

MANAGEMENT

With Age Comes Wisdom

Many companies are reluctant to hire older attorneys, despite crucial benefits

By Ron Hershkowitz

Many companies do not consider hiring older, experienced lawyers because of their age. Obviously this is both illegal and difficult to prove. This article does not deal with either the legal propriety of this behavior or the potential legal liability that might result. Rather, it analyzes the reasons behind the reluctance to consider older lawyers and argues that corporations are ignoring a great untapped reservoir of talent to their own detriment.

Much of the reluctance to consider older counsel is not based on a discriminatory intent or ill will. Rather, it is the result of certain generic concerns which may have some validity in certain circumstances. However, like all stereotypical reactions, it is often not true with respect to a particular applicant. The advantage for a corporation to hire an experienced lawyer well outweighs the effort to investigate his specific situation.

The bases for the reluctance to consider older lawyers are varied.

First, there is a concern that the experienced (i.e., older) lawyer will retire shortly. The reality is that, in today's world, many lawyers are working longer, both out of necessity and desire.

Second, there is often a sense that there must be some deficiency in a lawyer of that age and that experience looking for a job. That is a short-sighted assumption. Many lawyers are simply ready for a change. The current work environment is more fluid than in the past, when employees in general changed employers less often. In addition, if a lawyer has been with a company for an extended period of time, he may receive an early retirement package.

Third, an experienced lawyer who applies for a "junior" position often raises the number of negative reactions that he is too qualified for the position, will not feel challenged, won't be satisfied with the salary, and will hold this position only until a better position comes along. The truth often is that the experienced attorney has already

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had a career in the corporate environment. He simply wants to work in a supportive, interesting environment — particularly if the attorney receives a pension or is otherwise financially secure. Money may be a subsidiary issue.

Fourth, younger hiring counsel may be concerned that the applicant, for reasons of age and/or experience, will be difficult to supervise. The ability to work well with others, fit into a cooperative environment, and take direction from a superior is a matter of individual personality, not age. There are plenty of arrogant, know-it-all recent law school graduates or fifth-year law firm associates. The interview process will help determine whether the new hire will be a team player.

Finally, there may be a fear — again likely unfounded — that the applicant is a good, experienced lawyer who may not only be able to the hiring supervisor's job, but even more problematic, may be a viable candidate for the hiring supervisor's boss's job, which is a position that the supervisor covets. Many experienced applicants have absolutely no interest in climbing the corporate ladder, having "been there, done that."

The conclusions are obvious. If you are a good lawyer, you investigate all the facts before making a decision. Do the same due diligence with the important decision of who is going to join your corporate family. The keys to your analysis are:

- Judge the individual as you would any other candidate;
- Avoid stereotypes; and
- Do not make unwarranted assumptions.

The fact is that an older attorney's experience and wisdom is often available on very attractive terms. An older lawyer may be less motivated by money, and may be more interested in finding the right fit. It is possible, therefore, to land an experienced lawyer at an attractive rate.

It is worth your while to talk to, and evaluate, a candidate with impressive credentials, regardless of age. Trust your judgment. The upside advantage is enormous: experience, expertise and appreciation, all at a discount price. ■

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