

managing a  
**M E N T O R I N G**  
relationship





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## **Disclaimer**

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## **Mentoring: Its time has come – again**

It is a tradition that has withstood the test of time – and today is making a comeback. Back in the 13th century, when judges had to provide for the apprenticeship of lawyers, mentoring was the only way lawyers could learn their craft. Today, although legal training is more formalized, interest in mentoring persists. Why? Because mentoring was, and continues to be, one of the most effective ways to pass on skills, knowledge and wisdom, and train the next generation of professionals.

A number of factors have brought mentoring back into vogue: increased concern with incivility in the profession; a desire to improve the profession's public image; and a growing recognition that the profession of law is becoming the business of law. Both sole practitioners and lawyers at law firms are now recognizing that mentoring makes good business sense.

The Lawyers' Professional Indemnity Company is a strong advocate for mentoring, not only because it enhances law practice, but also because we believe it can help reduce claims. To encourage mentoring, we will waive any deductible and claims history levy surcharge for a claim made against a mentor and arising out of a mentoring relationship, provided some simple guidelines have been followed. (For more details, please see page 20).

## **How to use this booklet**

This booklet is useful for both mentors and mentees who are looking for practical advice and insights on how to make a mentoring relationship work. Sole practitioners and law firm lawyers alike will be able to adapt this book to their specific needs. If you're looking for only a broad framework for your mentoring relationship, you'll find the general guidelines and sample forms useful. However, if you plan to enter into a more formal mentoring relationship or program, you will find detailed advice on how to prepare for, structure and participate in a mentoring relationship.

## What is mentoring

If you ask 10 different people to define mentoring, you will get 10 different answers. Although there are dozens of more complex definitions, at its most basic level mentoring is the passing on of skills, knowledge and wisdom from one person to another.

Mentoring relationships can be informal and unstructured, more complex and procedure-based, or somewhere in between. But no matter what form they take, the structure of the relationship is not as important as the learning that occurs. We all thrive when we learn in the presence and with the help of others who have gone before us.

Mentors do more than simply pass on knowledge and information. They impart lessons on the art and science of living, and, in the case of lawyers, the art and science of the practice of law. And through the very act of mentoring, they help others acquire vital knowledge and skills more quickly, and often more effectively, than if it was acquired through the “school of hard knocks.”

## The new style of mentoring

In many ways, today’s mentoring relationships function quite differently from those of the past.

In the traditional style of mentoring, the primary goal was a one-way transfer of a broad range of knowledge or information. The mentor was the authoritarian source of this information, and directed all other aspects of the mentoring relationship. The mentee was a passive recipient and often had little say or control in the relationship. The relationship lasted for a set period of time, and a mentee would have only one mentor. Mentoring would only occur on a face-to-face basis.

Today many mentoring relationships have evolved to become more focused on learning. Unlike the traditional model, learner-centred mentoring is a dynamic and two-way relationship that involves critical reflection and full participation by both partners. The mentor assumes a role of a facilitator. The mentee becomes a proactive and equal partner, helping direct the relationship and set its goals. The mentee can also have multiple mentors over a lifetime, and even concurrently. There will still be face-to-face interaction, but mentoring can also occur by telephone, e-mail or other means.

## **Why mentoring is good for the legal profession**

Mentoring not only benefits the individuals involved, but also pays dividends for the profession as a whole. Sole practitioners, lawyers who are just starting out at a law firm, or lawyers who are moving into a new area of practice can learn from the experience of others through a mentoring relationship.

If you practise in a law firm you likely take for granted the fact there is a confidant down the hall who is instantly and easily accessible if a question arises. If you are a sole practitioner, you will appreciate this is a luxury that you don't have. Mentoring can help newly called lawyers get a leg up on the incredible amount of learning that lies ahead. Law schools and bar courses simply cannot impart the skills and experience that are critical for practising law proficiently.

No matter what the background of the participants, a mentoring relationship can accelerate the process through which critical skills are gained, and can help prevent mistakes. When individual lawyers more quickly increase their skills to become an integral part of the profession and the administration of justice, the profession itself benefits.

The myths that often deter prospective mentors and mentees from participating in mentoring relationships are, as this section points out, just that: common misperceptions based on inaccurate information.

### **Myth: Mentoring will take too much time**

**Fact:** Participants in mentoring relationships consistently report that mentoring takes less time than they expected. One or two short phone calls a week often is all that is required in a less formal relationship. A more formal relationship will take more time. In either case, the key to dealing with the issue of time is effective time management. From the outset, participants need to have consistent expectations on the amount of time to be spent on the relationship; and they need to make the most efficient use of their time together.

### **Myth: Only seasoned practitioners make good mentors**

**Fact:** Unfortunately, many lawyers who have been in practice for five or ten years do not consider themselves to be potential mentors. In fact, they are often in a better position to mentor than those who have been practising 15 to 20 or more years. The five-to-ten year lawyer has more current experience handling the issues that a recently called lawyer may be struggling with, and thus may be in a better position to help.

Recognizing this reality, many law firms today are assigning senior associates to mentor new junior associates, while the senior associates are being mentored by partners.



## **Myth: Mentor and mentee must be in the same place**

**Fact:** In traditional mentoring relationships, the mentor and mentee were usually in one place and interaction occurred on a face-to-face basis. However, new ways of communicating, via the Web, e-mail and other new technologies, today make long-distance mentoring more feasible and more common.

The key to successful long-distance mentoring is a shared understanding of how and when communications will occur. While some face-to-face meetings may be necessary, telephone calls and/or e-mails often are satisfactory for most subsequent discussions.

A principal benefit of long-distance mentoring is that it significantly expands the field of mentors available to any one lawyer. This is especially useful for those who practise in smaller communities where a suitable mentor may not be available locally, or in situations where the only local mentor candidate is a lawyer who often acts on the other side of matters you handle.

## **Myth: Only newly called lawyers can benefit from being a mentee**

**Fact:** Mentoring can and does benefit even an experienced lawyer. For example, if you are expanding your practice into a new area of law, access to a lawyer with experience in that area of law would significantly reduce your learning curve. Similarly, an experienced lawyer joining a new firm could benefit from a short-term mentoring relationship. Having a mentor ensures that the new law firm member is more quickly integrated into the firm, including matters such as the firm's procedures, and is introduced to its clients and contacts.

# preparing for a mentoring relationship

There is no right way to mentor. Every mentoring relationship is as unique as the individuals involved in it. However, no matter who the individuals or what shape the relationship takes, completing some groundwork can help create a stronger and more productive relationship. This section reviews the issues that mentors and mentees should consider as they prepare to engage in a mentoring relationship.

## Why be a mentee?

Because having a mentor can “jump-start” your practice and contribute enormously to a successful and satisfying career in law.

If you’re a newly called lawyer, you’ve likely heard that “the real learning starts after law school ends.” Much of that learning happens not through books, but through real world experience. Without a mentor, it occurs by trial and error. Having a mentor lets you tap into the learning that has gone before you.

Similarly, sole practitioners, and lawyers new to a firm, discover that being a mentee shortens the learning curve for acquiring the skills and knowledge that are critical to a profitable law practice

Other benefits that accrue to you as a result of being a mentee in a mentoring relationship include:

- **Learning new things about yourself:** The self-reflection that can result from a mentoring relationship can be a powerful growth experience and provide you with new insights about yourself.
- **Making more of your strengths and exploiting your hidden talents:** A good mentor will push you to do more with your strengths, and help you discover and exploit hidden talents.

- **Contributing to the success of your practice and firm:** A mentee who builds a strong practice ultimately contributes to the success of the practice or firm.
- **Career satisfaction:** You will be more satisfied with your career if you have a successful and profitable law practice.
- **Expanding your personal network:** Entering into a mentoring relationship adds your mentor to your personal network, and may lead to an introduction to the individuals in the mentor's network.
- **A source of referrals:** Your mentor may refer work to you once s/he knows and trusts your abilities.

## How can a mentee prepare?

### Set goals

Your first step is to identify your goals for the mentoring relationship. What do you hope to learn?

For example, you may have a general goal: To become a better personal injury litigator.

However, you should also have some specific goals, such as: to develop the skills necessary to conduct an examination for discovery; or to properly cross-examine expert witnesses; or to gain an understanding of the various no-fault insurance regimes.

Identifying your goals will help you identify a prospective mentor. In choosing a mentor, search for someone who has the background and experience to assist you in attaining the specific goals you have identified.

## Don't be afraid to ask

One obstacle that many mentees face is their own reluctance to ask someone to be a mentor. This reluctance is quite common, and for many is rooted in the embarrassment of having to acknowledge that they may need help, or in a fear of rejection.

How do you overcome this reluctance? Focus on your goals and needs. There is nothing wrong with admitting that you need help. Moreover, you'll likely find that the prospective mentor responds to your request in a positive way, even if that lawyer declines to be your mentor. The fact is mentors consistently say they are flattered at being approached, and welcome an opportunity to "give back" to the profession.

Consider too that mentoring is making a comeback in the legal profession, prompting many organizations to launch mentoring initiatives, including some that attempt to match prospective mentors and mentees.

**Appendix 1 – Other mentoring initiatives** provides a partial list of other mentoring initiatives in Ontario.

## Why should I be a mentor?

While mentees usually participate in mentoring for one basic reason, the reasons for mentors wanting to do so are more numerous and varied. They include:

- **A desire to repay a debt to society:** Successful lawyers often want to pass some of their success on to others.
- **An obligation to give something back to their profession:** Lawyers who are successful, or had mentors themselves, often feel that they should give something back to the profession through a mentoring relationship.
- **Mentoring is part of a firm's culture:** In some firms mentoring is thoroughly ingrained in the firm's culture, and acting as a mentor is an accepted part of each lawyer's contribution to the firm. It is seen as an important investment in the future and success of the firm.

- **It is a calling:** For some individuals mentoring is almost a vocation. It is something that they are very passionate about and feel very positive about participating in.

The many benefits that can come from acting as a mentor include:

- **Learning new things about yourself:** The self-reflection that can result from a mentoring relationship can be a powerful growth experience and give you new insights about yourself.
- **Satisfaction of passing on knowledge:** Many mentors simply gain great satisfaction from passing on and sharing knowledge.
- **Contributing to the success of the mentoring partner's firm:** A mentee who builds a strong practice ultimately contributes to the success of the firm.
- **Acquiring new knowledge:** You may find your mentee has skills or experiences that you can learn from. Similarly, acting as a mentor often becomes a refresher in law, strategies and attitudes.
- **Expanding your personal network:** Entering into a mentoring relationship adds another individual to your personal network, and you become one removed from all the individuals in the mentee's network.
- **A source of referrals:** Your mentee may refer to you work that she or he is not comfortable with.
- **Having someone to delegate to:** Your mentee may become someone you trust to delegate work to.
- **A confidence builder:** Having someone regularly turning to you for advice and direction can help build your confidence.
- **Staying in touch with the younger members of your local bar:** Mentoring a younger lawyer ensures you stay current with issues and developments in the next generation of professionals.

## How can a mentor prepare?

### **Assess your experiences**

We are all the sum of our own experiences. Self-reflection helps you bring those experiences – and the learning that results – to the fore, which in turn can bring added perspectives to the mentoring relationship.

To better understand themselves, mentors should reflect on the significant events in their lives, their successes and failures, the obstacles they encountered and the lessons they learned along the way. Any previous experience as a mentor or mentee should also be considered, as it will help you better understand how you should act in your role as mentor.

### **Assess the mentee's needs**

Consider also your understanding of the mentee's experience and needs, in light of your own background. This will help you better determine what contribution you can make to the mentoring relationship, and how you can assist the mentee in attaining the goals that have been set for the relationship.

### **Be prepared to withdraw**

If, after some self-reflection and consideration of the mentee's goals, you realize that you do not have the skills and experience necessary to attain the goals identified for the relationship, be prepared to say so. This should be seen as a positive outcome that will help the mentee find a mentor who is a more appropriate match.

# Setting terms for a mentoring relationship

Agreeing on the terms of a mentoring relationship is not simply and solely about drawing up a formal written agreement – which, although useful, is not a necessity. Instead the goal is to ensure both partners understand why they are working together, what they want to accomplish, and how they are going to reach the desired result. Setting the terms for the relationship in some detail at an initial face-to-face meeting will make the relationship stronger and more productive.

## The first meeting

At the core of most successful mentoring is a relationship with another person. An initial face-to-face meeting, at which there is an open and honest discussion of backgrounds and experiences, will help the prospective partners get to know each other. This first meeting will help build trust and rapport, elements that are essential to the relationship's growth and success.

At this first meeting the mentor and mentee should discuss the following issues:

- the goals for the relationship;
- the scope of responsibilities each partner is assuming, including what the time commitments will be;
- the logistics of the relationship, that is, how, when and where meetings and communications will occur;
- how to deal with confidential information;
- what topics or issues are outside the scope of the relationship (boundaries);
- how obstacles or problems are to be dealt with; and
- how and when to end the relationship.

These issues are reviewed in more detail in this and the next two sections of this booklet.

## Identify goals for the relationship

Before embarking on a mentoring relationship, the prospective mentor and mentee should review the mentee's goals. The goals should be specific, attainable and measurable. The mentor can help by pushing the mentee to set challenging or "stretch goals" that push the mentee outside of their comfort zone.

The next step is determining if the mentor can assist the mentee in attaining those goals. This will prevent a mismatch of mentor and mentee. Assuming the mentor and mentee are a match, there should be some discussion of how the mentor and mentee can work together to achieve the specified goals.

## Do personalities and mentoring styles match?

Mentors and mentees will have to adjust as they find their own mentoring style and preferences. Having two individuals with matching chemistries can make for an easier relationship. A mentor and mentee can get a reasonably good idea of how they will get along at a first meeting.

## Talk about expectations

Inconsistent or different expectations can cause a mentoring relationship to fail. Both mentor and mentee should openly discuss everything, from what they expect to get out of the relationship, to how it will work, including the logistics of how and when to communicate, confidentiality and boundaries.

## Discuss time concerns

Lack of time is the reason cited most often for failure of a mentoring relationship. Mentors and mentees need to understand from the start that mentoring involves a commitment of time, and should deal up front with any time concerns they may have. If necessary, the partners can set parameters as to when and how interactions should occur.



## Set boundaries

Both mentor and mentee should clarify, at the outset, any limits placed on the relationship in terms of subject matter, time, or confidentiality.

Professional issues that often arise in mentoring relationships include strategic, ethical and moral concerns, marketing and networking. Inquiries related to more practical matters can include advice on how to handle a difficult client, opposing counsel or member of the bench.

Strictly personal issues are frequently, but not always, out of bounds. Some firms make personal matters out of bounds. To encourage full and open disclosure, other firms assign a mentor outside of the mentee's practice group to deal with personal issues in complete confidence. When mentor and mentee are from different firms, it will be up to the partners to agree on how to handle personal matters.

Activities that are commonly out of bounds in mentoring relationships include:

- direct involvement in dispute resolution;
- acting as an advocate for career advancement; and
- lending money or discussing financial matters.

Although generally within boundaries, questions related to pure substantive law issues are not the primary focus of most mentoring relationships. If substantive questions occur too frequently, it could indicate that the mentee is using the mentor as a crutch. Partners are well advised to address and resolve this issue promptly, including ending the relationship if necessary.

Ultimately, it is up to the partners in the relationship to agree what is in and out of bounds. Boundaries will not always be clear-cut, and circumstances can change them. An issue that was initially identified as being out of bounds could be dealt with at a later stage, if both partners consent.

## Be alert to issues of confidentiality and conflicts

Confidentiality and conflicts of interest can be sensitive and complex issues in a mentoring relationship. Because of the very nature of the relationship, personal information, as well as information that should remain confidential in the context of a solicitor/client relationship, may be disclosed.

### **Privileged or confidential client information**

Where the lawyers in a mentoring relationship are from different firms, they must consider the content of their discussions in the context of the Rules of Professional Conduct. Rule 2.03 (1) states that a lawyer must hold in strict confidence all information received from a client in the course of a solicitor/client relationship. Disclosure is only permitted or justified in limited circumstances. Where they are from different firms, mentees must maintain this confidence in all dealings with their mentors.

### **Other confidential or personal information**

It is important that partners recognize and agree what is to be confidential at the start of any mentoring relationship. Is the relationship itself confidential? Under what circumstances will anything that is discussed be disclosed to parties outside the relationship? You should not simply assume that the relationship or your discussions will be confidential.

How mentoring partners handle information discussed in or related to the relationship varies. In some mentoring relationships it is simply agreed that the mentee will not disclose confidential or personal information to the mentor. Although this approach can limit the topics dealt with in the relationship, it does ensure that mentor and mentee avoid issues or problems arising out of the disclosure of sensitive information.

To promote open communication between mentor and mentee, some firm mentoring programs provide that all mentoring discussions remain confidential.

Other firms allow disclosure in limited circumstances. If you are participating in a firm mentoring program, you should make sure you understand how any confidential or personal information is to be handled.

If the mentoring partners agree that discussions can include confidential or personal information, they will have to agree on how and when disclosure can occur. Some options that could be considered include:

- Everything is confidential indefinitely, unless disclosure is required in law;
- Disclosure can occur on a demonstrated need to know basis, with permission;
- Disclosure can occur to a supervisor only;
- Disclosure can occur with permission only;
- Some identified things can be disclosed, others will not;
- The nature of the discussions, but not the details, can be disclosed; or
- Everything can be disclosed.

Partners who have agreed that confidential or personal information will be included in their discussions may want to confirm how and when disclosure can occur in a mentoring contract (see next page). If confidential or personal information must be disclosed to a third party for legal or other reasons, the mentor should advise the mentee that a disclosure of confidential information will occur, and why.

## A mentoring contract

The form that a mentoring contract or agreement takes is not as important as its contents. Although a formal contract is not necessary, the very act of putting something in writing can help the partners better understand what the relationship is to accomplish, and agree on the practicalities of how it will actually work.

In the best case, a mentoring agreement should set out:

- the goals of the relationship, including what the mentee wants to learn;
- the ground rules for the relationship – including how often and in what manner communications and meetings will occur;
- any special or specific responsibilities that either partner is to assume;
- any boundaries on the relationship - what topics or issues are not to be dealt with;
- what is to be treated as confidential information, and the circumstances, if any, in which this type of information can be disclosed to others;
- a release and hold harmless clause;
- how and when the relationship is to end;
- any other terms agreed on by the parties; and,
- an acknowledgement of the guidelines required by the Lawyers' Professional Indemnity Company to allow a mentor to avoid a deductible and claims levy surcharge in the event of a claim arising from the relationship (See the next section).

**Appendix 2 – A simple mentoring agreement** provides a sample of a one-page mentoring agreement. This agreement can be easily adapted to suit the specifics of your mentoring relationship.

## Mentoring and professional liability insurance

It is a common misconception that acting as a mentor exposes a lawyer to a greater likelihood of a professional liability claim. In fact, Lawyers' Professional Indemnity Company rarely sees claims arising out of mentoring relationships.

We believe that mentoring can reduce claims. To encourage lawyers to participate in mentoring relationships, and in particular to encourage lawyers to act as mentors, we have undertaken several initiatives to facilitate mentoring in the legal profession – including the publication of this booklet.

## Lawyers' Professional Indemnity Company mentoring relationship guidelines

To address the insurance-related concerns of lawyers, we have clarified the treatment of surcharges that arise when a claim is made against a lawyer.

Specifically, the Lawyers' Professional Indemnity Company will waive any deductible and claims levy surcharge on any claim made against a lawyer mentor arising out of a mentoring relationship, provided that:

- the mentor and mentee agreed to enter into a formal mentoring relationship, as evidenced by a written document of some kind;
- the mentor had no contact with the mentee's client that would create a solicitor/client relationship; and
- the mentee understood that she/he was responsible for individually and independently satisfying her/himself of the soundness of any suggestions, recommendations or advice-like comments made by the mentor.

The written document evidencing the relationship does not have to be a formal signed mentoring agreement. It can be as simple as an e-mail acknowledging the relationship and the three terms listed above.

Every mentoring relationship must find its own equilibrium and path. As time passes the partners will get to know each other, and a stronger personal relationship will develop.

As the relationship progresses, there are several things that mentor and mentee can do to make it work better. Effective communication and candid feedback are key. Both partners should try to ensure time is used as effectively and efficiently as possible. And, both mentor and mentee should monitor the learning process and progress, to ensure that the mentee's learning goals are going to be reached.

## **The art of positive feedback**

One of the most important aspects of a mentoring relationship is how the mentor provides advice and feedback to the mentee, and how the mentee responds to that communication.

Giving feedback in a positive and constructive way is often difficult for mentors. At the same time, receiving that feedback without getting defensive is often difficult for mentees. To ensure it is well received, feedback should be thoughtful, specific, timely, candid and constructive. When considering how to frame communication with a mentee, focus on the mentor's key role: to nurture the mentee's growth by facilitating an accepting, open and affirming learning atmosphere.

For example, when asked a question, avoid the temptation to instantly offer an answer. Instead, work at listening to the question and understanding the issue with which the mentee is struggling.

Then challenge the mentee to think the question through to a solution. Using open-ended questions that start with "how" or "what" often help direct the mentee to the answer. This technique will help the mentee develop the ability to critically think through problems and arrive at a solution on their own.

Finally, celebrate the successes, and don't shy away from talking about the failures, and what can be learned from them. This will help the learning process and build the mentee's confidence. With patience and time, the partners should develop a good rapport and become more comfortable with openly and freely conversing with each other.

## Overcoming obstacles

Like all relationships, mentoring comes with its share of unanticipated obstacles. Some will be under the control of the mentor or mentee, others will be external to both. Some may even result in the termination of the relationship.

The most common obstacles are:

- the mentee wants too much time;
- the mentee needs too much help;
- the mentee seeks help on personal or other issues that are outside the agreed upon boundaries for the relationship;
- the mentor is too busy or is inaccessible; or
- other unforeseen or unexpected circumstances affect the ability of one of the partners to participate in the relationship as originally agreed.

The key to overcoming obstacles is to make sure both mentee and mentor expect them, and are prepared to promptly and properly deal with them. A partner who is upset or struggling with some aspect of the relationship should be candid with the other partner. The partners must be prepared to discuss the nature of any problem, why it is an obstacle, and then work together to resolve the issue. If the problems continue, the relationship should end.

## Making efficient use of time

A mentoring relationship will involve less time if the partners effectively manage the time they have. To accomplish this, try the following:

- Schedule meetings in advance.
- Be serious and diligent about scheduling and keeping appointments, and returning e-mails and phone calls.
- The quality of time spent together is more important than the quantity of time spent together. Do not multitask at mentoring meetings; both partners should focus solely on the issues at hand.
- Maximize the time spent together by fully preparing for any discussions or meetings.
- If appropriate, start each session or discussion with a progress review or update so as to focus the session in on the critical issues.
- If appropriate, book a follow-up session at the conclusion of a meeting or discussion.
- Monitor the time that is being spent on mentoring and look for opportunities to more effectively or efficiently use that time.

If changes occur that make existing time commitments a problem, don't automatically abandon the relationship. Explore options for maintaining the relationship. Take a timeout if necessary, and, if possible, reconsider the time commitments so that they work for both partners.

## Evaluate the relationship as it progresses

Once underway, most mentoring relationships require little intervention. To improve the relationship, mentor and mentee should consider meeting at some agreed interval to evaluate how things are progressing.

Ideally the timing of these meetings should be set at the start of the relationship. In the first year, frequent meetings – perhaps every quarter – are likely necessary to help fine-tune the relationship and address minor unanticipated



difficulties. Once things are running smoothly, meeting every six months or so is likely sufficient. Of course, unanticipated difficulties would necessitate a meeting.

In preparing for these meetings mentor and mentee should ask themselves the following questions:

- Are we on track to reach the goals of our mentoring relationship?
- What do I think about my mentor/mentee?
- What is working well, and why?
- What could be working better?
- What changes can be made to make things work better?
- What are we spending too much time on?
- What are we spending too little time on?
- How well are we communicating?
- Is there anything we can do improve our communications?
- Is there anything we can do more effectively use our time?
- Are there any other changes we can make to improve the relationship?

The mentee, who is the primary beneficiary in the mentoring relationship, should be proactive in making sure that this review process occurs. Evaluating the relationship's progress reminds both partners of its goals, and helps them focus on how to improve the relationship going forward.

# winding up a mentoring relationship

A formal review and clear end to a mentoring relationship can make it a more positive learning experience for both mentor and mentee. This is the case regardless if a mentoring relationship is ending because its goals have been reached, if it has run out of steam, or has to be terminated due to other unforeseen circumstances.

The end should be seen as an opportunity to review what did and didn't work in the relationship, and more importantly, to reflect on the results, so that every lesson that can be learned from the relationship is recognized. Both partners should celebrate its successes, acknowledge its failures, and conclude the relationship with positive feelings. A small token of appreciation from mentee to mentor also may be appropriate.

Partners who are interested in continuing to work together could use this formal ending as a spring board for new discussions aimed at setting new goals for a new mentoring relationship.

If the relationship is being dissolved, the mentor may be willing to continue acting as a resource to the mentee, albeit on a less frequent and more informal way. In many cases, the partners opt to stay in touch after the relationship is concluded.

And to bring the process full circle, mentees should consider passing on the knowledge and skills they gained by entering into a new mentoring relationship – as a mentor.

## **m**entoring as part of a career map or plan

Ideally, working with a mentor should be one part of an overall career map or plan. If you are a sole practitioner or a member of a small firm, you will have a great deal of control over your destiny. If you are a member of a medium or larger firm, the firm will likely play a larger part in setting your goals and destiny. In either case, it is important that you assume the responsibility for planning and mapping out your future.

Consider your career in the larger context of your life. Step back and take a look at the bigger picture. What is most important to you? Identify the things that will generate your greatest interest, enthusiasm and energy. This will help you to identify a career that will be personally satisfying to you. Personal satisfaction is important to happiness and success, both inside and outside of your legal career.

You should develop a career map and action plan that is goal oriented. Where are you today? Where do you want to get to? What do you have to do to get there? Set specific goals, and list the steps necessary to reach these goals. Next work to implement this plan with a detailed time table and to-do list. Discuss your plans with your mentor, and discuss ideas on how you can work together to attain these goals.

Identify your strengths and weaknesses. Look for opportunities that let you leverage your strengths. Take steps to increase your skills in weak areas. This can be done through continuing legal education, workshops or other skill enhancing activities.

As you proceed with the execution of your plan, review your goals and evaluate your progress. Update and adjust your plans as required. Again, discuss and review your progress with your mentor.

# the benefits of law firm mentoring programs

Mentoring programs are coming back into vogue at law firms. The benefits of having a formal firm mentoring program include the following:

- **Faster integration of associates into a law firm:** Participating in a mentoring program will help associates learn a firm's policies and procedures, and get acquainted with lawyers and staff.
- **A clear roadmap of expectations for practice development:** A mentoring program will give an associate a roadmap of how they should be progressing, and a clear understanding of what is expected from a practice development point of view.
- **Associates will have a broader perspective:** Associates who are encouraged to participate at different stages of a variety of different matters will have a better understanding of the practice of law.

Although law firm mentoring programs vary in their formality and complexity, certain steps are critical to creating a successful mentoring program, and a firm where mentoring is part of the firm culture.

**Appendix 3 – Building a firm mentoring program and culture** contains an outline of the major issues that should be considered when a firm mentoring program is created.

The 1996 *Report of the Professionalism Committee* produced by the Legal Education and Admissions to the Bar Section of the American Bar Association contains an excellent model mentoring policy. It contains extensive annotations and would serve as an excellent precedent for a firm implementing a mentoring program.

In many areas of practice, practitioners often have one-off phone calls or discussions with their friends or peers when they need some advice on a matter. The issues dealt with in these discussions usually do not relate to substantive law, but rather centre around practical, ethical, strategic, or other concerns.

Although not mentoring in its fullest sense, these types of discussions can be helpful, both to clarify the situation for the lawyer seeking advice, and in helping avoid a potential claim. However, because they typically involve a limited sharing of information and context, they should be approached with caution.

If you do provide advice in one-off discussions, please do the following:

- Actively listen to the question being posed.
- Take notes.
- Be aware of any assumptions implied in the question(s).
- Don't assume any background facts or circumstances which are not stated.
- Ask about any background facts or circumstance that you feel might be relevant to the question that is being asked.
- Don't answer the question if you don't feel you have all necessary information, or if you don't feel comfortable in doing so.

The pressures of today's fast-changing practice climate make it more important than ever for lawyers to work to improve their skills. Regardless of whether you are a sole practitioner starting out on your own, or a new associate joining a law firm, mentoring is an excellent way for you to more quickly gain the skills that are critical for a successful law practice.

Mentoring also pays tremendous benefits for mentors, both personally and professionally. Nor do you have to be a seasoned practitioner to act as a mentor: In fact, lawyers in practice for as little as five years can often better relate to the concerns of a new lawyer.

The Lawyers' Professional Indemnity Company is a strong supporter of mentoring, not only because we believe it can help reduce claims but also because we believe it fundamentally benefits the legal profession. We encourage lawyers to get involved in a mentoring relationship, either as a mentor or a mentee. To facilitate this process, we've included in Appendix 1 a listing of mentoring initiatives currently available to Ontario lawyers. We encourage you to use it, or any other suitable program, to identify mentoring opportunities or a suitable partner. If you work at a law firm, we encourage you to develop a mentoring program and culture at your firm.

There is no doubt, being involved in a mentoring relationship requires an investment of time and effort. Whether you are the mentor or mentee, you'll likely discover this investment provides an enriching learning experience that will pay you generous dividends, and benefit the profession.

## **Other mentoring initiatives**

Regardless of whether you are a prospective mentor or mentee, there are many mentoring initiatives available to lawyers in Ontario. The following list highlights some of these programs.

### **The Law Society of Upper Canada Advisory Services Mentorship Program**

Advisory Services at the Law Society of Upper Canada deals with inquiries relating to ethical issues, competence, law practice management or Law Society regulatory interpretations. When inquiries relate to substantive law or very specific procedural questions requiring expertise in a particular legal area, Advisory Services will refer the call to one of its available mentors. It maintains a roster of 250 members of the profession, representing seven different areas of legal practice.

For more information contact Advisory Services at the Law Society at 416-947-3369.

### **The Law Society of Upper Canada Equity and Diversity Mentorship Program**

This program is geared to encourage more young people of diverse backgrounds to consider law as a career. It matches lawyers with high school, law school, and Bar Admission Course students, and newly called lawyers from communities under-represented in the profession.

For more information see the Law Society's web site at [www.lsuc.on.ca/equity/program\\_mentor.jsp](http://www.lsuc.on.ca/equity/program_mentor.jsp)

## **The Advocates' Society**

The Advocates' Society has several initiatives designed to help litigators enter into and make more out of mentoring relationships. For more information see [www.advsoc.on.ca](http://www.advsoc.on.ca)

## **Local law associations**

Some local law associations have programs that facilitate contact between potential mentors and mentees. If you are interested participating in a mentoring relationship, check with your local law association to see if they have a matching program.

## **Ontario Bar Assistance Program (OBAP)**

OBAP's unique peer support service recognizes that, from time to time, lawyers may need to be "mentored" on problems outside the legal arena. Stress, burnout, substance abuse and physical or mental health challenges are some of the many subjects that its corps of volunteers are prepared to address. All OBAP services are provided on a completely confidential basis.

For more information see [www.lawyers.ca/obap](http://www.lawyers.ca/obap), or contact Leota Embleton, Program Manager, at 1 877-576-6227 or John Starzynski, Volunteer Executive Director, at 1-877-584-6227. The toll free, 24-hour answering and referral line is 1 800-667-5722.



## **a simple mentoring agreement**

The undersigned do hereby agree to enter into a mentoring relationship for a period of xx years

The Mentee's goals for this relationship are:

- To become a better personal injury litigator;
- To improve skills for conducting examinations for discovery;
- To improve skills for cross-examining expert witnesses.

The parties hereto agree and acknowledge:

- To be available for consultation by telephone or e-mail during regular business hours, and occasionally in person;
- To meet in person quarterly to review the progress of the relationship, and to discuss how the relationship can be improved;
- That the Mentor will look for opportunities to introduce the Mentee to other members of the local bar;
- That they will meet in person to deal with any events or circumstances that make continuing the relationship difficult or awkward;
- That all matters discussed in the course of the relationship shall be confidential, unless both parties agree that disclosure can occur;
- That the Mentor will not assist the Mentee on following types of matters:
  - Direct involvement in dispute resolution;
  - Acting as an advocate for career advancement; and
  - The lending of money or financial matters;
- That the Mentor will not have any contact with the Mentor's client that would create a solicitor/client relationship;
- That the Mentee understands that she was responsible for individually and independently satisfying herself of the soundness of any suggestions, recommendations or advice-like comments made by the Mentor;
- That the Mentee will hold the Mentor harmless for any professional liability claim arising on a matter that the Mentor provided advice to the Mentee; and,
- That the Mentor will not be subject to any deductible or claims levy surcharge on any claim against a Mentor arising out of this mentoring relationship.

\_\_\_\_\_ as "Mentor" Date: \_\_\_\_\_

\_\_\_\_\_ as "Mentee" Date: \_\_\_\_\_

## **Building a firm mentoring program and culture**

This appendix contains an outline of the major issues that should be considered when a firm mentoring program is created. This list is adapted from a portion of Appendix A of Lois J. Zachary's The Mentor's Guide<sup>1</sup>.

### **#1 – Ensure full and visible support from top management**

Create an action plan for engaging top management in the creation and roll-out of the program. Ensure that top management supports the program on an ongoing basis. Be specific and detail the necessary steps to make that happen.

### **#2 – Define the purpose of the program**

Develop a clear, concise mission or purpose statement for the mentoring program. Identify the business reasons for developing a mentoring program, and what its goals will be.

### **#3 – Identify a champion**

One of the best things for ensuring the success of a firm mentoring program is to have one or two people who truly champion the initiative. They should be prepared to fully and unconditionally support and push the program, and they should have the support of senior management and all resources necessary to accomplish the goals of the program.

### **#4 – Define management, oversight, and program operation**

Identify an oversight person or team, and allocate necessary personal and other resources for the program. Identify the specific roles and responsibilities of the oversight committee. Establish policies and procedures for the program. Identify how confidentiality and special circumstances are to be handled. Define the criteria and determine the measurement and evaluation processes.

### **#5 – Identify roles and responsibilities**

Create a description of the roles and responsibilities for all parties who are to be involved in the mentoring program. This will include asking the following questions:

- What are the role and responsibilities of the mentor?
- What are the role and responsibilities of the mentee?

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<sup>1</sup> Adapted, with permission, from Exhibit A.1, pages 168-173, in Appendix A of The Mentor's Guide: Facilitating Effective Learning Relationships, by Lois J. Zachary; Jossey-Bass Inc., 2000.

- What is the appropriate role for the manager or supervisor?
- What should the duration of the relationship be?
- How many mentors or mentees should a person be engaged with at one time?
- What should regular interaction look like?
- Should training and education programming for mentors, mentees, and supervisors be required? Will it be voluntary?

#### **#6 – Define mentee pool**

Identify the target mentee population for the mentoring program. Will it just include new associates? Should articling students be mentored? What about senior lawyers who join the firm?

#### **#7 – Create the mentor pool**

Creating a pool of mentors will involve the following questions:

- Who should serve as mentors? Who should not?
- What specific characteristics should mentors have?
- How many mentors will there be for each mentee?

#### **#8 – Develop a pairing process and criteria**

Create a process and criteria for matching mentees and mentors. Identify specific policies and procedures for handling matches that fail – some will. These should be handled on a no-fault basis.

#### **#9 – Build a mentor education and training program**

Determine what kind of training and education is needed for mentors and mentees. Create a training schedule and consider holding an initial orientation and, if necessary, ongoing education programs.

#### **#10 – Track the ongoing progress**

Monitor and track the ongoing progress of the program. Develop contingency plans for overcoming unanticipated obstacles. And, to improve the program, be prepared to proactively address any failures or shortcomings in the program.

#### **#11 – Identify ways to reward, recognize and celebrate mentoring success**

To build momentum and an ongoing commitment to mentoring, develop an appropriate reward, recognition and celebration plan. Determine if excellence in mentoring should be recognized.

## **other sources of mentoring information**

This book was designed to present various practical options and strategies for creating a successful mentoring relationship. It was not designed to be a comprehensive reference about mentoring in a legal setting. For further information on mentoring try these other resources:

**Abbott, Ida O.; The Lawyer's Guide To Mentoring; National Association for Law Placement, 2000**

An very practical book that covers the nuts and bolts of establishing highly effective mentoring programs in law firms. Abbott specializes in helping law firms establish mentoring programs.

**Abbott, Ida O.; Being an Effective Mentor: 101 Practical Strategies for Success; National Association for Law Placement, 2001**

An inexpensive (US\$6.00) 31 page booklet on how to become an effective and imaginative mentor. It is available at [www.nalp.org](http://www.nalp.org), tel: (202) 667-1666.

**Abbott, Ida O.; Working with a Mentor: 50 Practical Suggestions for Success; National Association for Law Placement, 2001**

An inexpensive (US\$0.80) 16 page pamphlet that reviews how mentees can make the most out of a mentoring relationship. It is available at [www.nalp.org](http://www.nalp.org), tel: (202) 667-1666.

**Shea, Gordon F.; Making the Most of Being Mentored: How to Grow from a Mentoring Relationship; Crisp Publications, 1999**

This book is directed towards people who want to attract mentors and benefit from their relationship. Practical and free of jargon, it explores how mentees can manage their own personal development and career growth.

**Zachary, Lois J.; The Mentor's Guide: Facilitating Effective Learning Relationships; Jossey-Bass Inc., 2000**

This book is aimed at mentors (although mentees will also find it useful) and focuses on mentoring as a learning partnership. It includes various checklists, exercises and activities to help strengthen a mentor's knowledge and skill. It also contains an outline of issues that firms should consider in creating a mentoring program and culture.

## Other tools and resources from practicePRO

practicePRO provides lawyers with a variety of tools and resources, in both print and electronic formats, designed to help your practice grow and thrive.

### The “managing” series of booklets:

These booklets provide insights and checklists to help lawyers better manage the risk associated with specific practice issues. Titles include: *managing the lawyer/client relationship*; *managing conflicts of interest*; *managing the practice of investing in clients*; and *managing a mentoring relationship*.

### The Online Coaching Centre (OCC)

The OCC is an online, self-coaching tool, comprising more than 150 modules, to help lawyers become more productive and effective in their professional and personal lives. Topics covered include: communicating powerfully; managing stress; overcoming procrastination; managing practice more efficiently; developing new business opportunities; and capitalizing on emotional intelligence.

### Technology resources

practicePRO helps lawyers integrate technology into their practices through: the practicePRO Technology Roadshow; practicePRO Technology Breakfasts; and a bi-weekly practicePRO Technology Tip.

### Wellness resources

The practicePRO Web site provides an extensive listing of links to assessment tools, guides and resources to help lawyers address wellness and balance issues.

### Special Reports

*Special Report on Litigation* explores the increase in litigation claims, the forces driving change in litigation practice and the types of errors that underlie litigation claims, and provides practice management tips to help reduce exposure to claims.

*Special Report on Fraud* examines the new real estate fraud, which increasingly targets lawyers, and provides tips to help lawyers avoid being caught.

### Proceeds of Crime (Money Laundering) legislation

To help lawyers understand their obligations under this new legislation, practicePRO provides a Web-based Guide to the legislation, and a Compliance Manual to help lawyers in their compliance regime.

For more information visit [www.practicepro.ca](http://www.practicepro.ca) or call 416-596-4623.

### **About the Author:**

This material was prepared for the Lawyers' Professional Indemnity Company (LAWPRO) by **Daniel E. Pinnington**, Director, practicePRO.

Under the practicePRO banner, Dan works to provide lawyers with tools and resources to assist them in both adopting risk management strategies into their practices, and adapting to the changing practice climate, in particular in the area of technology.

Prior to joining Lawyers' Professional Indemnity Company, Dan was a litigator at one of the larger Niagara-area law firms. He handled general and family litigation matters, as well as those in the information technology, employment, and corporate/commercial areas. Dan has advanced technology skills, and for several years also held the position of Manager of Information Systems at his firm. Dan is well known in legal technology circles, and is a frequent speaker on law office technology. He is the past President of The Canadian Society for the Advancement of Legal Technology (CSALT), and a member of the organizing committees for LegalTech Toronto and other technology conferences.

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