

LIFE, LIBERTY, AND THE PURSUIT OF EQUALITY: THE RISE OF THE MILLENNIALS



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Inspired by her experiences studying abroad in Cape Town, South Africa in the Spring 2020 semester, Maya hopes to incorporate civil rights advocacy into her career. She plans to attend law school next fall in the Philadelphia area.

Our cultural and social experiences shape the lens through which we view the world, influencing every aspect of our lives, including our jobs. For the first time in history, there are now five generations in the workplace—the Traditionalists (1900-1945), Baby Boomers (1946-1964), Generation X (1965-1978), millennials (1979-2000), and the most recent group, Generation Z (1995-2012).¹ While this generational melting pot brings with it an exciting array of perspectives, it is also a potential minefield—fraught with misunderstandings.

Generational conflict has plagued workplaces for years. There has always been tension between the "old guard" and the "new guard." Much of this friction is caused by differences in the social, political, and cultural experiences of each generation. However, the rise of the millennials has proven to be particularly challenging in workplaces and professions that have long been grounded in a traditional mindset. Millennials have a unique working style, in

part, stemming from being the first generation to come of age during the rapid growth of the internet. Raised by overly attentive Gen X parents—perhaps a consequence of having been raised in the era of latchkey kids and high divorce rates—millennials place a higher value on feedback, teamwork, creativity, and flexibility than previous generations.² According to the Pew Research Center, millennials currently constitute the largest portion of the workforce. In four short years, 75 percent of workers in the United States will be millennials.³ Given this sudden transition in the composition of the work force, it is imperative that employers begin to recognize and mend intergenerational differences.

But, in the legal profession, bridging the gap is easier said than done. Most firms are managed by baby boomers, themselves influenced by the traditional values instilled in them by their predecessors, such as formality, hard work, discipline, and loyalty. A majority of judges also fall into this category.

Consequently, conservative expectations continue to permeate all aspects of today's legal world—from the office to the courtroom.

One of the most noticeable examples of this can be seen every day in the formal dress codes and customs that continue to be a staple at law firms. While official dress codes are becoming considerably more casual as a nod to millennials, many attorneys still dress formally even absent courtroom appearances. It is not uncommon for more senior attorneys to silently, and sometimes not so silently, judge other attorneys who do not adhere to the same level of formality. This disconnect is apparent in a 2016 survey, which found that nearly half of senior level managers thought their employees dressed too casually for work.⁴ Even though attorneys are abiding by the dress code, they are internally condemned by their superiors. And working remotely has not changed this attitude. In a recent survey by the Harvard Business Review regarding attire in virtual meetings, “on average, 46 [percent] of respondents age 60 and older showed a consistent preference for business formal...”⁵

Obviously, the division between millennial attorneys and their senior counterparts goes well beyond fashion choices. Another key difference is how they view the traditional workday. It is no secret that attorneys often work long hours. However, prior to the proliferation of smart phones and laptops, there was a much clearer delineation between work and home. The pandemic has blurred those lines even more with everyone working from home or, as one millennial described it, living at the office. With the explosion of technology there is a sense that, to be committed, attorneys must be constantly available. Given that there is nowhere for anyone to go right now (outside of enthralling trips to the supermarket), there is an underlying expectation for quicker responses. Lawyers constantly being “on call,” combined with social isolation and an absence of vacations, is leading to increased fatigue. Millennials are particularly susceptible to burn out under these conditions because, as one associate opined, they do not define themselves by their job as much as their older counterparts.

Not only has the pandemic fused our professional and personal lives, it has also exposed a significant technology gap between the older generation of lawyers and the millennials. Baby boomers were the last to leave the office when the world shut down in 2020 and they were the first ones back, partially due to an overreliance on hard copy documents, printers, copy machines, and on-site document centers. This is reflected in their work habits. For example, many senior attorneys still handwrite edits and create PDFs by physically printing documents and rescanning them—both tasks that could be done more efficiently electronically. Millennials, on the other hand, have had little difficulty transitioning to working from home thanks to their comfort level with technology. As Pamela Dorian, an associate at Cozen O'Connor, observed:

I think the transition to working from home full-time during the pandemic was actually pretty seamless. On some level, I think I always assumed that most office jobs would become virtual during my lifetime. Now our suspicion is confirmed: pretty much any aspect of lawyering can be done remotely.

In my view, we millennials are the first generation to actually grow up on computers—dating back to the nineties when our parents had a designated “computer room” in the house where all family members would share one desktop computer. So I think most millennial lawyers already intuitively knew that 99% of our jobs can be done from anywhere in the world, so long as there is a reliable internet connection.

I do wonder how much of this “virtual” practice of law will continue even after the pandemic officially ends. For example, will courts continue to allow the option of virtual appearances? Will it be unheard of for an attorney to fly across the country to appear for a single hearing? Will clients be less willing to pay for travel expenses for depositions and appearances when these options are available? Time will tell. But I definitely would welcome the flexibility.

If, in fact, the practice of law has been forever changed as a result of the pandemic, it will be the tech-savvy millennials leading the charge into the future.

In addition to technology prowess, millennials bring more diversity to both the workforce and the client pool. The legal profession has a long way to go toward achieving equality. In a 2019 report based on a survey of 1,000 major law firms, the ABA found that only 16.1 percent of attorneys were racially and ethnically diverse, 2.86 percent were LGBTQ, and 0.53 percent were attorneys with disabilities.⁶ Many millennials and Generation Zers view diversity as more than just race and gender, they also value cognitive diversity, where employees' range of experiences, ideas, and opinions are represented in the workplace. Cognitive diversity should come naturally with a more diverse work force. However, that presumes that the baby boomers who are still at the helm elicit and value opinions from diverse individuals, implementing change when necessary. Diverse employees cannot be treated as fungible quota fillers.⁷

So how can law firms start to bridge the intergenerational gap? While diversity committees and dedicated diversity personnel are a start, their existence alone does not, in and of itself, effect meaningful change. To ensure the effects of diversity initiatives are felt firm-wide, law firms need "to perform due diligence to determine the effectiveness of firms' diversity programs."⁸ Unfortunately, there is no one-size-fits-all handbook for firms to follow: diversity and inclusion training and implementation must be individually tailored to each firm. There is one common denominator though. Management must cultivate an open environment for diverse members of the firm to communicate their experiences, then ensure that the ideas and concerns raised by diverse personnel are addressed systematically. Firm leadership must embrace a growth mindset and become comfortable having uncomfortable conversations about issues that negatively impact women and diverse attorneys.

This is not to say that millennials are perfect. They, too, must put effort into cultivating a positive work

environment. Ironically, one frustration regularly voiced by more senior partners is that millennials are not responsive enough. There is a sense that younger attorneys are detached from the real-life consequences facing clients. When an associate's personal life consistently takes priority over their professional life, it results in an overworked partner and a vulnerable, stressed-out client. Although it is important to draw boundaries, a quick response simply indicating that an email has been received goes a long way toward easing the minds of both the partner and the client. In addition, a millennial's desire for constant feedback can be time consuming and draining for senior attorneys—particularly when associates only want to hear positive feedback and bristle at constructive criticism. It is just as important for millennials as it is for their senior colleagues to embrace a growth mindset, welcoming feedback as an opportunity for growth and connection.

As for other intergenerational differences brought on by the influx of millennials in the workplace, client-based strategies can often be an effective way to balance the needs and comfort levels of attorneys of various ages. This can take shape in a variety of ways: maximizing the skill sets of attorneys at each generational level depending on the client's needs; developing a more accommodating and flexible culture for everyone's work schedule, especially during COVID-19; and, customizing each team to fit the culture of the client.⁹ Firms must find innovative ways to address these differences through observation, education, and support, so attorneys can effectively focus on the goals and wellbeing of every client.

The rise of the millennials is something to be welcomed, not feared. The newest generation of attorneys brings with them enthusiasm, creativity, cognitive diversity, and values that are often reflective and welcome by an increasingly diverse clientele. In order for law firms to succeed, it is important for every generation to utilize their strengths and be open to both learning from and teaching the other. 🌱

Notes

- 1 Siobhan Kelley, Jessica Perry, and Julie Totten, "Optimizing Generational Differences," ACC Docket Volume No. 34, Issue Number 3 (April 2016): pages 60-68, available at <https://www.mcca.com/wp-content/uploads/2017/10/Managing-a-Multigenerational-Workforce.pdf> (article at 9).
- 2 Thomson Reuters (2017), "The Generational Shift in Legal Departments: Working With Millennials and Avoiding Baby Boomer Brain Drain," Legal Department 2025, available at <https://www.mcca.com/wp-content/uploads/2017/10/Managing-a-Multigenerational-Workforce.pdf> (article at 19).
- 3 Id.
- 4 Jay Reeves, "Every Day is Casual Friday at This Law Firm," Lawyers Mutual: Byte of Prevention Blog, March 29, 2019, available at <https://www.lawyersmutualinc.com/blog/every-day-is-casual-friday-at-this-law-firm>
- 5 Noah Zandan and Hallie Lynch, Dress for the (Remote) Job You Want, Harvard Business Review, June 18, 2020, available at <https://hbr.org/2020/06/dress-for-the-remote-job-you-want>
- 6 David O'Connor, "Increasing Law Firm Diversity," ABA Diversity & Inclusion Committee Newsletter, Winter 2020, available at https://www.americanbar.org/groups/tort_trial_insurance_practice/publications/committee-newsletters/increasing_law_firm_diversity/
- 7 "What Workforce Diversity Means for Gen Z," Monster Worldwide, available at <https://hiring.monster.com/employer-resources/recruiting-strategies/workforce-planning/workforce-diversity-for-millennials/>
- 8 See David O'Connor, *supra*.
- 9 Najmeh Mahmoudjafari and William Martucci, "Managing Intergenerational Differences Within Your Law Firm," Law 360, December 8, 2016, available at <https://www.law360.com/articles/869582/managing-intergenerational-differences-within-your-law-firm>