

Spoiled quitters or lucrative wonderkids?

Growing pains of Gen Y in the law

SEAN VAGG, WIGHTONS, AND JUDD YOUNG, WHITE CLELAND

During a time when house prices and the number of law graduates competing for a position appear to be increasing at an exponential rate, one could be forgiven for assuming that young lawyers would place job security at the top of their wish list.

On the contrary, there is a well-publicised exodus of young lawyers from the profession. As a result, both employers and employees are recognising the need for dialogue and understanding to stem the flow of young talent from the legal profession in general, as well to increase retention rates in firms, both small and large.

“Generation Y” is an increasingly popular term used to describe the “i-pod generation” or “millennials” – those of us born somewhere between 1980 and 1994 (although those born as early as 1978 can fall within this illustrious definition).¹

While it is acknowledged that career dissatisfaction and house price affordability are issues that are not confined to Generation Y, this article will focus on the stereotypes of Gen Y workers to examine whether the employers in our profession – those whom, for the sake of the argument, predominantly fall within the “baby-boomer” category – are taking stock of Gen Y strengths, weaknesses and so-called “high-maintenance” working requirements.

It is not surprising that law firms commonly use inspiring phrases when describing their workplace to attract high-performing employees.

Phrases such as “dynamic working environment” or “[candidates with] imagination, energy and a desire to learn” may be found on the websites of the majority of large law firms, which raises the question: do law firms practise what they preach?

Unhappy Gen Y workers, as many bosses will tell you, typically “vote with their feet” and leave, seeking a workplace more receptive to them and their needs. As a result, all parties are recognising the need to have employees who are satisfied in their position and their firm, and employers who are satisfied with the productivity of their employees.

“Stereotyping” can have negative connotations, particularly in a workplace context.

The first part of this article focuses on whether negative stereotypes on both “sides” of the employer-employee relationship are contributing to the exodus mentioned above.



While stereotypes can be destructive if used and abused indiscriminately, it is proposed that studying the genesis and background of such stereotypes can form the basis of detailed and instructive analysis in an attempt to deal with the abovementioned trends and perceptions.

The second part of this article examines some positive Gen Y stereotypes, or to use a less loaded term, “generalisations” that have potentially far-reaching (and lucrative) implications for those employers and employees willing to think outside the square.

To this end, we pose the question of whether the legal profession can negotiate the difficult balance between reshaping legal and business traditions to accommodate genuine generational differences without compromising on professionalism or the bottom line of the company.

The final part of this article is an invitation to dialogue and an acknowledgment that the most important step to be taken by the profession as a whole is for employers and employees to engage with each other in a concerted effort to keep lawyers, young and not so young, satisfied in their jobs, and satisfied with their chosen profession.

SPOILED QUITTERS ...

Is responsibility a risk?

It is a common observation that Gen Yers have less time for formalities and etiquette, preferring to “launch into things” and get the job done. After all, Gen Yers learned to program the VCR without using the manual. While this approach can certainly be useful in times of high stress and pressure, it can have grave implications for the day-to-day personal workplace relationships on which a law firm depends, relationships which may have been fostered over countless coffees or glasses of red.

It is perceived that a single unlearned or ill-considered piece of advice by a brash Gen Y employee could conceivably scare off a long-term client, give a bad impression of the firm or, in the worst case, result in litigation against the partners.

In a profession as dependent on appearances as the legal profession, many partners are reluctant to allocate real responsibility to young lawyers, which gives rise to what has been termed “low decision latitude”,² which refers to the number of choices young lawyers have in their work. Law firms are renowned for promoting a high pressure, low decision latitude environment, which reportedly puts young lawyers at risk of depression and poor health.

Punching above their weight?

Another common complaint levelled by frustrated employers at their Gen Y employees is that Gen Yers believe that they should receive constant praise, encouragement and even bonuses or promotions, for simply turning up to work and doing their job adequately.

It has been suggested that this attitude is due to a combination of pop culture and intense parenting. Gen Yers have been brought up on phrases such as *carpe diem* or “reach for the stars”. Boomer employers might argue that this mentality has resulted in Gen Y workers developing an inflated sense of competence in the workplace and a lack of respect for what can be gained or achieved by experience and tradition.

Conversely, Gen Yers respond well to being treated as an equal. If a partner gives a Gen Yer real responsibility and allows them make a few mistakes along the way, an opportunity arises for the employer to play a genuine mentoring role.

This process encourages personal and professional interaction within a firm and gives an employee a chance to prove themselves, while at the same time gaining a more realistic idea of their skills and competencies.

The grass is always greener ...

Many an employer has walked into the office of one of their Gen Y employees to find the Internet browser open on seek.com, or the HR page of a rival firm.

Whereas in the past, employees would have strongly sought to avoid such scenes for fear of appearing disloyal, many Gen Yers are quite open to changing firms, careers or industries in search of personal or professional advancement.

For Gen Y employees, making themselves aware of other job opportunities does not necessarily denote dissatisfaction with their current job. Gen Y could be described as a restless,

distracted generation, acutely aware of opportunities that they perceive they may be “missing out on”.

The historical roots of Gen Y’s lack of loyalty to corporations could be attributed to generational factors. The baby boomers grew up during largely stable and predictable economic conditions, which encouraged and rewarded investment in property, and in long-term career stability.

As a result, boomers own by far the largest share of real property in Australia and other western liberal democracies, forcing mortgages out of the financial reach of many Gen Xers and Yers. Generation X has often been characterised as a betrayed and bitter generation and not without some justification when one examines the economic and social trends. Generation X encountered an increasingly retrenched and rationalised workforce during the 1980s, a workforce saturated with unemployed and underemployed graduates. The boomers had cornered the property market – loyalty to the company and careful saving no longer seemed the easy path to success that they had been promised.

Paradoxically, many Gen Yers would have seen their parents devote the best part of 20 years to a corporation, only to see that parent retrenched in their 40s or 50s as corporate downsizing became the vogue strategy to increase profits. It could be said that Gen Y has learned the harsh lessons of Gen X, and/or perhaps seen the disloyalty shown by large corporations to their parents, and have adjusted their attitudes accordingly, turning economic uncertainty to their advantage.

As such, Gen Y’s lack of loyalty and restlessness could be attributed to a widespread sense that they will trust corporations with their future at their own peril.

Gen Yers are protective of their time and energy and are reluctant to “bleed for the company” in the way their parents did.

LUCRATIVE WONDERKIDS ...

The entrepreneur

The characteristics (touched on above) of independence, self-confidence and an eye for opportunity often translate into an entrepreneurial mindset in many Gen Yers.

Many are starting their own businesses and doing extremely well, finding themselves able to couple the enthusiasm and fresh ideas of youth with the necessary persistence and savvy to carry through on their ideas. From an employer’s point of view, the challenge is to channel this entrepreneurial drive and make it work for the firm, rather than having it manifest itself as a desire to strike out at the first opportunity and start afresh.

Gen Yers are often willing to think outside the square and question tradition. While this can be somewhat confronting to employers, and sometimes counterproductive in a workplace, it can also have an excellent rationalising effect on processes and procedures, especially where technology is concerned.

Provided that employers are sometimes willing to swallow their pride and listen to new ideas, while at the same time communicating to their Gen Y employees that there are times when they simply need to “toe the line” and do the job rather than look for shortcuts, the entrepreneurial spirit inherent in many Gen Yers can actively work for the

firm. A few years in the one firm, with its greater financial resources, its opportunities for mentoring and experience and the opportunities to build skills and experience can set an employee up to better recognise and capitalise on future opportunities.

The tech wiz

The term “i-pod generation” is applied with good reason to Gen Y, whose formative years were during the microchip revolution.

Many Gen Yers grew up comfortable with the concept that technology, especially computer technology, was evolving at an exponential rate. This ease with technology has been described as almost instinctive, and many firms, as well as many Gen Yers themselves, underestimate just how much easier it is for Gen Yers to understand and work with technology.

Even though Gen Y employees may not know as much about the law or legal practice as their superiors, it is worth remembering that they will almost certainly be more conversant with the latest trends and technologies. Employers should be encouraging Y employees to bring this understanding to bear on the business, and Y employees should have the courage to bring new ideas or ways to use technology to the attention of the partners.

Gen Y employees are being underused if their tech savvy is not being at least explored.

The “stimulus junkie”

Gen Y employees are often castigated by boomer employers for not being able to stick to one task and follow it through.

While this is certainly an important skill to learn, especially in a profession such as law which values thoroughness, this restless energy can be tapped positively if an employer can successfully engage the imagination and interest of their Y employee.

The Windows operating system is very illuminative of the mindset of many Yers. They like the challenge and adrenaline of juggling a number of tasks at the same time, and can become bored if they feel they are merely doing busywork. While it will not always be possible to “sex up” every task and make it exciting for the employee, the passion and enthusiasm of a Y employee for a task that they are interested in can result in high productivity and efficiency.

If Yers have an idea of where the work they’re doing fits into the big picture, this can often be the stimulus they need to get the job done.

Let that which does not matter, truly slide ...

Gen Y workers often complain about the conservative nature of the modern law firm, even if such a culture was not unexpected when the employee walked through the doors for the first time.

There is a perception that firms are lagging behind big business when it comes to progressive work practices. It seems that many a firm’s idea of flexi-time is to comply with the paternity and maternity provisions of the *Workplace Relations Act*.

Further, “work-life balance” is a term that is seemingly used so flippantly that it has just about lost all meaning. Employers



should be encouraged to distinguish between the workplace practices that can be adjusted to suit the needs of their employees, and that which is absolutely indispensable to the professionalism and/or bottom line of the firm. This should be done consultatively, in order that employees feel engaged with the process.

OWNERSHIP AND FEEDBACK IS THE KEY

The common complaint levelled by junior lawyers at big firms is that they are a cog in the system, lacking in responsibility and mere cannon fodder for greater profits. Young lawyers at the smaller firms complain about rigid working conditions of lack of remuneration.

Ultimately, if firms can discover a way for young lawyers to play a greater role in the operation of the firm, including input into the implementation of progressive workplace policies, it will increase ownership, a sense of belonging and, with some luck, a generation of lawyers that strive for partnership, and not just the corner office. ■

1. Mark McRindle, cited in Hor, J & Davies, L “Generation Y at work: legal obligations and tips for employers with young employees”, *Work Insights, Harmsers Workplace Law*, 2007.
 2. Seligman, M, Verkuil, P and Kang, T, “Why lawyers are unhappy”, *Lawyers Weekly*, 2007, www.lawyersweekly.com.au.