

The Mentoring Relationship: How to Make it Work and Why it Matters

by Mark A. Fogg, Richard L. Gabriel, and Margrit Lent Parker

This article identifies the elements of what makes a successful mentoring relationship. It provides tips on what good mentors and mentees do, based on input from those who have enjoyed successful mentoring relationships.

The most prominent and well-respected lawyers share many traits. They are intelligent, quick on their feet, persuasive, able to listen and process information from disparate sources, professional, ethical, and adept at effectively and efficiently solving problems. Most also have had the benefit of excellent mentors, whether through formal mentoring programs or informal relationships that have developed over time.

Experience shows that successful mentoring relationships tend to share common elements. This article aims to identify those elements and to explain why the success of mentoring relationships matters for the long-term success of the legal profession. The article begins by discussing the need for an increased focus on mentoring, particularly in today's highly competitive legal environment. The discussion moves to the renewed focus on mentoring in the profession and introduces some of the mentoring programs that are currently available, including the new Colorado Attorney Mentoring Program (CAMP). Tips are provided on what good mentors and good mentees do, based on input from mentors and mentees who have enjoyed successful mentoring relationships. The article concludes with a discussion of why mentoring is important to the legal profession.

The Need for Mentoring

The concept of mentoring in the legal profession is as old as the profession itself. Indeed, long before bar exams, new lawyers learned their trade by serving as apprentices for practicing attorneys.¹ As legal education moved away from this kind of on-the-job training, the institution of the law school evolved into the academic endeavor it is today.²

With the focus of legal education on academics, more formal mentoring programs in the practicing bar attempted to fill the need for practical training. For example, many firms developed

programs in which a new lawyer would be paired with a more senior lawyer in the firm. Such programs tended to provide a good start, because they gave new lawyers an initial place to turn when they had questions. Sometimes, these formal relationships blossomed into long-term professional relationships. When this did not happen, the newer lawyers often were fortunate enough to develop informal but more long-term mentoring relationships with other lawyers with whom they were working. Regardless of the path newer lawyers took, those who desired successful mentoring relationships seemed to be able to find them fairly readily.

In recent years, however, the legal world has changed dramatically. The focus in law firms on economics and "law as a business" has tended to diminish the focus on mentoring. Partners and associates alike have become more concerned with billing hours and generating revenue, which too often has left little time to work on building successful mentoring relationships.³ Moreover, the competitive legal market has adversely affected such relationships. In the not too distant past, experienced lawyers did not think twice about bringing a younger lawyer to watch a deposition, court proceeding, or closing argument; now, the experienced lawyers must be concerned about how a client might react to seeing two lawyers at the same proceeding (even if the junior lawyer was not billing time for being there).⁴

These effects have not been limited to lawyers in the private sector.⁵ Attorneys in the public sector, too, have seen a decline in their ability to mentor newer lawyers. In this age of budget-cutting and larger caseloads per attorney, the time and resources available to lawyers in the public sector to mentor new attorneys has dwindled dramatically.

Perhaps ironically, these economic and competitive realities highlight the critical need for good mentoring relationships.⁶ Numerous recent law school graduates have had difficulty finding jobs in the

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legal profession, and they are increasingly hanging their own shingles, often without any mentor down the hall to whom they might turn for advice. Likewise, the competitive legal environment has tended to result in a decline in professionalism and civility among lawyers,⁷ and the practice of law has become exceedingly specialized and more complex—all of which calls for more, not less, mentoring.

Although law schools have become increasingly focused on experiential learning and professionalism, they simply do not have the time or resources to devote to teaching soon-to-be lawyers how to deal with the day-to-day issues that lawyers face in practice—for example, how to deal with an unprofessional opposing counsel (or a difficult partner); how to handle an impatient or angry judge or client; how to perform a conflicts check; and how to properly bill time. Also, the law schools do not have the resources to teach the business aspects of the practice of law, including how to think like an owner of a business; how to recognize, develop, and mine referral sources; and, in an environment in which alternative billing arrangements are becoming more prominent, how to make such arrangements work effectively and economically (for instance, by working efficiently in a team setting).

All of these issues cry out for the development of good mentoring relationships. Fortunately, the practicing bar has responded.

The Rebirth of Mentoring in Colorado

Practicing lawyers around the country and throughout Colorado have recognized the vital importance of mentoring in today's legal profession, and law firms, specialty bars, and bar associations gen-

erally have responded. Here in Colorado, perhaps the most visible and successful of the formal mentoring programs (outside the law firm setting) may be the Denver Bar Association's (DBA) Mentoring Program.⁸ Numerous local and specialty bars throughout Colorado also have developed mentoring programs, with varying degrees of success and staying power.⁹

In 2011, Colorado Supreme Court Chief Justice Michael L. Bender convened the Chief Justice's Commission on the Legal Profession. One of the Commission's working groups was tasked with researching and evaluating the possibility of developing a statewide mentoring program similar to what has been adopted in other states.¹⁰

CAMP was the brainchild of the mentoring working group. CAMP Director John Baker is steering this new platform, through which the legal community can develop and grow the culture of mentoring in Colorado. Designed to complement and bolster programs already in existence and to incentivize the formation of new mentoring programs, CAMP will provide centralized resources and support that local bars and other lawyer-based organizations can use to provide greater service and value to their members through lasting mentoring programs.¹¹ CAMP also provides a mentoring program outline with suggestions and tips for entering into and developing the mentoring relationship.

Every mentoring program is important; however, mere existence does not ensure it will lead to successful mentoring relationships. So, the question arises as to what the best mentors and mentees do to ensure the success of the mentoring relationship.

What Good Mentors Do

In the medical profession, it often is easy to recognize a physician who trained under the supervision of a particular mentor. A specific surgical technique or use of a particular medical protocol easily identifies a talented group of doctors who learned from an expert in the medical field.

Although it is not as easy to recognize traits and skills taught by a particular mentor in the legal profession, lawyers who are the products of great legal mentors are recognizable because they have internalized the values of devotion to clients, honor and commitment in the profession, and integrity and civility. They also tend to be skillful and thoughtful in the practice of their craft.

What is it that the great legal mentors do? When considering this question, the authors looked at their own experiences and interviewed several lawyers and judges who have developed well-earned reputations for being great mentors—namely, Judge Bruce Campbell, David Furgason, Dale Harris, Patricia Jarzobski, Judge Alan Loeb, Judge Elizabeth Starrs, Mariana Vielma, and Brooke Wunnicke. Perhaps not surprisingly, several common themes emerged from these interviews. Following are several comments about the qualities, styles, and methods of successful mentors that are worth noting.

- Successful mentors recognize the importance of conveying to their mentees values such as service to clients, honor, integrity, commitment, and civility, and they tend to do so by modeling the values they seek to teach. For example, as Brooke Wunnicke points out, the mentee must “witness your caring for the client and caring about the client's problem, whether the client is the CEO of a national corporation or a grieving widow.”
- Successful mentors recognize that the mentoring relationship itself serves as a model for the relationships that mentees will

develop in the future with clients and opposing counsel, and these mentors act accordingly.

- Successful mentors truly care about their mentees, both personally and in terms of their growth as attorneys. These mentors take the time to learn about their mentees' interests outside the law. They encourage leadership and community service among their mentees. They invest time and energy in the mentees' development and well-being. As a result, as Judge Campbell noted, great mentors may not remember all of the transactions or cases on which they worked throughout their careers, but they remember their mentees.
- Successful mentors recognize that trust is a cornerstone of the successful mentoring relationship. In this regard, the confidentiality of the mentoring relationship is critically important. The mentee must feel comfortable approaching the mentor with problems and concerns, secure in the knowledge that the mentor will not judge adversely if he or she asks a simple or naïve question and will not use such an exchange in the context of a review or evaluation.
- Successful mentors recognize that their mentees may find them intimidating, at least at first. The mentors actively help their mentees overcome that feeling by reaching out and conveying that communications from the mentees are always welcome. Judge Loeb tells a story about when he was a young lawyer at Davis Graham & Stubbs. Dick Davis, one of the firm's founders, offered to give him a ride home. In fact, it later became a routine for Loeb to hitch a ride with Davis. The fact that a legal legend like Davis would reach out like this to a young associate made a lasting impression on Loeb.
- Successful mentors make themselves available to their mentees and give freely of their time and experience. This is not to say, however, that every mentoring relationship requires a lifetime commitment and an inordinate amount of time. In fact, some very successful mentoring relationships involve only occasional and very brief (though still invaluable) communications. Successful mentoring relationships are what the mentors and mentees mutually want them to be. Regardless of the scope of such relationships, however, all successful mentors instinctively recognize a call for help—as in, “Would you have a minute to discuss this?” They respond promptly. They also understand that teaching involves not only black letter rules and procedures, but also the wisdom and judgment that come from experience, and they generously share the lessons learned in the school of hard knocks.
- Successful mentors impart to their mentees the mandate found in the first sentence of Rule 1.1 of the Colorado Rules of Professional Conduct: “A lawyer shall provide competent representation to a client.”¹² These mentors also help to provide the mentees the tools they need to comply with this mandate. In this regard, one-on-one meetings to hone communication skills and discuss legal analyses are essential.
- Successful mentors who have worked with a mentee to achieve a good result for a client are quick to tell the mentee that the excellent result could not have been achieved without the mentee's help. Conversely, successful mentors give prompt constructive feedback and offer suggestions for improvement when warranted, and do so in person. In this regard, successful mentors recognize that in the practice of law, there is an abundance of teachable moments of which to take advantage.

In these moments, great mentors take the time to explain why they did what they did, the alternatives they considered, and the benefits and risks presented by each alternative. From such interactions, mentees learn what their mentors do best (and perhaps what they do not do as well), and the mentees develop their own approaches to similar problems. In doing so, the mentees learn that one size does not fit all in how a lawyer might respond to a particular problem, just like one size does not fit all in how a lawyer might deal with clients or other participants in the justice system. Mariana Vielma refers to the ability to recognize such distinctions as “adaptability”—a skill that all successful lawyers must possess.

- Successful mentors encourage their mentees to come to them with proposed solutions to problems, not just with the problems. By then helping the mentees evaluate the problems and potential solutions, mentors teach their mentees how to think critically and how to solve problems for themselves, which makes for a more fulfilling—and productive—experience for the mentee.
- Successful mentors are good listeners. They recognize a young lawyer's natural insecurities and doubts, and they acknowledge such feelings as perfectly normal and rational. They also offer suggestions for how to overcome these insecurities.
- Successful mentors welcome discussion and disagreement from their mentees. The mentoring relationship is, in many ways, an ongoing dialogue, as opposed to a lecture, and the ensuing discussions tend to make the relationship more fulfilling for both the mentor and the mentee.
- Successful mentors, when working with their mentees, ensure that the mentees understand how their work fits into the big picture and how the work is contributing to the client's cause. One of the most common complaints among younger lawyers is that they are given only “pieces” of a case or transaction without being given an understanding of how the pieces fit into the overall matter. It is in everyone's interest for younger lawyers to be privy to the big picture; only then can they contribute materially to discussions of case strategy. Moreover, allowing access to the big picture teaches the younger lawyers how a case or transaction is managed from start to finish, which is a skill that the younger lawyers will need when they become the “first-chair” lawyers. Conversely, when younger lawyers are denied access to the big picture, they become far less invested in the client's cause and tend to feel like fungible employees, as opposed to the professionals and important team members they are.
- Successful mentors teach their mentees how to delegate effectively. This is another skill that lawyers must have as their careers progress.
- Successful mentors recognize that even in the current competitive legal market, where billing hours and generating revenue receive so much attention in the firm setting, mentoring not only is a professional obligation but also makes good business sense. Among other things, good mentoring teaches the mentees how to practice law effectively and efficiently, which is in every organization's economic interest. Moreover, successful mentors often report that attorneys whom they once mentored later became excellent referral sources for new business.
- Successful mentors involve mentees more fully in cases and transactions, including bringing them to initial client meetings.

These mentors also take the time to explain to their clients the roles that the mentees will play, the different billing rates that will be charged, and the fact that the mentoring lawyers will ensure that the clients will not be double-billed. Such conversations affirm the mentees' importance and role in the matters at issue, as well as the mentors' trust and confidence in the mentees. Importantly, the conversations introduce the mentees into the client relationship.

- Successful mentors understand the concept of sponsorship, which involves advocating for those in whom the mentors recognize promise and talent to other lawyers, existing clients, and prospective clients. Such sponsorship reflects the mentors' investment in their mentees, and it conveys a sense of trust, confidence, and respect that is invaluable in cementing the mentoring relationships and in making younger lawyers feel valued as professionals. Moreover, such sponsorship provides a unique opportunity to promote inclusiveness and diversity in the legal profession, particularly when established lawyers are able to promote women, lawyers of color, and others who historically have confronted the glass ceiling in the legal profession and the business world.¹³

What Good Mentees Do

The authors also interviewed a number of mentees who have enjoyed successful mentoring relationships through one or more formal mentoring programs, including programs now under the auspices of CAMP. Perhaps not surprisingly, these mentees, like the successful mentors, have identified a number of common themes that underlie their mentoring relationships.

- At the beginning of the mentoring relationship, successful mentees seek to establish an understanding of how the mentor and mentee best operate. For example, some pairs prefer a more structured approach and closely follow CAMP's mentoring program outline. This approach allows the mentor and mentee to track their conversations and facilitates discussions about topics of interest that the pair might not otherwise have considered exploring. Other mentors and mentees prefer a more informal approach, developing their relationship as they go along. Either approach can be successful, as long as the mentor and mentee are on the same page as to how their mentoring relationship should function.
- Successful mentees tend to clarify early in the relationship who will be responsible for scheduling meetings between the two, thus ensuring the continuing progress of the relationship. In general, mentees tend to take on this role, and the mentors, who frequently have the more challenging demands on their time, welcome the mentees' assistance and diligence in keeping the relationship on track.
- Successful mentees tend to think about the particular areas in which they would like guidance, and share their goals for the relationship with their mentors. This tends to structure the relationship, and it also ensures that mentees will get what they need and want out of the relationship. Successful mentees report that their mentors welcome the mentees' input on how best to focus the mentoring relationship. Absent such input, a mentoring relationship can become haphazard and unproductive.
- Successful mentees are willing to share their experiences and concerns but also are good listeners, even when the message is difficult to hear. More than one mentee whom the authors

interviewed emphasized how valuable it was to have a dedicated mentor with whom he or she could share not only hopes and aspirations, but also vulnerabilities. In this regard, successful mentees value a mentor's candor, especially when, after listening to the mentee's concerns about a professional challenge, the mentor advises the mentee (in a professional way) as to why the mentee's approach to the situation is not necessarily the best one.¹⁴

- Although formal mentoring programs that match mentors and mentees cannot guarantee ideal matches, successful mentees in these programs recognize that they and their assigned mentors likely have in common something besides their law degrees and the practice of law. These mentees actively identify such commonalities, which tends to facilitate the building of a successful relationship, even among lawyers who were strangers to one another before the mentoring program paired them.
- Successful mentees are respectful of their mentors' time. Although mentors have an obligation to their mentees, particularly in the more formal programs, the reality is that mentors, as more senior lawyers, tend to have more commitments to juggle. Although mentees are right to expect that their mentors will devote an appropriate amount of time to the mentoring relationship, successful mentees are willing to be flexible—and patient—and accommodate their mentors' time constraints.
- Successful mentees recognize that they can learn as much from watching what their mentors do as they can from sitting down and having more formal conversations in which the mentors instruct and explain what they do. New lawyers tend to emulate those whom they admire. There is much to be learned simply by watching a top-notch lawyer at work.
- Finally, successful mentees come to the mentoring relationship with a desire and enthusiasm to learn from their mentors. These mentees frequently report that their enthusiasm is contagious and that it fosters enthusiasm in return from their mentors.

Print and Online Resources

The tips from successful mentors and mentees can serve as a useful starting point in any mentoring relationship. There are, however, many other resources available. Indeed, the universe of mentoring resources online is boundless. The following are examples of some of these resources:

- the CBA's Five-Minute Mentor Series: five-minute videos on topics such as trust account basics, effective appellate advocacy, professionalism, and lawyer website marketing¹⁵
- Colorado's Mentoring Resources: an online guide providing detailed suggestions for each aspect of the CAMP program¹⁶
- Ida O. Abbott, "Being an Effective Mentor: 101 Practical Strategies for Success" (2d ed., 2006)
- Ida O. Abbott, "Working with a Mentor: 50 Practical Strategies for Success" (2d ed., 2006)
- Maya Eckstein, "If I Knew Then What I Know Now . . ." *The Bench* 13 (Jan./Feb. 2005)
- Gary Seiser, "Mentoring: A Partnership in Growth," *The Bench* 14 (Jan./Feb. 2005).

Why All of This Matters

Why should lawyers care about whether mentoring relationships succeed or fail? Experience suggests a number of reasons.

First, good mentoring relationships yield better lawyers, and as any experienced lawyer knows, the legal system functions best when there are competent attorneys on both sides of a case or transaction. A successful mentoring relationship does not make only the mentee a better lawyer. Mentors routinely report that they also learn from their mentees and are better lawyers for it.

Second, good mentoring relationships tend to increase professionalism in the practice of law, which, in turn, makes the practice more enjoyable and tends to be good for business.¹⁷ Professionalism also tends to elevate the legal profession in the eyes of the public, which can only help to ensure the long-term success of the profession.

Third, good mentoring plays a significant role in achieving an inclusive and diverse legal profession by providing unique sponsorship opportunities for women, lawyers of color, and others who historically have been denied access to professional opportunities and client development networks.¹⁸

Finally, good mentoring relationships are highly beneficial in and of themselves. Good mentors and mentees often describe how rewarding their mutual relationship has been, and some of these relationships last a lifetime.

Conclusion

In today's competitive legal environment, the importance of good mentoring relationships cannot be overstated. Such relationships do not always readily develop on their own but instead take effort and commitment on the part of both mentors and mentees.

Fortunately, new mentors and mentees need not reinvent the wheel. They can learn valuable lessons from those who have enjoyed, and who continue to enjoy, successful mentoring relationships. The development of such relationships in the future is not simply a luxury. It is an indispensable part of creating and maintaining a profession of which all attorneys can be justifiably proud.

Notes

1. See Scalia *et al.*, "A Brief Comparison of the Training and Accreditation of Lawyers in the United States and the United Kingdom," 2 Discussion Paper, Anglo-American Legal Exchange (Sept. 2005) (on file with the authors) (explaining that in the late 18th-century United States, legal education comprised an informal apprenticeship system in law offices and that law schools sprang from this system and ultimately evolved from practical training to an academic endeavor).

2. *Id.*

3. See Campbell, "Mentoring—An Unmet Challenge," 40 *The Colorado Lawyer* 99 (July 2011). See also Derocher, "Mentoring, Changing Programs for Challenging Times," *Bar Leader* 6, 8 (Winter 2011):

[M]any bar associations are involved in mentoring to try and fill a growing gap at many law firms throughout the country, places where mentoring was a long-standing tradition. . . . That feeling [of law firms failing in mentoring] is part of a continuing cultural shift in the legal profession that is impacting mentoring at a time when it may be most needed. Some of those mentoring gaps start appearing at law schools . . . where many schools no longer teach the "nuts and bolts" of solo and small-firm practice at a time when more attorneys—many out of necessity—are turning to that practice.

See also Scalia, *supra* note 1 at 2:

Yet the quality of mentoring, whether at law firms or government agencies, is neither regulated nor coordinated by either the profession or law schools, and some new lawyers are not mentored at all. Even those new lawyers lucky enough to work at law firms with formalized mentoring programs are likely to receive less training where, as is often the case, law firms are driven to focus more upon the bottom line. Associates who must work harder to satisfy increasing billable-hour requirements are less likely to receive thoughtful mentoring from seasoned lawyers.

4. Gallagher and Sienko, Jr., "Put Me In Coach! Mentoring and Coaching at Today's Law Firm," 18 *The Professional Lawyer* 1, 24 (2008): As lawyers are increasingly being challenged to produce greater billable hours, opportunities for young practitioners to "learn by doing" are being eliminated. In past years, it was not uncommon for a senior attorney to include junior attorneys when handling client matters. Taking depositions could be used to train several younger lawyers who all had an opportunity to reflect, learn, and develop on a daily basis. Today, there is such pressure from clients to control costs that junior attorneys are losing out on these one-on-one training opportunities.

5. See Campbell, *supra* note 3 at 99.

6. See Derocher, *supra* note 3 at 8.

7. See generally Gabriel, "Professionalism in Today's Competitive Legal Market," 39 *The Colorado Lawyer* 65 (June 2010).

8. See denbar.org/index.cfm/ID/21197/DBA/Mentoring-Program.

9. For example, informal research by the authors in 2011 identified several groups that have varying kinds of mentoring programs, activities, or other means to link new lawyers with mentors, including the University of Colorado School of Law, the University of Denver Sturm College of Law, the CBA Family Law Section, the Colorado Criminal Defense Bar Association, the Larimer County Bar Association, local chapters of the Asian Pacific American Bar Association and the South Asian Bar Association working jointly, the Colorado Women's Bar Association, and the Colorado Trial Lawyers Association.

10. See, e.g., State Bar of Georgia Transition into Law Practice Program, www.gabar.org/membership/tlpp/index.cfm; Illinois Supreme Court

Commission on Professionalism Mentoring Program, ilscpp.org/mentoring/mentoring_index.htm; Supreme Court of Ohio Lawyer-to-Lawyer Mentoring Program, www.supremecourt.ohio.gov/AttySvc/mentoring; Utah State Bar New Lawyer Training Program, utahbar.org/nltp.

11. Organizations that currently are participating in mentoring programs under the auspices of the Colorado Attorney Mentoring Program (CAMP) include the Denver Bar Association, the 17th Judicial District's District Attorney's Office, the Minoru Yasui Inn of Court, the Larimer County Bar Association, and the Colorado Defense Lawyer's Association. Nearly a dozen other local bar associations, inns of court, law offices, and other legal organizations across the state are considering and/or planning to participate in CAMP starting in 2014.

12. Colo. RPC 1.1.

13. Reeves, "Five Principles for Creating Diversity in Law Firms," *The Practical Lawyer* 46 (Oct. 2002) (noting that mentoring has been proven to provide greater access to professional opportunities and client development networks to which minority attorneys historically have not had access).

14. With respect to these types of conversations, one mentee whom the authors interviewed suggested that in her view, the better mentoring relationships are those with attorneys who are not the mentee's immediate supervisors. Although great mentoring relationships can and frequently do form within a mentee's office, a mentor who is from outside one's own office can be a valuable resource and can provide a safe place for a mentee to speak perhaps more candidly about practice- and career-related issues.

15. See www.cobar.org/index.cfm/ID/22036.

16. www.cobar.org/repository/mentoring/MentoringResources_March2012.pdf?ID=21965. This document was prepared as part of the pilot phase of CAMP and was adapted from materials developed for Illinois' analogous program, ilscpp.org/mentoring/mentoring_index.htm. The authors thank the Illinois Supreme Court Commission on Professionalism for permitting this adaptation.

17. Gabriel, *supra* note 7 at 65.

18. Reeves, *supra* note 13 at 46. ■

QUESTIONS

- What has been a major factor in the diminished focus on mentoring in the legal profession?
 - too many lawyers
 - current law school graduates are more sophisticated and educated
 - an emphasis on economics and law as a business
- Which of the following have made mentoring even more important in the legal profession?
 - a decline in professionalism and civility
 - the law has become more specialized and complex
 - the importance of inclusiveness and diversity
 - all of the above
- What is critically important in developing trust between a mentor and mentee?
 - socializing together
 - confidentiality
 - working in the same legal specialty
- What is the most effective preparation tool for a mentee to learn in preparing to discuss a client's legal problem with a mentor?
 - formulate the problem and prepare questions to ask the mentor for alternative answers
 - write the problem down
 - develop and propose a solution to the problem
- What is one of the most common complaints of new lawyers?
 - not having enough technology support
 - assigned pieces of cases without an understanding of how the work fits into the overall matter
 - having to take on too much responsibility
- What is one of the most important keys to a successful mentoring relationship?
 - committing to a long-term mentor relationship
 - working on as many diverse matters with a new lawyer as possible
 - understanding how best to focus the mentoring relationship

Answers on page 74.

