

Creating Positive Change in the Legal Profession: Successful Mentoring Strategies for Women Lawyers

By: Sharon E. Jones

Jones Diversity Group

If you are reading this article, probably you already know that mentoring is important to your success in the legal profession. Also, you may recognize that you do not have the kinds of meaningful mentoring relationships required to have a significant impact on your professional development. If you find yourself in this position, you are in the company of most women in the legal profession. With this in mind, I want to motivate you to become very *intentional* about your mentoring relationships. You must make a concerted effort to transform existing interactions into the types of relationships you need to be successful in the profession. (For purposes of this article, use your own definition of success. My definition includes women and people of color in leadership roles throughout the profession.)

Poor mentoring relationships are one of the reasons women, as a demographic group in the profession, have not achieved the success we have expected. Improving the way women informally connect to and relate with senior lawyers is likely to increase the career success we achieve as well as boost our professional self-fulfillment. Finally, we will create positive change in the profession by reaching leadership roles and asserting our different “lens” to create more inclusive workplaces and policies. As you can see, creating more effective mentoring relationships is a win/win proposition: We win and the legal profession wins.

The Facts

In order to develop a successful mentoring strategy, you have to understand the facts. You need to be knowledgeable of the statistics regarding the advancement of women associates, partners, in-house counsel, General Counsel, and others in the profession. Are the trends improving for the hiring and advancement of women? How many women do you see in leadership roles? Two good sources for data are Catalyst (www.Catalyst.org), a research organization that focuses on women’s issues in the workplace, and NALP (www.nalp.org), an organization that annually conducts demographic research on U.S. law firms. So what are some of the key facts as of 2009?

- 19.21% of all partners are women
- 1.88% of all partners are women of color
- 45.66% of all associates are women
- 11.02% of all associates are women of color¹
- 17% of the Fortune 500 General Counsels are women²

What are the trends? The percentage of women in each category above is increasing, (except for General Counsels which decreased by 1% last year) but at a very slow pace. If you noticed anything from these statistics, it’s that there is a significant reduction in the percentage of women as we move into the highest levels of the legal profession. What causes this significant attrition? There are many possible explanations, but I know that a part of that attrition is due to few or ineffective mentoring relationships.

One factor influencing the quantity of mentoring relationships women have is the difficulty creating informal mentoring relationships across gender lines. There are two types of mentoring relationships: formal and informal. Formal relationships are usually set up by an organization and there is a match made by the mentoring organization and not by the individuals. Informal mentoring refers to relationships that occur “naturally” or without an external structure. Informal relationships generally develop between people who have lots of apparent similarities. In a profession or law firm that is predominantly white male, it is not surprising, that informal relationships generally don’t develop “naturally” between white women or women of color and white males.

Law firms work like a patronage system. If you don’t have someone watching out for you, you’ll fall through the cracks. It’s very hard to find a Mentor if there’s not somebody who identifies with you. Either you have the same likes or you come from a similar background or you can talk about your school or something to draw

*Be intentional
about your
mentoring
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1. NALP, 2009, www.nalp.org.

2. Diversity and the Bar, Minority Corporate Counsel Association, July/August 2009.

a connection. And for a lot of people of color and for a lot of women, there isn't anyone in the partnership, in the upper echelons, that has a similar background or can empathize with you or relate to you and therefore, you don't end up having a Mentor.

Visible Invisibility: Women of Color in Law Firms, ABA Commission on Women in the Profession 2005 at 12 (quoting a Latina).

Another reason why these informal relationships are difficult to develop naturally across gender lines is that many men have a presumption that women have a lack of commitment to the organization and/or the profession. Some men routinely say that it doesn't make sense to invest the time and

resources in women attorneys who are highly likely to leave the firm to have children and work in a less demanding environment or leave the profession all together. In order to develop an informal relationship across gender lines it is very important that you are aware of that common presumption and that you are prepared to rebut it with the facts of your personal situation.

Effective Mentoring Relationships Focus on the Unwritten Rules

Once you have formed a mentoring relationship, it is really important to make the relationship as effective as possible. What should happen in an effective mentoring relationship? What are most of us missing? There is much research that demonstrates that what we lack is an understanding of the *unwritten rules* of success in the profession:

Advancing in today's business world is often as much about learning and playing by the rules as it is about talent and results. Some rules are explicitly stated in organizational handbooks, performance review procedures, or by senior leadership. But other rules are left implicit—*unwritten*—for employees to decipher on their own. Those who do not have the tools or access to this maze of unwritten rules and the important knowledge they provide remain left out, no matter how competent they are.

"Unwritten Rules: Why Doing a Good Job Might Not be Enough," Catalyst, 2010 (emphasis added).

3. See Also, "Visible Invisibility: Women of Color in Law Firms," ABA Commission on Women in the Profession, 2006 at 12-17.

One of the most important things you can do to cultivate effective mentoring relationships is to get your Mentors to articulate the *unwritten rules* of your workplace culture:

- What are the internal politics?
- How do things work behind the scenes?
- What is the preferred way to get the organization to be responsive to your needs?
- How can you position yourself to be successful in this culture?
- Who are the key movers in your workplace?
- How can you differentiate yourself from the pack and get an opportunity to work alongside the firm's decision-makers?

The answers to these questions can greatly impact your success. Your Mentors within your organization can also help to minimize and identify problems resulting from gender-based differences. It is highly likely given the professional demographics of the legal profession (i.e., predominantly white and male), that your firm or corporation is run by white males. If that is the case, the culture will value characteristics, traits and behaviors that white males do naturally, but which may be foreign or uncomfortable to women. For example: self-promotion. White male culture values the art of self-promotion. Those who appropriately self-promote often advance. Those who are quieter and fail to self-promote are often undervalued and un-rewarded. Generally, women and people of color are socialized not to self-promote. But refusing to do so in the legal profession is a sure recipe for failure. Our task is to find an authentic way to self-promote which is appropriate within our workplace and with which we are comfortable. Your Mentor can and should coach you on this common cultural difference.

As hard as developing successful mentoring relationships are for women in general, it is even more challenging for women of color. "*Women of Color in U.S. Law Firms*," Catalyst, 2009 at 5.³ Women of color face the challenges of identifying and developing relationships across multiple lines of difference, including, race, gender, ethnicity, socioeconomic status, sexual orientation/gender identity, and nationality, among others. These factors have more than an additive effect—it makes their challenges exponentially more difficult. These seemingly impenetrable difficulties can easily be observed in the small number of women of color partners (1.88%) and the high attrition rate within law firms.

The point of these facts is not to depress you but to demonstrate the connection between developing effective mentoring relationships and career success. Now that you are really focusing on this topic, let's discuss some strategies to create these important relationships.

Informal mentoring relationships can present a challenge to women

Strategies for Mentees

1. Seek out Mentors Across Lines of Difference—It is really important to have Mentors who are knowledgeable about your practice area, the profession, the firm or your corporate legal department and where you want to go with your career. Find the best Mentors you can identify and be intentional about developing relationships with Mentors across lines of difference (e.g., race, gender, ethnicity, religion, sexual orientation, age, etc). By so doing, you expose yourself to your Mentors' networks and relationships which may be completely new to you. You also get to see the world through that lens of difference. If some of your Mentors look like the white male power structure in your firm or organization, you will learn a lot by understanding how they view the world and what they think you need to do to be successful. Plus, these diverse Mentors often are very powerful or have access to powerful people who you would like to know.

2. Give as well as take—Mentees often approach mentoring relationships as unidirectional. They take and receive but don't think to give back. That type of relationship is usually short lived because no one likes to be in a relationship for too long that is lopsided. One way to help your relationship flourish is to make sure you give something back to your Mentor. It doesn't have to be a lot, but it does have to be valuable. For example, the Mentee can often assist the Mentor understand emerging internet and social media trends. Most older Mentors do not fully understand how to access or utilize new media. Sharing that type of advice can be extremely helpful to your Mentor. Expose your Mentor to your networks and contacts. If you have a relationship built across lines of difference, your Mentor may appreciate the opportunity to expand his or her network. By so doing, you assist your Mentor in building multicultural competency.

3. Be Prepared and Respectful of Your Mentor's Time—Find out what works best for your Mentor in terms of scheduling. Some people are "email people" and some people prefer telephone and still others would prefer you work with their administrative/executive assistant. Use the method of communication which your Mentor prefers—even if you don't. The older your Mentor is, the more likely he or she may prefer telephone conversations and in-person meetings. When you have a time scheduled, tell your Mentor what you would like to accomplish at the outset of the meeting and make sure you don't spend more time than allotted without checking with your Mentor's schedule. Do not make "immediate" (i.e., I need you to review this right now) time demands on your Mentor unless it is truly an emergency. Such demands suggest you don't respect your Mentor's time and commitments. Remember: poor planning on your part does not make an emergency on your Mentor's part.

4. Develop Mentoring Relationships both Inside and Outside Your Organization—It is important to have many different Mentors—especially Mentors both inside and outside your organization. Mentors inside your organization are very help-

ful to guide you through internal politics and to create opportunities for you. They can also "vouch" for you and raise your perceived value within the organization. Outside Mentors can serve the same role for you in the profession at large, within a bar association or other outside organization as well as provide a "safe" place to discuss topics you don't want to talk about with someone in your firm (e.g., plans to leave).

Strategies for Mentors

1. Teach the Unwritten Rules of the Profession and/or your Legal Organization—This strategy is one of the most important for the Mentoring relationship. Use the relationship to discuss these rules explicitly and implicitly. How are things done? How is consensus built? How do you build the credentials to be qualified for a certain future role or position? What do people look at to determine your value? What is your reputation? How are you viewed by others? A Mentor should answer all of these questions over time. If the Mentor doesn't know the answers, he or she should be able to point you in the direction of someone who knows. If your Mentor can't do that, you have the wrong Mentor.

2. Provide Leadership and Visibility Opportunities—Mentors should be able to provide leadership and visibility opportunities for their Mentee within the firm or legal department or within the profession or civic community. It is important for lawyers new to the profession to get junior leadership opportunities so they can develop leadership skills before attaining a senior leadership role or in order to have the qualifications for a senior leadership role. A Mentor, who knows his or her Mentee well, can usually pass on some opportunities or suggest his or her Mentee to others when an organization is looking for someone to take a leadership role. Similarly, visibility opportunities which give the Mentee an opportunity to shine are very important both within the firm and outside the firm. People have to see you in successful roles in order to think of you for future roles. Ask your Mentor to suggest such opportunities if he or she doesn't make them readily available.

3. Share Strategies for Balance/Sequencing—If your Mentor has a lifestyle similar to the type of life you wish to have, you should make sure you ask how he or she has attained this work/life balance. Depending on the age difference or gender difference, the strategies may not be useful or applicable to you. But, your Mentor should be able to introduce you to someone who might be able to provide some helpful advice about how to achieve balance or a sequencing that might work for you. This is very important because to achieve leadership roles, women need to stay in the profession for most of their work life. That suggests that success in the legal profession is more similar to completing a marathon as opposed to a sprint and you need the strategies of an endurance runner as opposed to a sprinter.

Strategies for Both Mentors and Mentees

1. Build Multicultural Competencies—Use the relationship to build multicultural competencies both for the Mentee and the Mentor if it is a relationship built across lines of difference. By so doing, you will increase your own knowledge and competitiveness and you will enhance both parties' knowledge and competitiveness. As we move forward in the global economy of the 21st Century, individuals with multicultural competencies will be most successful and sought after by employers, clients and others. To the extent your Mentor is a senior person within your firm or legal department, these multicultural competencies

may cause your Mentor to support or sponsor programs or cultural changes which make your workplace more inclusive. Discuss the challenges that women or women of color may face in the profession and use the mentoring relationship to help you develop a success strategy that deals with them.

2. Share Access to Networks—Mentors and Mentees should share their networks with each other. By so doing, you increase the value of the relationship for the other person. You also increase the likelihood that the relationship will flourish and be sustainable over time.

3. Confidentiality is Extremely Important—Most research on how to create effective mentoring relationships emphasizes the importance of confidentiality to the success of the relationship. Mentors won't tell their Mentees sensitive information if they think the Mentee will tell others. Mentees won't share their concerns with their Mentors if they fear it will be circulated all over the workplace or used in their performance appraisal. The one big exception to this arises when your Mentor is within your firm or legal department and you share something which may constitute an ethical violation, malpractice or sexual harassment. In such an instance, your Mentor will have a fiduciary obligation to share this information with the appropriate management leaders at the firm or in the legal department. If you share such information, you need to know what the likely outcome is. Your Mentor should tell you that he or she cannot keep this type of information secret. If you aren't ready to take it to management, one way to avoid this situation is to share it with a Mentor outside your organization since no such fiduciary obligation is likely to exist. That's another reason why it's important to have Mentors both inside and outside your organization.

Sponsors vs. Mentors vs. Friends

Your Mentor is not your best friend. Your Mentor is someone with whom you have a professional relationship and that relationship has many of the characteristics described above. Your friendships don't need to have any of the characteristics described above. These are different types of relationships with distinct purposes. Similarly, your Mentor doesn't have to be your Sponsor or vice versa. Your Sponsor is the person in the room when decisions about partnership, promotion or other types of advancement are made. Your Sponsor is the one who will speak for you and talk about your strengths and be willing to place his or her chips on you when its time to vote or make the decision. In today's world, you need a Sponsor to attain the highest level of advancement to a law firm partnership.⁴ This is true for both men and women. You need to make sure you have identified your Sponsor and that he/she has agreed to play that role for you. In my view, an explicit conversation is required. If you have no Sponsor, it is highly unlikely that you will advance to partnership within that firm. It might be time to look for another place. Similarly, in most corporations, you need a sponsor to advance to the highest levels. The same advice applies. If you have not developed a Sponsorship relationship when it is time to advance, move to another place and try again.

Mentoring Relationships are a Journey and Not a Destination

One important facet of a successful mentoring relationship is that it is a relationship. Like a fine wine, it will improve with time. You want to spend time getting to know your Mentor and vice versa and to build the bonds of trust so that when the time comes to discuss the most sensitive issues you both feel comfortable being candid. Some relationships last a lifetime and some have a definite end. Just like any other relationship, you may not know where it is going to go when you first start it—just spend quality time and enjoy the ride. ■

Resources

- *"Diversity in the Legal Profession: The Next Steps" Summary Report and Recommendations*, American Bar Association, 2010
- *"Unwritten Rules: Why Doing a Good Job Might Not be Enough,"* Catalyst, 2010
- *"Visible Invisibility: Women of Color in Law Firms"*, American Bar Association Commission on Women in the Profession, Janet E. Gans PhD., 2006
- *"Women of Color in U. S. Law Firms,"* Catalyst, 2009

4. *Visible Invisibility: Women of Color in Law Firms*, ABA Commission on Women in the Profession, at 16.

Having a sponsor is important to success

Sharon E. Jones



Sharon is President of Jones Diversity Group. Her firm provides diversity/inclusion strategic consulting and training to leaders of law firms, corporations, government and not for profit organizations. Her firm's broad range of services enables organizations to fully utilize, retain and promote diverse lawyers into leadership roles as well as create inclusive workplace cultures.

Jones Diversity Group conducts assessments of law firm cultures with respect to diversity and inclusion; provides diversity and inclusion training/education, mentoring program design and training; management leadership coaching around issues of diversity and inclusion and strategic plan design and implementation. Sharon's work with Jones Diversity Group is national in focus but has involved work with global entities. She is a regular speaker at conferences within the legal profession, including partners' retreats; women's and minority retreats and bar association diversity conferences.

Sharon has practiced law and been a community leader over a 20 year career, including positions as a federal prosecutor, with major law firms and with Fortune 500 Corporations. She has been highly successful as a litigator, strategist, manager, counselor, an educator and a problem-solver with regard to extremely complex and sensitive matters.

From 1985-1989, Sharon served as an Assistant United States Attorney for the Northern District of Illinois, based in Chicago, where she conducted federal grand jury investigations and trials in high profile white-collar criminal cases. In private law practice, she was a partner at Bird, Marella, Boxer, Wolpert & Matz in Los Angeles. In addition to her litigation practice, she was responsible for all in-house continuing legal education, as well as being an adviser to clients on a variety of employment and workplace harassment issues. She was Of Counsel at Orrick Herrington & Sutcliffe in Los Angeles, where she created and implemented its litigation training as well as firm-wide orientation training and evaluation programs. Sharon has taught Trial Advo-

cacy, both as an Adjunct Professor at Northwestern Law School and at the National Institute for Trial Advocacy.

In the corporate sector, Sharon managed litigation matters worldwide for Abbott Laboratories, as well as advising senior management in matters of crisis management and in fashioning creative solutions to highly complex business issues. Most recently, Sharon acted as Senior Counsel at SBC Communications (now AT&T).

Sharon is a past President and co-founder of the Black Women Lawyers Association of Chicago. While Program Chair she created the innovative monthly BWLA Roundtable luncheon series designed to increase mentoring and networking opportunities for its members. Sharon is currently on the Board of Directors for Women Employed. She also served as a consultant to the ABA General Counsel Steering Committee to the Minority Counsel Program. She is a past Chair of the Chicago Bar Association Committee on Racial & Ethnic Diversity and was instrumental in the 2006 adoption of the Chicago Bar Association's Diversity Initiative and Commitments on Racial & Ethnic Diversity for law firms and corporate legal departments. Sharon is the First Vice President of the Harvard Law School Alumni Association and will become its President in June 2010. She is an alumnus of Leadership Greater Chicago.

Sharon has received numerous awards including most recently the Black Women Lawyers Association of Chicago's Woman of Vision Award (2006); Chicago Bar Association's Breaking Barriers, Building Bridges Award (2008); and the Young Women's Leadership Charter School's Industry Leader Award (2008). She is co-founder of the Association of Black Radcliffe Women (1975) and Black Women Lawyers Association of Chicago (1986); two organizations which continue to thrive.

Sharon is a co-author of a guide published by the American Bar Association in May 2004 entitled, "Walking the Talk: Creating a Law Firm Culture Where Women Succeed" which deals with the retention and promotion of women in law firms.

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