Procrastinators’ Programs SM

Professionalism – Understanding the Generation Gap

Grady S. Hurley
Jones Walker

Course Number: 0200131230
1 Hour of Professionalism CLE

December 30, 2013
9:00 – 10:00 a.m.
Grady Hurley has practiced primarily in the areas of maritime, oilfield, and energy litigation since 1979. His varied experience has included cargo, collision, allision, product liability, toxic tort, insurance, indemnity, death, personal injury, property damage, lease cancellation, right-of-way disputes, explosions, and multi-party complex and commercial litigation in state and federal courts. In his maritime practice, Mr. Hurley has engaged in both brown water, offshore, and blue water litigation, including briefs to the U.S. Supreme Court on Suits in Admiralty Act cases, indemnity, and amicus briefs to the Louisiana Supreme Court.

Mr. Hurley's oilfield practice has included the representation of pipeline companies, offshore platform operators, crewboats, drilling companies, exploration and production companies, seismic operators, catering companies, and other oilfield service concerns. In an advisory capacity, he has drafted Master Service Agreements and insurance provisions, and was actively involved in the initial litigation defining the Louisiana Oilfield Indemnity Act. Mr. Hurley has represented oil companies in fishery laws and lobbying, including oyster restoration cases, wherein amicus briefs were provided to the Louisiana Supreme Court, which changed the law on remedies available to oyster fishermen.

Mr. Hurley has lectured extensively on risk management, discovery, ethics, and admiralty law, while remaining active in local and national bar associations. He has been recognized in various national and local publications.

Mr. Hurley is Past President of the New Orleans Bar Association and Inn of Court. He has served as a district representative for the Louisiana State Bar Association and was a member of the House of Delegates for the American Bar Association. He previously served as the chairman of the Maritime Law...
Association (MLA) Offshore Industries Committee and as a board member of the MLA. Additionally, he participates in various civic organizations and is a past president of the Tulane Alumni Association; he currently serves on the advisory council of Tulane's Admiralty Law Institute, as well as a Vice Chair of the American Bar Association Admiralty & Maritime Law Committee.

**Noteworthy**

- Listed in the 2013 edition of *Louisiana Super Lawyers* in the area of Transportation/Maritime (listed annually since 2007)
- Recognized as a Top Lawyer by *Litigation 2007 and 2012– A Supplement to The American Lawyer and Corporate Counsel* (Energy, Environmental and Natural Resources Law)
- Recognized as a "2013 Top Rated Lawyer" in the area of Energy, Environmental and Natural Resources by *Corporate Counsel* and *The American Lawyer Magazines*
- Listed in the 2013 edition of *New Orleans's Best Lawyers*
- Recognized as a 2013 Top Lawyer by *New Orleans Magazine*
- **AV Preeminent® Peer Review Rating in Martindale-Hubbell**

**Presentations**

- "Regulating the Oil Patch - Who is BSEE", 7th Annual Offshore Marine Service Association ("OMSA")/Loyola University New Orleans College of Law Industry Seminar"  
  November 14, 2013
- "Unseaworthiness and Punitive Damages; McBride v. Estis Well Service", Presentation to the Board of the Offshore Marine Service Association ("OMSA")  
  October 16, 2013
"2012 Maritime Law Overview in the Fifth Circuit", New Orleans Bar Association's Procrastinator's Program
December 27, 2012

"Why Women Still Can't Have It All", Panelist, 2012 NOBA Women in the Profession Committee Lunch Symposium

"Offshore Maritime, Jurisdictional, and Construction Law Issues"
Fluor LawCon Conference, New Orleans, Louisiana, November 9, 2011

"Maritime Death Actions: Time for a Change?"

"Current Maritime Release Issues: The Effects of AmClyde and Medicare Secondary Payer Act"
Tulane Admirality Law Institute, New Orleans, Louisiana, March 23, 2011

"Procrastinators' Programs"
New Orleans Bar Association CLE Program, New Orleans, LA, December 21, 2010

"Medicare, Medicaid, and SCHIP Extension: What Every Lawyer Must Know and Do"
New Orleans Bar Association, April 17, 2010

"Big Easy Bootcamp: Basic Training for Lawyering in New Orleans"
New Orleans Bar Association, November 2009

"The Nuts and Bolts of Law Practice Management"
New Orleans Bar Association, October 16, 2009

"Principles of Maritime Torts"
Lorman Education Services, May 14, 2009

"Troubled Waters—Admiralty Law: Insurance, Pollution, and Finance Issues"
Tulane Admiralty Law Institute, New Orleans, Louisiana, March 2009

"Right Client, Right Terms, Right Time"
New Orleans Bar Association, Procrastinator's Program, December 2008

Tulane University Law School Annual Professionalism Orientation 2008–2010

"Bridging the Generation Gap"
LLTA, 2007

"Shipbuilding and Repair Disputes"
OMSA Seminar, 2007
"Ethics and Professionalism"
New Orleans Bar Association, Procrastinator's Program, December 2006

"E-Discovery and Spoilation"
El Paso Pipeline Conference, Birmingham, Alabama, October 2006

"Attorney Advertising"
New Orleans Bar Association, March 2006

"Delivering Bad News to Clients"
New Orleans Bar Association, 2006

"Ethical Consideration in Business Litigation"
Lorman Educational Seminar – Business Torts in Louisiana, April 22, 2005

"Ethics Considerations in E-Discovery and Spoilation"
Lorman Commercial Litigation, January 1, 2005

Jones Walker Hurricane Katrina Seminar 2005

"Jones Act Sexual Harassment"
Jones Walker Seafood Seminar, April 2004

"Oilfield Master Service Agreement"
New Orleans Bar Association, 2004

"Shakespeare and the Law of Detrimental Reliance"
Bench/Bar Conference, 2004

"Law Day"
Civil District Court

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Publications

- "LexisNexis Expert Commentaries"
  *Energy Law 2008, 2008*

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Memberships

- American Bar Association (Vice-Chair, Tort Trial and Insurance Practice Section, Maritime Law Committee, 2012; House Delegate, 2004–2006; Former Chairman, Subcommittee on Wrongful Death and Workman's Compensation, 1990–1992; Member, TIPS, Maritime Law Committee, Subcommittee on Collision Law; 2006 Mid-Year Planning Committee)

- Associated Catholic Charities
- Bar Association of the Fifth Federal Circuit (Member, Delegate to Fifth Circuit Judicial Conference, 2002 and 2005)
- Camp Challenge/Volunteer
- East Jefferson General Hospital Board of Directors (Treasurer, 2012-2013; Member, 2011 to 2013)
- East Jefferson General Hospital Foundation (Executive Committee, Chair Elect; Board of Directors, 2007 to date; Executive & Finance Committee, 2009 to date)
- Energy Bar Association
- Federal Bar Association
- Institute for Energy Law (Advisory Council)
- Louisiana Bar Foundation (Fellow, 2001 to present; Member Gala Committee 2008; YLS Representative to the Board; Member, Judicial Liaison Committee, 2005–2006; Fellows Gala Committee, 2008)
- Louisiana State Bar Association (First Board District; Representative, Young Lawyers Section, 1986–1987; Member, Executive Committee, National Mock Trial Championship, 1991; Assistant Tort Examiner, Committee on Bar Admissions, 1986 to date)
- Mariners' Club of New Orleans
- Maritime Law Association (Member, Board of Directors, 2005–2009; Proctor, Chairman of Offshore Industries Committee, 2004–2008; Member, Committee on Maritime Personnel, 1989 to date; Member, Young Lawyers Committee, 1989–1995; Proctor Member, 2001)
- New Orleans Bar Association (President, 2002; Vice President, 2000; Treasurer, 1998; Secretary, 1997; Member, Executive Board of Directors, 1994–1999; Chairman, Maritime Law Committee, 1990–1992; Editor, Briefly Speaking, 1993; Member, It's The Law Committee, 1994–2001; Chairman, Bench/Bar Conference, 2005)
- The New Orleans Bar Association American Inn of Court (President, 2003–2005)
- New Orleans Bar Foundation (President, 2007–2009; Board of Directors, 2001 to present; Vice President, 2006)
- The New Orleans Claims Association
- Offshore Marine Services Association
- The Pro Bono Project (Member, Board of Directors, 2001–2002; Volunteer, 2006 to date)
- Rocky Mountain Mineral Law Institute
- Southeast Admiralty Law Institute (Member, Board of Directors/Port Captain, 2003–2006)
- St. Thomas More Society
- Tulane Admiralty Law Institute (National Advisory Board and Planning Committee, 2004 to date)
- Tulane University, Alumni Association (President, 1996), Associated Student Body President (1975)
- World Trade Center, Plimsol Club

**Court Admissions**
U.S. Supreme Court, 1986
5th Cir., 1980
11th Cir., 1980
E.D. La., 1979
M.D. La., 1980
W.D. La., 1980
PROFESSIONALISM
GENERATIONAL PERCEPTIONS AND EXPECTATIONS

As lawyers, we are charged with ethical directives and a creed of professionalism. Professionalism focuses on respect to our clients, the courts, opposing parties and their counsel, and even to the public. What is or is not considered professional conduct inside of a law firm, in practice or in court is subjective. The subjective standard for professional conduct is affected by generational values and standards. Thus, professionalism cannot be discussed or evaluated without recognizing the Generation Gap.

The social scientist B.F. Skinner believed that our behavior was affected by our environment – the era and locale when and where we were raised. Different generations approach work and relationships in different ways. Conflicts arise when individuals’ perceptions are both correct, but the focal points are vastly different. Today’s discussion explores the way we think and approach situations by generation. There is no finger pointing or judging, just understanding.

UNDERSTANDING THE GENERATION GAP

Is an attorney pursuing a career or just working at a job? It wasn't that long ago that stature, salary and authority within an organization resulted solely from “paying your dues.” The idea of age and authority being different was not heard
Law Firms generally had leadership and compensation based upon a lock step method.¹

It is not unusual for people born across a span of several decades to work closely together in one law firm. While older, middle-aged and younger staff may share common work tasks, they may not share the same values, motivations, approaches to work, ethics, communication styles or perceptions. This directly affects marketing efforts, client relations, jury selection and influence and, yes, even trial outcomes.

History creates differences in the way generations form opinions and values. Our outlook on life is heavily dependent on our subconscious interpretation and understanding of the tensions, shifts and forces that dominated the years in which we came of age.

For instance:

- Baby boomers think "career." Generation X thinks "job."
- Boomers put their personal goals before their family. Gen Xers blend and balance their work-family connections.
- Boomers think "power and influence." Gen Xers think "a means to an end."

¹ Acknowledgement of Paraphrasing to Law Practice, “Closing the Generation Gap,” Vol. 32, No. 4, Nancy R. Peppard, Ph.D.
Boomers equate "time with productivity," as in, "The longer I stay at the office, the more valuable I am." Gen Xers equate "productivity with outcome," as in, "The sooner I get to a successful conclusion, the sooner I can get on with my [personal] life."

What differentiates Gen Xers from most of their older colleagues (who assimilated into the politics at work or "sold out") is that Gen Xers will blaze out on their own with little or no fanfare, choosing to compete with their elders rather than cave into the pressure to conform. This is related to scarcity, skills and attitude.

- **Scarcity.** Gen Xers are a small generation (less than half the number of baby boomers).

- **Skills.** Gen Xers possess the technological, logistical and networking skills requisite to compete most productively and profitably—locally or globally. They have elevated the concept of multitasking to a whole new art form, along with text languages that only savvy generational insiders can decipher.

- **Attitude.** Gen Xers are not "team" players. Therefore, they do not respond to traditional "management" —aka structure. Because of the circumstances of their youth, their group participation is more akin to the broadest definition of "gang" member.
The so-called echo boomers, or Generation Y (born between 1980 and 1999) have also entered the workforce. Echo boomers, by and large, are good at taking rote tests. They are excellent at getting their lifestyle demands met. But overall, they are undisciplined, unfocused and unreasonable. They pose a whole new set of human resources issues the likes of which will be unprecedented in American history.

Understanding starts by recognizing that if you work within a multigenerational organization, you are working in a multicultural microsociety. To maximize cooperation and function with so many competing variables, law firms must reexamine their organizations' policies, purpose and goals in order to achieve these ends. In the place of the traditional, management needs to consider generational expectations and establish personal accountability accordingly.

No one likes to move out of their comfort zone unless it is of their own choosing. On the other hand, failure to do so will impede success and create discourse. Thus, our concept of professionalism will be strained, if not challenged, unless generational perspectives are understood.