

What has happened to us as an American society? What road are we headed down when we write off or dismiss a substantial portion of our population as expendable?

What am I talking about? I am talking about the baby boomer generation that has recently retired either voluntarily, by mandatory requirement or by hidden pressure. What has exacerbated this situation is the state of our economy – here and abroad. Many people retired only to find their retirement plans grossly diminished or completely evaporated.

We in the legal community have survived a number of downturns in the economy. Many of our practices have continued and in some instances have even thrived due to the unique nature of specialized practice areas. Today, we are seeing firms that had always been recession-proof, putting senior partners out the door, along with many newly admitted attorneys and long-term associates.

I mention the economic problems to acknowledge their impact on the employment situation, but the opening of this article is meant to focus on the real underlying employment issue for the baby boomers – the “casting away” of retirement aged individuals in favor of young “Generation Xers” and “Generation Yers.” They can be hired for less, have less seniority and probably represent lower personnel expenses to management.

Having seen and personally experienced lay-offs in the legal profession; I can easily share with you that such lay-offs are no more pleasant or acceptable whether it be from a large or small law firm, in-house corporate setting or even governmental law as opposed to those individuals laid off from the auto industry, academia, or healthcare.

For years, many law firms have had provisions in partnership agreements that attorneys who reach their 65th or 70th birthdates are required to retire. Lest we focus solely on the law firm scenario, there are other areas within the legal community where forced retirement is still the norm, namely, the judiciary

in New York State, where 70 years of age is deemed the death knell of a judicial career. The presumptive premise behind this archaic philosophy is the suggestion that age alone is the determinant of the usefulness of an individual.

These standards for retirement were established many years ago and have not been changed, updated, or even reviewed to see if they truly have any relevance in today's society. Men and women are living longer, more productive lives. Of equal concern is the fact that many people are now living longer and need to continue to work in order to be able to survive in their day to day lives.

Why is it that a 60 year old attorney who may want to change his or her position in a northeast law firm to say a law firm or in-house corporate practice in Florida, California, or Arizona, cannot find a position available to him or her solely because he or she is deemed to be “over the hill” or “too costly to hire.”

The worth of any person should be judged upon the attributes or short-comings of that individual, not based upon some pre-determined age barrier.

Experience is not something to be written off, but to be sought after. Experience is, for many of us, a more than ample substitute for youth and energy. For many of us in the over 60 or near 60 classification, our energy levels today are as high as they were decades ago. In addition, for most of us in the baby boomer generation, our work ethic today is reason enough for employers to seek out and hire us, for some of the “kids” in gen x and y have a lot to learn when it comes to work ethics.

Age, experience and wisdom are attributes to be cherished. In European, Asian and other cultures, age, experience, and wisdom have always been values to be cherished. Where did we as an American society turn off of that golden path? ■

-Neil M. Gingold, Esq.

