the ability to control their own time. *Meet the Generations*, http://extension.missouri.edu/extcouncil/documents/ecyl/Meet-the-generations.pdf. Gen Xers are similar to Millennials in that they value open communication and immediate feedback. *Id.* And because they were introduced to technology at a relatively young age, like Millennials they are comfortable with technology and are adaptive to technological advances.

**III. The Impact of Generations on Law Firms**


Yet the structure of most law firm partnerships does not mirror these statistics. Millennials, who began entering law school around 2002, currently constitute more than twenty percent of the legal community. Christopher Imperiale, *Attracting and Retaining the Millennial Lawyer*, Law 360, January 19, 2017, https://www.law360.com/articles/882564/attracting-and-retaining-the-millennial-lawyer. However, because the standard partnership track at the typical mid-sized to large law firm typically lasts at least 8-10 years, if not longer, Millennials have only reached the age to become eligible for partnership in the last few years. Consequently, most larger law firms have few millennial partners.


The average age of a partner at an Am Law 200 firm was approximately 52 years old in 2015, and more than half of equity and non-equity law partners are members of the Baby Boomer generation. Debra Cassens Weiss, *Average age of BigLaw partner is about 52; which firms are outliers?*, ABA Journal, March 2, 2016, http://www.abajournal.com/news/article/average_age_of_biglaw_partner_is_about_52_which_firms_are_outliers. As one commentator characterized it, Boomers are “doing to the legal profession what they are doing to Social Security and other public systems—reaping the benefits and then pulling the ladder up after themselves. As firm management ages, the percentage of equity partners is declining, and that cadre is doing all it can to hold on to its piece of a pie that's generally not growing, while cutting younger lawyers off.” David Curle, *The Legal Industry Generation Gap*, Thomson Reuters, September 14, 2015, http://legalexecutiveinstitute.com/the-legal-industry-generation-gap/. This is a harsh characterization, but there is some truth to it. In particular, analyses indicate that law firms are failing to transition leadership roles and relationship opportunities from Baby Boomers to Generation X. *How Law Firms Navigate the Generational Divide*, Equinox Strategy, May 4, 2015, https://equinoxstrategy.com/how-law-firms-can-navigate-the-generational-divide/.
Likewise, those Millennials who have been elevated to partner, now face the prospect of moving up through the partner ranks at what, to someone used to instant gratification, may be viewed as a glacially slow rate.

But it is myopic to put all the blame on Baby Boomers. There are also greater forces at work that impact the generational diversity at law firms. As a result of the economic downturn that began in the late 2000s, law firms and corporations began aggressively cutting cost and scrutinizing the efficiency and performance of their attorneys. Not surprisingly, it is the younger, less experienced attorneys who have been primarily the subject of such cost cutting. Furthermore, the economic climate has impacted a lawyer’s ability to gain more experience, as senior associates stay longer in their jobs rather than leave for greener pastures that no longer exist, and thus take opportunities for younger lawyers to step into their shoes and gain new skills. The economic downturn also increased the overall trend of corporations favoring taking fewer cases to trial, and staffing the teams that did reach trial with fewer, more experienced members. Consequently, many younger litigation attorneys do not have the trial opportunities that Baby Boomers had when they were associates.

The younger generations are not oblivious to these issues. Gen Xers and Millennials share an inherent fear that they will not make the transition into a leadership position due to the slow pace of advancement, the lack of succession planning, and the inability of law firms to develop future-oriented models of advancement. Instead, law firms tend to rely on the traditional model succession plan, which calls for attorneys to “pay their dues” as they move up the ladder, until the senior lawyer retires and a younger lawyer simply inherits his clients. However, this model fails to take into consideration factors that Millennials and even most Gen Xers demand, such as flexible origination credit arrangements, insufficient technology advancements, and a lack of transparency. The current model also fails to take into consideration the trend of Baby Boomers working past the traditional age of retirement. Consequently, to the extent that larger law firms may have a succession plan, such plans are often outdated. Many larger law firms are hemorrhaging talent as Gen Xers and Millennials seek better opportunities at smaller firms, in-house, or in other legal and non-legal fields. Julie Brush, 3 Reasons Why Associates Are Leaving Law Firms in Doves, The Recorder, November 2, 2016, http://www.therecorder.com/id=1202771381681/3-Reasons-Why-Associates-Are-Leaving-Law-Firms-in-Droes?slreturn=20170315170251.

IV. The Impact of Generations on In-House Legal Departments

Because the traditional trajectory to a position as in-house counsel usually begins with at least a few years at a law firm, millennials have only recently begun to be seen in positions as corporate in-house counsel. Thomson Reuters Survey Reveals Legal Departments Are Unprepared for Influx of Millennial Corporate Counsel, Thomson Reuters, October 3, 2016, https://www.thomsonreuters.com/en/press-releases/2016/october/survey-reveals-legal-departments-are-unprepared-for-influx-of-millennialcorporate-counsel.html. Yet the number of Generation X and Millennial in-house counsel are growing. As of 2014, Generation X and Millennials made up 60% of the membership of the Association of Corporate Counsel (“ACC”), while the remaining 40% of ACC members are Baby Boomers and Traditionalists (the precursors to Baby Boomers). Among General Counsel, the numbers are even more striking. As of 2015, Generation X constituted 20% of the General Counsel at Fortune 100 companies and 30% of the General Counsel of NASDAQ companies. David Curle, The Legal Industry Generation Gap, Thomson Reuters, September 14, 2015, http://legalexecutiveinstitute.com/the-legal-industry-generation-gap/.

Despite these statistics, in-house legal departments are not immune to the concerns of succession planning. In a recent Thomson Reuters survey, only a quarter of the legal departments surveyed reported that they had a succession plan in place, while even fewer—only 6%—had a formal mentoring program for their newer in-house attorneys. Thomson Reuters Survey Reveals Legal Departments Are Unprepared for Influx of Millennial Corporate Counsel, Thomson Reuters, October 3, 2016, https://www.thomsonreuters.com/en/press-releases/2016/
In many corporate legal departments, in-house leaders from the Baby Boomer generation retiring without first transferring their insight and expertise to younger lawyers. And legal departments face a potential double-whammy, because they need to consider not only their own succession planning, but whether their go-to law firms are planning for the next generation of attorneys who will represent their corporation.

V. A Forecast into the Future Practice of Law

In the era of social media and technology advancements, as the Millennial population continues to represent a greater proportion of the workforce and Baby Boomers eventually retire, businesses will be forced to modify their perceptions of Millennials as employees, clients, and consumers. Leading law firms and businesses are already revamping their business models in areas such as management, attorney recruitment and retention, and client development. For example, many law firms have developed mandatory retirement to counteract the trend of late retirement. Michael Allen, Mandatory Retirement Creates Succession Planning Problems for Top Law Firms, Lateral Link, June 12, 2015, http://abovethelaw.com/2015/06/mandatory-retirement-creates-succession-planning-problems-for-top-law-firms/. Law firms and legal departments are addressing the recruitment and retention of talented Millennials by offering flexible employment opportunities that include mobility options that permit a lawyer to work from any location. There is also a greater emphasis of structured mentorship and advanced training on topics such as professional and client development, and on the recruitment and retention of attorneys with diverse backgrounds.

In an effort to bridge the generational divide, legal employers are becoming more transparent about their business goals and the pathway to advance into leadership roles within the organization. There is also a trend that provides more opportunity for input from Millennials to ensure they feel a sense of value and are encouraged to achieve longevity at their place of employment. And, just as the Gen X slackers of the late 1980s became the hard working middle managers of today, many of the criticisms about Millennials that are prevalent today—whether justified or not—will no longer be an issue as Millennials change and mature.

But where will Generation X fit into this new world order? Although the trends in succession planning and the re-vamping of law firm lifestyle are ostensibly focused on Millennials, many of the factors that affect the retention of Millennials are also relevant to Generation X. To some extent, Gen Xers can sit back and reap the benefits of their younger, noisier siblings’ demands for flex time, better technology, and increased opportunities to provide input and assume leadership roles. But Gen Xers cannot just keep their noses to the grindstone and assume that they will inherit a book of business in the traditional law firm model, or rise through the legal department ranks to General Counsel. Instead, Generation X will need to take a page from the Millennials’ book and make their wishes known to senior management.

VI. Conclusion

It is understandable that, given the huge impact of the Baby Boomer generation on American society, law firms and legal departments will be affected by the current generational shift and the rise of Millennials as the dominant generation in the workforce. As part of their succession planning, law firms and legal departments must address the conflicts among the different generations that result from each generation’s different experiences and world view. More importantly, leaders in these communities should focus on the similarities between different generations, and on what different generations can teach each other. Improved communication between generations and adapting to the demands of twenty-first century will allow the transition into the millennial era of the practice of law to be less chaotic and more enjoyable for all.