

A Roundtable with Millennial Lawyers

Let's Hear Their Perspective

There has been a recent flurry of articles aimed at and about "millennial" lawyers – but not many of these articles are written by Millennials themselves.



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Millennials are frequently used as a convenient punching bag by law firms, partially to avoid some of the real issues firms face today. That is one of the reasons for this article.

A second genesis was seeing firms misspending lots of energy and time debating what they consider the downsides of this generation. Those complaints are along these lines:

- Lack the same work ethic;
- Lack a real commitment and loyalty to the firms;
- Have unrealistic life expectations;
- They are too focused on technology;
- Have been sheltered from reality of life and work;
- Are time wasters easily distracted by social media;
- Want instant gratification; and
- See law as a career rather than a profession.

Frankly, it doesn't matter if these negative qualities are real or perceived. The reality firms need to accept are:

1. Every night, 100% of law firms' revenue assets (its lawyers) walk out the door; and its the firms' job to understand what brings them back in the morning, and what makes them productive; as well
2. If firms are to continue to grow or even stay steady, they cannot afford to skip a whole generation of lawyers (particularly those firms that depend on subsequent generations to fund their withdrawal of capital or even post-retirement payments)!

APPROACH

It would have been presumptuous of me to author such an article on my own. I took the following approach to write this article:

- Develop a list of topics to cover off;
- Bring together a cross section of millennial lawyers;
- Have a roundtable discussion, invoking Chatham House Rule, on the chosen topics as well as issues of interest to them; and
- Record the discussions and, without attribution, build an article based on the participants' thoughts and opinions.

The roundtable consisted of 13 lawyers in person and 1 by conference call, and 1 subsequent follow up with a lawyer who could not be present but had views they wanted to share, therefore,

15 in total. The makeup of the participants was as follows:

No. of Lawyers	Firm Type	Years at the Bar
1	Sole Practitioner	7+
1	Industry	3
3	Boutiques	1 to 2
3	Mid-size Firms	3 to 4
3	Large Firms	3 to 7
4	Big Law	2 to 4

Their practice is in the three broad areas of litigation, business law, and labour and employment law. From a gender perspective, 9 of the lawyers were female, and 6 were male.

Jane Southren, who helped facilitate the discussion, has more than 15 years practicing as a litigator and now helps professional service providers enhance the quality and quantity of work in their personal practices.

THEIR PERSPECTIVE & INSIGHTS

Risk Aversion (a.k.a. Commitment & Loyalty)

Initially, the group discussed the view that millennial lawyers will have multiple jobs during their careers – this could be with multiple firms or within the legal profession itself. Of our participants, four were in their second careers, and another four were with their second law firm.

I asked the group to help me reconcile the point that numerous studies indicate risk-avoidance is a common characteristic of lawyers and yet one could see the willingness to make career changes as embracing risk.

Members of the group generated thoughtful comments including the following:

- *"It is a socially acceptable thing to do, as pursuing another option that is equally gratifying in different aspects."*
- *"Or are we just hedging bets, in terms of building a broad set of skills, and having the flexibility to adapt to the market?"*
- *"And if we follow this course or the path and it doesn't yield the partnership or keys to the kingdom at the end that is inherently risky."*

There was a clear indication that "risk aversion" has been redefined for millennial lawyers. In effect, the likelihood of achieving partnership has changed so much so that the risk of losing "marketability" is seen as a greater risk.

Firms need to look at providing opportunities for continuous learning for their millennial lawyers to mitigate the risk of them pursuing careers outside the firm.

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Pursuit of Happiness (aka Work-life Balance)

While there were rumblings about work-life balance from Gen-Xers, it has become such an overworked term in relation to Millennials that I was not certain I knew what it meant anymore. So I asked the participants for clarity.

While the discussion embraced a variety of perspectives, the following response seemed to capture the general flavour of the commentaries:

"It means enjoying the things that you want to do outside of work and not feeling guilty about it ... see the people that I care about, and not feel like, 'Oh my God, I've got to' ... I should be at the office, or else I'm a terrible lawyer."

Additionally, the following points were made:

- *"I just think the culture these days is the pursuit of happiness ... it's about living; there's more to it than just work."*
- *"Not only it's you setting boundaries for yourself, but everybody else respecting the boundaries, and that being very clear."*
- *"But in terms of work-life balance, I think that there's not an increased call for it, but a growing level of acceptance or expectation that it's going to be the case."*
- *"But it's important, you get your work done, and you build that level of trust with people, and I don't think anybody really cares whether I leave at 5 or 6 or 10, as long as the work gets done."*
- *"Leaving because you're unhappy, doesn't mean that there is not a willingness to work hard if it's in your long-term interest."*

There was a consensus that maybe Millennials are pushing a little harder for work-life balance because they see the consequences for people older than them of having not pursued it, but they feel this issue is not just the focus of Millennials.

It was clear from the discussion that firms that provide a supportive culture, which does not mean giving in to every single request, but rather real support for valid, viable ideas/traits stand the best chance of attracting and retaining millennial lawyers.

A simple example, but one that resonated with the group, was that a lot of younger people don't like getting in early. Some firms have traditionally held meetings at 8 a.m., but over time, one participant reported firm leaders recognized this trait and moved meetings to later in the day.

Family

To set up the conversation on "family", we note the rising number of women to men graduating from law school according to an April report from [Catalyst's Knowledge Center: Women In Law In Canada And the US](#) page:

- In 2014, the number of practicing women lawyers was 40,920 to men's 53,153.
- For new lawyers, practicing for 0-5 years, women are in, or close to the majority in many regions.
 - British Columbia: 50.1%
 - Ontario: 52.0%
 - Quebec: 62.9%
 - New Brunswick 51.2%
 - Nova Scotia: 52.3%
 - Newfoundland and Labrador: 52.5%
- In 2015, there were 1,129 women lawyers in Ontario issued licenses compared to that of 1,072 men.
- Overall, more women have been licensed than men in Ontario between 2011 and 2015 (except for 2012).

These stats illustrate why a supportive family culture in law firms is a 'must-have'. As one participant so ably put it:

"Whether you want to have kids or not, if you want to have a good work-life balance, seeing that it's very difficult for women to play that dual role in a law firm is enough to make us think seriously about leaving."

It was also clear from the discussion that the attitudes of male lawyers of this generation show a much stronger interest in working in a firm whose culture demonstrates a balanced support of their involvement at home. Here's an example of the issues raised in the discussion of family and its impact on one's career:

- *"So, in our shop, anyway, you can take a parental leave for up to a year without it impacting your career development. There's an onboarding process involved as well, but beyond a year, then you're sort of in uncharted waters."*
- *"Once there is buy-in, then it becomes OK. I mean, this is where the world is. This is where we need to be. But it's a push to get anything institutionalized. Once it's institutionalized, it's there. But if my firm hasn't institutionalized, then it's a whole different story, yeah. I'm not going to be the one to take the risk."*

As could be anticipated, firms' handling the issues of raising a family varies; more importantly, the actual support of a firm's "written policies" is not always 100% real. But clearly, the group's consensus, based on conversations with more senior, non-partner colleagues, indicated continuous progress was being made to accommodate this reality.

On an unfortunate note, the participants perceived a different type of obstacle (my thoughts gravitated to the term "glass ceiling," but it is already used for another ongoing issue) to meet the challenges of the dual role of woman lawyer and mother. The "obstacle" was raised in the context of "trail blazers" in parental leave and was articulated as follows:

"I think a lot of the successful female partners had to really pave their own way, and in ways that were quite aggressive. I recently had a conversation with a very senior partner who was kind of resentful that some female associates take a full year of maternity leave. She indicated in her day that was never condonable. And it seemed was not at all clear to her why you need to take that long of a period."

Taking a full year of maternity leave (in the past) was never condoned.

This type of thinking, whether vocalized or not, is not a one-off view. Its existence is easily denied as it generally arises in one-on-one discussions. The past should not be forgotten, and is better used as a guidepost than a hitching post!

Grit (sometimes mistaken as work ethic)

We put the following statement to the Millennials to see what their reaction would be:

"There is no problem with the millennial work ethic. That's not the issue. It's their 'grit'. They are willing to work hard for a period of time. It's just, a lack of practical perspective on how long it takes to get to the place that you want to be."

Obviously, some would even go as far as to label Millennials as the "Nintendo™ generation" with a need for instant gratification for everything they do.

As expected this resulted in some defensive, but many insightful, responses:

- *"When I got out, you have this entitled version of life that you think is going to come to you, just because you're a lawyer. And life really – reality really settles in. So, I think that I had that vision at the beginning, and now, I can appreciate the fact that it does take years actually to get there."*
- *"It's not a question of the lack of grit. But what's required to get to that partnership level is an increase in the amount of time and effort that's required even to be considered at*

that stage. And the returns, once you're at that stage, are far fewer than what they're experiencing now. So, it's not really a lack of grit as much as a huge inefficiency that we just don't see the upside, or don't see the pot of gold at the end of the rainbow to be as illustrious as it was in the past."

- *"But people certainly are coming into a model where they know probability-wise they're not a partner in 10 years. So, then your time frame is shorter, and you don't have a long-term focus, you have a short-term focus, and you're making different decisions."*
- *"Speaking with a partner about the type of experience that they had when they were at my level, they were given more autonomy than what I am getting and my colleagues are getting. Less autonomy for longer periods. It probably depends on a lot what area of practice you're in, but – yeah, I think the model is a lot different".*

There was a strong consensus that participants are not afraid to embrace hard work. But there was an equally strong consensus of the need to set boundaries that are respected by their firms. However, the greater inhibitors for many to possessing the "grit" to meet the changing tenure requirements for partnership lay equally with both the extended tenure track and the perceived declining benefits of partnership.

...the perceived declining benefits of partnership.

While the tenure track is not likely to go backward (not to say it couldn't but being realistic) many firms are still doing a terrible job of creating a positive impression of the finances of their firm thus leaving it to speculation by associates based on the "hallway rumblings" (and every firm has a "chicken little" that feels the sky is falling). Even if the finances are "off", sharing with associates the game plan being executed to improve them can be seen as a positive!

What Keeps Them Up At Night

In an attempt to gauge their connection to the profession, we asked a simple, open-ended question: "What keeps you up at night?"

The responses provided a very interesting range of topics indicative of a number of things including

- the range of firms they are with;
- the stage they are at in their legal practice;
- their current happiness focus; and
- a broad societal focus.

While the answers were expressed slightly different, the gist of them was what we would have heard if we asked lawyers from generations "X" or "Y".

The following is a sampling of their responses:

- *"I take work home – I don't mean physically, but mentally, more than I should. And 10 years ago, decisions I made did not have implications for my business or me as a business owner. And now, I find myself at night, in terms of what I go in and do tomorrow, does have an impact on an individual or a corporation, and that's what rattles around my brain. I mean, we may value work-life balance more, maybe, but the commitment to clients, or the level that we think about it, I think it, is still very much there."*
- *"So, on a more macro level, I think the threat of the big four accounting firms and their ability to offer more integrated advice to institutional clients is a really big threat. And it's already started. "*
- *"I think that law firms are going to lose out because they're so stuck with the model they have now. But I think the billable hours is what's going to do us in. I think law firms are*

pricing themselves out of the market.”

- “One of the great possibilities that technology and particularly artificial intelligence has for the practice of law is assisting with access to justice. AI will empower sole practitioners, small firm owners, small businesses owners and operators by creating access to materials that will help them navigate more complex issues.”
- “Given these changes, now, how do we distinguish ourselves when everybody is going to be on the same playing field? Technology is going to reduce the amount of work that's available for individual lawyers. And we haven't been trained to think of ourselves as differentiators, in terms of the legal service that we provide.”

While there were many challenges and changes seen to be looming on the immediate horizon, the one that seemed most daunting to the participants was the possibility that their firms would be unable or unwilling to change!

Mentorship & Feedback

In light of the perception by many that the Millennials are needier than any other generation, we thought we should explore the related topics of mentorship and feedback.

Right off the top, we were pleasantly surprised with the participants embracing not only the benefits of mentorship but, more importantly, they're placing the onus on themselves to be responsible for seeking out suitable mentor relationship(s). While there were a number of similar comments the following seemed to capture the essence of the participants' thoughts:

They place the onus on themselves to seek out a suitable mentor.

“I think mentorship is really important, and it has been for me. And when you're assigned a mentor, I don't think it's effective. I think that each individual has to take it upon themselves. Because lawyers are so busy, if a lawyer isn't going to seek out their mentor really, your mentor -- unless you have an amazing mentor, is not going to chase after you. So, you really have to put effort into maintaining that relationship. And I think it's really up to the mentee to drive that and seek that out. And it has to be a self-motivating thing.”

There was also consensus that whether internally or externally, there were people willing and able to provide mentorship to them.

Firms generally did not receive rave reviews in regards to their efforts in providing either positive or negative feedback to Millennials. The following comments are fairly representative:

- “And I don't understand why there is such a reluctance to give the immediate feedback because there really is. When really, you're just trying to make someone better, and you just have to let them know that this is what you have to be doing.”
- “The negative feedback, or the criticism, is important to get people to learn. But I also think it's important to give positive feedback. I always really appreciate it when I get an e-mail saying, 'You did a really good job on that,' or -- and so, that's something, too, that I know is not very common in the legal profession. But I think goes a long way, if you're always getting these red lines with tons and tons of markup, sometimes it's nice to say, 'Actually, that was really good.'”
- “Yeah, I think that I would probably be someone who really enjoys feedback. In particular, negative feedback, because it's an opportunity to change what I'm doing, and change my direction.”
- “The opportunities to become partner has changed. You have to figure out if you're going to be there, or you're going to jump ship. Maybe having that feedback, and having accelerated approach to knowing if you're going to make it, I think it all ties in.”

There have been a number of articles, including ones by Dr. Larry Richard, that discuss the seemingly inconsistent trait of most lawyers in not liking confrontation. This could lead you to connect the dots as to why “feedback” in so many firms is poorly handled in both nature and timing.

Indicative of the insight of the group or perhaps the need to find a better way to meet their communication needs, the following comment was made:

“So if you want feedback from someone, instead of asking for feedback, ask if they have any advice for you. I don’t know if that would be something that would be helpful for more senior partners, but apparently, that seems less confrontational.”

Straight from the Shoulder

Although the session was going long, the engagement was still running high so we asked the participants one final question. “What would you tell your managing partners (without fear of retribution or them jumping off a ledge) that they need to do to keep you at their firms?”

What would you tell your managing partners without fear of retribution...

I would hope there are no surprises in the sample of responses shown below:

- *“Asking the associates for their feedback, what they’d like to see practice wise; changes they’d like to see; what they’re interested in; and then respond to their thoughts and comments.”*
- *“So, let’s respect that, and break down those boundaries of that hierarchical type of culture that was so entrenched in law.”*
- *“What I have found, though, and perhaps this is scarier than anything else, is that part of the reason why some people at the very senior level won’t be willing to talk about the business of law is, they may not have a good understanding of what it takes to run an evolving law firm moving forward. Therefore they don’t provide a sense of direction or assurance.”*
- *“You need to build a better alumni network system. Because a lot of us will be starting our own business, and because we like the firms that we work with, hopefully, that’s the case by the time you leave, you want to refer the work that you know is available to your old firm.”*
- *“Being a manager is not the same skills as being a lawyer. And for some reason, there doesn’t seem to be recognition of that. Dealing with people -- dealing with an office isn’t the same. So, I think lawyers should be strongly encouraged to take a management class. Learn how actually to manage right.”*
- *“But I find that a client system, at least in mid-size larger firms, that basically only focuses on -- at least for compensation, the number of hours that you’re billing. It creates a weird incentive. If you’re a bad lawyer, you’ll have to leave. You’ll probably be weeded out. But if you’re a mediocre lawyer, or if you’re a really good lawyer, you’re kind of the same. Because if the mediocre lawyer and the really good lawyer can bill the same number of hours, it doesn’t really matter to anybody that one person’s work is a lot better. And that’s something that I think bothers a lot of people. That’s why I think that if I was a managing partner, I’d try to have some sort of system that isn’t just rewarding hours and dollars purely. But it’s rewarding people’s involvement in the firm, or involvement in pro bono activities, and involvement in the community. And also, the quality of their work and how valued they are.”*

- *“Reinforce the importance of feeling like you’re working with somebody, not for somebody, whether it’s getting red lines, and getting brought into that situation, or getting just the importance of being included, or feeling like, again, you’re working with them, as opposed to for them.”*

Clearly, real communication and a sense of direction or purpose are two themes that clearly connect the points raised by the group. I would again speculate that these two themes would have been reiterated if we had a group of generation “X” or “Y” in the room and asked the same question.

CONCLUSIONS

As much change that is going on in the legal profession, both acknowledged and not (the “ostrich factor”), it is amazing (and perhaps decidedly sad) that Millennials are just the next generation of lawyers to raise the same concerns or issues. Perhaps Crystal Kadakia captured it best in her book *The Millennial Myth: Transforming Misunderstanding Into Workplace Breakthroughs*:

“It’s not an exaggeration to say that different generations may see the same behaviours or dynamics in the workplace and perceive completely different things, whether positive or negative.”

Like those who have gone before them, the participants want to see their firms address baby boomer induced issues:

- Communication:
 - Feedback
 - Practice autonomy
 - Access to clients
- Work-Life Balance:
 - Impact on partnership track
 - On-boarding after maternity / parental leave
 - Billable hour/billings as a determinant of quality of lawyer contribution
- Work Ethic:
 - Fewer hours being docketed (ignoring, of course, less work available and more lawyers)
 - Telecommuting (working from home and not office after 5 p.m.)
 - I had to do it so why should the next generation not have to
- Management:
 - No formal training for leaders perceived mismanagement
 - What is going on at the firm (business of law)
 - Don’t make any changes until I wind up my practice
 - Our overhead is too high

What was interesting and clearly refreshing about the Millennials which differentiates them from past generations of lawyers was their:

What was clearly refreshing about the Millennials...

- Willingness to respond in the short term to the impact of the current partnership model, specifically the extended tenure track and perceived reduced financial value versus many current partners and senior associates subscribing to “hope” (hope that a return to the glory days is right around the corner) as a strategy;
- Placing a higher value on their personal sense of worth (or control over their marketability) and happiness, and an unwillingness to compromise either to the extent previous generations were willing to do so; and

- De-stigmatizing the changing of careers (multiple times) in part through a re-defining of acceptable risk and really an unfiltered perspective on the status of being a lawyer who is not in private practice.

We are in an era where the long-term future of the legal profession is contingent upon:

- Really embracing artificial-intelligence driven technology;
- A broader skill set from which new and old services to clients are delivered more effectively;
- A new partnership model not totally reliant on the billable hour or billings as a measure of a lawyer's contribution;
- A real response to the access-to-justice crisis; and
- A heightened awareness of wellness for its members.

Engaged millennial lawyers will play a significant role, if enabled, in ensuring the longevity of the profession.

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