

The generational traits of millennial law students

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OPSOMMING

Die generasie-eienskappe van milleniale regstudente

Elke generasie regstudente bied sy eie uitdagings aan regsdosente wie daarna streef om bevoegde en toegewyde lede van die regsberoep af te lewer. Hedendaagse regstudente vorm deel van die eerste generasie wat ten volle in die skadu van die tegnologiese rewolusie, wat daarvoor sorg dat inligting altyd geredelik beskikbaar is, groot geword het. Hierdie omgewing het van studente veeleisende opvoedkundige verbruikers gemaak, met geen verdraagsaamheid vir vertraging. Hulle verstaan nie die inherente waarde van hoër onderwys nie en beskou universiteitsopleiding gewoonlik slegs as 'n blote middel tot 'n doel. Verder ag hierdie generasie sosiale reëls minder belangrik en hul skryf- en praatstyl is baie informeel. Dieselfde informele styl geld vir hul kleredrag en hul interaksie met gesagsfigure. Hierdie bydrae ondersoek die generasie-, sosiale-wetenskaplike- en kognitiewe navorsing oor ons nuutste generasie regstudente en is daarop gemik om regsdosente te help om hul studente se generasiespesifieke-leerstyl te herken en om gevolglik regsopleiding te bied wat die ontwikkeling van bekwame prokureurs tot gevolg sal hê. In 'n daaropvolgende bydrae word die invloed van tegnologie op die leerstyl van milleniër-regstudente in die besonder ondersoek.

1 INTRODUCTION

How do you know you are a millennial?

You laugh at your parents for not being able to change the social media settings on their phones, and then you have to Google how long it takes to boil an egg.¹

Ask any law professor who has taught undergraduate students for a decade or more if today's students are different from their predecessors and they will typically respond with a resounding, "Yes!" In response to some of the behaviour we have seen during the past few years, one of the favourite pastimes of law professors has become telling "can-you-top-this" stories about their interactions with students.

¹ Carey "What's the problem with millennials in the workplace?" *The Telegraph* (10 July 2017) available at <https://www.telegraph.co.uk/wpmen/work/problem-millennials-workplace> (accessed on 7 May 2018).

My interest in this new breed of students was piqued when I began to notice unrealistically high expectations of success among my students, combined with astonishingly low levels of effort on their part. In my research, I discovered a wealth of information describing the generational characteristics of millennials. In her book, *Generation Me*,² the psychologist and generational researcher, Twenge, characterised millennials as the first generational cohort to have been fully raised in the aftermath of the technological revolution, in which information has always been readily available to them. This environment has driven them to become demanding educational consumers with no tolerance for delay. They fail to grasp the inherent value of higher education and typically view their university education as a means to an end. Also, this generation finds social rules less important and has become very informal in their writing, speaking, dressing and in their interaction with authority figures.

This most recent cohort of university students continue to challenge and confound many in higher education as we strive to assist them in reaching personal and institutional learning goals.³ Issues run the gamut from academic disengagement and consumer expectations while they are at university, to difficulties entering the workforce and taking on adult roles when they graduate.⁴

There is limited consensus on who actually belongs to this generation and how to refer to them. As such, there are innumerable estimates of their birth dates and a plethora of labels.⁵ The proliferation of names for this generation is a response to their proclivities — common characteristics, inclinations and preferences: Generation M⁶ and the Entitlement Generation (their entitlement, self-absorption and narcissism);⁷ the Net Generation, the Internet Generation and i-Kids (their relationship with digital technologies that are integral to their lives);⁸ the Options Generation (their aversion to long-term commitments and keeping their options open);⁹ the Tethered Generation (their constant connection to technology, social media and their parents);¹⁰ the Peter Pan Generation (their seeming inability or unwillingness to grow up); and the Teacup Generation (their emotional fragility).¹¹ Interestingly, the actual generation in question has yet to determine

2 Twenge *Generation me: Why today's young Americans are more confident, assertive, entitled — and more miserable than ever before* (2006).

3 Taylor "Generation NeXt comes to college: 2006 Updates and emerging issues" in *A collection of papers on self-study and institutional improvement* (2006) 2:48.

4 *Ibid.*

5 Donnison "Unpacking the millennials: A cautionary tale for teacher education" 2007 *Australian Journal of Teacher Education* 1.

6 Wilson "The millennials: Getting to know our current generation of students" 2008 *The International Journal of the Scholarship of Teaching and Learning* 2.

7 Chanen "The great divide" 2006 *ABA Journal* available at http://www.abajournal.com/magazine/article/the_great_divide (accessed on 8 June 2018).

8 Wilson 2008 *The International Journal of the Scholarship of Teaching and Learning* 2; Donnison 2007 *Australian Journal of Teacher Education* 2.

9 Donnison 2.

10 Becker "Understanding the tethered generation: Net gens come to law school" 2015 *Duquesne Law Review* 10.

11 Matchar "How those spoiled millennials will make the workplace better for everyone" 2012 *The Washington Post* available at <https://www.washingtonpost.com/opinions/how-those-spoiled-millennials-will-make-the-workplace-better-for-everyone/2012/08/16/814af692-d5d8.html> (accessed 8 June 2018).

its own moniker, although when surveyed about their preferences, members of this generation ranked “millennial” as their first choice.¹² Thus, this is the label that I, too, have chosen for this contribution.

Each generation of law students presents its own set of challenges for law teachers seeking to develop competent and committed members of the legal profession.¹³ This contribution examines the generational, social scientific and cognitive research about our newest generation of law students and aims to help legal educators recognise their students’ generational learning style and to deliver an education that supports the development of skilled attorneys.

2 GENERATIONAL RESEARCH

The concept of “generational theory” was first introduced by Mannheim in 1952.¹⁴ This germinal author also employed the concept of “generational location” to highlight the chronological location of a cohort of individuals at any given age.¹⁵ It describes individuals being born during a designated historical period and, accordingly, as having specific resources and experiences available to them, which are characteristic of the period:¹⁶

“[B]elonging to the same generation or age group, endow[s] the individuals sharing in [it] with a common location in the social and historical process, and thereby limit them to a specific range of potential experiences, predisposing them for a certain characteristic mode of thought and experience, and characteristic type of historically relevant action.”

Thus, each generation is moulded by distinctive historical and social life experiences during its critical development periods.¹⁷ Researchers view “generation” as a meaningful psychological variable, because it captures the culture of one’s upbringing during a specific period.¹⁸ The pervasive influence of broad forces,

12 Donnison 2007 *Australian Journal of Teacher Education* 1. Generational names are the handiwork of popular culture. Some are drawn from a historic event, others from rapid social or demographic change and yet others from a big turn in the calendar. The “millennial” label resorts under the third category, in that it describes the first generation to come of age in the new millennium; Pew Research Center *Millennials: Confident. Connected. Open to change* (2010-02-24) available at <http://pewsocialtrends.org/2012/02/24/millennials-confident-connected-open-to-change/> (accessed 8 May 2018).

13 Benfer and Shanahan “Educating the invincibles: Strategies for teaching the millennial generation in law school” 2013 *Clinical Law Review* 1.

14 See, generally, Mannheim *Essays on the sociology of knowledge* (1952).

15 The term “generation” is defined in this context from a non-biological perspective; Yahr and Schimmel “Comparing current students to a pre-millennial generation: Are they really different?” 2013 *Research in Higher Education Journal* 2.

16 Mannheim (1952) 291.

17 Twenge and Campbell “Generational differences in psychological traits and their impact on the workplace” 2008 *Journal of Managerial Psychology* available at <https://www.emeraldinsight.com/doi/full/10.1108/02683940810904367> (accessed 2 July 2018); Wong *et al* “Generational differences in personality and motivation: Do they exist and what are the implications for the workplace?” 2008 *Journal of Managerial Psychology* available at <https://emeraldinsight.com/doi/full/10.1108/02683940810904376> (accessed 2 July 2018). “A generation is typically defined by a common range of age and shared formative experiences, such as significant life, political or cultural events” Benfer and Shanahan 2013 *Clinical Law Review* 6.

18 Twenge and Campbell 2008 *Journal of Managerial Psychology*; Becker 2015 *Duquesne Law Review* 12.

such as parents, peers, media, popular culture, educational reforms and societal changes create a common value system among people growing up at a particular time, which distinguish them from people who grow up at different times.¹⁹ The social group in which a generational group develops has an impact on their personality and members' attitudes towards authority, values and beliefs towards organisations, work ethic, why and how they work and goals and aspirations for their work lives.²⁰ Common experiences have shaped a generation and lead to its unique collective characteristics, which are very different from the generations that may be raising, teaching and managing them.²¹

The exact temporal location of the millennials is disputed.²² Some authors speculate that the earliest members of this cohort were born into society in 1976, although the majority favours the early to mid eighties.²³ The confusion continues when attempting to determine the span of the millennial generation. The year 2000 is accepted by some as the final birthdate for this generation, while others contend that members of this generation are still being born.²⁴ However, the dates marking the beginning and end of generational groups are never completely agreed upon²⁵ and precision in terms of the specific generational years is not critical to the present endeavour.²⁶ This contribution concerns itself with the current generation of law students and recent law graduates, which are those born roughly between 1995 and 2000. It is with this age group in mind (18 to 23 years old) that I use the term "millennial."²⁷

It is of course a gross generalisation to refer to a "generational character", but scholars nevertheless do so in an effort to understand some of the common traits

19 Twenge and Campbell 2008 *Journal of Managerial Psychology*; Elam *et al* "Welcoming a new generation to college: The millennial students" 2007 *Journal of College Admission* 21; Becker 2015 *Duquesne Law Review* 10.

20 Smola and Sutton "Generational differences: Revisiting generational work values for the new millennium" 2002 *Journal of Organizational Behavior* 363.

21 Pew Research Center (2010).

22 Generally, the line where one generation ends and the other starts is a topic of dispute among researchers; Becker 2015 *Duquesne Law Review* 17.

23 Donnison 2007 *Australian Journal of Teacher Education* 3.

24 *Ibid.* Because a generation's cycle is determined after it has come to completion, the exact parameters of millennials' birth dates will only be known in future; Becker 2015 *Duquesne Law Review* 11.

25 Bohl refers to the "inherent difficulty in all current attempts at generational line-drawing" and that the "terms [generational monikers, such as baby boomers and millennials] are necessarily fluid"; Bohl "Generations X and Y in law school: Practical strategies for teaching the MTV/Google generation" 2008 *Loyola Law Review* 791.

26 Berenson "Educating millennial law students for public obligation" 2008–2009 *Charlotte Law Review* 52; "Sharp demarcation of years are largely irrelevant"; McClellan "Externships for millennial generation law students: Bridging the generation gap" 2009 *Clinical Law Review* 259.

27 There are already micro-generations within the millennial group, "launching as often as new i-Phones" and the generational group following the millennials is likely to be even more empowered than the millennials; Stein notes wryly that "[t]hey're already so comfortable in front of the camera that the average American 1-year old has more images of himself than a 17th century French King." Stein "Millennials: The me me me generation" 20 May 2013 *Time* available at <http://time.com/247/millennials-the-me-me-me-generation/> (accessed on 30 May 2018).

and attitudes exhibited by members of a particular generation.²⁸ Therefore, not all forming part of a particular generation will necessarily share or partake in the same traits and attitudes²⁹ and we should consequently resist the temptation to use stereotypes or apply a blanket label.³⁰ I am mindful that there are as many differences in attitudes, values, behaviours and lifestyles within a generation as there are between generations.³¹ Therefore, it must be kept in mind that attributes ascribed to millennials are generalisations, which do not apply to every individual.³² Nevertheless, this reality does not diminish the value of generational analysis; rather, it adds to its richness and complexity.³³

Although millennial traits and preferences are descriptive of the aggregate and therefore obscure individual differences, there nevertheless is a widespread perception that the millennial generation of university students share common characteristics derived from their life experiences to date. Law professors continue to complain that millennials do not read or study and describe them as mark-focused “whiners” when their results do not meet with their exorbitant expectations.³⁴

Moreover, discussion of the millennial generation as a collective should not imply that individual members of this cohort have been afforded equal levels of financial, personal and social support. The data sources, for the most part, report on people who are from a more economically advantaged segment of the population.³⁵ While many millennials have been reared in middle- and upper-class environments offering ample opportunities, others have not enjoyed the same advantages.³⁶ As with all generations living in South Africa, this cohort faces profound challenges of social inequality, segregating the “haves” and the “have-nots.”³⁷ Thus, first-generation university students may be less familiar with technology, or less likely to have reaped the benefit of tutors, counsellors, travel and support services, than their more materially advantaged peers.

This contribution relies, in large measure, on data and examples from the United States of America, but it should be noted that the principles regarding education and training of millennial law students generally apply throughout the world.³⁸ Although each country’s millennials are different, because of globalisation, social

28 Wilson Fall 2008 *The International Journal of the Scholarship of Teaching and Learning* 1. Generations thus identified are the silent generation (1925–1942); the baby boomers (1946–1964); generation X (1965–1980) and the millennials (1980–2000).

29 Donnison 2007 *Australian Journal of Teacher Education* 4.

30 Thus, these are not so much stereotypes as much as they are descriptions of how the average member of the millennial generation compares to the average member of earlier generations; Twenge and Campbell 2008 *Journal of Managerial Psychology*.

31 Pew Research Center (2010).

32 Wilson Fall 2008 *The International Journal of the Scholarship of Teaching and Learning* 2. McClellan notes: “Generalized traits are just that: generalized. Any of your law students might exhibit some of the Millennial traits or none at all.”; McClellan 2009 *Clinical Law Review* 258.

33 Pew Research Center (2010).

34 Yahr and Schimmel 2013 *Research in Higher Education Journal* 3.

35 Ie, those above the poverty line; Benfer and Shanahan 2013 *Clinical Law Review* 6.

36 Elam et al 2007 *Journal of College Admission* 25.

37 *Ibid.*

38 Feiertag “Training Generation N: How educators should approach the net generation” 2008 *Education and Training* available at <https://www.emeraldinsight.com/doi/full/10.1108/00400910810901782> (accessed on 26 July 2018).

media, the exporting of Western culture and the speed of technological change, millennials worldwide are more similar to one another than to older generations within their nations.³⁹

3 GENERATIONAL TRAITS OF MILLENNIAL LAW STUDENTS

3.1 Introduction

There is widespread agreement in the academic literature that students entering university after the turn of the century are culturally distinct from the generations preceding them in terms of their characteristics, perspectives and beliefs.⁴⁰ Significant scholarship has been devoted to the characterisation and description of the “millennial student.”⁴¹ Generational researchers, Howe and Strauss, have compiled a list of core personality traits of millennials germane to the delivery of higher education, which has been widely cited. These traits are that the millennials are special, sheltered, confident, team-oriented, conventional, pressured and achieving.⁴²

However, millennial students, for the most part, have not lived up to the predictions of Howe and Strauss. Instead of conventional and conforming, they more accurately fit the emerging stereotype of the disengaged, entitled student customer; expecting high marks without significant effort and often just for showing up to class; demanding comfort more than a rigorous education; seeing themselves as consumers and expecting services and personal attention on demand; having little respect for authority and showing disdain for collegial and social rules of conduct; failing to differentiate between civil exchange of reasoned ideas and shouting personal beliefs, yet growing defensive when faced with constructive criticism; and having a naïve sense of the future.⁴³

They are smart, but impatient. They expect results immediately. They carry an arsenal of electronic devices, the more portable the better. The millennial generation relies on technology, from computer or cell phone-based text messaging to Google and Wikipedia and has grown accustomed to instant communication, instant gratification and ongoing multi-tasking.⁴⁴ Raised on a constant barrage of information, they are able to (or, more correctly, they *believe* that they are able to) juggle a conversation by text message, surf the Internet and manage an iTunes playlist, all while reading a Constitutional Court judgment for an assignment. Whether or not they are absorbing the fine points of the judgment is, of course, a matter of debate.⁴⁵

39 This is true even in China, where the family and society are more important than the individual. However, the Internet, urbanisation and the one-child policy have created a generation of young people every bit as overconfident and self-involved as their Western counterparts; Stein 2013 *Time*.

40 Seemiller “Motivation, learning and communication preferences of Generation Z students” 2017 *Electronic Journal of the Ohio Speech-Language Hearing Association* 6.

41 See George “Teaching the smartphone generation: How cognitive science can improve learning in law school” 2013 *Maine Law Review* 166 n10 and the sources cited there.

42 Howe and Strauss (2000) *Millennials rising: The next great generation* 6–16.

43 Taylor (2006) 2:48.

44 Feiertag 2008 *Education and Training*.

45 See Carlson “The net generation in the classroom” 7 October 2005 *Chronicle of Higher Education* available at <https://search-proquest-com.uplib.idm.oclc.org/printviewfile?accountid=14717> (accessed on 30 May 2018).

In his August 2005 convocation address at Dickerson College in the United States, President Durden succinctly described the postmodern university student:⁴⁶

“Facts don’t really matter; what matters is uninhibited, unedited, and immediate assertion of your egotistical opinions and thereby, the preservation of your self-esteem at all costs. It truly is all about you.”

That these students are a poor fit for traditional academic activities and expectations is an understatement.⁴⁷

Long pressured to excel, millennials have high expectations for their own success as undergraduate students.⁴⁸ As such, they have clearly defined objectives and actively demand assistance from the university, especially faculty, in accomplishing their goals.⁴⁹ Combining these attitudes with the instant gratification nature of the Internet, many educators consider today’s students the most challenging and demanding in history.⁵⁰

3.2 Narcissism and entitlement

For millennials, millennials come first.⁵¹ In empirical work, Twenge and her colleagues found that both self-esteem and narcissism have risen significantly among university student samples (measured across 27 campuses in the United States of America).⁵² The incidence of narcissistic personality disorder is nearly three times as high for people in their twenties than for the generation that is now 65 or older.⁵³ The average student in 2006 scored higher in narcissism than 65% of students in the early 1980s.⁵⁴ They are so convinced of their inherent greatness, that the National Study of Youth and Religion revealed that the guiding morality of 60% of millennials in any situation is that they will “just be able to feel what’s right.”⁵⁵ Also, these are not problems of the middle class: Millennial children of the poor have even higher rates of narcissism, materialism and technology addiction.⁵⁶

46 As quoted in Taylor (2006) 2:48–2:49.

47 *Ibid.*

48 Elam *et al* 2007 *Journal of College Admission* 24.

49 *Ibid.*

50 Feiertag 2008 *Education and Training*.

51 Born after self-focus entered the cultural mainstream, this generation has never known a world that put duty before self. McClellan 2009 *Clinical Law Review* 256.

52 Twenge and Campbell 2008 *Journal of Managerial Psychology*; Twenge *et al* “Ego inflating over time: A cross-temporal meta-analysis of the narcissistic personality inventory” 2008 *Journal of Personality* 875; Twenge and Campbell “Age and birth cohort differences in self-esteem: A cross-temporal meta-analysis” 2001 *Personality and Social Psychology Review* 321. By the early 2000s, the average male student had higher self-esteem than 86% of male students in 1968 and the average female student had higher self-esteem than 71% of female students in 1968; Twenge and Campbell 2008 *Journal of Managerial Psychology*.

53 Stein 20 May 2013 *Time*. As the journalist, Stein, points out, millennials grew up watching reality television shows, which are essentially documentaries about narcissists. *Ibid.*

54 See Twenge *et al* 2008 *Journal of Personality* 875. According to the National Institutes of Health in the United States of America, 58% of university students scored higher on a narcissism scale in 2009 than in 1982. Stein 2013 *Time*.

55 *Ibid.*

56 *Ibid.*

Besides narcissism, what the millennial generation is most (in)famous for is the effect thereof: entitlement.⁵⁷ I and other law teachers increasingly experience a sense of entitlement among our millennial students – a sense that they deserve what they want, because they want it, they want it all and they want it now.⁵⁸ This entitlement often manifests in an attitude that good marks should not be difficult to come by, that teachers should give students a “break” and what faculty members perceive to be disrespectful and unreasonable behaviour on the part of students.⁵⁹ Part of this culture may also have resulted from electronic-mail, which provides seemingly constant access to professors and which has given students the perspective that their professors should respond to them as quickly as their parents and peers. Also, electronic-mail “seems to have diminished status distinctions and the respectfulness of communications from students to teachers”.⁶⁰

Besides increased narcissism, millennials’ entitlement attitude may be the result of many other reasons. Firstly, the advances in technology, which millennials have grown up with and take for granted, have enabled them to get exactly what they want with extraordinary speed.⁶¹ Online shopping makes it possible to purchase almost any product with simply a point and a click and to have products delivered to one’s doorstep without having to leave one’s chair. Also, the increased ability of millennials to get what they want, when they want it, goes beyond material possessions. Their ability to instantly download or stream desired music, television shows, movies and other forms of entertainment has direct implications for millennial students’ expectations of the educational content delivered by their universities.⁶²

As levels of narcissism have increased, students who receive marks that are lower than what they expected or than what they feel entitled to, appear more willing to actively dispute those marks and the legitimacy of professors’ evaluations.⁶³ Individuals exhibiting narcissism – defined as “a positive and inflated view of self, especially in agentic traits [such as] power, importance” and intelligence – are “more likely to respond to failure feedback with anger and aggression”.⁶⁴

Narcissism and inflated self-esteem have also coloured students’ view of their professors’ role. Millennial students see professors less as intellectual leaders who are to be respected and more as simple gatekeepers – even impediments –

57 *Ibid.*

58 See Lippman “Student entitlement: Issues and strategies for confronting entitlement in the classroom and beyond” 2009 *College Teaching* 197; Berenson 2008–2009 *Charlotte Law Review* 54.

59 Greenberg *et al* “Self-entitled college students: Contributions of personality, parenting and motivational factors” 2008 *Journal of Youth and Adolescence* 1201.

60 Greenberg *et al* 2008 *Journal of Youth and Adolescence* 1202.

61 Berenson 2008–2009 *Charlotte Law Review* 55.

62 Carlson “The net generation goes to college” 7 July 2007 *Chronicle of Higher Education* A34.

63 See Lippman 2009 *College Teaching* 200.

64 Twenge and Campbell 2008 *Journal of Managerial Psychology*; Twenge *et al* 2008 *Journal of Personality* 875; Twenge and Campbell 2001 *Personality and Social Psychology Review* 321.

on students' path to education completion.⁶⁵ Hence, students are more likely not to attend class at all, or arrive late and leave early, entertain themselves during class by sending text messages and using laptops to surf the Internet and fail to respond to the intellectual climate proffered by their professors.⁶⁶

To an increasing degree, attaining an LLB degree is not the guarantee of success it once was. As a result, a growing number of millennial students experience increasing uncertainty and pressure. This, in turn, gives rise to heightened expectations and a new combination of attitudes, outlooks and orientations to their work and towards others – in short, student entitlement – to which many law professors of older generations are unaccustomed and are unprepared to address.⁶⁷ Students have inflated expectations about marks and about being rewarded for effort, rather than achievement.⁶⁸ Predictably, many students who encounter demanding assignments and significant criticism for the first time ever in the law school classroom, react with confusion and hostility.⁶⁹

My colleagues and I have experienced student entitlement to be a self-centred disposition characterised by a general disregard for traditional faculty relationship boundaries and authority.⁷⁰ The behavioural manifestations of entitlement often create unpleasant and sometimes very difficult experiences for instructors. Millennial students who exhibit an unrealistic sense of entitlement often demand significant amounts of instructors' time and energy. Further, there is no reason to believe that these demands and the concomitant burdens would not be transferred to supervising attorneys, once these millennial law students enter practice. The fundamental "entitlement" attitude of millennials has a number of implications and poses a number of challenges to legal educators.⁷¹

3.3 Consumer orientation to education

One key characteristic of this generation is that they are very education-oriented.⁷² However, it seems as if many millennial students do not consider learning in the university setting to be meaningful.⁷³ Ideally, students would enter university eager for a transformative intellectual experience and engross themselves in their studies to that end. However, instead of giving themselves over to their academic work and intellectual pursuits, students these days appear increasingly likely to view their tertiary education as they would any other economic exchange.⁷⁴

For goal-oriented millennials, education is a purely consumer transaction; solely a means to achieving their professional ambitions.⁷⁵ There is great emphasis on

65 See Lippman 2009 *College Teaching* 200.

66 *Ibid.*

67 *Idem* 198.

68 Bohl 2008 *Loyola Law Review* 789.

69 *Ibid.*

70 See Lippman 2009 *College Teaching* 198.

71 Berenson 2008–2009 *Charlotte Law Review* 59.

72 Barnes *et al* "Teaching and learning with the net generation" 2007 *Innovate: Journal of Online Education* 1.

73 Wilson 2008 *The International Journal of the Scholarship of Teaching and Learning* 7.

74 Lippman 2009 *College Teaching* 198.

75 Barnes *et al* 2007 *Innovate: Journal of Online Education* 4; Becker 2015 *Duquesne Law Review* 12.

“getting the degree”, rather than on the process of intellectual growth and learning and self-discovery in the experience of getting a legal education and a “tool box” for future learning and professional praxis.⁷⁶ Given economic realities, students experience pressure to complete the LLB degree as quickly as possible and to get the highest paying position as a candidate attorney or other legal professional that they can secure. Students view the university experience as a means to this end – “the job” – and not as an end in itself.⁷⁷ Thus, millennial students’ focus when entering university is to learn and acquire the skills necessary for their future careers (in other words, they want to “learn to earn”).

Millennial students bring the same “customer service” orientation to the classroom that they bring to the marketplace.⁷⁸ “[T]hey want to learn, but they want to learn only what they have to learn, and they want to learn it in a style that is best for them.”⁷⁹ They pay a lot of money for their education and they expect to have the “goods” delivered to them. Fed by their technology-driven experiences, they also want what they want in terms of educational content and they want it now.⁸⁰ As with most customers today, millennial students seek instant gratification, want to negotiate and might become litigious if disappointed.⁸¹ The fact that they perceive little value in delay of gratification is particularly problematic, given the protracted effort required to obtain a law degree.⁸²

This “consumer mentality” shapes students’ views about the classroom experience, curriculum content and marks.⁸³ As stated, the end that millennial law students seek is an LLB degree – the entrée into the relatively high-paying career of practicing law.⁸⁴ Thus, law students are receptive to educational practices that they believe are likely to lead directly towards attainment of their goal. On the other hand, students are likely to be more skeptical of law school practices, such as traditional examinations and legal writing assignments, in which the link between the practice and attainment of their goal to become legal practitioners is more attenuated.⁸⁵

This consumerism has altered millennial students’ perception of the classroom dynamic and how and why marks are earned. Of late, many professors have heard the argument from students that “[b]ecause I paid for it and I attend class, I deserve a good mark.”⁸⁶ Marks are seen more as part of an economic exchange for tuition than as part of an earned education, which requires learning how to

76 See Wilson Fall 2008 *The International Journal of the Scholarship of Teaching and Learning* 7–8; Gardner “Professionalism and self-Denial” 25 July 2012 *The Faculty Lounge* available at <http://www.thefacultyounge.org/2012/07/professionalism-and-self-denial.html> (accessed on 8 May 2018).

77 Wilson Fall 2008 *The International Journal of the Scholarship of Teaching and Learning* 8.

78 Oblinger “Boomers, gen-xers & millennials: Understanding the new students” 2003 *Education Review* 37 40.

79 Carlson 7 October 2005 *Chronicle of Higher Education*.

80 Berenson 2008–2009 *Charlotte Law Review* 60.

81 Taylor (2006) 2:49.

82 *Idem* 2:50.

83 Lippman 2009 *College Teaching* 198.

84 Berenson 2008–2009 *Charlotte Law Review* 60.

85 *Ibid.*

86 2015 *Duquesne Law Review* 29.

synthesise complex information through diligent and insightful work.⁸⁷ Also, the increasing politisation of tertiary education over the last few years through, among other things, the #feesmustfall movement and statements by political leaders, has led to many students looking upon tertiary education as a “right.”⁸⁸

Another consequence of millennial students’ consumerist attitude is intellectual disengagement. They are the least studious cohort of students in history. They are the most academically disengaged students with all-time low measures for time spent studying and all-time high measures for boredom and tardiness.⁸⁹ In his brilliant essay, “On becoming a passionate lawyer”, Carstens describes the malaise that seems to have descended on the modern law student:⁹⁰

“As a lecturer ... I have come to the realization that the hallowed halls of academia have, of late, become hollow with the apparent lack of interest in the law by many law students. Many of them have become disengaged, disinterested, and dare I say, disenchanted with the study of law ... Why has the study of law apparently become institutionalized, monotonous and, ultimately, mediocre? What has happened to the “starry-eyed”-first year student who enrolled for law “in the pursuit of justice and the truth”, who, fuelled by an undaunted idealism, wanted to study law “for the greater good of society”? This idealism seemingly evaporates over the years of the study of law, and many senior law students are reduced to credit-collecting, minimalist survivors who resist attendance of lectures, the research of case law and materials, lamenting about time tables, and only thriving on the memorizing of previous test and examination-papers.”

Since information from the Internet appears on one’s computer screen with little investment of time and effort, millennial students have developed a predominantly passive relationship to information and an expectation of instant gratification.⁹¹ Likewise, I increasingly experience law students who desire to be nothing more than passive learners. They expect to be told exactly what to learn and how to learn it, rather than learning the methods to discover answers for themselves.⁹² This is highly problematic, because writing, research and learning on one’s own are critical components of a legal education. Moreover, law students, like all practicing lawyers, need to be self-regulated learners – they must be able to recognise what they do not know and learn it.⁹³ Indeed, law students and lawyers must be expert learners to address the demands of lawyering, a profession in which the subject matter (the law) is always evolving and no two cases are alike.⁹⁴

87 *Ibid.*

88 Millennials feel entitled to an educational experience that speaks to them in accessible, even entertaining, ways; Bohl 2008 *Loyola Law Review* 781.

89 Taylor (2006) 2:51. In the United States of America, the percentage of students who devote six or more hours per week to studying or assignments has declined to an all-time low of 33.4% in 2002, compared to a high of 47% when the question was first asked in a 1987 survey; DeBard “Millennials coming to college” 2004 *New Directions For Student Services* 41.

90 2011 *Pretoria Student Law Review* 7–8.

91 Bohl 2008 *Loyola Law Review* 780.

92 Trolan and Fouts “No child left behind: Implications for college student learning” July–August 2011 *About Campus* 4; Becker 2015 *Duquesne Law Review* 21.

93 George 2013 *Maine Law Review* 181.

94 *Idem* 190.

3 4 Rejection of authority figures

Another fundamental attitude of millennials likely to have an impact on the law school classroom, relates to their general rejection of authority figures.⁹⁵ Of course, law professors represent just the type of authority figures that this trend applies to.⁹⁶ Steeped in the egalitarian and anonymous world of the Internet, millennials are generally unimpressed by the artificial gloss of elite hierarchy.⁹⁷

One of the factors that have contributed to the delegitimisation of authority, experts and other sources of knowledge is postmodernism.⁹⁸ According to Havel, former president of the Czech Republic, “[w]e live in the Postmodern world, where everything is possible and nothing is certain.”⁹⁹ Most tertiary education is based on modernism, with its roots in the enlightenment and the values of optimism, discoverable truth, reason and science. The postmodernist worldview is more pessimistic; views “truth” as individually created; values opinion and preference over truth and experience over science or reason; and fosters a delegitimisation of authority.¹⁰⁰ This fall from grace of traditional “authority” (embodied in individuals and institutions) leads students to question the veracity of information that they are given, and to place greater importance on subjective and personal experience than on science of the opinions of faculty.¹⁰¹

Improved and increased access to technology for the “Google generation”¹⁰² broke the link between law professors, as transmitters of information, and their students. Past generations of law students revered their professors as proverbial “gurus”, while members of the Google generation believe that they themselves are experts, because of their information gathering skills.¹⁰³ To previous generations of law students, their professors were a valued source of information. Millennials, on the other hand, perceive information to be only a keystroke away – at least as available to them as to the figure in the front of the classroom. In this sense, millennial students consider themselves far more the professor’s equal than did members of any previous generation.¹⁰⁴

Moreover, with the rise of the Internet, virtually anyone can be published and become an immediate authority on just about any subject.¹⁰⁵ Yet, millennials’ almost exclusive reliance on the Internet for research purposes has led to their

95 Unlike baby boomers, who were raised in a more authoritarian manner in which they more readily accepted the chain of command, millennials were raised in a decidedly non-authoritarian manner and are more likely to conform to and comply with course policies when they are provided with a rationale; Price “Why don’t my students think I’m groovy?: The new ‘R’s for engaging millennial learners” August 2009 *Teaching Professor* 33.

96 Millennial students tend to reject the hierarchy of teacher/student; Bohl 2008 *Loyola Law Review* 785.

97 *Idem* 795.

98 Taylor (2006) 2:50.

99 As quoted in *ibid.*

100 *Ibid.*

101 *Ibid.*

102 Bohl 2008 *Loyola Law Review* 791.

103 *Idem* 791–794. Students consider themselves to be more Internet savvy than their teachers. They believe that their teachers’ use of technology is “uninspiring”; Oblinger 2003 *Education Review* 39.

104 Bohl 2008 *Loyola Law Review* 782; Berenson 2008–2009 *Charlotte Law Review* 61.

105 See, generally, Keen *The cult of the amateur: How today’s Internet is killing our culture* (2007) 55–56.

inability to distinguish relative expertise and authority within published materials.¹⁰⁶ For many millennials, the Internet appears to be a playground of endless quality and accurate information.¹⁰⁷

Millennial law students' consumerist and anti-authoritarian attitudes present significant obstacles to educate students for public obligation. Firstly, if students treat the study of law merely as a means to an end, rather than an end in itself, they are unlikely to develop a sense of themselves as custodians of the law, its institutions and its traditions.¹⁰⁸ Yet, it is precisely this sense of custodianship that is necessary for lawyers to embrace the civic obligations inherent in the role of a lawyer in our legal system. Secondly, if students fail to appreciate and respond to the authority of their law professors, it is difficult to imagine another source successfully inculcating this necessary sense of custodianship in them.¹⁰⁹

3.5 Poor reading, writing and critical thinking skills

Research at Columbia University has revealed three new realities about how we process information in the digital age.¹¹⁰ Firstly, if subjects did not know the answer to a question, the study showed that, rather than thinking about the subject-matter of the question, they would think about where they could find the nearest Internet connection. Secondly, when subjects expected to be able to find the information later on, they did not remember it as well as when they believed that the information would no longer be available. Thirdly, the knowledge of where information can be found leads us to form a memory of how we will locate the information in the future and not of the information itself.¹¹¹ This delegation comes at a price:¹¹²

“Skills like critical thinking and analysis must develop in the context of facts ... and these facts can't be Googled as we go; they need to be stored in the original hard drive, our long-term memory.”

These digital natives are the first generation to grow up with digital and cyber technologies.¹¹³ Not only are they acculturated to the use of technology, but they are also saturated with it.¹¹⁴ Millennials show little interest in reading and studies show that prior generations spent far more time absorbing the news, literature and fiction than graphic-focused millennials.¹¹⁵

By the time she reaches the age of 21, the average millennial will have spent 10 000 hours playing video games, sent 200 000 electronic-mails, spent 20 000 hours watching television, spent 10 000 hours on her cellphone and less than 5 000 hours reading.¹¹⁶

106 Berenson 2008–2009 *Charlotte Law Review* 61; Benfer and Shanahan 2013 *Clinical Law Review* 10.

107 Seemiller 2017 *Electronic Journal of the Ohio Speech-Language Hearing Association* 6.

108 Berenson 2008–2009 *Charlotte Law Review* 62.

109 *Ibid.*

110 Sparrow *et al* “Google effects on memory: Cognitive consequences of having information at our fingertips” 2011 *Science* 776–778.

111 *Ibid.*

112 Paul “Your head is in the cloud” 12 March 2012 *Time* 65.

113 Barnes *et al* 2007 *Innovate: Journal of Online Education* 1.

114 *Ibid.*

115 Feiertag 2008 *Education and Training*.

116 Barnes *et al* 2007 *Innovate: Journal of Online Education* 1.

On the positive side, as we have seen, millennials tend to be extraordinarily adept at finding and manipulating information. And, presumably because modern childhood tilts towards visual rather than printed media, millennials are particularly skilled at analysing visual data and images.¹¹⁷ However, although the breadth of their knowledge and their ability to find answers has burgeoned, millennials' ability to write clear, focused and extended narratives has eroded.

A veteran English teacher interviewed by the *New York Times* exasperatedly exclaimed: "You can't become a good writer by watching Youtube, texting and e-mailing a bunch of abbreviations."¹¹⁸

Ultimately, poor writing is indicative of a failure to think logically, clearly and critically, which are essential skills for law students entering the workforce.¹¹⁹

While millennials are extremely nimble in using electronic tools, they typically lack information literacy skills and their critical thinking skills are often weak.¹²⁰ They may be digital natives, but they do not necessarily understand how their "text speak and Twitter reductionism"¹²¹ affect their literacy or habits of learning.¹²² In July 2017, the Confederation of British Industry reported that one third of companies were dissatisfied with university leavers' literacy and numeracy skills.¹²³

Millennial students feel pressured to spend as little time on a task as possible and they are accustomed to achieve "success" effortlessly and to be recognised with praise.¹²⁴ The millennial students tend to forego the time-intensive development of critical thinking skills and independent problem-solving skills.¹²⁵ One commentator opines that, "[m]any in [the millennial] generation have notoriously poor long-term planning skills, critical thinking, and problem solving skills".¹²⁶ Millennials experience a measured approach as frustrating. The reflective learning process itself, which requires students to pause and reflect, is often a foreign practice.¹²⁷ Millennial students' study habits do not on average keep pace with their ambitions.

These millennial tendencies are a substantial obstacle to law teachers' efforts to develop critical and independent thinkers who are adept at problem solving and who have the capacity for lifelong learning.¹²⁸ Faculty from the baby boomer generation still believe that an assignment is an obligation with a firm deadline, they are willing to use their belief in competition to sort out high achievers from

117 Wallis "genM: The multitasking generation" 27 March 2006 *Time* available at <http://content.time.com/time/printout/0,8816,1174696,00.html> (accessed on 8 June 2018).

118 Richtell "Growing up digital, wired for distraction" 21 November 2010 *New York Times* available at <https://www.nytimes.com/2010/11/21/technology/21brain.htm> (accessed on 30 May 2018).

119 Becker 2015 *Duquesne Law Review* 21.

120 Barnes *et al* 2007 *Innovate: Journal of Online Education* 2.

121 Carey 10 July 2017 *The Telegraph*.

122 Barnes *et al* 2007 *Innovate: Journal of Online Education* 2.

123 Carey 10 July 2017 *The Telegraph*.

124 Benfer and Shanahan 2013 *Clinical Law Review* 12.

125 *Ibid*

126 Taylor (2006) 2:50.

127 Benfer and Shanahan 2013 *Clinical Law Review* 20.

128 *Ibid*.

the merely ambitious and they will generally not let performance evaluation become a point of negotiation.¹²⁹

A hallmark of a good attorney is the ability to engage in critical, independent and creative thought.¹³⁰ This requires the ability to (a) recognise those occasions when doing a task by the conventional method is not likely to achieve satisfactory results; (b) determine a creative alternative; and (c) find the courage to deviate from the norm of practice.¹³¹

Three millennial traits may interfere with the development of critical and independent thought and the ability to become a lifelong learner and creative problem-solver. Firstly, millennials' orientation toward group work and strength as team players may hinder their ability to think independently. Secondly, their perceived ability to multi-task efficiently and digest copious amounts of information simultaneously may not be conducive to thoughtful contemplation or critical analysis of information. This may present as a lack of focus or as difficulty linking ideas or forming conclusions. Thirdly, millennials' dependence on first their parents and then their supervisors as consultants, may lead them to become exceedingly worried about making a mistake and to experience enormous pressure to make the "right" decision. In practice, when asked to make decisions independently and to dissect her decision-making processes, the millennial lawyer may become frustrated and resentful of the supervisor who burdened her with the decision.¹³²

As a result of the traits described above, many millennial law graduates do not arrive at the law firm's door prepared to exercise critical, independent, reflective thought and may be inclined, out of habit, to do the opposite.¹³³ In response to complaints by those in legal practice that today's law graduates do not have the basic critical thinking skills that they need to thrive in practice, many legal educators observe a generation that prefers not to read, seemingly cannot sit and listen and relies too heavily on a cut-and-paste approach to assignments.¹³⁴

Generational differences may present some challenges, but it is important that the pursuit of critical thinking skills should not be lost. For legal education, students must learn to interpret facts and apply legal doctrine – regardless of their generational background.¹³⁵ Thus, it is indispensable that legal educators should train millennial students to develop their critical thinking abilities.¹³⁶

4 CONCLUSION

It is clear that millennials, based upon their unique cultural experiences, approach the world quite differently than prior generations. The questions that arise are: Why should law teachers try to understand the new breed of law students? Why

129 De Bard 2004 *New Directions For Student Services* 42.

130 Benfer and Shanahan 2013 *Clinical Law Review* 20.

131 *Ibid.*

132 *Idem* 21.

133 *Ibid.*

134 Feiertag 2008 *Education and Training*.

135 Floyd *et al* "Beyond chalk and talk: The law classroom of the future" 2011 *Ohio Northern University Law Review* 274.

136 Benfer and Shanahan 2013 *Clinical Law Review* 21.

change our way of teaching? and Why should they not change their way of learning?

Law professors of the older generations should attempt to understand millennials' unique traits, so that they could recognise why millennials might not know the expectations of academic integrity and inquiry that professors expect from law students.

The reasons are both philosophical and practical. Firstly, as lawyers, our entire profession is built on communication and persuasion, understanding audience and managing human interaction. Quality teaching is produced by effective communication between a teacher and the student audience, which demands an appreciation of the generational nuances that may impact the learning environment for modern-day law students.¹³⁷ Such information can prove valuable in the development of course materials and pedagogical strategies and without such perspective a tremendous opportunity to improve classroom instruction might be lost.

Secondly, adapting to our students is practical in the way that the best lawyers have always been practical.¹³⁸ In reality, law professors have the unique opportunity to work with students in fully explaining what older generations will expect from them in the practice of law and to prepare them to meet those expectations and consequently succeed as a lawyer.¹³⁹

As our nation and the global community grapple with increasingly complex problems that depend on creative and thoughtful solutions, the importance of well-trained legal professionals will remain critical.¹⁴⁰ By becoming more aware of, and sensitive to, the goals, aspirations and expectations of millennials, the older generations of law teachers can better face the challenges we experience in attempting to best equip millennials to become the best lawyers they can be.¹⁴¹

In a subsequent article, I will address the foremost representative characteristic of millennials – their passion for and fluency in technology – and its influence on the learning styles of this generation.

137 Floyd *et al* 2011 *Ohio Northern University Law Review* 273.

138 Bohl 2008 *Loyola Law Review* 790.

139 Becker 2015 *Duquesne Law Review* 38.

140 Floyd *et al* 2011 *Ohio Northern University Law Review* 262.

141 See Wilson Fall 2008 *The International Journal of the Scholarship of Teaching and Learning* 11.