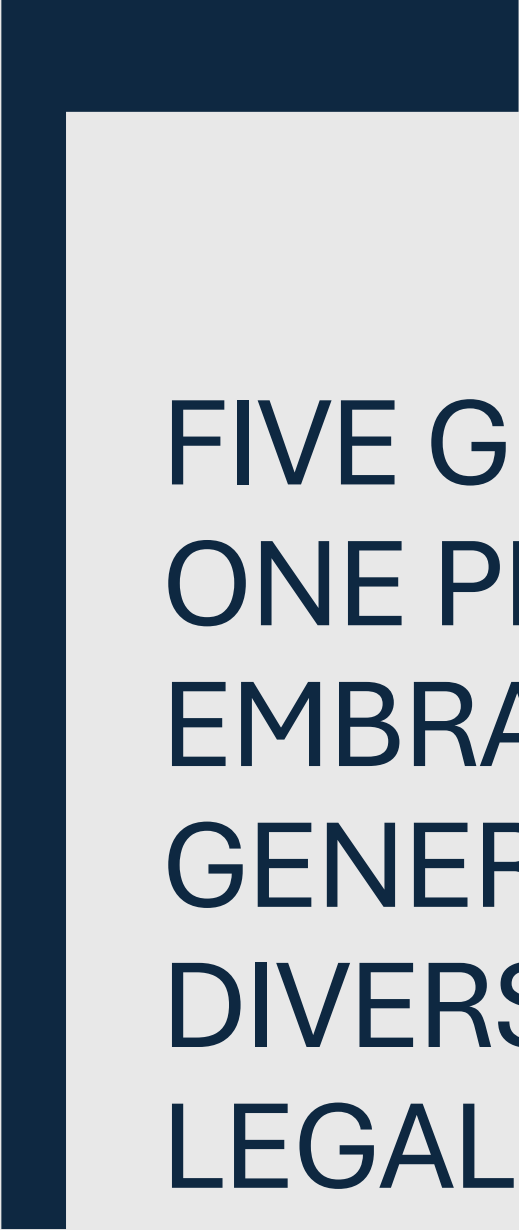
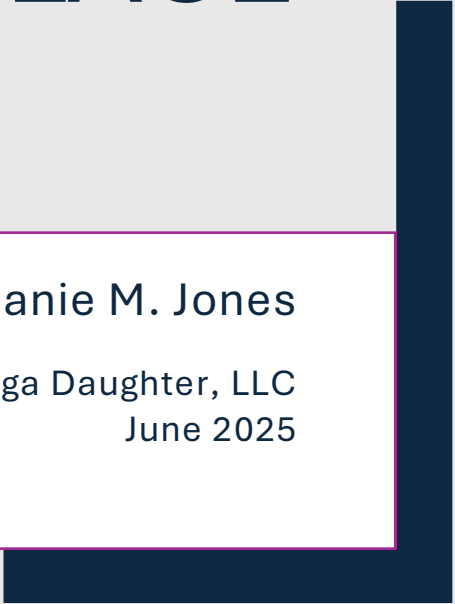




FIVE GENERATIONS, ONE PROFESSION: EMBRACING GENERATIONAL DIVERSITY IN THE LEGAL WORKPLACE

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Omega Daughter, LLC
June 2025



Five Generations, One Profession: Embracing Generational Diversity in the Legal Workplace

In recent years, society and workplaces have significantly ramped up their focus on **Diversity, Equity & Inclusion (DEI)** and in 2025, this emphasis has intensified in new and important ways. While DEI conversations often focus on race, gender, socioeconomic background, disability, or religion, *generational diversity* is a critical and equally vital -- yet frequently overlooked part of the conversation. Generational diversity refers to the presence and inclusion of individuals from all generational cohorts.¹ In today's legal workplace, that includes five distinct generations: Traditionalists (born 1928–1945); Baby Boomers (1946–1964); Generation X (1965–1979); Millennials (1980–1995); and Generation Z (1996–2010).² Age and generational differences affect every organization across every culture. Most workplaces include individuals from multiple generations, each bringing distinct strengths, communication styles, and values.

In the legal profession especially, generational dynamics influence the judiciary, firm/organizational culture, leadership transitions, mentoring styles, technology adoption, and client service. When these differences are misunderstood or ignored, the result can be disengagement, miscommunication, and attrition. Too often, age bias is viewed narrowly through a legal lens, limited to discrimination claims under the Age Discrimination in Employment Act (ADEA) for those over 40. But age bias runs in both directions. Young attorneys may be seen as inexperienced or entitled; older attorneys may be unfairly labeled as inflexible or out of touch. This “seasoned guard vs. younger guard” tension plays out in subtle and overt ways, influencing decisions around hiring, succession planning, and leadership development.

To move beyond generational conflict and age-based assumptions, legal organizations must understand the nuances of each generation and actively challenge the stereotypes that reduce individuals to simplistic labels. A truly inclusive workplace values the full range of generational experience and cultivates a culture where all attorneys, *regardless of age*, feel respected, engaged, and included.

As one DEI principle reminds us: “Age and generations are forms of diversity in the workplace. Generational diversity should be embraced, celebrated, and fostered with inclusivity and belonging.”³ Today's legal workplace is more generationally diverse than ever before. For the first time, five generations may find themselves working side by side in law firms, government agencies, corporate legal departments, and courtrooms across the country. Each generation brings unique experiences, expectations, and values shaped by the social, economic, and technological landscapes of their upbringing.

This generational mix presents both opportunities and challenges for legal organizations striving to foster collaboration, productivity, and professional growth. Misunderstandings can arise from real or perceived differences in work ethic, communication preferences, technology use, and

¹ “Embracing Generational Diversity in the Workplace” by Bridgeworks <https://www.generations.com/insights/embracing-generational-diversity-in-the-workplace>

² See generally, <https://www.beresfordresearch.com/age-range-by-generation/>

³ *Id.*

work-life balance.⁴ But when managed with intention, these differences can strengthen teams, enhance mentoring, and create more innovative and inclusive legal environments.

According to **HR Acuity’s Ninth Annual Employee Relations Benchmark Study**,⁵ which gathered insights from over **280 organizations representing 8.7 million employees worldwide**, generational diversity is emerging as a significant workplace factor. When asked, “*To what would you attribute any increase in employee-related events/issues over the course of 2024?*” nearly **30% of respondents cited generational differences within the multigenerational workforce** as a contributing factor. This data reinforces the growing recognition that age-related dynamics spanning communication styles, work expectations, and values are not just cultural observations but real organizational challenges requiring thoughtful strategies and inclusive leadership.

This paper explores how generational diversity is reshaping law firm culture, collaboration, and leadership. It examines how employers can embrace the opportunities presented by a workforce that spans five distinct age cohorts; reviews the defining characteristics of each generation; and unpacks the unconscious biases that shape intergenerational interactions. It also considers the challenges and benefits of multigenerational workplaces, shares personal reflections and common themes from lawyers across generations, and outlines the legal framework governing age in the profession including the ADEA, OWBPA, and mandatory retirement policies. Finally, it offers actionable strategies for legal organizations and leaders seeking to reduce age bias and foster meaningful generational inclusion.

Through shared stories and actionable guidance, we will explore how attorneys and legal organizations can better manage, mentor, and collaborate across generational lines—transforming points of friction into opportunities for growth and innovation.

I. As the Workforce Becomes Increasingly Multigenerational, Employers Should Embrace Generational Diversity

People are living and working longer than ever before, leading to the most generationally diverse workforce yet. While a multigenerational workforce may present challenges, including employees in all generations battling harmful stereotypes⁶ from colleagues in different generations, a generationally diverse workforce also provides meaningful benefits that employers should take seriously and prioritize cultivating.

Generalized, harmful stereotypes between these generations often create friction and distrust, which in turn leads to missed opportunities for knowledge-sharing and inter-generational collaboration. But while each generation is affected by the history, media, and technology with which they were raised, these differences “have little importance when it comes to predicting how we act or what motivates us at work.”⁷ Employers and law firms embracing the differing skillsets

⁴ See <https://www.hracity.com>

⁵ *Id.*

⁶ See generally, <https://www.pewresearch.org/short-reads/2023/05/22/5-things-to-keep-in-mind-when-you-hear-about-gen-z-millennials-boomers-and-other-generations/>

⁷ https://www.harvardbusiness.org/wp-content/uploads/2020/08/Unlocking-the-Benefits-of-Multigenerational-Workforces_Aug-2020.pdf

and strengths of multigenerational employees can increase productivity and resilience, generate effective talent pipelines and succession plans, and lead to diverse, increased skills for all employees.⁸ For example, Gen Z, the first generation of “digital natives”, may bring a familiarity and comfortability with technology that they can share with colleagues, while older generations may bring deep institutional knowledge and guidance from years of experience. Understanding and appreciating that information-sharing flows from and to all generations is key to cultivating a successful multigenerational workforce.

II. Wait—What Generation Am I, Again?

If you’ve ever Googled “What generation am I?” during a CLE or whispered to a colleague, “Wait, am I technically Gen X or a Millennial?” you’re not alone. Generational categories are everywhere these days: in headlines, on TikTok, and especially in workplace conversations about emojis, remote work policies, or how many spaces to put after a period. (Spoiler: Boomers are still holding strong with two.)

But beyond the stereotypes (avocado toast! fax machines! participation trophies!), these generational labels reflect the cultural and historical forces that shaped how we approach work and lawyering in particular. In the legal world, generational quirks show up everywhere: in how we bill time, manage teams, mentor associates, and argue over whether a physical redwell is still necessary in 2025.

So, before we dive into the tough stuff—like bias, workplace conflict, and leadership pipelines—let’s pause for a quick generational roll call. Who’s still handwriting edits on printed briefs? Who thinks Slack is “a little too casual”? Who brought a ring light to their virtual deposition? And who secretly believes the profession peaked with the typewriter?

Let’s find out.

As defined by the Pew Research Center, today’s workforce includes: The Silent Generation, sometimes referred to as Traditionalists (born between 1928-1945); Baby Boomers (born between 1946-1964); Generation X (born between 1965-1980); Millennials (born between 1981-1996), and Generation Z (“Gen Z”) (born between 1997-2012).⁹ Below is a brief breakdown of each generation, recognizing that one label does not define each person within the age group.

A. Traditionalists/Silent Generation [1928-1945]

The **Traditionalist Generation**, also commonly referred to as the **Silent Generation**, includes individuals born roughly between **1928 and 1945**.¹⁰ This generation came of age during some of the most transformative periods of the 20th century: the Great Depression, World War II, and the early Cold War era. Their formative years were marked by economic hardship, wartime

⁸ <https://www.weforum.org/stories/2020/12/how-a-multi-generational-workplace-is-key-to-economic-growth/>

⁹ <https://www.pewresearch.org/topic/generations-age/generations/silent-generation/>

¹⁰ <https://web.archive.org/web/20180329171334/http://www.pewresearch.org/fact-tank/2018/03/01/defining-generations-where-millennials-end-and-post-millennials-begin/>

sacrifice, and a societal emphasis on duty, respect for authority, and conformity. These experiences shaped a cohort known for their resilience, loyalty, and strong work ethic.

The term “Silent Generation” emerged from the perception that, unlike the vocal and activist generations that followed, this group was comparatively cautious, civic-minded, and inclined toward working within the system rather than challenging it. Many members of this generation were taught to “keep their heads down,” work hard, and avoid drawing attention to themselves especially in political or controversial matters. However, this label can be misleading. Although they are sometimes seen as quiet or passive, members of this generation also laid the groundwork for major societal shifts, including early civil rights movements, post-war industrial growth, and the expansion of middle-class prosperity.

Traditionalists often value **stability, discipline, and institutional loyalty**, and they tend to favor clear hierarchies and rules. Many spent most of their careers with a single employer, taking pride in their reliability and dedication. In the workplace, they were shaped by command-and-control leadership models and face-to-face communication. Today, as elders in society, Traditionalists offer a wealth of experience and historical insight. Their values can sometimes feel out of sync with more modern, fast-paced, and informal workplace cultures, but their deep institutional memory and enduring sense of purpose remain essential in intergenerational settings.¹¹

B. The Baby Boomer Generation [1946-1964]

The **Baby Boomer Generation** (“Baby Boomers” or “Boomers”) refers to individuals born approximately between **1946 and 1964**, a period marked by post-World War II optimism, economic expansion, and a significant increase in birth rates, hence the name “Boomers.” During this time, 76 million babies were born in the United States, and this generation now comprises the second-largest age group after their children/grandchildren (the Millennials).¹² This generation grew up during a time of remarkable transformation in American society, including the Civil Rights movement, the Vietnam War, the space race, and the rise of television and consumer culture. As children and young adults, Boomers witnessed and often drove dramatic social and political change, helping to redefine cultural norms around race, gender, and authority.

Baby Boomers are often characterized by their **strong work ethic, ambition, and identity rooted in career achievement**. Many came of age in a time when jobs were plentiful, home ownership was attainable, and higher education was expanding. As a result, they were often encouraged to pursue upward mobility through hard work and loyalty to employers. Boomers popularized the idea of the “American Dream” and are associated with a more traditional, linear career path, i.e., climbing the corporate ladder through perseverance and long-term tenure.

In the workplace, Boomers are typically seen as **competitive, resourceful, and goal-oriented**, with a preference for structure, process, and face-to-face communication. While some have adapted to rapid technological change, others may prefer more established methods of working. Now entering retirement or post-retirement stages, many Boomers are redefining aging

¹¹ See generally, “Generations” by Jean M. Twenge, PhD

¹² United States Census Bureau. [“2020 Census Will Help Policymakers Prepare for the Incoming Wave of Aging Boomers”](#)

by choosing to stay engaged in work, volunteerism, and mentorship. Their decades of experience and deep institutional knowledge make them valuable contributors to multigenerational teams, even as their leadership styles and communication preferences may differ from those of younger generations.

Today, Boomers are living, and working, longer than ever before. By 2030, all Boomers will be over 65, yet many will choose to continue working past the traditional retirement age.¹³ It is undeniable that Boomers continue to shape the U.S. economy and will likely do so for years to come.

C. Generation X [1965-1980]¹⁴

Generation X (“Gen X”), typically defined as those born between **1965 and 1980**, grew up during a period of shifting social values, economic uncertainty, and technological transition. Sometimes referred to as the “middle child” generation, Gen X followed the larger and more vocal Baby Boomer cohort and preceded the digitally native Millennials. Their formative years were marked by major cultural and global changes such as the end of the Cold War, the rise of dual-income households and divorce rates, the AIDS crisis, and the emergence of personal computing and MTV. As a result, Gen Xers are often described as **independent, adaptable, and skeptical of authority**.

Having grown up with less adult supervision than previous generations, many Gen Xers developed a strong sense of **self-reliance**. They are often seen as pragmatic problem-solvers who value flexibility and autonomy. In the workplace, Gen X helped usher in the transition from analog to digital, bridging the gap between traditional and modern work environments. They tend to prefer direct communication, value results over rigid process, and are comfortable with both in-person and remote work models.

Gen X is also sometimes called the “sandwich generation” because many are simultaneously raising children and caring for aging parents. Their ability to juggle competing demands has made them **resilient and resourceful**, though it has also contributed to their reputation for being somewhat overlooked or underappreciated. Despite this, Gen X holds a significant number of leadership positions today and plays a crucial role in mentoring younger professionals while modernizing legacy systems and practices. Their balanced perspective that is rooted in both analog and digital eras makes them a vital bridge between generations in both professional and cultural contexts.

As leaders, Gen Xers tend to emphasize **efficiency, accountability, and autonomy**, valuing performance over pedigree and innovation over tradition. While they may not seek the spotlight as visibly as Boomers or Millennials, Gen X quietly holds a significant number of leadership positions across industries. Their ability to navigate both hierarchical and flat organizational structures makes them key players in managing today’s multigenerational

¹³ *Id.*

¹⁴ According to the Pew Research Center, <https://www.pewresearch.org/short-reads/2014/06/05/generation-x-americas-neglected-middle-child/>

workforce. They often serve as cultural translators between older and younger colleagues, helping to balance tradition with transformation.¹⁵

D. Millennials/Generation Y [1981-1996]¹⁶

The **Millennial Generation**, also known as **Generation Y**, includes individuals born roughly between **1981 and 1996**. Millennials came of age during a period marked by rapid technological change, globalization, and major economic shifts. Their formative experiences include the rise of the internet, social media, the September 11 attacks, the Great Recession, and an increasingly diverse and interconnected world. These events helped shape a generation that is highly tech-savvy, socially conscious, and values-driven. Millennials are the 90s kids who grew up with Nickelodeon, boy bands, and punk rock. And many older Millennials were stung by the 2008 financial crisis as they began to enter the workforce. Often ridiculed in the media, Millennials have been called “Generation Me” and told they cannot afford to buy homes due to their love of avocado toast. Significantly, Millennials are the first generation to grow up in the dawn of the Internet age. They are “digital natives” and did not have to adapt to new technology but remember the time before the digital age.

Millennials tend to prioritize purpose, flexibility, and collaboration in the workplace. Unlike previous generations, many Millennials are less interested in traditional hierarchies and more focused on finding meaningful work that aligns with their values. They often seek opportunities for growth, feedback, and work-life integration, rather than rigid 9-to-5 structures. This generation is also known for championing diversity, equity, and inclusion, and for expecting their employers to take stands on social and environmental issues.

Criticized at times for being entitled or overly reliant on technology, Millennials have also been praised for their resilience, creativity, and entrepreneurial spirit. They entered adulthood during economic downturns, with high levels of student debt and fewer traditional job opportunities, prompting many to forge non-linear career paths and embrace the gig economy. As the largest generation in the workforce today, Millennials are redefining leadership, communication, and workplace culture, thereby favoring transparency, innovation, and a more human-centered approach to work.

E. Generation Z [1997-2012]¹⁷

Generation Z (“Gen Z”), generally defined as those born between **1997 and 2012**, is the first generation to grow up entirely in the digital age. From an early age, Gen Z has been surrounded by smartphones, high-speed internet, and social media, making them the most **technologically fluent and connected** generation to date. Like Millennials, Gen Z is more racially and ethnically diverse than other generations and are more likely to be the children of immigrants.¹⁸ They came of age during a time of global uncertainty while experiencing events

¹⁵ “Generation X: America’s Neglected ‘Middle Child’.” *Pew Research Center*. External, Taylor, Paul and George Gao. “Generation X: America’s Neglected ‘Middle Child’.” *Pew Research Center*, June 5, 2014.

¹⁶ According to the Pew Research Center, <https://www.pewresearch.org/short-reads/2019/01/17/where-millennials-end-and-generation-z-begins/>

¹⁷ <https://www.pewresearch.org/short-reads/2019/01/17/where-millennials-end-and-generation-z-begins/>

¹⁸ <https://www.pewresearch.org/social-trends/2020/05/14/on-the-cusp-of-adulthood-and-facing-an-uncertain-future-what-we-know-about-gen-z-so-far-2/>

such as the COVID-19 pandemic, climate change crises, political polarization, and widespread social justice movements. Often the children of Gen X, this generation received copious attention from their parents and are known for their passion and connectivity. These experiences have shaped a cohort that is **socially aware, pragmatic, and deeply concerned with equity and authenticity**.

In the workplace, Gen Z values **flexibility, mental well-being, and purpose-driven work**. They are less likely to tolerate toxic or rigid environments and are vocal about the need for inclusion, psychological safety, and social impact. Unlike previous generations, Gen Z tends to view careers not as ladders to climb but as dynamic journeys. They are more open to freelancing, side hustles, and nonlinear paths to success, and they place a premium on transparency, diversity, and ethical leadership.

Gen Z is also characterized by a **blended approach to communication** because they're comfortable switching between digital and face-to-face interactions but tend to favor quick, informal, and visually driven platforms like TikTok, Instagram, and messaging apps. While sometimes viewed as impatient or easily distracted, Gen Z is also entrepreneurial, resourceful, and capable of quickly learning new skills. As the newest entrants to the workforce, they bring a fresh perspective, a strong digital acumen, and an expectation that workplaces reflect the inclusive and responsive values they've grown up with. Organizations that listen to and learn from Gen Z are more likely to stay innovative, relevant, and future-ready.

Gen Z is on track to become the most educated generation yet. They are more likely to enroll in college and have a college-educated parent. While they are joining the workforce during a strong economy with low unemployment, there are still signs of uncertainty as young workers are more vulnerable to job loss. Now, Gen Zs are entering law firms and legal departments with a radically different view of what they want their work life to look like. They have strong values and want to make an impact on the world. Gen Z isn't a generation that will sit back and accept the status quo, in short, they will change the way we work.

III. Shared Stories: Reflections and Realities from Lawyers Across Generations

Behind every résumé line and courtroom win is a story of why someone chose this profession, what kept them going through the hardest moments, and how the world around them shaped the way they practiced law. In this section, we step away from statistics and generational labels to listen. To pause. To hear the voices of attorneys across five generations who have opened up about their journeys.

These reflections are more than anecdotes; they're touchstones of a profession in motion. They reveal how the law has changed, how lawyers have changed, and how despite different paths, we are all part of the same unfolding narrative. Some voices echo with pride. Others carry fatigue. Many hold both. But all remind us why this work matters, and how much we still must learn from one another.

A. Traditionalist Perspectives: Respect, Presence, and Purposeful Transition

Through interviews with judges and attorneys from the Traditionalist generation, several consistent themes emerged regarding their approach to work, leadership, and the evolving legal profession. Collectively, their perspective can be summarized as follows:

As someone who came up in the legal profession during a different era, I was taught to value hierarchy, discipline, and steady progression. Earning your place over time by learning from those who came before you, respecting the chain of command, and proving yourself through dedication and patience was a core expectation.

While not resistant to change, many Traditionalist attorneys acknowledge that technology presents challenges and welcome support from colleagues who offer guidance without condescension. Face-to-face interaction remains deeply valued, not only for its role in building strong professional relationships, but as a hallmark of legal culture and mentorship.

The question of when to step aside is not taken lightly. Many in this generation feel that if they are capable and contributing meaningfully, they should remain in practice. Transitioning out of leadership is viewed not just as a personal decision, but as a broader responsibility to the profession, one that requires thoughtful planning and respect.

Finally, while Traditionalists express admiration for the energy and creativity of younger attorneys, they also emphasize the enduring value of listening, observing, and earning one's way, believing that there is wisdom in patience, and that "leadership should be built on experience."

B. Baby Boomer Perspectives: Hard Work, Adaptability, and Legacy Leadership¹⁹

Interviews with Baby Boomer attorneys and judges revealed a generational mindset shaped by deep professional commitment, resilience, and evolving expectations. While proud of the foundations they helped build, many in this cohort are also keenly aware of the changing nature of the legal workplace. Their collective perspective reflects the following:

We came into the legal profession during a time of growth, transition, and possibility. Hard work, loyalty, and long hours were the markers of success, and many of us advanced in our careers by embracing those values. We took pride in being reliable and determined and while that sometimes meant sacrificing personal time, we believed in earning our place through persistence.

Over time, we've had to adapt to new technologies, shifting cultural norms, and evolving expectations around work-life balance. While these transitions haven't always been seamless, most of us have welcomed change when it aligns with professionalism and purpose.

¹⁹ For this section, I, Stephanie Jones, compiled input from multiple individuals within this age group and used generative AI to craft a third-person narrative based on their shared experiences and perspectives. The results were both compelling and surprisingly aligned with published reflections from attorneys I have never met. In future editions, I plan to give my incredibly busy Baby Boomer colleagues more time and space to contribute their own narratives directly.

There's a sense of responsibility we carry now to pass on what we've learned, to mentor the next generation, and to preserve the institutional wisdom we've gained. We're aware that the legal landscape is transforming, and while we may not agree with every shift, we understand the importance of listening and evolving.

At the same time, many Baby Boomer attorneys and judges sometimes worry that the value of experience and tradition is being overlooked. Titles and leadership were once seen as the result of years of demonstrated commitment, and they continue to believe that some aspects of that progression remain vital. Baby Boomers do not feel that they are standing in the way of progress, rather they believe they are working to guide it forward.

C. Generation X Perspectives: Independence, Adaptability, and Bridging Generations

Interviews with Gen X legal professionals revealed a generation defined by pragmatism, self-reliance, and a unique position as the link between tradition and innovation. Often described as the “middle child” of the modern workforce, Gen Xers bring a flexible, grounded perspective shaped by both change and continuity. Their collective viewpoint can be summarized as follows:

We came of age at a time when independence was essential. Many of us learned to manage responsibilities on our own early in life, and that carried into our careers. In the legal profession, we've often had to be resourceful with balancing the expectations of older generations with the demands and culture shifts introduced by younger colleagues.

As a Gen X'er, I would argue that we've embraced change, when necessary, especially when it comes to technology and efficiency. In fact, we were the first generation in the legal workplace to adapt to digital tools, email, and new research methods. We're comfortable translating between the more traditional ways of working and the innovations now being driven by younger professionals.

Still, from my interviews with other Gen X'ers and in my belief as well, we haven't lost sight of the value of loyalty, mentorship, and putting in the work. We're wary of quick fixes or flashy trends, and we tend to believe that credibility should be earned. We value work-life balance because we know what burnout looks like (having witnessed it with the generations of attorneys before us) but that doesn't mean we're not fully invested in our roles.

Finally, at this stage in our careers, many of us are leading teams, raising families, active caregivers and mentoring others. We see ourselves as steady contributors that are less interested in making noise, and more focused on making things work. We're here to push the profession forward, but we're also here to protect what's worth preserving.

D. Millennial Perspectives: Purpose-Driven Work, Financial Reality, and the Call for Cultural Change

Interviews and first-hand reflections from Millennial attorneys highlight a generation deeply shaped by economic instability, systemic inequities, and an urgent desire to redefine what it means to thrive in the legal profession. As Anne Helen Peterson so effectively stated, “[a]nd millennials? We’ve got venture capital, but we’ve also got the 2008 financial crisis, the decline of the middle class and the rise of the 1%, and the steady decay of unions and stable, full-time employment.”²⁰ Many Millennials entered the workforce amid the fallout of the 2008 financial crisis, carrying unprecedented levels of student debt and confronting a legal market that often offered little security in return. The Millennial collective perspective can be summarized as follows:

We came into the profession with ambition and ideals, only to find ourselves navigating rising tuition, stagnating wages, and an eroding social safety net. Many of us are still burdened by significant law school debt, and we’re also grappling with larger societal issues climate change, racial injustice, economic inequality that make it difficult to separate our values from our work.²¹

Millennial attorneys stated that “[w]e don’t just want jobs, rather we want meaning.” Purpose, flexibility, and well-being matter to us. We’re willing to work hard, but we want to know that our labor is sustainable, and our mental health is prioritized. When we raise concerns about burnout or unrealistic caseloads, we’re not avoiding work, we’re asking for reform in a profession with a long history of ignoring emotional and psychological tolls.

Additionally, Millennial attorneys said that while they respect experience, they also question outdated norms. These individuals seek honest feedback, collaborative leadership, and opportunities to grow without having to wait for someone to retire. Technology is second nature to them, and they expect the workplaces to reflect the tools and values of the world we live in.

Ultimately, for this group of attorneys, the future of the profession must evolve in not only in how we work, but in why we work and who gets to lead. We believe that a more inclusive, humane legal culture isn’t just possible, but it’s necessary.

To retain Millennial lawyers long-term, law firms need to take seriously the request for more realistic hours and caseload demands and prioritize employee mental health and wellbeing (particularly since the legal industry has a long history of depression and substance abuse)²², without labeling Millennials lazy, adverse to hard work, and unwilling to work overtime when necessary.

²⁰ <https://www.buzzfeednews.com/article/annehelenpetersen/millennials-burnout-generation-debt-work>

²¹ <https://www2.deloitte.com/us/en/insights/topics/talent/deloitte-millennial-survey.html> (only around half of Generation Z and Millennials feel that they can comfortably pay their expenses each month)

²² <https://clp.law.harvard.edu/knowledge-hub/magazine/issues/approaching-lawyer-well-being/capitalizing-on-healthy-lawyers/>

Another Millennial in the legal profession stated that they have always viewed work as more than just a paycheck, but instead it's about purpose, flexibility, and the opportunity to grow. These attorneys stated that they came into the workforce during economic uncertainty, law school debt, and rapidly changing technologies. From the beginning, we had to be agile navigating a world that didn't always reward loyalty or offer stability. Because of this history, it has shaped how Millennials view their careers: they are ambitious but are also looking for balance and environments that value inclusion, transparency, and well-being. This attorney said:

We respect experience, but we also question traditions that don't serve today's workforce. We want real feedback and not just at annual reviews. We want to be seen, heard, and given the chance to lead, even before we hit arbitrary milestones. And we don't think innovation has to wait until you're a partner.

Technology is second nature to us, and we've grown up with it. We're comfortable using tools that increase efficiency and improve collaboration, and we expect our workplaces to keep up. That doesn't mean we're dismissive of older generations; in fact, many of us are eager to learn from those with more experience. But we believe mentorship should be mutual, and that leadership can come from any level.

Ultimately, for Millennials, the future of the profession depends on evolving in not just how we work, but why we work, and who we work *with*.

E. Generation Z Perspectives: Values-Driven, Digitally Fluent, and Unafraid to Challenge the System

As the newest entrants to the legal profession, Generation Z ("Gen Z") brings with them a sharp digital fluency, a deep concern for justice and equity, and a bold willingness to question institutional norms. Shaped by global crises, social movements, and the COVID-19 pandemic, Gen Z legal professionals are entering the field with strong convictions and clear expectations. For Gen Z, the approach to the practice of law is quite different than that of generations before, including Millennials. Titles and tenure don't automatically equate to respect in many Gen Z's eyes. Instead, many Gen Z attorneys believe that mutual respect must be earned through authenticity and accountability. They stated that they want mentorship, but not hierarchy for its own sake. Ultimately, the interviews showed that they believe leadership should be inclusive, accessible, and shared.

One Gen Z attorney, a 27-year-old female attorney out of Milwaukee, Wisconsin, stated that more seasoned attorneys have been very helpful and want to see younger attorneys succeed in her experience working at a small trusts, wills, and estates firm, as well as in-house for a large corporation. She stated that her generation values remote work and is better at technology, as opposed to prior generations of attorneys. She also stated that seasoned attorneys could be better at practicing patience and asking instead of assuming. For example, she stated, Gen Z lawyers wish that Gen X and Millennial attorneys would ask "if" something has been completed before assuming it is not done. Or similarly, Gen Z lawyers wish that Millennial and Gen X attorneys would ask "why" something was done a certain way, rather than simply saying it is wrong. However, she also stated that younger attorneys can be a bit more respectful to seasoned attorneys when it comes to doing something the old school way, as it is an opportunity to learn from the

wealth of knowledge they provide. She advised her Gen Z contemporaries to not always try to fight against the current to show off something new that has been learned in law school.

Another Gen Z attorney, a 30-year-old male attorney out of Milwaukee, Wisconsin, whose experience included big four in-house practice for a year, before joining private practice big law, had a slightly different approach. He stated that more seasoned attorneys of the Gen X and Millennial generation are, in his experience, nicer to Gen Z attorneys than the experience Gen X and Millennial generations received when they were new. He stated that Gen X and Millennial generations are better than their predecessors at focusing on producing quality client service while also maintaining a positive, team-oriented work environment. He credited this shift to changing attitudes about work-life balance and work culture as a whole.

Currently a law student in the greater Philadelphia area, Nicole, has had a positive experience entering the legal field, often welcomed by attorneys eager to share insights and career advice. She observes that many Millennial and Gen X attorneys willingly mentor younger professionals, especially when they see potential in law students or new attorneys. Nicole expresses concern that AI might replace the hands-on learning essential for early legal training. She questions whether firms will adjust expectations for young attorneys using AI tools and emphasizes the need for clear guidance on how to integrate this technology into foundational learning. She believes law firms should adapt training methods to support a tech-savvy generation by prioritizing communication, understanding individual learning styles, and fostering open dialogue. For Nicole, career development means continuous learning, open communication, and being shaped by personal strengths and values, which is an approach that aligns with what Gen Z professionals seek in their workplace experience.

Most of all, Gen Z stated they want to make an impact. They are not interested in climbing ladders for tradition's sake but want to build something better. If the legal profession wants to attract and retain Gen Z talent, it must be willing to evolve not only structurally, but ethically and culturally.

F. Shared Values Across Generations: Commitment, Contribution, and Change

Despite clear generational differences in communication styles, career expectations, and cultural references, interviews and reflections reveal several powerful commonalities. One consistent throughline is a deep commitment to the legal profession and a desire to contribute meaningfully. Traditionalists and Baby Boomers emphasize loyalty, perseverance, and institutional memory, while Gen Xers, Millennials, and Gen Zers are equally dedicated, though they often seek purpose-driven work, flexibility, and innovation. Across generations, legal professionals want their contributions to matter and to be respected for their distinct strengths.

A shared desire for respect and inclusion also emerged. Traditionalists want their decades of experience recognized, Baby Boomers seek relevance and mentoring opportunities, and Gen Xers value their role as adaptable bridges between generations. Millennials and Gen Z want to be included in leadership and decision-making earlier in their careers. All generations express a need to be seen, heard, and valued and not just for tenure, but for ideas, values, and impact.

Concerns about the pace of change are common, especially among older generations. Yet, many Traditionalist and Boomer attorneys express a willingness to adapt when supported respectfully. Younger attorneys, meanwhile, acknowledge the importance of tradition and mentorship as they advocate for healthier work structures, mental health awareness, and systemic equity. The gap is less about values and more about approach: older attorneys favoring caution and continuity, younger attorneys pushing for bold transformation.

Additionally, reflections across the generational spectrum revolve around the balance between the necessary workload and personality traits within the practice of law, with rising demand and expectation of work-life balance and flexibility. From speaking with lawyers across generations, seasoned attorneys tend to respond to these changing demands and expectations with the century's old adage of "nobody wants to work anymore,"²³ just as generations before Gen X and Millennials no doubt complained of them when they were just starting. It seems that Gen Z's perspective is forever altered by the rise of remote work and flexibility with work schedules borne out of the pandemic, and an overall attitude of why this can't be the norm. The reflections paint a picture known all too well, a seeming clash between generations of what is valued and what is willing to be sacrificed for those values.

Ultimately, every generation demonstrates a shared investment in the profession's future. Whether through mentorship, modernizing practices, or challenging outdated systems, legal professionals across all age groups care deeply about leaving the field stronger than they found it. The opportunity ahead lies in fostering workplaces where these generational perspectives don't compete but rather, they collaborate.

These stories remind us that behind every generation is not just a set of characteristics, but a collection of lived experiences each shaped by its time, its trials, and its triumphs. They show us that while the legal profession may evolve in its tools and tone, the heart of the work remains the same: advocacy, integrity, service, and community. If we take the time to truly listen and to see one another beyond age or assumption, we'll find not division, but connection. And in that connection, the possibility of a profession that honors the past, meets the moment, and builds a future worthy of us all.

IV. Unpacking and Mitigating Unconscious Bias: Using the SEEDS Model²⁴ in the Legal Profession

Understanding **age stereotypes and biases** in the legal profession is essential to creating a truly inclusive and high-functioning workplace. Assumptions about age, whether directed at older or younger attorneys, can subtly shape how colleagues perceive competence, commitment, adaptability, and leadership potential. These biases often influence everything from who gets mentored or assigned to high-profile cases, to how communication styles are interpreted and valued. For younger attorneys, age-related assumptions may result in being underestimated or excluded from key decision-making. Older attorneys, on the other hand, may face perceptions that they are resistant to change or less tech-savvy, despite their experience and institutional

²³ <https://www.seattletimes.com/explore/careers/no-one-wants-to-work-anymore-is-a-complaint-as-old-as-work-itself/>

²⁴ <https://neuroleadership.com/your-brain-at-work/seeds-model-biases-affect-decision-making/>

knowledge. These stereotypes can limit collaboration, erode trust, and ultimately hinder the professional growth and contributions of attorneys across all generations. Confronting and unlearning these biases is a crucial step toward fostering a multigenerational legal workforce where every attorney can thrive.

Diverse workplaces aren't necessarily inclusive.²⁵ Inclusivity goes beyond representation to an environment where everyone can contribute their unique perspectives and talents. A concept known as generative interactivity²⁶ helps us understand how people can work together to create inclusive workplaces. It demonstrates how habits like shared goals, collaboration, and supporting each other are essential for bringing out the best in diverse teams. When we practice these habits, teams become more innovative and psychologically safe²⁷ and experience a greater sense of belonging.

To understand and unpack unconscious bias, we must understand different types of biases we all have. The **SEEDS Model®²⁸ of bias** is a framework developed by the NeuroLeadership Institute to help individuals and organizations recognize and mitigate unconscious bias. SEEDS is an acronym that stands for **Similarity, Expedience, Experience, Distance, and Safety**. These are five categories of common cognitive biases that influence how we perceive others and make decisions, often without realizing it. By understanding these biases, legal professionals and leaders can take deliberate steps to create more inclusive, objective, and effective environments. These biases often operate unconsciously, but their impact can be significant—particularly in a profession like law, where decisions about hiring, mentoring, case strategy, and leadership are made under pressure and scrutiny. Understanding these biases is the first step. Mitigating them requires intention, structure, and cultural awareness.

Below is a breakdown of each of the five biases, their legal work impact and mitigation strategies.

A. Similarity Bias²⁹

Similarity Bias is the tendency to favor people who are like us in background, appearance, interests, or beliefs. In the legal workplace, this bias can influence hiring, mentorship, and promotion decisions leading decision-makers to favor individuals who reflect their own demographics, personality traits, or career trajectories, rather than objectively assessing merit. For example, a senior partner might only mentor associates who attended the same alma mater or may

²⁵ <https://neuroleadership.com/your-brain-at-work/a-science-based-approach-to-navigating-dei-challenges>

²⁶ Bernstein, R.S., Bulger, M., Salipante, P. *et al.* From Diversity to Inclusion to Equity: A Theory of Generative Interactions. *J Bus Ethics* **167**, 395–410 (2020). <https://doi.org/10.1007/s10551-019-04180-1> The Theory of Generative Interactions suggests that in order to facilitate inclusion, multiple types of exclusionary dynamics (self-segregation, communication apprehension, and stereotyping and stigmatizing) must be overcome through adaptive cognitive processing and skill development, and engagement in positive interactions must occur in order to facilitate inclusion that is created and sustained by contextually relevant sets of organizational practices. The organizational practices provide the following conditions for generative interactions: pursuing an important, shared organizational purpose, mixing diverse members frequently over protracted periods of time, enabling differing groups to have equal standing and insider status in contributing to success, and providing collaborative interdependence, interpersonal comfort, and self-efficacy. These interactions are generative in that they help to challenge the guiding assumptions of the organizational culture, reconsider taken-for-granted aspects, and raise fundamental questions about organizations (Gergen in *Person Soc Psychol* **36**:1344–1360, 1978). The paper asserts that such interactions, properly structured, can help organizations more fully address all stakeholders in creating value ethically, and ultimately creating equity for individuals and groups in the organization. Id.

²⁷ <https://neuroleadership.com/your-brain-at-work/psychological-safety-to-do-what/>

²⁸ <https://neuroleadership.com/your-brain-at-work/seeds-model-biases-affect-decision-making/>

²⁹ <https://neuroleadership.com/your-brain-at-work/five-biases-holding-workers-back>

avoid assigning complex work to a Gen Z attorney based on the assumption that it would require too much handholding. To mitigate this bias, legal organizations should expand exposure by including diverse voices in hiring panels, evaluation committees, and leadership conversations. Structured interviews using consistent questions and scoring rubrics can help reduce subjectivity. Additionally, perspective-taking exercises—such as storytelling or informal intergenerational conversations—can help broaden understanding and empathy across generational lines.

B. Expedience Bias³⁰

Expedience Bias refers to our tendency to prefer quick, easy solutions over more thorough or complex analysis. This is especially dangerous in high-pressure legal settings, where time constraints often lead to snap judgments that reinforce stereotypes. For example, a supervising attorney may assume a younger associate isn't ready for a lead role without ever reviewing their casework or past performance. Mitigation requires slowing down the decision-making process by building in deliberate pauses before finalizing talent or client-related decisions. Tools like decision checklists or "if/then" evaluation criteria can help check assumptions and consider alternative explanations. Encouraging dissent and fostering a team culture where people feel safe asking "why" helps reinforce a norm of critical thinking over convenience.

C. Experience Bias³¹

Experience Bias is the belief that our own way of doing things is the universal or best way. In the legal profession, this can lead to dismissing newer approaches or generational viewpoints, especially when they challenge long-standing norms. For example, a seasoned attorney might reject a project management model proposed by a younger colleague without exploring its potential benefits. To address this, firms should intentionally gather multiple perspectives when making decisions especially from attorneys across different generations, practice areas, and backgrounds. Encouraging cross-generational mentoring can also foster two-way learning, helping to bridge gaps between tradition and innovation.

D. Distance Bias³²

Distance Bias involves giving more weight to people or things that are physically, socially, or emotionally closer to us. In hybrid or geographically dispersed law practices, this can result in remote attorneys or those outside leadership's immediate circle being overlooked for important assignments or professional development opportunities. For instance, a firm might consistently assign high-value matters only to in-office attorneys, sidelining capable remote team members. Mitigation includes recognizing and valuing contributions regardless of location, using inclusive communication platforms and meeting formats, and intentionally including attorneys of all generations in planning and innovation efforts to ensure equal visibility and voice.

³⁰ *Id.*

³¹ *Id.*

³² *Id.*

E. Safety Bias³³

Safety Bias is the tendency to avoid risk or loss rather than pursue new opportunities. In the legal context, this can lead firms to default to familiar, traditional candidates and practices—sacrificing innovation and inclusion for the illusion of security. For example, a firm might repeatedly select the same type of leadership candidate while overlooking a highly qualified, unconventional younger attorney. To counter this, firms must balance risk with opportunity, encouraging innovation by creating safe spaces for dialogue and dissent. Establishing psychological safety allows attorneys across generations to voice ideas and raise concerns without fear of judgment. Finally, normalizing experimentation by framing new policies, DEI efforts, or client strategies as pilot programs helps shift the culture toward inclusive growth and adaptive leadership.

By applying the **SEEDS Model®³⁴**, legal professionals can begin to recognize how these unconscious mental shortcuts influence their decisions and interactions. Understanding the ways to mitigate these biases allow for more deliberate and equitable practices that value diverse talent and foster stronger, more collaborative workplaces.

V. Generational Diversity: Challenges, Strengths, and the Power of Cross-Generational Collaboration

Generational diversity is both a resource and a responsibility. When embraced intentionally, it can spark innovation, strengthen mentorship, and improve firm resilience. But when mishandled or ignored it can also fuel misunderstanding, slow progress, and deepen internal divides. For law firms, courts, and legal departments seeking to thrive in a rapidly evolving professional landscape, the key lies in recognizing both the challenges and the strengths of a multigenerational workplace and turning potential tension into strategic advantage.

A. Common Challenges in Multigenerational Legal Workplaces³⁵

Although generational differences are often overstated, they can still shape perceptions, behaviors, and workplace dynamics in meaningful ways. Among the most commonly reported challenges are:

- **Communication Gaps:** Preferences among generations vary widely—from formal memos and in-person meetings to Slack messages, emojis, and real-time collaboration platforms. These mismatches can lead to frustration or misinterpretation across generational lines.
- **Conflicting Workstyles and Priorities:** Senior attorneys may value long hours and hierarchical structures, while younger attorneys may prioritize flexibility, efficiency, and results over face time or traditional pathways to advancement.

³³ *Id.*

³⁴ *Id.*

³⁵ See generally, Gerhardt, Megan W., et al. *Gentelligence: The Revolutionary Approach to Leading an Intergenerational Workforce*. Rowman & Littlefield, 2021; Elmore, Tim, *A New Kind of Diversity: Making the Different Generations on Your Team a Competitive Advantage*, Maxwell Leadership, 2022; Shaw, Haydn, *Sticking Points: How to Get 5 Generations Working Together in the 12 Places They Come Apart*, Tyndale Momentum, 2020; Hall, Darrell, *Speaking Across Generations: Messages That Satisfy Boomers, Xers, Millennials, Gen Z, and Beyond*, IVP, 2022.

- **Perceived Lack of Respect:** Younger professionals may feel undervalued or micromanaged, while older professionals may feel dismissed or pressured to step aside, even when they remain high performers.
- **Resistance to Change:** New technologies, changing norms, and evolving expectations around mental health and work-life balance can be points of friction if not handled thoughtfully.
- **Bias and Stereotyping:** Age-based assumptions—whether viewing Gen Z as “entitled,” Boomers as “out of touch,” or Gen X as “checked out”—can reinforce barriers to collaboration and fairness.

These challenges often remain unspoken, festering beneath the surface until they manifest as morale issues, attrition, or lost institutional knowledge. Addressing them requires leadership that is proactive, empathetic, and committed to fostering inclusion across all age groups.

B. Strengths of a Generationally Diverse Workforce³⁶

Despite these tensions, multigenerational teams hold immense potential when built on mutual respect and shared purpose. Research and experience show that age-diverse teams tend to be:

- **More Innovative:** Diverse perspectives lead to more creative solutions. Older attorneys may bring historical context and strategic foresight; younger attorneys often bring digital fluency and a willingness to question outdated systems.
- **More Resilient:** Organizations that balance institutional memory with adaptability are better positioned to navigate change, preserve core values, and evolve over time.
- **More Mentorship-Driven:** When mutual mentorship is encouraged, everyone benefits. Senior professionals can share wisdom and networks; junior professionals can share tools and insights that sharpen firm performance.
- **More Inclusive and Culturally Competent:** Generational awareness complements other DEI efforts. Inclusive firms are better at understanding their clients, recruiting and retaining talent, and building strong workplace culture.

The goal is not to erase generational distinctions, but to bridge them—creating a workplace where lawyers of all ages are empowered to contribute meaningfully, learn from one another, and evolve together.

C. The Power of Cross-Generational Collaboration³⁷

Effective cross-generational collaboration isn’t accidental. It requires structures, norms, and relationships that support learning, trust, and shared success. Practices that foster this kind of collaboration include:

³⁶ *Id.*

³⁷ *Id.*

- **Intentionally Diverse Teams:** Assigning attorneys from multiple generations to project teams, committees, or client matters encourages knowledge-sharing and broader perspectives.
- **Mutual Mentorship Models:** Moving beyond traditional top-down mentorship, law firms can design programs where younger attorneys coach on technology or culture trends, while senior attorneys offer career guidance and institutional insight.
- **Generational Listening Circles:** Facilitated sessions that invite honest dialogue between attorneys of different ages can uncover unspoken tensions, deepen understanding, and generate firm-wide improvements.
- **Collaborative Leadership Development:** Training programs that bring together high-potential attorneys from all generations help dismantle stereotypes and build a shared vision for the future of the firm.

Cross-generational collaboration is more than a human resources initiative—it is a business imperative. Law firms and legal organizations that harness the strengths of their multigenerational talent are more likely to build cultures of adaptability, trust, and long-term success.

VI. Navigating the Legal Landscape: ADEA, OWBPA, and Mandatory Retirement Policies in Law

We would be remiss in any conversation about generational dynamics if we failed to acknowledge a growing tension in the legal profession: many seasoned attorneys feel they are being pushed out gently in some cases, forcefully in others. These concerns are not hypothetical. Over the past decade, multiple high-profile lawsuits have exposed how even the most prestigious firms have struggled to balance succession planning with the rights of older attorneys.

From *EEOC v. Sidley Austin LLP*³⁸, where the firm faced allegations of age discrimination for demoting and forcing out older partners, to disputes arising from mandatory retirement policies at firms like Kelley Drye & Warren³⁹, the message is clear: age-based employment practices in law are under increasing legal and ethical scrutiny. These cases have sparked industry-wide reflection on how we define leadership, legacy, and contribution and who gets to decide when a legal career should end.

In this section, we briefly explore the federal statutes that protect older workers, including the Age Discrimination in Employment Act (ADEA) and the Older Workers Benefit Protection Act (OWBPA)⁴⁰ examine the complex legal and cultural implications of mandatory retirement policies in the legal profession.

³⁸ 437 F.3d 695 (7th Cir. 2006)

³⁹ Kelley Drye & Warren, a law firm with over 300 attorneys, has agreed to end its policy of requiring partners to give up their equity in the firm once they reach 70 years of age and to pay \$574,000 to an attorney who continued to practice at the firm after he turned 70, the U.S. Equal Employment Opportunity Commission (EEOC) announced today. See <https://www.eeoc.gov/newsroom/new-york-law-firm-settles-eeoc-age-discrimination-suit>

⁴⁰ The Older Workers Benefit Protection Act (OWBPA), enacted in 1990 as an amendment to the Age Discrimination in Employment Act (ADEA), offers additional safeguards for employees aged 40 and over. Specifically, it was designed to prevent employers from using severance or waiver agreements to circumvent age discrimination protections. While this paper does not offer an in-depth analysis of the OWBPA, its mention serves as an important reminder: any discussion involving older workers—especially in the context of retirement, separation agreements, or workplace transitions—must be undertaken with the OWBPA firmly in mind. For a comprehensive overview, see the EEOC’s historical summary at [EEOC.gov](https://www.eeoc.gov/owbpa).

A. Legal Protections and Realities Around Age in the Legal Profession

The Age Discrimination in Employment Act (ADEA)⁴¹ prohibits discrimination against employees or applicants age 40 or older, including preferences for younger employees within that age group. It covers both intentional and unintentional discrimination, including disparate impact where seemingly neutral practices disproportionately affect older workers. Employers may justify such practices only if based on a “reasonable factor other than age” (RFOA), such as physical requirements that are essential to job performance.

Despite these protections, age bias remains widespread and nuanced in the legal profession. Older attorneys may face assumptions that they are resistant to change, less tech-savvy, or nearing retirement leading to exclusion from leadership or strategic opportunities. Conversely, younger attorneys may be underestimated, excluded from decision-making, or viewed as entitled or uncommitted. These assumptions are often compounded by other biases related to race, gender, or caregiving responsibilities. Firms often fail to recognize age bias because it’s embedded in vague phrases like “not a good fit” or “not ready for partnership.” Without intentional strategies to surface and address these perceptions, organizations risk fostering ageist workplace cultures, even unintentionally.

Ultimately, the legal profession thrives on experience, innovation, adaptability, and mentorship all of which require contributions from every generation. Addressing age bias isn’t about favoring one generation over another. It’s about ensuring that all lawyers are given the opportunity to grow, lead, and contribute -- regardless of age.

As a result of the prohibition against mandatory retirement because of age, an employer cannot give employees an ultimatum that they either accept retirement under a special early retirement plan or be subjected to adverse treatment such as termination, demotion, reduction in pay, or diminished change of career advancement. However, voluntary early retirement incentive plans (ERIPs) that are truly voluntary and offered to reduce costs are lawful, because they do not violate the ADEA. Employers must be careful that any lawful early retirement incentives given to employees is not in fact a potentially discriminatory employee benefit. In general, a voluntary early retirement program with a minimum age required to be eligible to participate would be lawful, but a maximum age (which would limit participation by those over a specific age) would be unlawful.

However, because an employer has a legitimate interest in anticipating turnover and hiring needs, courts have distinguished between an employer merely inquiring into an employee’s hiring retirement plans as opposed to forcing them to retire.⁴² Similarly, the Seventh Circuit has ruled that the employer’s belief that the employee’s retirement was imminent was not a pretext for age discrimination, even though the employee alleged she never intended to retire.⁴³

While mandatory retirement is generally prohibited under the ADEA, exceptions exist for bona fide executives over age 65 who meet specific pension criteria. Voluntary early retirement incentive plans (ERIPs) are legal if they’re truly voluntary and nondiscriminatory. Courts have

⁴¹ [Age Discrimination in Employment Act of 1967 | U.S. Equal Employment Opportunity Commission](https://www.eeoc.gov/history/older-workers-benefit-protection-act-1990); see also <https://www.eeoc.gov/history/older-workers-benefit-protection-act-1990>

⁴² *Montgomery v. John Deere & Co.*, 169 F.3d 556, 580 (8th Cir. 1999); *Woythal v. Tex-Tenn Corp.*, 112 F.3d 243 (6th Cir. 1997).

⁴³ *Leibforth v. Belvidere Nat’l Bank*, 337 F.3d 931 (7th Cir. 2003).

upheld employers' right to inquire about retirement intentions but have also scrutinized actions that pressure older workers to exit prematurely.⁴⁴

B. Retirement in the Legal Profession: Key Distinctions and Trends

Mandatory retirement is still common in some non-legal public sector roles, such as airline pilots or federal law enforcement officers.⁴⁵ However, in the legal profession, retirement policies vary significantly depending on whether one practices in the public or private sector. For example, in the U.S. federal judiciary, judges appointed under Article III of the Constitution, including Supreme Court justices, have lifetime tenure and are not subject to any mandatory retirement age.⁴⁶ They may choose to assume senior status or retire voluntarily, typically after meeting the Rule of 80 (age plus years of service equals 80). Notably, *United States v. Will*, 449 U.S. 200 (1980), reaffirmed that federal judges' compensation and tenure are constitutionally protected.

By contrast, many state court judges face mandatory retirement ages. As of 2024, approximately 30 states impose judicial retirement between the ages of 70 and 75.⁴⁷ In New York, judges must retire at age 70 but may be certified to serve for up to three additional two-year terms until age 76 under Article VI, § 25(b) of the New York Constitution. This rule has been upheld despite challenges, based on the state's interest in ensuring the competency and turnover of its judiciary. In *Matter of Loehr v. Administrative Bd. of Judicial Conference*, 55 N.Y.2d 255 (1982), the New York Court of Appeals reaffirmed the constitutional authority to impose such limits.

Government attorneys, including prosecutors and public defenders, are often subject to the same retirement rules that apply to civil servants. In many U.S. jurisdictions, these positions fall under state or municipal retirement systems with eligibility based on years of service rather than a fixed age cap. For instance, in California, state employees under CalPERS may retire after 20 years of service, with no mandatory age requirement.⁴⁸ However, some states permit agencies to encourage early retirement under budgetary or performance-based grounds. Formal mandatory retirement is rare, as the ADEA provides robust protections.

⁴⁴ Employers are generally prohibited from requiring employees 40 years of age or older to retire because of their age, with certain limited exceptions made for bona fide executives. However, the ADEA permits compulsory retirement for certain executives and individuals in high policymaking positions provided three requirements are met: (1) the employee must be at least 65 years old; (2) the employee must have been employed for the two year period immediately before retirement in a bona fide executive or high policymaking decision; and (3) the employee must be entitled to an immediate nonforfeitable annual retirement benefit from the pension, profit sharing, savings, or deferred compensation plan of at least \$44,000 a year. See 29 CFR § 1625.12.

⁴⁵ See Alon-Shenker, Pnina, *SPECIAL TOPIC: AGING: ARTICLE: ENDING MANDATORY RETIREMENT: REASSESSMENT*, 35 W.R.L.S.I. 22 (Feb., 2014). For example, commercial airline pilots must retire at age 65 under Federal Aviation Administration regulations. 14 C.F.R. § 121.383(c). Part 121 pilots must retire by age 65. This was raised from 60 in 2007 under the "Fair Treatment for Experienced Pilots Act.". Federal air traffic controllers must retire at 56, though they may receive extensions until age 61 in limited circumstances. 5 U.S.C. § 8335(a). federal law enforcement officers are required to retire at age 57 with at least 20 years of service, unless granted an extension. 5 U.S.C. § 8335(b) (CSRS) and § 8425(b) (FERS). These mandates reflect concerns about physical and mental acuity in certain high-risk positions.

⁴⁶ U.S. Constitution, Art. III, §1 "The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour..."

⁴⁷ See Milov-Cordoba, Michael, *Life Tenure Is a Rarity on State Supreme Courts*, Brennan Center for Justice (Oct. 2, 2024), <https://www.brennancenter.org/our-work/analysis-opinion/life-tenure-rarity-state-supreme-courts>.

⁴⁸ See *Your CalPERS Benefits: Planning Your Service Retirement*, CALPERS (Feb. 1, 2023), <https://www.calpers.ca.gov/documents/new-member-state-guide/download>.

Legal academics at public universities enjoy additional protections. Since the 1994 repeal of the exemption that allowed mandatory retirement of tenured professors at age 70,⁴⁹ public and private universities generally cannot force retirement based on age alone.

Private sector lawyers are typically not subject to mandatory retirement due to the ADEA's protections. However, historically, many large law firms maintained informal policies that expected or pressured partners to retire around age 65 to 70.⁵⁰ While these policies are not always legally binding, they can affect compensation, equity status, or client allocation.⁵¹ These practices are being challenged more frequently, especially in light of demographic changes and longer career spans. For example, in *EEOC v. Sidley Austin Brown & Wood*, 315 F.3d 696 (7th Cir. 2002), the EEOC successfully argued that forced retirement of law firm partners might violate the ADEA if those partners are de facto employees.

Firms are increasingly reassessing such policies. According to the American Bar Association's ("ABA") 2022 Profile of the Legal Profession, nearly 60% of large firms had some form of age-related retirement policy for equity partners, but fewer than half actively enforced them.⁵² Additionally, cultural shifts in law firm governance, including more lateral movement and expanded roles for senior attorneys, have altered the practical impact of such age norms.

In private practice, most mandatory retirement policies for attorneys have no legal force under the ADEA. Yet, some large firms informally pressure partners to retire around age 65 or 70. The 2003 Supreme Court decision in *Clackamas Gastroenterology Associates v. Wells*⁵³ clarified that whether a law firm partner is protected under the ADEA depends on the degree of control the firm exercises over them.

Still, mandatory retirement policies persist in many top law firms. According to ABA's 2022 Profile of the Legal Profession⁵⁴, nearly 60% of large firms had some form of age-related retirement policy for equity partners (typically setting retirement ages between 68 and 70), but fewer than half actively enforced them. Today, more than half of the law firms in the top AmLaw 100 have mandatory retirement policies.⁵⁵ Within the percentage of firms that did have a mandatory retirement policy, 38% required retirement at age 68 and 36% required retirement at age 70.⁵⁶ Mandatory retirement policies are implemented for a variety of reasons, including encouraging senior partners to pass down invaluable knowledge, experience, and client relationships to younger associates; maintaining a seamless transition in client service; creating

⁴⁹ 29 U.S.C. § 631(d) (Repealed 1994)

⁵⁰ See Above the Law, *Partners in Practice: The Era of Mandatory Retirement* (Sept. 26, 2012), <https://abovethelaw.com/2012/09/partners-in-practice-the-era-of-mandatory-retirement/>.

⁵¹ See e.g. Markoff, Janet, *Older and Better: Partner Retirement Policies* Major, Lindsey, & Africa (Mar. 1, 2007), <https://www.mlglobal.com/en/insights/articles/older-and-better-partner-retirement-policies?byconsultantauthor=janet-markoff>.

⁵² See Goldblatt, Michael L., *Deciding Whether to End Mandatory Retirement*, ABA (Jun. 26, 2024), https://www.americanbar.org/groups/senior_lawyers/resources/voice-of-experience/2024-june/deciding-whether-to-end-mandatory-retirement/; See also Weiss, Debra Cassens, *More law firms appear to ease mandatory retirement policies*, ABA Journal (Aug. 31, 2022), <https://www.abajournal.com/news/article/more-law-firms-ease-mandatory-retirement-policies>.

⁵³ 538 U.S. 440 (2003).

⁵⁴ See Goldblatt, Michael L., *Deciding Whether to End Mandatory Retirement*, ABA (Jun. 26, 2024), https://www.americanbar.org/groups/senior_lawyers/resources/voice-of-experience/2024-june/deciding-whether-to-end-mandatory-retirement/; See also Weiss, Debra Cassens, *More law firms appear to ease mandatory retirement policies*, ABA Journal (Aug. 31, 2022), <https://www.abajournal.com/news/article/more-law-firms-ease-mandatory-retirement-policies>.

⁵⁵ *Older and Better: Partner Retirement Policies*

⁵⁶ Microsoft Word - 93862_1.DOC

leadership and equity stake opportunities for younger attorneys; preventing stagnation and facilitating an upward movement of ambitious talent; and avoiding the need to monitor continued physical and mental competence. However, as the age limits of work and retirement continue to change, law firms are now confronted with the challenge of honoring their original intentions behind a mandatory retirement policy while accommodating the needs of their older employees. While originally intended to ensure succession planning and smooth leadership transitions, these policies are increasingly scrutinized for potential age discrimination claims.

C. Case Studies: Legal Challenges to Mandatory Retirement

In *Kline v. Fox Rothschild LLP* (2024)⁵⁷, a former partner alleged age discrimination after being demoted and forced to accept a one-year rolling contract due to his age. Although the firm had officially rescinded its mandatory retirement policy, the plaintiff argued that it continued to enforce it informally. The case was ultimately dismissed by stipulation, but it illustrates the reputational and legal risks firms face when applying age-related limitations.⁵⁸

In *Scott v. Walker Morris LLP* (2025)⁵⁹, a UK tribunal found that the firm discriminated against a partner by enforcing a mandatory retirement age without exploring less discriminatory alternatives. Though UK law differs from the ADEA, the reasoning reflects similar principles: policies that impact older workers must be justified as proportionate and necessary.

These cases underscore the need for law firms to critically evaluate how retirement expectations are communicated and implemented. Firms must ensure that their efforts to promote leadership opportunities for younger attorneys do not come at the cost of violating age discrimination laws or diminishing the contributions of their most seasoned professionals.

D. Intersectionality⁶⁰: Age and Other Dimensions of Identity

Age bias does not exist in isolation. In legal workplaces, it often intersects with other forms of discrimination, such as gender bias against older women, racial stereotypes affecting career progression, or assumptions about caregiving responsibilities. For example, an older female attorney of color may face both age-based and race-based microaggressions. A younger attorney with a disability may be viewed as less capable due to ableist and ageist assumptions.

In 1989, Professor and Legal Scholar, Kimberle' Crenshaw coined the phrase "intersectionality" to describe "the lens through which you can see where power comes and collides, where it interlocks and intersects."⁶¹ Addressing generational inclusion therefore requires an intersectional approach, one that recognizes how identity categories compound bias and shapes each attorney's lived experience. As the generational reflections above demonstrate, legal

⁵⁷ [Ex-Fox Rothschild Corp. Head Ends Bias Suit Against Firm - Law360](#)

⁵⁸ [4 Law Firm Bias Cases To Watch In 2024's 2nd Half - Law360 Employment Authority](#)

⁵⁹ [Mandatory Retirement Policies: Scott v Walker Morris LLP \[2025\] - Rahman Lowe Solicitors](#); see also [Termination of a law firm partner was direct age discrimination | Didlaw](#)

⁶⁰ See Crenshaw, Kimberle. "[Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Policies](#)." University of Chicago Legal Forum 1989, no. 1 (1989): 139-167.

⁶¹ <https://www.law.columbia.edu/news/archive/kimberle-crenshaw-intersectionality-more-two-decades-later>

organizations that approach diversity holistically by acknowledging the complexity of identity will be more effective at retaining talent, fostering trust, and building equitable teams.

VII. Listening to the Future: Addressing the Priorities of Younger Legal Professionals

It's imperative that employers, and especially law firms, continue adapting to meet employee needs and cultivate a healthy, diverse workplace. One of the most significant generational tensions facing many law firms is that Gen Z and Millennials value supportive environments, mental health, and work-life balance over "trial by fire" assignments, unrealistic work demands, and even salary.⁶² The traditional law firm model must confront this reality to maintain, or even improve, Millennial and Gen Z lawyer retention. Employers need only recall The Great Resignation to consider the consequences of refusing to do so.

Millennials and Gen Z are highly stressed and burned out, resulting in many quitting their jobs.⁶³ 68% of Gen Z and younger Millennials identify as stressed and burned out, compared to about 40% of Baby Boomers.⁶⁴ At large law firms, almost 80% of associates leave within five years, causing firms an estimated \$200,000-\$500,000 per departure.⁶⁵ 49% of Millennial and Gen Z lawyers say that they would quit their current job in the next two years if given the opportunity.⁶⁶

In evaluating employment opportunities, Millennials and Gen Z often consider work-life balance, development and training opportunities, and "positive workplace cultures."⁶⁷ They value training and development, instead of "trial by fire."⁶⁸ According to the World Economic Forum, over 40% of Gen Z state they would debate sexism in the workplace (compared to 24% of an earlier generation) and seek employers who are actively part of those conversations.⁶⁹ Put simply, DEI is "not simply a 'nice-to-have' for them, it's an expectation."⁷⁰

As detailed above, Millennials and Gen Z's workplace concerns about wellbeing and work-life balance are often met with resistance. As author and former Millennial lawyer JP Box has explained, "I felt that many law firms focused too much on the business of law, including the emphasis on billable hours and the trappings of partnership years down the road. However, for an idealistic generation ready to make meaningful contributions early in their careers, these traditional firm motivators often fall flat."⁷¹

Instead of minimizing differing needs, concerns, and expectations across generations, it's imperative that each generation listen to and take seriously other generations' priorities and preferences. Instead of dismissing Gen Z and Millennial concerns about burnout and work-life

⁶² <https://clp.law.harvard.edu/knowledge-hub/magazine/issues/approaching-lawyer-well-being/capitalizing-on-healthy-lawyers/>;

<https://news.bloomberglaw.com/us-law-week/generation-gap-widens-as-new-lawYERS-redefine-success>

⁶³ <https://www2.deloitte.com/us/en/insights/topics/talent/deloitte-millennial-survey.html>

⁶⁴ <https://imagine.jhu.edu/blog/2023/04/18/gen-z-in-the-workplace-how-should-companies-adapt/>

⁶⁵ ABA The Next Wave of Practicing Lawyers

⁶⁶ *Id.*

⁶⁷ <https://www2.deloitte.com/us/en/insights/topics/talent/deloitte-millennial-survey.html>

⁶⁸ [https://news.bloomberglaw.com/us-law-week/generation-gap-widens-as-new-LAWYERS-redefine-success](https://news.bloomberglaw.com/us-law-week/generation-gap-widens-as-new-lawYERS-redefine-success)

⁶⁹ <https://imagine.jhu.edu/blog/2023/04/18/gen-z-in-the-workplace-how-should-companies-adapt/>

⁷⁰ *Id.*

⁷¹ <https://www.americanbar.org/news/abanews/publications/youraba/2018/june-2018/a-millennial-explains-how-law-firms-can-attract-and-keep-his-gen/?login>

balance as an alleged inability to work hard and “put in the work,” or instead of generalizing all Baby Boomers as conservative and out of touch with technology, employers should cultivate a flexible workforce that respects multigenerational perspectives and adapts, particularly if they seek to maintain employee wellbeing and retention.

VIII. Leading for Longevity: Strategies for Multigenerational Inclusion and Reducing Age Bias in Legal Workplaces

To build a workplace that genuinely values generational diversity, law firms and legal organizations must move beyond compliance and commit to cultural and operational change. The following strategies are designed to support inclusion across age groups and reduce age-related bias:

A. Conduct Regular Bias Training and Awareness Campaigns

Offer training that includes age-related bias as part of broader DEI initiatives. Address stereotypes that affect both older and younger attorneys and emphasize the value of experience, innovation, and generational collaboration.

B. Design Flexible Career Pathways

Move away from rigid up-or-out models and embrace flexible career trajectories. Create alternative roles for seasoned attorneys who want to stay engaged but may not seek traditional leadership paths and provide structured growth opportunities for early-career lawyers.

C. Encourage Reverse and Mutual Mentorship

Foster mentorship programs that allow learning in both directions, where junior attorneys can share skills (e.g., digital tools) while senior attorneys offer insight, strategy, and client development guidance.

D. Reevaluate Mandatory Retirement Policies

Ensure retirement policies are lawful, flexible, and fair. Replace age-based policies with performance-based evaluations and succession planning that include open dialogue about future plans without pressuring older attorneys to leave.

E. Promote Intergenerational Teams and Projects

Intentionally build teams that span generational cohorts to encourage collaboration, challenge assumptions, and blend perspectives. These teams should be structured to value each member’s strengths, regardless of age.

F. Provide Transparent Feedback and Growth Opportunities

Offer regular, meaningful feedback across all levels of experience. Avoid assumptions that senior lawyers do not need coaching or that junior lawyers must “wait their turn” to lead.

G. Embed Age Equity into Leadership Culture

Ensure that firm leaders and decision-makers reflect a range of generations and are accountable for fostering inclusive practices. Leadership should model inclusive behavior and challenge ageist assumptions when they arise.

H. Audit Practices and Policies for Disparate Impact

Conduct internal audits of hiring, promotion, compensation, and succession practices to identify and mitigate age-related disparities. Use data to inform reform efforts and increase transparency.

By applying these strategies, legal organizations can harness the full value of their generationally diverse workforces and ensure that lawyers of all ages are positioned to succeed.

IX. A Call to Lead Across Generations: One Profession with Many Voices

Generational diversity is not just a fact of today’s legal workplace: it is a call to lead differently. As this paper has shown, the stories, struggles, and strengths of every generation shape how we work, mentor, and make decisions. From navigating outdated assumptions to challenging exclusionary norms, we’ve seen how generational dynamics impact everything from firm culture to legal compliance. As the profession continues to evolve, the ability to navigate age-related dynamics with nuance and equity will define the resilience and relevance of legal institutions.

But awareness is not enough. *Now is the time to act.*

Leaders must build systems that value contribution over age, embed intergenerational learning into firm structures, and make space for both innovation and institutional memory. Mentorship must evolve. Evaluation must be fair. And conversations about inclusion must always include age as a core dimension of diversity.

This is not about choosing between generations: ***it’s about choosing to invest in all of them.***

Let’s stop treating generational diversity as a challenge to manage and start treating it as a strength to leverage. The legal profession has an opportunity, *and a responsibility*, to model what inclusion truly looks like. The next chapter of our profession will be written by many voices. Let’s make sure we’re listening to all of them.

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Omega Daughter, LLC extends its deepest gratitude to the contributing authors whose voices, insights, and perspectives brought this paper to life. Your thoughtful contributions exemplify the very intergenerational strength and collaboration that this project seeks to celebrate.

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Acknowledgements

A heartfelt thank you as well to my fellow Gen X’ers—and an extraordinary Millennial—for graciously connecting me with these rising stars from their firms. These are women and attorneys I deeply admire—leaders who represent plaintiffs, unions, and management with grace, perseverance, and unwavering integrity. Their work spans the full spectrum of labor and employment law, and they do it all while showing up as brilliant professionals and even more remarkable human beings.

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A Special Thank You

I extend my heartfelt thanks to my colleague and dear friend, **Hon. Darryl L. Edwards**, whose careful eye and thoughtful edits brought clarity, polish, and cohesion to the final version of this paper. Your time, talent, and unwavering support helped bring this project across the finish line. I’m deeply grateful for your partnership—not only in this work, but in the journey of law and leadership we continue to walk together.