

Generations Aren't Connecting, and It May Be Hurting Law Firms

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If only everyone could just get along. In today's law firms it's common to see a mix of employees from not just different backgrounds, but also different generations. In fact, the hierarchical structure of law firms, which places a premium on seniority, and their practice of hiring associates straight out of law schools, often means offices full of different age groups. But for some attorneys and law firm staff, this age diversity isn't always easy to navigate. A recent Law.com 's opinion poll found that a number of law firm employees believe that different generations' communications styles, behaviors and attitudes are hindering their firm's operations and success [...]

Around half of respondents came from very large law firms with more than 500 lawyers, while slightly more than a quarter came from large law firms with between 150 and 500 lawyers, and the rest from midsized and small law firms.

Almost 39% of respondents identified as being a member of Generation X, while 27.5% said they came from the baby boomer's generation and an additional 27.5% described themselves as millennials.

The survey found that many in law firms are struggling with how different age groups communicate. When asked specifically how different generational communication styles hindered their firm, respondents cited a range of issues, from younger attorneys' disinclination to communicate in person or via phone calls, to older attorneys' reluctance to use digital communications, such as instant messages.

In addition, some said that certain generations leave out information when communicating, and pointed to the need for more transparency. The differences in communication styles were also an issue, such as having a top-down approach as opposed to a more collaborative one when interfacing with employees.

The survey found that numerous respondents had been offended by how the different generation communicate including having their electronic communications ignored; dealing with someone who did not communicate all necessary information; dealing with someone who did not respect or understand the work-life balance; and receiving communications that were too casual or informal, or that were dismissive or condescending.

Some of the issues cited by respondents included older generations' resistance to technology; younger generations perceived lack of initiative and entitlement; different work expectations; and diverging preferences regarding in-office attendance.

When asked if there is ageism in their law firm, almost 59% answered in the affirmative. What's more, a slim majority, 53%, said that the law firm hierarchy favours one generation over another, with many noting that it inherently empowers those with seniority from older generations.

Still, a large plurality, 47.5%, did not think there should be a mandatory retirement age for partners, compared with 35% who said there should be, and 17.5% who were not sure. On the other hand, almost all respondents, 90%, said there should not be a mandatory age to qualify for partnership.

Many law firm employees who took the survey also expressed some concern about the future of the legal industry. Almost two-thirds, 63%, believed that the younger generation at their firm was not adequately prepared in law school for being a modern lawyer, while around 14% said they were and almost 23% were unsure.

The future of law firms, however, may include more remote and flexible work schedules, if many attorneys get their say. A large majority, almost 78%, of respondents said that remote work is somewhat important or very important to them, while around 86% said the same for the ability to choose their own hours and have flexible scheduling.

AI could become a lawyer's greatest help in the courtroom

Adrián Astorgano *Business Insider* 20 June 2024

In December, Michael Cohen, the lawyer who gained notoriety working for Donald Trump, asked a federal judge to overlook his latest transgression: citing cases fabricated by generative AI. Cohen had used Google Bard to cite cases that didn't exist. Cohen claimed ignorance, saying he misunderstood the chatbot "to be a supercharged search engine." Cohen wasn't the only lawyer to make this mistake. A federal judge last year fined two lawyers \$5,000 for citing fictitious cases. And in February, a court imposed \$10,000 in sanctions over an appeal that cited nearly two dozen fake cases.

These failures could suggest AI has no place in the practice of law. But some lawyers and legal experts claim that that isn't always the case. Generative AI's accuracy can make it a minefield, but the legal industry's increasing complexity has many lawyers using it for help.

Danielle Benecke, the head of machine-learning practice at Baker McKenzie, said AI models were getting good at "interpreting and generating complex legal language," a core part of the business. [...] Benecke said AI tools were especially useful for handling the legal fallout from common issues like cybersecurity incidents. Even a minor incident can overwhelm a company with regulatory-compliance requirements that necessitate several days of work from a small team of lawyers, racking up steep fees. Benecke said the firm's tools were designed to provide accurate advice in order to significantly reduce the time lawyers spend on navigating a client's regulatory requirements. Benecke stressed that the firm's goal is quality. She said the time saved sorting through regulatory requirements is better spent strategizing on the client's response to the incident. [...]

Popular media often focuses on the most romantic aspects of law, like a prosecutor grilling a defendant on the stand or a hardworking lawyer crafting a novel legal strategy. But the reality, Cecilia Ziniti the CEO of GC AI said, is often less glamorous, as the legal industry spans a "very long tail" of tedious tasks.[...] Ziniti said an AI "copilot" allowed lawyers "to do what we call practicing at the top of our license," meaning "we can do the things that we are most capable of doing, that are the fun part."

The allure of a tool that tirelessly digs through documents on a lawyer's behalf is significant but shadowed by AI's biggest bugbear: hallucination. IBM describes a hallucination as when an AI tool perceives non-existent patterns and generates "outputs that are nonsensical or altogether inaccurate." As Cohen discovered, this can happen when an AI chatbot is prompted to answer a specific query that's not well represented in its training data.

Jake Heller, the head of product for CoCounsel at Thomson Reuters, said Thomson Reuters had established a "trust team" of lawyers and AI engineers to ensure CoCounsel "is getting the right answer." The AI assistant also provides citation links to alleviate accuracy concerns. There's another fear likely to push lawyers toward AI: other lawyers. Heller said all law firms and lawyers exist within a "competitive dynamic where each lawyer to present the best case possible on behalf of their client.

Because of this, it's unlikely AI will eliminate lawyers' jobs. Instead, AI could be viewed as an extension of trends rooted in the dawn of the computer age. "We used to physically review every single document in every case," Heller said. "Even every potentially relevant email, we would physically print them out, and they'd be sitting in banker boxes in a basement." Times have changed. Electronic review has replaced manual review wherever practical. The legal industry has an entire subfield, electronic discovery, dedicated to finding and sorting electronic documents. [...]

Ultimately, the adoption of AI in the legal industry comes down to a fact of life: There are only so many hours in a day. While manually reviewing every document that could be relevant to a case may sound great, it's often not the best use of a lawyer's time. "I think in three to five years, not using AI for legal work will be tantamount to refusing to use online search for legal work today," Ziniti said. She added that lawyers have a professional responsibility – codified by the American Bar Association - to avoid inflating billable hours.