

Bench & Bar

The newsletter of the Illinois State Bar Association's Bench & Bar Section

Longing for Authenticity: The Human Connection in a Digital Workplace

BY CHRISTOPHER GARCIA

Audiophiles can purchase “scratch machines” now. Digital recordings of vinyl scratches, scratch phrases and singular scratch sounds to add to digital music. The marketing is not for an authentic sound, but the simulacrum of authenticity, an instant reproduction of a process that occurs over time and pressure of a needle on vinyl.

There are also digital machines that mask the authentic scratchiness of LPs. No doubt some have purchased both machines, hooked up to the same sound system, to capture an authentic sound and, when desired, mask it, or copy it and pretend its repeatability is both natural and authentic. There are “scratch menus” so listeners can create scratch patterns to their liking—a stab at programmed serendipity which is at best a contradiction in terms.

Not that the scratchiness adds to the music; its purpose is to create an analog experience. How does one control, capture, and replay random sonic movement that itself changes with time, wear, and tear? The experience produced by these machines necessarily involves a willing suspension of disbelief that pretends to capture the effects of time and pressure into an instant digital menu, as if it could reproduce an authentic moment—again and again, which renders the experience unoriginal by definition.

Soon our avatars will communicate with programmed hesitations, small stutters, halting speech and accents that imitate real human interaction in a desperate grasp for authenticity: “More human than human is our motto” says Eldon Tyrell in a rather inhuman gloss on the replicant slaves he creates in *Blade Runner*. Digital “dialogue,” for lack of a better descriptor, is void of nuance, tone, and the sheer serendipity of human contact--the analog of life with its unpredictable scratchiness. Even in the middle of AI invention, we struggle to capture the creative messiness, the epistemological surprise of random epiphany at the heart of human interaction.

Much like an in-person conversation, which can be deliberate, thoughtful, yet surprising in its direction and flow, developing over time in different ways and through different narrations, starts and stops, and various tones, expressive accents, and re-articulations. To paraphrase T.S. Eliot, words in an actual face to face conversation will not “stay in place.” There is always movement, emotion, misunderstandings, and unexpected connections.

Words strain,
Crack and sometimes break, under the burden,
Under the tension, slip, slide, perish,
Decay with imprecision, will not stay in place...

The Dialog of Oral Argument

For more than two years we were isolated from one another and (therefore) from ourselves. In the legal arena, for over two years young associates have missed out on the rhythms, the dialect, the *grammar* of oral argument. The legal profession is one of the last pure rhetorical arts, and oral argument forces the mind to actually *listen, comprehend and respond to another argument*—skills that are not learned on social media, which rewards a raging solipsism—in cyberspace, everyone can hear you scream.

Also missing from our practices is the coffee klatch or lunch with colleagues. In that common moment someone inevitably would suggest a thorny problem and suddenly three or four experienced attorneys begin working the issue, challenging one another with that blend of creativity and experience that is so valuable to our profession. One can never bill for having four partners work on a single client issue over coffee, but that is one of the most valuable moments for a client that occurs in the office.

Associates have lost (or worse, have not yet had), the experience of sitting in court and observing its dialect, pace, vocabulary—its *rhythm*. What is familiar and required in state court has different shadings in federal court, different still at the EEOC, the Illinois Department of Human Rights and the Illinois Human Rights Commission. Each has its own vocabulary, its own legal and performative *grammar*. Each venue must be *experienced* to understand and master.

Since virtual reality is a sacred cow let me be clear, the *new normal* will never move into reverse. In a Title VII and ADA context it would also be unavailing to argue in court that a workplace paradigm featuring hybrid work schedules in place over the last two years has suddenly become an “undue hardship.” We do need to understand what has been lost as well as gained. What is lost in the fire is not always found in the ashes.

The key problematic for corporate leadership is when a face-to-face meeting is warranted and the need to provide more authentic dialogue is needed. Rather than communications mediated by a screen (with the incentive to roam about one’s social media universe, and every other tug on an attention span from the refrigerator to TikTok videos). When do we need each other, in person, to learn and grow in our profession and in ourselves. When do we need to experience our un-digitally mediated existence?

Down the Rabbit Hole: Clickbait Distractions

You can momentarily take your eyes away from this article to rest them, or to reflect on the thoughts presented, but online programs, including Westlaw and LEXIS, are suffused with cognitive disruptions in the pull of hyperlinks, like so many digital wormholes revealed and evaded in the mind. They simultaneously focus and distract. Paralegals and young associates researching cases surf from jurisdiction to jurisdiction, through various fact patterns until they end up not remembering in which jurisdiction they washed up. Again, quoting Eliot: We are “distracted from distraction by distraction.”

In a virtual workplace is “I’ll do me and you do corporations are finding it distinctive identity. Firms challenging to effectively single coherent voice. The versatile communications multiple communication modalities: hybrid, one on one, in person and small group virtual meetings. But not everyone speaks the same language.

“We are distracted from distraction by distraction...The beginning of a solution is a versatile communications structure that considers multiple communication modalities...”

where the dominant *ethos* you in our own avatars,” difficult to inculcate a are finding it more than communicate *policy* in a beginning of a solution is a structure that considers

Native TikTokers, Tweeters, Meta posters, are working in the same virtual workplace with Boomers and Gen-Zers. How one motivates each generation, all speaking different coded languages, will determine how effectively the team performs. For now, we need to understand not just the knee-jerk desire for something called *efficiency*, (which sometimes means taking short-cuts, moving too quickly, and performing badly), but the real human need for personal contact—for mentorship and dialogue. “As iron sharpens iron, so one person sharpens another.”

The late Geoffrey Hartman’s brilliant meditation on the rise of cultural studies and his own search for an authentic witnessing voice for Yale’s Holocaust Testimonies was a constant inspiration for these thoughts: Geoffrey Hartman, *Scars of the Spirit: The Struggle Against Inauthenticity*. New York: Palgrave Macmillan, 2002.