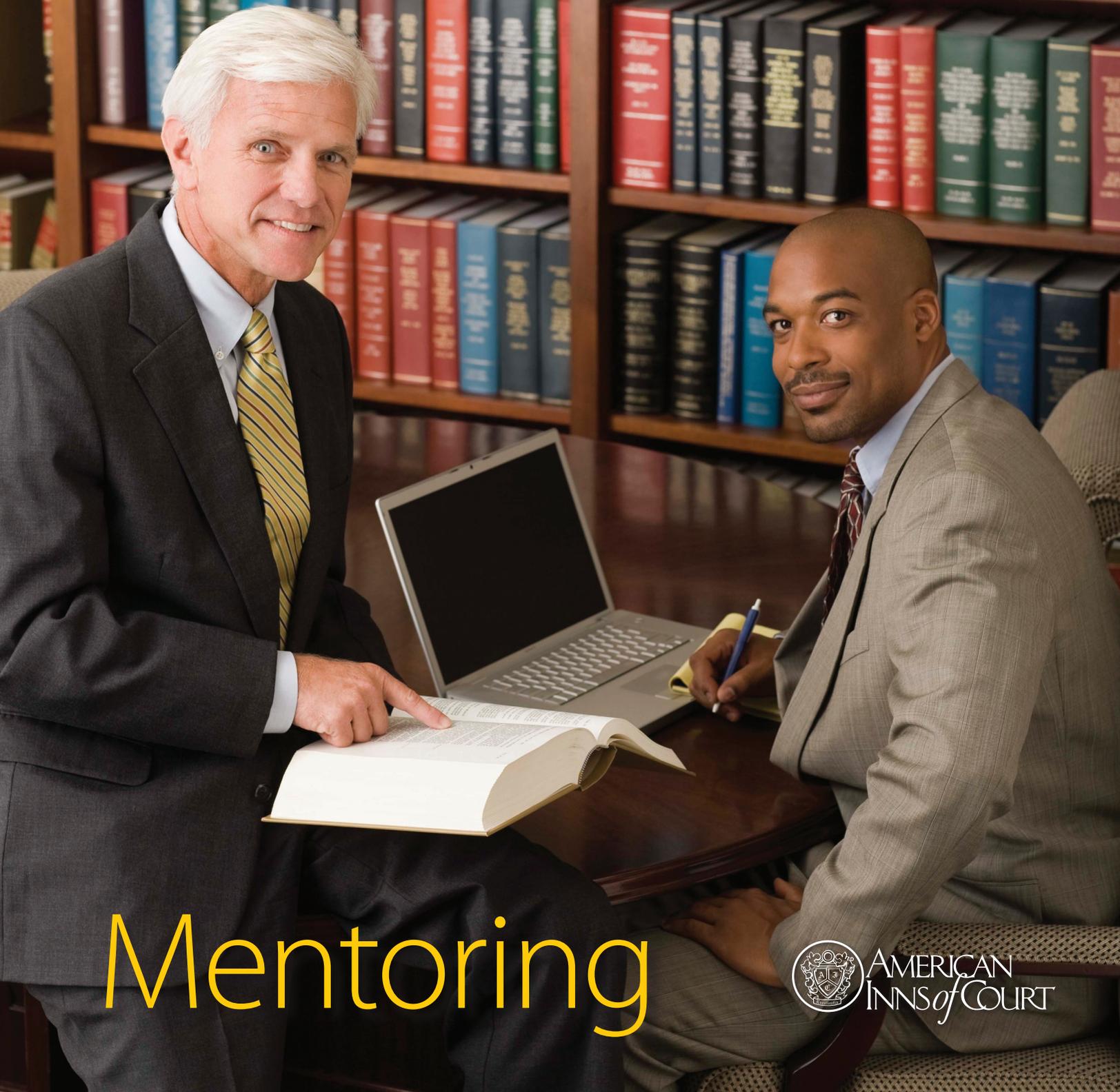


January/February 2011

# The Bench

THE MAGAZINE OF THE AMERICAN INNS OF COURT



# Mentoring



AMERICAN  
INNS of COURT



# Bridging the “Mentoring Gap”

BY MICHAEL L. DUNCAN

**M**any in the legal profession and, in particular, the legal media, have recently commented on a decline in mentoring. Despite my relative youth, I’ve witnessed it. If we allow this “mentoring gap” to continue, we risk losing many well-qualified young attorneys who yearn for and deserve guidance and training at our craft. This mentoring gap also threatens our overall profession and those we serve. The future of our profession demands we take immediate action to close this gap.

I realize this may appear to be “preaching to the choir.” After all, through our participation in the American Inns of Court and its programs, most of us have taken an active interest in professionalism and the professional growth and development of our younger members. Many within our legal communities have not actively shared in such efforts.

I do not believe my experience with mentoring is different than most other attorneys. I have had a

number of great mentors in my legal career. My first—and most influential—mentor in the legal profession was the Honorable Howard T. Snyder, U.S. Magistrate Judge (Ret.), Middle District of Florida, for whom I served as a law clerk after law school. Judge Snyder served as a great mentor and helped me grow as a lawyer during my clerkship, but has also, in the years since then, taught me how to be a mentor to others. And I believe that what I’ve learned from Judge Snyder and from other mentors over the course of my career can be helpful to determine how to best address concerns over the decline in mentoring in the law.

## The Mentoring Gap

The problem has been succinctly explained by Peggy Noonan, who recently referenced the 50th anniversary of Harper Lee’s *To Kill A Mockingbird* in her *Wall Street Journal* column on political issues of the day. Ms. Noonan aptly noted that “[t]here’s kind of an emerging mentoring gap going on in America right now. You can see it in a generalized absence of the wise old politician/lawyer/leader/editor who helps the young along, who teaches them the ropes and ways and traditions of a craft.” Peggy Noonan, *Youth Has Outlived Its Usefulness*, *Wall St. J.*, July 16, 2010, at A14. Ms. Noonan’s inclusion of “lawyer” as well as “leader” readily sets the stage for analysis of our profession’s mentoring gap.

## So how did we get here?

Some believe our mentoring gap has evolved largely due to growth of the “mega” law firms and the increasing focus on profits. In many firms, there exists a dominant “business first” mentality that forces everyone—from senior partners to fresh-from-law-school associates—to focus mostly on billings, billable hours, and leverage ratios, etc. With these firms and their attorneys increasingly casting their gaze solely upon short term financial performance, the resulting behavior can easily be anticipated: Each attorney (new or experienced) will strive to perform consistent with these metrics and achieve the quantitative goals the firm sets for them.

The impact on mentoring is obvious and could have readily been predicted. With time and effort focused largely on quantitative business performance, little time remains for personalized mentoring, which can help young lawyers develop into skilled practitioners. Similarly, it isn’t difficult to understand why many attorneys and their firms have fallen victim to this unfortunate trend. Most law firms—particularly larger ones—have no way to measure the contribution of mentoring as compared to billable hours, revenues, or average profits per partner. So what

cannot be quantified over a relatively short time span—mentoring—does not get measured, and is at grave risk of being ignored entirely.

While it may be easy to point toward larger law firms as prime examples of this trend, the mentoring gap is not strictly a big firm problem. I have heard from many attorneys—at big firms and small firms alike—that the amount of time devoted to mentoring has diminished. And I have heard judges comment about concerns that an increasing number of young litigators are not being trained for work in the courtroom.

## Why The Mentoring Gap Must Be Eliminated

Simply stated, ignoring or placing little value in mentoring puts the future of our profession at significant risk. Many good young attorneys are not being “shown the ropes” by more seasoned practitioners.

In our profession’s earlier days, before formalized legal education, judges and experienced attorneys provided the only opportunity for young aspiring lawyers to learn the craft of being a lawyer. While less formalized than our modern legal education system, this “reading the law” approach assured that more experienced members of the bar would pass on the skills and knowledge necessary to practice, and provide hands-on training for the next generation of professionals.

Today, we have the benefit of formalized legal education and continuing legal education programs, but more and more demands are made upon our time—professionally and personally. Our younger colleagues need the opportunity to learn from our more experienced professionals.

Why? Well, it is great for business. A new attorney is an investment. A senior attorney’s active mentoring confirms that the younger attorney’s development is important. When your new attorney sees that you care, you have a greater chance to build loyalty and trust. Others in the legal community will become aware of your investment and interest in your young attorneys. Ultimately, your firm can increase its chances of attracting better talent and improve the odds that talent can be retained for the long term.

Mentoring young attorneys also keeps good young attorneys from falling through the cracks. Having mentors available—even if simply to talk about career challenges or other life problems—might occasionally be the difference that keeps great young talent in the legal profession.

Another potential benefit concerns our profession as a whole. One wonders how many of the problems

certain members of our profession occasionally face—whether professional risk troubles, substance abuse, ethical and professional responsibility lapses—might have been avoided or minimized had the offending attorney received more guidance from mentors. I am not aware of any quantitative data supporting this premise. But in my approximately 15 years in private practice, I’ve learned that this profession is extraordinarily rewarding but also very stressful and challenging. And, when a young attorney is confronted with serious stress or challenge, there is often nothing better than an experienced colleague to talk to and from whom to gain perspective and guidance.

Another benefit of mentoring which is similarly difficult to quantify—yet may be among the greatest in value—is the satisfaction that comes from mentoring a young attorney and watching them develop and grow.

During my clerkship, Judge Snyder took the time to discuss all sorts of things with me. In addition to discussions about the work at hand, our talks often involved other topics such as approaches and attitudes about legal work, professionalism, work-life balance issues, my professional development, lessons from his experiences, and family. Judge Snyder has not merely served as a great professional mentor, he has been a terrific life mentor. I still get together for lunch and other events with Judge Snyder and his ability and willingness to provide advice and guidance has always remained steadfast. Despite his many accomplishments in the legal profession, he has told me that one great reward from his time on the bench has been seeing many of the law clerks he mentored move on and achieve great personal and professional success.

Whether discussing personal issues, or assisting with professional development, I also often find my most rewarding experiences to be those where I’ve been able to provide training or insight to a younger colleague. Recently, with the aid of two younger colleagues, including a first year associate, I tried a pro bono plaintiff’s case before a federal jury. It was wonderful watching these young attorneys examine witnesses before a jury for the very first time. Even more amazing was observing how hard they worked, and experiencing the joy of working with and mentoring them as they prepared for their

“...success in our profession is also about working with great people whom you value, respect and trust, and helping those talented junior colleagues grow and develop into great attorneys and, eventually, your partners.”

*Continued on the next page.*

work at trial. During the hours that the jury deliberated, I had the chance to tell them I was proud of their effort and their performance, irrespective of whether we won or lost. It was all the more satisfying when the jury returned a substantial verdict in favor of our client.

One of my partners recently described the value of mentoring as best as anyone I know. He explained that success in the practice of law has to be about more than just the money and that success is also about working with great people whom you value, respect and trust, and helping those talented junior colleagues grow and develop into great attorneys and, eventually, your partners. I find it difficult to imagine a greater professional joy than watching a young protégé develop into a trusted and valued partner.

## Okay, How Do We Bridge The Mentoring Gap?

Bridging the mentoring gap requires time and worthwhile effort. As discussed above, mentoring is crucial for many reasons. So what can we do to create more mentoring opportunities?

It is important for our Masters of the Bench, Emeritus members, and older Barristers to look for opportunities to mentor all younger attorneys. If your firm or employer does not have a formal mentoring program for younger attorneys, start one. If your practice or firm is not large enough for a formal program, do what you can to mentor on an informal level. Even if you do not work directly with a younger associate, let them know you are available to discuss case issues or to review drafts of their work. Accompany them to a deposition or a hearing (or let them tag along with you to observe you) and let them know your constructive criticisms and praises afterward. Your efforts will be appreciated and everyone involved will be rewarded.

While mentoring those within your own firm is a great place to start, your efforts don't have to end there. There are many young attorneys in need of a mentor. When you meet a younger attorney, such as an Associate or Pupil member of your Inn, ask about their practice. Take the time to sit with them at your Inn dinners and meetings. Ask them what they enjoy about law school or their work, and ask about the challenges they may have. Your insight might help them overcome their challenges or inspire them to greatness. If you are a judge or a trial lawyer with an interesting trial on your calendar in the near future, invite the young attorneys and law students to attend and watch from the back of the courtroom. Ask the younger attorney if there is any area of practice in

which they are interested in further developing—you might be able to offer some wise advice or refer them to someone in the community who can provide the type of training they seek. Take younger attorneys to lunch and discuss cases, professional development, or whatever they want. These younger attorneys who you assist or provide guidance to will be grateful and the profession and the legal community will benefit from your efforts.

For younger Barrister members, and Associate and Pupil members, mentoring is a two-way street. If your firm or employer does not have a formal mentoring program, ask if you can help to start one. If you cannot convince your superiors of the value of a formal mentoring program, develop your own informal mentor network. Seek out and get to know more experienced attorneys with a practice or experience in which you are interested. Find ways to work with attorneys in your firm who you have identified as good mentors. If you are not able to do substantive work with them, find other ways to gain insight from them. Take them to lunch. Sit down with them and tell them what you want to learn from them. Participate in a community or pro bono project with them. Show seasoned attorneys that you are worthy of mentoring—that you have the drive to succeed and a positive attitude. Seek out constructive criticism. Take responsibility for yourself and your development. In other words, show potential mentors that you are investing in your development, and they will be more likely to want to invest their time to mentor you.

## Conclusion

There are, I am certain, a few naysayers who may counter that mentoring is not necessary—that the only mentoring they ever received was an assignment and directions to the law library. I disagree. Just as no man is an island, no practicing attorney worth his or her salt ever had any success without guidance, direction, or constructive criticism or praise from another practitioner. Mentorship opportunities are all around us. Our younger attorneys need to actively seek out mentors, and our more experienced members must continue to make themselves available to serve as mentors. When this happens, the end result will be more successful mentoring relationships that with some effort, will not only be personally satisfying, but will greatly enhance and reward our legal communities. If we can seize these opportunities, together we can close the mentoring gap. ♦

*Michael L. Duncan is a shareholder with Volpe, Bajalia, Wickes, Rogerson & Wachs in Jacksonville, FL, where he focuses his practice on business litigation and civil trial work. He is presently a Barrister member of the Chester Bedell American Inn of Court.*