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## Law Firm Management Struggles with Multi-Generational Issues

BY MICAH BUCHDAHL ON MARCH 13, 2015 ·



For decades now, law firms have pumped significant resources (time, money, and staffing) into various women's initiatives, diversity efforts, and professional development—sometimes because they feel a need to, and quite frankly, sometimes because they feel an obligation.

The results are often mixed. In some cases, they are designed to improve attorney hiring and retention. In others, the impetus is related to client demand that these efforts take place. In the end, the ultimate goal is to offer a culture and environment that will prove more welcoming to more people.

Now we find another law firm management struggle that is not met with the same level of dedication. Much has been written about the different generations of attorneys and staff working side by side in a law firm today. Dozens of articles over the years have discussed the various generations of employees in the workplace—traditionalists, Baby Boomers, Generation X, Y, and Millennials—and the push and pull among them that creates clashes in cultures and productivity. I often sense that many firms don't really "get" these terms, so I converted them to more recognizable names and scenarios:

**The Originals** – Many founders of the firm believe everyone should follow their successful model of grinding out 80 hours a week, 50 or so weeks a year. It made them millions, built a solid book of business, and (in their minds) still works today. This model often relies on a stay-at-home spouse and the realization that you won't be coaching little league.

**The "Junior" Senior Partner** – You didn't necessarily start the firm or originate the bigger institutional clients, but you did follow the lead from "The Originals." They let you know what was expected and you delivered. Partnership was the reward, along with a nice vacation home and BMW. But you still are not coaching little league. Maybe your spouse works part-time.

**The "Next-Generation" Partner** – Wow, so ungrateful. Clients were handed to you on a silver platter. You are getting the money, vacation home, and BMW. Yet you expect to leave early for soccer practice. Your significant other has a full-time, professional position. Part of that two-income household wage goes to the au pair. The Originals tolerate you because at this point you are better than the alternative.

**Not an equity partner and who cares?** – Today's new hire is earning a solid six-figure salary. But so does the second income in the household. They have no plans to be around for partnership consideration. They expect telecommuting, flex time, and lengthy paternity/maternity leave. They are not only coaching little league, but serve as commissioner. The newer model Toyota and vacation home share is more than enough to keep everyone happy.



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With these different generations of attorneys working together come different attitudes and expectations. The goals and end-game are simply far different. A law firm needs to put extensive thought into addressing the similarities and differences among staff in attitudes and expectations. They often vary by age, race, and gender.

## Desire to work later; desire to retire sooner

Further complicating matters are often delayed retirements. The irony is that it's the older attorneys seeking to work longer, while the younger ones are eyeing shorter retirement dates. It is not far-fetched for a successful young lawyer to target 50, while the senior lawyer is seeking to stick around until 75. That is a huge swing. A colleague at a large law firm in the Midwest long targeted his 40th birthday for calling it quits. And when that day hit, he sure did (his partners were not quite aware of this game plan and did not appreciate the notice). Another colleague cashed out from a lucrative in-house counsel position to hit the vacation trail at 50. In the meantime, I'm always reading about the 99-year-old lawyer who still comes into his office every morning without fail. Granted, he is taking up an office and mostly reading the newspaper—but still, really!

## I like to work from home

The struggle to supervise is a core issue for law firm management. This becomes an even greater challenge as more employees seek telecommuting options. For every employee who takes what would have been the commute time and converts it into additional work time in a home office, there is the slacker who is not responsive enough on the Blackberry—because there are other, non-work things going on. To employees (even partners), to some extent, that device is like an ankle monitor—where are you and what exactly are you doing?

We are not alone. The tech industry continues to try and close the generation gap in Silicon Valley. But the tech industry's solution, according to an article in the December 2014/January 2015 issue of *Fast Company*, is to hire virtual workers who are going to telecommute. Yet one of the Kings of the Internet, Google executive chairman Eric Schmidt, believes that workers need to be on-site to be effective.

To make telecommuting successful, the article suggests workers should (1) over-communicate (so everyone believes you're really working), and (2) schedule face time (through video chat). The employer should (1) hire with caution (making sure the individual is self-motivated), and (2) assign an in-office buddy (for peer-to-peer communication).

Today's new hire often brings an expectation of a flexible schedule, true work-life balance and different career goals. And if you don't provide it, other law firms will. A younger attorney might seek a boutique or midsize firm with a similar mindset. A more established lawyer with his or her own book of business can choose from many virtual law firm and quasi-virtual options that allow better control of day-to-day life.

## Technology driven

While it is not *just* technology that spurs on the ability to make these structural changes to a law firm operation, it is the most significant reason that many of these changes in the workplace and workforce can exist and co-exist. Most communication and work can be done from anywhere—a home office desktop, a laptop in a Starbucks, a smart phone or iPad on the beach.

On the flip side, many can argue that the technology "availability" negatively counterbalances the flexibility. You no longer can leave the office behind. You can do serious work on a plane, in your home, and yes, on the beach. For many, the 24/7 availability adds different layers of stress and client/work expectations. People assume that a text or e-mail message is read within minutes, and a delay of even an hour can appear to show disinterest.

For comparison's sake, when I text a babysitter (because e-mail is lame and there is no chance that they will answer my phone call), I expect a response from the 15-25-year-old in mere seconds. A delay means they



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are thinking about a better offer. The more mature 30-40-year-old sitter might take hours or days to respond. Speed trumps maturity.

## Social media rules

Understanding social media is critical in any law practice. I'm not necessarily suggesting every attorney needs to be on it or use it. For some law firms, it is a core element of business development and marketing. In others, it is purely something personal. But not having baseline knowledge of the Facebooks, Twitters, LinkedIns, Instagrams, and Snapchats of the world put you at a decided disadvantage. They are communication tools as much as anything else. And you need to understand how your attorneys and staff are communicating. Of course, the same can be said for hiring. A failure for an employee to grasp or use LinkedIn might make you question their technology and communication capabilities as well.

## The billable hour

The ongoing debates and related issue to the ancient "billable hour" approach plays into the multi-generational conversation as well. The client does not want to pay it, and the attorney does not want to be measured by it. So what's the problem? The ability for a firm to find workable alternative billing arrangements indeed plays directly into this conversation. Many law firms need to realize that the clients are multi-generational as well, dealing with the same issues, and need to make the same adjustments to be functional in today's workforce.

## What to do?

Let's face it. We live in a world where playing video games for a living is a real job. And they need, and have, high-priced counsel to negotiate contracts, intellectual property rights, and employment issues. You simply can't operate the same way as your firms' founding fathers.

Personally, I fall closer to Generation X than the late side of Baby Boomer. Earlier in my career, I was solidly entrenched in Baby Boomer philosophies—from autonomous and self-sufficient to long hours and the belief you must be in the office to truly be working hard. But my career and personal life have straddled the Gen X expectations tied to understanding and using technology, moving from job to job, and embracing (and desiring) work-life balance. I maintain a home office. I make myself accessible via technology. And, yes, I do coach little league, while refusing to use nannies or au pairs in a dual-career household.

In working with my law firm clients, I've had to adjust philosophies toward hiring and staff structure to meet today's employee expectations. Do I select the stronger candidate who demands a work-from-home schedule three days a week, or the weaker one who promises to be at a desk in the office no later than 9 a.m., five days a week? It can be a tough call—and the answer may depend on how well the firm grasps the realities of today's employee expectations.

In some occupations, such as sales, where you work or how you work is often somewhat irrelevant. You hit a number or you don't. If you do, the employer could care less if you are doing your job from the top of a Ferris wheel at Six Flags. If you don't, all the desk time and FaceTime in the world will not save you.

In the practice of law, we need to master the art of multigenerational issues for internal success and external (client) understanding. Considering all of these widely disparate factors is a necessity in hiring, ensuring proper communication, succession planning, and establishing a satisfying work culture. It is not easy, but you really don't have a choice. Something will come after the "Millennials." I can only imagine.

## About the Author

*Micah Buchdahl is an attorney who works with law firms on marketing and business development, and is a past chair of the ABA Law Practice Division. Micah is Editor-In-Chief of Law Practice Today. He can be reached at [micah@htmlawyers.com](mailto:micah@htmlawyers.com) or by phone at 856-234-4334, and on Twitter at [@mbuchdahl](https://twitter.com/mbuchdahl).*