

# Why mentoring matters

The Supreme Court of Ohio's Lawyer to Lawyer Mentoring program gives structure and builds confidence for new lawyers.

# now

by Lori L. Keating

The Supreme Court of Ohio recently adopted Lawyer to Lawyer Mentoring, a permanent program that will be offered to new attorneys admitted to the Ohio bar November 2008 and thereafter. Created and administered by the Supreme Court's Commission on Professionalism, this program assists in the transition from law school to legal practice by pairing new lawyers with experienced attorneys. By fostering positive mentoring relationships, Lawyer to Lawyer Mentoring seeks to elevate the competence, professionalism and success of Ohio lawyers.

The pilot phase of Lawyer to Lawyer Mentoring was offered to new lawyers admitted in 2006, and the feedback from participants was overwhelmingly positive. Ohio received national recognition as one of the first states to develop and permanently adopt a centrally administered statewide mentoring program for new lawyers.<sup>1</sup> Several other states have begun developing and implementing their own mentoring initiatives.<sup>2</sup>

## Timeless mentoring fundamentals

### Developing practical skills

One of the primary goals of Lawyer to Lawyer Mentoring is to improve the skill competency of new lawyers as they step out of the classroom and enter the reality of legal practice. *Educating Lawyers: Preparation for the Profession of Law*, a report by researchers and scholars from the Carnegie Foundation for the Advancement of Teaching (Carnegie report), asserts that law schools are not adequately preparing students for the practice of law. As the Carnegie report points out, the signature pedagogy of law schools is the case-dialogue method, which teaches students the analysis, critique and development of legal doctrine. Although legal analysis is essential to

the practice of law, it does not, in and of itself, prepare one for the actual practice of law. Practical skills training, which is developed through modeling, habituation, experiment and reflection, is also required. Although more law schools are offering clinical programs and classes designed to develop practical skills training, these courses are not usually required and their availability varies. As a result, transition to the practice of law is often abrupt and unsettling.<sup>3</sup>

Attorneys have their own personal stories illustrating this point. One new lawyer, when asked to schedule depositions in a pending case, explained how his legal training at a nationally ranked top 20 law school led him to carefully review the applicable Rules of Civil Procedure and issue subpoenas. After thoughtfully completing his work, a senior partner at the firm asked what had possessed him to schedule a deposition and file subpoenas without consulting opposing counsel. It had never occurred to this new lawyer to pick up the telephone and ask about any other attorney's availability. This oversight created unintended hostility in the case and the deposition, of course, had to be rescheduled.

The gulf between understanding legal theory and incorporating this theory into the day-to-day realities of legal practice can be great. Participation in a mentoring program at the beginning of a legal career can provide much needed practical instruction not typically found in law school textbooks nor discussed in the classrooms. New lawyers in solid mentoring relationships can model their mentors' habits, ask questions, try out strategies and reflect on what does or does not work in their own legal practice. New lawyers in the Lawyer to Lawyer Mentoring pilot stated that they had more practical knowledge about the practice of law and were better prepared for the practice of law because of the program.

## Psychologically adapting to the social environment

Beginning legal practice not only demands the development of practical skills but also entails a significant psychological adjustment as new practitioners leave behind their identity as students and become professionals. In *The Lawyer's Guide to Mentoring*, Ida Abbott explains how mentors may assist in this process by providing a psychosocial function. Psychosocial functions are "those aspects of mentoring that build confidence, a clear sense of identity, and effectiveness in a professional role."<sup>4</sup> Where there is mutual trust, respect and increasing intimacy in a mentoring relationship, the psychosocial function is supported. In these situations, the mentor's acceptance and confirmation of the new lawyer increases the new lawyer's confidence and sense of self-worth. Ideally, the mentor becomes a trusted counselor, not only assisting the new lawyer with the challenges of practice, but also helping the new lawyer develop a personal style and sense of professional identity.<sup>5</sup>

In feedback from participants of the Lawyer to Lawyer Mentoring pilot, new lawyers indicated that their mentors provided helpful advice about navigating office politics, supervising support staff, dealing with unprofessional coworkers and adjusting to the psychological pressures of legal practice that do not exist in a law school environment. One new lawyer from the pilot program commented that his mentor provided "great advice on how to further my career and get more out of my job." This new lawyer continued, "Without him, I doubt I would be happy [at the workplace]." Another new lawyer submitted, "My mentor took helping me very seriously, and affirmed my value as a professional, when I was doubting myself."

The mentoring process also brings psychosocial benefits to mentors as well, as the relationship validates the mentor's self-image as someone with wisdom and experience worth conveying. Through mentoring, mentors remain flexible, adaptable and interested in their work. Encountering a younger person's perspective helps mentors appreciate and adjust to a constantly changing world. The mentoring process may also renew the mentor's enthusiasm, purpose and significance assigned to work. Mentors who are facing midcareer ennui may turn this into creative energy by helping those beginning their careers.<sup>6</sup>

Expressing appreciation of the experience, one mentor from the Lawyer to Lawyer Mentoring pilot commented that mentoring was a reminder of "how wonderful it has been to be an attorney and how proud I am to share my experiences with the next generation." Another mentor talked about being paired with a new lawyer who was "feeling exactly the same trepidation, fear and discomfort that I did when I was a young lawyer." The mentor explained,

"It gave me a good feeling to help him realize that this was a natural—and even an important—part of becoming a lawyer, and in bringing him to the realization that that feeling will pass as he gains experience in his areas of practice."

## Why mentoring is especially important now

### Introducing the Millennials

The generation born in or after 1982 has been labeled the "Millennials," and its members have just begun to graduate from law school. Millennials are optimists, team players and rule followers.<sup>7</sup> This generation is inclusive, civic-minded, and extremely dedicated to goal setting and achievement.<sup>8</sup> Millennials believe in the future and see themselves as cutting-edge. They are also the most managed generation in recent memory. They thrive on structured scheduling, and their childhoods were based on adult supervision, parsed between parents, relatives, teachers, coaches, babysitters and counselors.<sup>9</sup>

New technology is in this generation's DNA. Millennials use technology to constantly multitask and achieve results as quickly as possible. Their communication of choice is text-messaging (e-mail is becoming passé), and telephone or in-person conversations are seen as secondary. As students, some included text-message abbreviations in written work turned into their professors. They carried their laptops to every class in law school, prompting professors to reconsider how to better reach students who, instead of making eye contact with instructors, stare at a computer screen, often surfing the Internet and checking e-mails during class time. The effect of the Socratic Method has been further reduced by instances where a student who has been asked a question by the professor instantly receives an e-mail from a fellow classmate across the room with an answer.

## Mentoring and the Millennials

In addition to the intrinsic advantages of mentoring that everyone enjoys, Millennials may uniquely benefit from Lawyer to Lawyer Mentoring in several ways.

Having grown up with so much adult supervision, Millennials truly appreciate role models.<sup>10</sup> Mentoring provides much needed leaders for new lawyers to follow. Lawyer to Lawyer Mentoring also provides a structure Millennials can appreciate. At their first meeting, mentors and new lawyers design their own mentoring plan by selecting eight topics and activities (from a list of 40) that they would like to address during the course of their mentoring term. Supplementary materials provide a comprehensive curriculum that includes discussion questions, cites



to the Ohio Rules of Professional Conduct and background reading.

Millennials are high achievers with great expectations. In this generation, all children were given ribbons or trophies at their athletic competitions; parents of these children argued with teachers to raise B+ grades to As.<sup>11</sup> Millennials, like no generation before, will feel extremely frustrated if they do not meet with early success at the beginning of their legal careers. Having mentors to provide support and encouragement during the first year of their practice of law will be especially important. Mentors may also assist by offering new lawyers an appropriate perspective. One mentor from the Lawyer to Lawyer Mentoring pilot explained that some of the best guidance he shared with his new lawyer was the idea that a successful legal career takes significant time to evolve, rather than something that happens overnight.

Lawyer to Lawyer Mentoring is based on in-person meetings, and Millennials need to realize that much

of the practice of law requires face-to-face interaction. Although new lawyers may interact with friends in highly technological ways, many communications in the practice of law should not be in the form of a text message. Recently some employers have been frustrated by new lawyers' apparent avoidance of face-to-face interactions. Employers have instructed new lawyers to refrain from sending text messages during important organizational meetings. Supervisors exacerbated by long, detailed e-mails from new lawyers with complicated legal questions have had to explain that the best way to get feedback in many situations is to walk down the hall and have an in-person conversation. There is something to be learned during a face-to-face conversation, which involves body language, facial expressions and eye contact that cannot be conveyed in an e-mail or text message. Mentoring is a great way to instill in new lawyers the value of in-person communication, along with the recognition that even the latest technology has its limitations.



### Mentoring and today's legal employers

Mentoring is more important to today's legal employers than ever, especially in its ability to build community. Moreover, mentoring is a two-way street, and this new generation may lead experienced lawyers to ways to address our profession's current shortcomings.

The pressures of the billable hour and the increasing competitiveness of the marketplace have diminished the sense of community in the legal field. Mentoring can reconnect the members of our profession. When successfully implemented by an employer, mentoring significantly contributes to work satisfaction and employee retention.<sup>12</sup> Sev-

enty-five percent of mentors surveyed from the Lawyer to Lawyer Mentoring pilot indicated that mentoring contributed to an increase in job satisfaction.<sup>13</sup> As one mentor explained, mentoring "[h]elped me feel that I was doing more than just my job each day, but helping someone else to hopefully get more out of her career."

Law firms and legal organizations are encouraged to integrate Lawyer to Lawyer Mentoring with their established mentoring programs. If an employer does not have a mentoring program, Lawyer to Lawyer Mentoring provides an easy and excellent way to establish one. By awarding new lawyer training credit to new lawyers and CLE credit to mentors at no cost to participants, Lawyer to Lawyer Mentoring allows employers to more easily justify time away from billable hour demands. (Some firms committed to mentoring have adopted creative ways to record time for mentoring, recognizing its value even if the time cannot be billed to a client.)<sup>14</sup>

Where new technology, international interests and emerging interdisciplinary fields are changing the nature of the law practice, mentors may especially appreciate mentoring as a way to leave a legacy—a part of themselves that will carry on in the future of the profession. In fact, older attorneys may serve as more natural mentors to this new generation, as Millennials share more common values and personality traits with the Baby Boomers and members of the World War II Generation than they do with their immediate predecessors, labeled Generation X.<sup>15</sup>

Millennials may provide additional ideas for restoring our profession's sense of community by drawing on their natural inclination for teamwork, inclusiveness and pursuit of civic duty. If the profession works with them in an effort to decrease the disconnection and isolation that some attorneys experience in their day-to-day practices, we should be able to restore a greater sense of connectedness in the legal field.

Millennials in mentoring relationships may also boldly lead the legal profession into the application of new technologies, if encouraged to do so. The business sector has already recognized this potential. Companies like Proctor and Gamble and Siemens have set up tutoring relationships for middle-aged executives, where young employees help established executives navigate the Internet. General Electric matched 1,000 managers to 1,000 young newcomers and learned that this new generation understood new technologies better than General Electric's brightest employees.<sup>16</sup> The legal profession will need to embrace technology more quickly than it has in the past to remain competitive in the modern business world, and this generation of new lawyers is eager to show us how.

*Continued on page 32.*

# Lawyer to Lawyer Mentoring

## *A Quick Summary*

### New lawyer eligibility

To participate, new lawyers must:

- Be admitted to practice law in Ohio and register for active status within 30 days of their admission ceremony;
- Submit a New Lawyer Application within 60 days of their admission ceremony;
- Practice law in Ohio or intend to practice law in Ohio;
- Be subject to the new lawyer training requirement.

### New lawyer training credit

New lawyers who participate in Lawyer to Lawyer Mentoring receive new lawyer training credit. Effective Nov. 1, 2008, new lawyers must complete by the end of the new lawyer's first full CLE reporting period<sup>1</sup>:

- Three hours of classroom instruction in professionalism, law office management, and client fund management and

- Lawyer to Lawyer Mentoring Program or
- Nine hours of classroom instruction that has been approved as a new lawyer training activity.

### Mentor eligibility

To participate, mentors must:

- Be admitted to practice law in Ohio for not less than five years;
- Be registered active and in good standing;
- Have a reputation for competence and ethical and professional conduct;
- Never have been suspended or disbarred from the practice of law in any jurisdiction, nor have voluntarily surrendered their license to dispose a pending disciplinary proceeding;
- Not have been otherwise sanctioned in any jurisdiction during the 10 years preceding nomination as a mentor;<sup>2</sup>

- Not have a formal disciplinary complaint pending before the Supreme Court of Ohio;<sup>3</sup>
- Carry professional liability insurance with minimum limits of \$100,000 per occurrence and \$300,000 in the aggregate, or its equivalent. Government attorneys, in-house counsel for a corporation, lawyers employed by a non-profit agency, or lawyers mentoring in-house are exempt from this requirement.

### CLE credit

Mentors who participate in Lawyer to Lawyer Mentoring receive 12 hours of CLE credit.

### Required meetings

Participants must complete nine hours of mentoring during the course of six in-person meetings. The mentoring term lasts one year.

### Pairing new lawyers with mentors

Ways new lawyers are matched with mentors:

- New lawyers review a pre-approved mentor list on the Supreme Court's Web site, which contains individual mentor information, including areas of practice, size of firm or legal organization, geographical location, educational background, bar association membership, civic activities, hobbies and interests, and special skills. New lawyers then submit their top three mentor nominations.
- New lawyers may approach any attorney who meets the program requirements and ask him or her to be a mentor. If the mentor agrees, the new attorney submits a mentor application along with the application to the program.
- A law firm may integrate Lawyer to Lawyer Mentoring with the firm's established mentoring program. In such cases, the law firm may submit a list of proposed mentor-new lawyer matches, which will generally be approved.

### Mentoring plan

A mentoring plan is created at the first meeting between a new lawyer and mentor. A few examples of the 40 topics from participants may choose:

- Dealing with difficult clients;
- Working with support staff;
- Proper handling of client funds;
- Preparing for depositions;
- Balancing career and personal life;
- Strategies for client development;
- Common malpractice and grievance traps;
- Time management; and
- Long-term career planning.

### Cost to participate

There is no cost for new lawyers or mentors to participate.

For more information, please visit the Lawyer to Lawyer Mentoring Program's Web site at [www.supremecourtofohio.gov/mentoring](http://www.supremecourtofohio.gov/mentoring). ■

### Endnotes

<sup>1</sup>Lawyers admitted to practice in the second year of their CLE reporting period have until the end of their subsequent CLE reporting period to complete new lawyer training.

<sup>2</sup>For the purposes of the program, "sanctioned" means subjected to disciplinary action and includes public reprimands or private sanctions that occur in jurisdictions that impose them. Such sanctions also include administrative suspensions resulting from a deficiency in CLE hours or a failure to renew attorney registration in a timely manner.

<sup>3</sup>If a formal disciplinary complaint is pending, a mentor nomination will be deferred until the final disposition of the formal complaint.

## Mentoring's greatest promise— increasing professionalism

Scholars, bar associations and judges are starting to realize the potential mentoring has to improve professionalism. A 2001 survey of 1,201 South Carolina attorneys admitted to practice since 1994 showed that “significant development of a lawyer’s professional character occurs after law school in the first years of practice,” and “mentors play a role in the professional character development process.”<sup>17</sup> The Lawyer to Lawyer Mentoring curriculum, which features cites to the Ohio Rules of Professional Conduct, along with discussion questions about how these rules are followed in practice, is specifically designed to introduce professionalism issues into the conversations between new lawyers and their mentors. Ideally, mentoring should give mentors a moment to re-examine how they approach the practice of law and the example they have set for the newest members of the profession.

As one mentor from the Lawyer to Lawyer Mentoring pilot commented, “Revisiting the fears/anxieties of a young attorney has forced me to be reflective of how I approach my practice. It’s also made me realize how I don’t necessarily do what I preach.” Another mentor stated, “I found myself being reminded of the importance of ethics and professionalism, of treating ‘law’ as a profession, not a business, and [of] the personal satisfaction of being able to share my experiences while helping someone else.” Mentoring might be the simplest yet most powerful way to improve professionalism in Ohio lawyers.

Lawyer to Lawyer Mentoring is a nationally recognized program, supported by an in-depth curriculum and administered on a statewide basis. Mentoring has tremendous potential to acclimate the newest generation of lawyers to our profession, while strengthening the legal community as a whole. There has never been a better time for mentoring than now. ■

### Author bio

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## Endnotes

<sup>1</sup>Ohio’s Lawyer to Lawyer Mentoring Program was one of three statewide programs featured at “Mentoring: The Future of the Profession,” a national conference hosted by the Nelson Mullins Riley & Scarborough Center on Professionalism in March 2008. Georgia was the first state to develop a statewide mentoring program as an integral part of its new lawyer training and its assistance in the development of Ohio’s program is deeply appreciated.

<sup>2</sup>South Carolina, Texas, Alabama and Kentucky have statewide mentoring program pilots; Florida has a mentoring program in development; Utah, Louisiana and other states are exploring the possibility of starting statewide mentoring programs.

<sup>3</sup>William M. Sullivan et al., *Educating Lawyers: Preparation for the Profession of Law* 13-24 (2007).

<sup>4</sup>Ida O. Abbott, *The Lawyer’s Guide to Mentoring* 27 (2000), citing to Kathy E. Kram, *Mentoring at Work: Developmental Relationships in Organizational Life* (1985).

<sup>5</sup>*The Lawyer’s Guide to Mentoring*, at 27-28.

<sup>6</sup>*The Lawyer’s Guide to Mentoring*, at 28-50.

<sup>7</sup>Neil Howe and William Strauss, *Millennials Rising: The Next Great Generation* 4-10 (2000).

<sup>8</sup>Claire Raines, *Connecting Generations* 176 (2003).

<sup>9</sup>*Millennials Rising*, at 7-10.

<sup>10</sup>*Connecting Generations*, at 178.

<sup>11</sup>*Connecting Generations*, at 175-176.

<sup>12</sup>*Lawyers Guide to Mentoring*, at 32.

<sup>13</sup>This question was only asked of mentors in the November group of the pilot program.

<sup>14</sup>“Mentoring Associates: It’s Simply Good for Business,” *Law Practice Today, ABA Law Practice Management Section*, 5 (August 2004).

<sup>15</sup>*Connecting Generations*, at 180. Baby Boomers have been defined as the generation born between 1943 and 1960, and Generation X as the generation born between 1961 and 1981. *Millennials Rising*, at 15.

<sup>16</sup>*Connecting Generations*, at 181.

<sup>17</sup>Neil Hamilton and Lisa Montpetit Brabbit, “Fostering Professionalism through Mentoring,” *Journal of Legal Education*, Vol. 57, N. 1, 114 (March 2007).