

Relationships in Learning: The Role of Mentors in the Developmental Trajectory of Law Firm Associates

I find that the times where you're doing a lot of learning that's where the mentorship stuff is really important, because....I find in practice there's times where you're going up this curve you can hardly breathe every day, and then it just sort of plateaus, and you're saying "oh gee, this is really good now, I'm a lawyer and I can really do this" and that lasts for a really short time and then it's up this other curve and then it sort of plateaus again.
(Janet)

Introduction

This study is about how lawyers learn in practice and to practice. More specifically, it is about the multiple influences and developmental relationships that affect the growth and development of the person from law school through the first few years of their life as a lawyer.

Research Questions
Background on Legal Education in Ontario
Brief Literature Review
Method
Findings on Mentors
Strategies in Professional Development

The Research Questions

1. What are the complex mix of influences – work, culture, and the constellations of relationships with mentors and others – that contribute to learning to be a lawyer in a large law firm?
2. What are the dimensions of those relationships, and to what extent do the dimensions affect both the climate for learning, and the affective and normative aspects of being and learning as a professional?
3. Do lawyers experience stages or phases of learning from student through to late associate, and if so, are any of these stages transformative?

Participants

	Year of Call to the Bar (Ont.)	Type of Practice
Janet	1999	Advocacy and dispute resolution
Robert	1998	Corporate
Marta	1998	Advocacy and dispute resolution
Patricia	2000	Corporate
Marlene	1998	Corporate
Brian	1999	Advocacy and dispute resolution
Noah	2000	Corporate
Adam	1999	Securities
Yvonne	1998	Real estate
Anthony	1998	Corporate
Paula	2000	Advocacy and Dispute Resolution

Background on legal education in Ontario

- Three year law degree (LL.B) from a Canadian law school.
- Bar Admission Course set and administered by the Law Society of Upper Canada, which is the professional governing body for Ontario lawyers
 - 10-month articling term, working in a law firm or other approved setting,
 - 1 month teaching term of skills, with formal assessments,
 - 4 month teaching term into practice and procedure in seven core areas, and
 - examinations in the seven core practice areas and in professional responsibility

Research into Learning after Law School

- Small group of studies, primarily evaluations of law practice programs published by the Law Society of England and Wales, and survey research through consultancies and “trade organizations”, such as the National Association for Law Placement (NALP)

Research into Mentoring in Law Firms

- Small group of studies, primarily survey research focussing on outcomes such as retention and remuneration

Five-Part Method

- *Biographical Line*
- *In-depth Interview*
- *Questionnaires x 2*
- *Questionnaire Discussion*
- *Role Construct Repertory Test*

Each research participant was provided with six cards, numbered in the upper right hand corner from 1 through 6, and told that he or she should write on each card the name of a person with whom they have had a relationship at work. After completing the cards, we selected cards 1, 2 and 3 and the participant identified how two of the named people were **similar** in some relationship dimension, discarding the card for the person that was not like the other two.

Response form for Interpersonal Dimensions

Characteristics

Opposite

(1,2,3) _____
(4,5,6) _____
(1,3,6) _____
(2,4,6) _____

Relationships with Mentors and Others

Mentors were one of many relationships that modelled positive and negative behaviors, that could provide access to work and to learning supports, and that could protect the student or associate. Mentors could also be supervisors and work providers, which added different dimensions to the relationship.

Participants tended to differentiate mentors from other relationships through the dimension of protection:

“..to me the most important aspect of a relationship I have with someone who I consider to be a mentor, is the feeling that at some level they have my interests at heart...deep down they actually really do want to see me succeed and are prepared to give of themselves a little bit for that to happen”
(Brian)

“A mentor should be pro-active and see problems as they arise... I think a mentor should be a champion for you. A mentor should be able to go and say: what is going on here? You know, you cannot treat a person this way.” (Paula)

A number of participants reported either no mentoring or dysfunctional mentoring in their early years; most had

developed very strong relationships somewhat later in their career. Despite the absence of a mentor in the early years, participants survived and some even thrived.

The absence of a true mentor in the early years raises questions about causation in mentoring.

“But these aren’t sort of formal mentors, but they are work providers, and by being work providers, they become mentors...it’s that initial hurdle of almost proving yourself, and once they’ve sort of gained that trust, then there is a working relationship that built up and then that takes it to a different level.” (Adam)

Formal mentors were more likely to exhibit dysfunctional mentoring behaviors than informal mentors, including:

- “suck it up”.
- inability to assist due to weak position in the firm.
- poor communication skills.

Participants struggled with their need to both provide feedback and to extract it from their mentors:

“It’s just hard when everyone is really busy and working hard, because then it is much more of a

time commitment to try and train people. Which isn't the right answer, but at midnight it's hard to care. (Patricia)

“But if somebody does an awful job on something, I have to go and knock on their door and speak to them harshly, I hate that. Because I want everybody to like me.” (Yvonne)

“I think there's just a general – I think generally people don't give feedback....I can still do more, especially on the negative stuff, I usually don't tell people that, you know, what they've done is a piece of crap, for example.” (Anthony)

Problem-solving and “safe” learning were valued behaviors:

Janet: thinking about the business side of the client's interest, practical solutions, big picture – these are the ones I would go to if I have a solution but I just don't really know how it would fly on the practicalities and they're very good at looking at the bigger picture

impractical or unrealistic – they might come up with an A answer on a law school exam but clients would be sick to even pay for the advice because it's so useless in the real world

Patricia: Partner,
Associate: practical,
realistic, workable-
solution oriented. They
both can recognize in an
ideal world we wouldn't
be doing this at all, but
we're starting from here,
so let's move on.

technical, mired in
the details, obsesses
about where things
could have gone – “I
can't believe this has
happened, really, we
never should have
been in this spot
here.”

Safe learning was described as:

“...you are going to make mistakes, and you have to
make mistakes because that's how you learn, so
safe learning is when you make those mistakes with
people who treat the learning experience and don't
set you up...like not hanging a student out to dry by
giving them something that's way beyond what
they're expected to be able to do...”(Janet)

Strategies for Professional Development

Focus on:

1. a culture that supports networks and reduces isolation.
2. an effective climate for learning that encourages problem-solving, collaborative inquiry and effective feedback and discourages bullying and abusive behavior.

and in particular:

1. assigning the best formal mentors or advisors in the early years, since these individuals have a powerful impact on learning and connection to the firm.
2. concentrating on work assignments that offer progressively more challenging work.
3. recognizing the structural limits on formal mentors, and encouraging informal mentoring relationships.
4. encouraging and supporting meaningful feedback.