5 Simple Steps To Beat Age Discrimination

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Paralegal Knowledge Institute
It’s interesting that age discrimination exists in, of all things, the legal field.

Paralegals and legal professionals, particularly in the Baby Boomer generation, are reporting age discrimination as the number one reason to be turned down for a job or promotion.

Age discrimination is common, yet hard to prove. Didn’t get the job? Is it a poorly written resume or cover letter? Can’t seem to move up the law firm ladder? Is it lack of updated skills or poor performance?

To be sure that you have faced discrimination, it’s necessary to step up to the table and thoroughly review your job performance, appearance, skills, resume and qualifications.

FACTS:

• There are 76.4 million Baby Boomers in the U.S. today – But – it’s no longer the largest group

• Baby Boomers represent close to one-quarter of the estimated 2012 population of 314 million

• There are approximately 1 million U.S. lawyers; and 250,000 - 300,000 paralegals

  • Average age of paralegal student: 36 – 38
  • Average age of law student, top school: 24

How old is old?
<table>
<thead>
<tr>
<th></th>
<th>Gen X</th>
<th>Gen Y</th>
</tr>
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<tbody>
<tr>
<td><strong>Work Styles</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• High-quality end results</td>
<td>• Effect change, make impact</td>
<td></td>
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<tr>
<td>• Productivity</td>
<td>• Work: expression of self; not definition</td>
<td></td>
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<tr>
<td>• Balance between work and life—work to live not live to work</td>
<td>• Exceptional multi-tasking</td>
<td></td>
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<tr>
<td>• Flexible work hours/job sharing appealing</td>
<td>• Less likely seeks manager positions compromising life outside work</td>
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<tr>
<td>• Free agents</td>
<td>• Relaxed, flexible work hours, dress</td>
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<tr>
<td>• See self as a marketable commodity</td>
<td>• Environment—bright colors, open seating, personal touches</td>
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<tr>
<td>• Comfortable with authority; not impressed with titles</td>
<td>• Work in teams</td>
<td></td>
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<tr>
<td>• Technically competent</td>
<td>• Seeks continuing learning &amp; takes advantage of it</td>
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<tr>
<td>• Internal promotion</td>
<td>• Wants everything instantly</td>
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<tr>
<td>• Ethnic diversity</td>
<td>• Effort separated from reward—no pay for performance</td>
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**Generational differences**
<table>
<thead>
<tr>
<th>Attributes</th>
<th>Baby Boomers</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Disciplined</td>
<td>• Adaptive</td>
</tr>
<tr>
<td>• View understanding of history as plan for the future</td>
<td>• Goal-oriented</td>
</tr>
<tr>
<td>• Dislikes conflict</td>
<td>• Focus on individual choices and freedom</td>
</tr>
<tr>
<td>• Detail oriented</td>
<td>• Adaptive to diverse workplace</td>
</tr>
<tr>
<td></td>
<td>• Positive attitude</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Work Styles</th>
<th>Ready for retirement?</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Consistency and uniformity</td>
<td>• Confidence in tasks</td>
</tr>
<tr>
<td>• Seeks out technological advancements</td>
<td>• Emphasizes team-building</td>
</tr>
<tr>
<td>• Past-oriented</td>
<td>• Seeks collaborative, group decision making</td>
</tr>
<tr>
<td>• Command-and-control leadership reminiscent of military operations</td>
<td>• Avoids conflict</td>
</tr>
<tr>
<td>• Prefers hierarchical organizational structures; continues to view</td>
<td>• Used to organizational structure</td>
</tr>
<tr>
<td>horizontal structure in hierarchical way</td>
<td>• Former mantra: Trust no one over 30</td>
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</table>

**Generational Differences**
Three primary reasons your job search is not working.

1. Your cover letter is not strong enough or it is a common, boring template – indicating no independent thinking.

2. The resume is not strong but you think it’s just fine.

3. You are applying for jobs online. There’s too much competition and there are software programs weeding you out because key words are missing.
FACTS:

You may have to send 75 - 100 resumes to get one interview in this market.

The statistics: you may have 5 – 10 interviews or more before you get 1 offer – and that’s in a good market.
FACTS:

* 74% of job candidates over age 40 are encountering age related problems.

* The number of employees facing age discrimination when seeking promotion is not known but suspected to be high.
Three primary reasons you are not moving up the ladder.

1. You are doing the same job year-in-and-year-out with no visible upward movement. Your job today is the same as it was last year.

2. Appearance – Frankly, my dear, you look like your grandmother.

3. Your skills are out-of-date. You blame your employer for not providing training nor the latest technology. Yet, you’re doing nothing about it.
Bias #1: No energy or drive.

No energy

- Low billable hours
- Too many doctor’s appointments
- A 9:00 – 5’er

Appearance

- Old fashioned haircut – gray hair, careless appearance
- Not physically fit
- No up-to-date clothes – even “age appropriate”
- Look worn-out

End of career - no incentive to move up

- Gone as far as possible
- Career already peaked
- Just waiting for Medicare & retirement
- Just coasting - at the job for the benefits
Do not discuss disabilities.

Starting at around their 50’s, people tend to talk about their current ailments – knees, arthritis, sagging body parts…..

Strategy #1: Talk the talk.

Instead, talk about:

- A continuing legal education webinar you took
- What you did over the weekend: swam, ran, hiked, golfed, tennis, coached Little League
- Non-fiction or popular book you just read
- Your workout
- An activity showing how alive you are in the community
- Involvement with a legal association
- Speaking engagements and articles written
Use strong strategies. Anger and depression equal a waste of time. You do not have the power to change the market.
Bias #2: Lack of technology skills.

- You have no Smart Phone, iPad, laptop nor other current devices. You know nothing about the Cloud and barely enough about the Internet.
- No social media skills: You are not on LinkedIn, Facebook, and you don’t Twitter or tweet.
- You can’t keep up.
- Little or no knowledge of the latest software in your practice specialty.
- Little or no knowledge of eDiscovery or Litigation Support.
- Anything computer related and you’re a novice. Or, “I’m better with things more substantive; my firm doesn’t need all that technology.”
What you don’t know is hurting you.

Get continuing legal education.

Show you still have a direction. There’s constant movement. You are not brain dead.

Strategy #2: Smart CLE.

www.paralegalknowledge.com
Bias #3: Won’t work for a younger boss.

You cannot take direction or criticism from a younger boss.

You believe you know a lot more than your younger boss.

You want to teach the boss.
Strategy #3: Collaboration.

**Adopt positive attitude**
- Be receptive. Let them do the talking.
- Show respect.
- Don’t be afraid to say, “I didn’t know that.”

**Don’t say you can teach them**
- Ask them to teach you something
- Mention you worked for someone younger. Give a positive example.
- Don’t mention how you did it before or “in those days”.

**Assume they are uncomfortable**
- Put them at ease without being condescending.
- Role play
Bias #4: Not open to change.

Don’t say, “This is the way we’ve always done it.” “Back in the day.”

You appear resistant. This is all about critical thinking skills.

You think it’s faster or easier to bypass the system.
Strategy #4: Remain open.

Say change happens fast
- Give examples of change.
- Talk about new software you learned.

Talk about the future of your specialty
- Be up on trends. Be able to quote sources, icons, white papers, articles, blogs.

Prove you are open to change
- Take CLE and not just because you’re required.
- Show you want to learn new things.
- Make suggestions to improve systems.
Know what is coming. Read. Read. Read. Know, the Magazine for Paralegals  www.paralegalknowledge.com
Bias #5: Money, money, money.

You are automatically expecting bigger dollars. Won’t take lower.

You’ll take the money with one foot out the door.

Something is wrong if you work for less money.
“I want to work and contribute. Money is secondary.”

Give real reasons: This is the reality of the marketplace since the recession.

Reason: Less hours – more hours.

Reason: I have always wanted to work for Acme & Acme because....

Reason: I have always wanted to do this. Here’s the opportunity.


Strategy #5: Combatting bias with good answers.
Whether you are seeking a new job or seeking to move up in a law firm, age discrimination can rear its ugly head. That’s when we tend to become over zealous in our pitch. Rethink your presentation!

Here’s the flip side of the age-discrimination challenge: if you know what business pain you solve and can talk to hiring managers or partners about that pain, they can’t afford to care how old you are. When you stop talking about your Skills and Abilities — whining, please-like-me attributes that no manager can possibly evaluate, is out of context and sounding exactly like every other banana in the bunch – you can talk about something far more important.

That important something is the business pain – the excruciating and expensive business problem that justifies the new person or position in the first place. If there’s no pain, there’s no new hire, no move up the ladder.

Strategy: Position yourself as a thought leader.
Just like a salesperson, you need to develop a Pain Hypothesis for your hiring manager or supervising legal professional. If you answer questions in sheep-like fashion, trying hard to please, you are going to fail. Or, if you are seeking to carve a new position in your firm’s present structure, you will be rejected.

This isn’t about your needs. It’s about what needs you can fill missing within the firm. It’s in the comparison process where topics like age can hurt you. “We could hire Philip, who could do this job in his sleep,” the manager might say, “Or Sarah, who’s going to grow into it but who could be here for years to come.”

You don’t want to be in that police lineup, and the way out of it is to use your time to probe for business pain.

Get your manager talking about what’s really going on behind the scenes. You’ll find that the quality of the conversation shifts dramatically. Here’s the perfect opportunity to allow your experience and recent continuing legal education work for you.

**Strategy:** Put your experience and recent continuing legal education to work for you.
All of a sudden, you’re a trusted advisor, a consultant digging to learn more about what’s not working. Ask questions about the processes, the obstacles in a manager’s way and the thorny problems they’ve seen before in similar situations. This will vault you to a higher level of conversation, one that is much more valuable and memorable.

Pain interviewing isn’t a cure for age discrimination but it’ll give you a focus and an edge that will make discrimination a non-factor in your quest to improve your career.

Strategy: Make age discrimination a non-factor.
You’re overqualified.

CODE:

You’re too old.
Yes! I do have experience.

That’s great for you. I understand what it takes to be successful.

Strategy: Don’t deny that your experience exceeds the level of sophistication of the job. Instead, agree! Get them to acknowledge the benefit of your experience and training.
Resume, LinkedIn, Facebook: your marketing brochures.

Only go back 10 – 15 years max.

Don’t take dates off jobs. No dates for graduation, certificate program, admission to bar.

Edit accomplishments. Don’t put everything in your entire career that ever happened.

Easy to read. Don’t crowd with too many paragraphs.

Bullet point resume. Never more than 2 pages.

Changing directions? Moving up? Prove your skills are up-to-date. What recent training have you had?
Strategy for presenting yourself as the strongest candidate.

Always quantify.

**Weak:** “Managed teams for document productions on complex cases. Maintained databases and weekly reports.”

**Strong:** “Leader of 5 paralegal teams for $100 million case involving over 3 million e-mails. Designed and maintained eDiscovery databases with 100% accuracy for 10 complex IP cases.”
Never downplay your education. Show your skills are current through continuing legal education.

**Weak:**
Paralegal Certificate, UCLA  
B.A. degree, Journalism, UCLA  
eDiscovery Seminar, Paralegal Knowledge Institute 2014

**Strong:**
Certificate in eDiscovery Project Management 2014  
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A five-month comprehensive program designed by top subject matter experts covering all aspects of eDiscovery project management.

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Chances of winning the fight against the system with big firms are not as good.

Best place for “older” workers to find employment or move up the ladder:

Smaller or mid-size firms or small in-house legal departments.

Look for someone who wants you.

Strategy for moving up or getting a better job.
Bypass HR as much as possible.

Talk about what “we” would be doing.

Search LinkedIn to find managers.

Go directly to the hiring manager.

Strategy to get past the gate-keeper.
30-60-90 Day Plan

The secret strategy to get a new job or more responsibilities within the firm.
Shows you understand the job. You’ve thought it through.

You can do it. Shows capability.

No one else will come up with this idea.

Why it works.
The Plan

1) Job hunting: On your second interview, walk in with a written plan as to how you would implement the job.

2) Moving up: Walk into the conference to create a new position for yourself within the firm and hand out the plan.

Call it an experiment. If it fails, no one has mud on their face including you.

People don’t fail. Experiments fail. Experiments don’t succeed. People succeed. (Everyone takes credit and looks good.)
They can visualize you doing the job.

It won’t matter how old you are.
You can show how you will put to use what you just learned.

You’ll show the benefits to the firm in revenue, time saved and efficiency.

Your training doesn’t have to wait until you find a new job.

Use the 30-60-90 day plan to leverage recent training.

Strategy for leveraging your recent continuing legal education.
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Chere B. Estrin, CEO
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