

LEGAL MENTORING

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I. INTRODUCTION

Many studies have shown that new attorneys want mentors. In fact, research regarding associate retention shows that a lack of mentoring is one reason attorneys leave their firms.¹ This is especially true for women and attorneys of color, many of whom have stated that they suffered from a lack of adequate mentors.² Indeed, the American Bar Association (ABA) Journal found that women of color are denied “equal access” to, among other things, mentoring.³ Attorneys’ instincts about the value of mentors appear warranted. Studies show that new attorneys who are mentored are more likely to advance to partnership and earn more than those without mentors.⁴

Mentorship in the legal profession is vital to retaining and developing women and minority attorneys. According to the National Association of Law Placement, 45.48% of associates at major law firms are women, but women make up only 22.7% of partners.⁵ Moreover, attorneys who are

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¹ See IDA O. ABBOTT, *THE LAWYER’S GUIDE TO MENTORING* 32–33 (2000) (citing studies).

² See DEBORAH L. RHODE, *THE UNFINISHED AGENDA: WOMEN AND THE LEGAL PROFESSION*, ABA COMMISSION ON WOMEN IN THE PROFESSION 16 (2001), <http://womenlaw.stanford.edu/pdf/aba.unfinished.agenda.pdf>; JANET E. GANS EPNER, *VISIBLE INVISIBILITY: WOMEN OF COLOR IN LAW FIRMS* 12–17 (2006), <https://www.americanbar.org/content/dam/aba/marketing/women/visibleinvisibility.pdf>; Jean E. Wallace, *The Benefits of Mentoring for Female Lawyers*, 58 J. VOCATIONAL BEHAV. 366, 381–84 (2001) (“In general, having a mentor appears to be somewhat instrumental for the career success of professional women.”); David Wilkins & Mitu Gulati, *Why Are There So Few Black Lawyers in Corporate Law Firms? An Institutional Analysis*, 84 CAL. L. REV. 493, 568–71 (1996) (explaining lack of mentoring opportunities for Black lawyers in law firms).

³ Liane Jackson, *Minority Women Are Disappearing from BigLaw – and Here’s Why*, ABA J. (Mar. 2016), http://www.abajournal.com/magazine/article/minority_women_are_disappearing_from_biglaw_and_heres_why.

⁴ See Neil Hamilton & Lisa Montpetit Brabbit, *Fostering Professionalism Through Mentoring*, 57 J. LEGAL EDUC. 102, 110 (2007); Wallace, *supra* note 2, at 381, 385. Indeed, a report by the ABA’s Commission on Women in the Profession and the Minority Corporate Counsel Association (MCCA) explicitly lists mentoring opportunities as one of the ways to disrupt gender and racial bias in the legal profession. ABA/MCCA Report, *infra* note 7, at 21, 37.

⁵ Debra Cassens Weiss, *Percentage of Women and Minorities at Law Firms Increased Slightly in 2017, NALP Report Says*, ABA J. (Dec. 15, 2017, 11:32 AM), http://www.abajournal.com/news/article/percentage_of_women_and_minorities_at_law_firms_increase

members of minority groups comprise 23.32% of associates, but only 8.42% of partners (15.18% of attorneys overall).⁶ Recently, the ABA's Commission on Women in the Profession and the Minority Corporate Counsel Association (MCCA) released a report providing details of persistent race and gender bias in the legal profession in a variety of areas that impact the ability of female attorneys of color to advance.⁷ Mentorship presents an opportunity to lessen the impact of race and gender bias and ensure that new attorneys thrive in the legal profession.

So, what is a mentor? There are many different definitions of the term. For purposes of this Article, this definition, from Ghosh and Reio, works well: "Mentors are typically defined as individuals with advanced experience and knowledge who are committed to providing support for the purpose of increasing career advancement of junior organizational members or their protégés."⁸ While supervisors can become mentors, mentors and supervisors are different. Supervisors are looking for employees to complete work assignments, whereas mentors' interests in employees extend beyond work product.⁹ This Article considers hierarchical mentors in particular, rather than peers, although the value of peer relationships is briefly mentioned.

This Article will begin by providing a brief history of lawyers and mentoring. It will then look at the impact of mentoring on the career prospects of protégés. Next, it examines research on mentoring generally, including what is known about the roles of mentors and what mentors and protégés are looking for in the relationship, the purposes mentors serve, and types of mentoring programs. Finally, it will make some suggestions about what might work best in creating an informal or formal legal mentoring program.

II. HISTORY OF LAWYERS AND MENTORING

Historically, practicing lawyers trained new lawyers through apprenticeships.¹⁰ Indeed, one of the country's most influential founding

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⁶ *Id.*

⁷ ABA COMMISSION ON WOMEN IN THE PROFESSION & MINORITY CORPORATE COUNSEL ASSOCIATION, YOU CAN'T CHANGE WHAT YOU CAN'T SEE: INTERRUPTING RACIAL & GENDER BIAS IN THE LEGAL PROFESSION 8 (2018), http://www.abajournal.com/files/Bias_interrupters_report-compressed.pdf [hereinafter ABA/MCCA Report].

⁸ Rajashi Ghosh & Thomas G. Reio, Jr., *Career Benefits Associated with Mentoring for Mentors: A Meta-Analysis*, 83 J. VOCATIONAL BEHAV. 106, 107 (2013).

⁹ IDA O. ABBOTT & RITA S. BOAGS, CREATING PATHWAYS TO DIVERSITY: MENTORING ACROSS DIFFERENCES: A GUIDE TO CROSS-GENDER AND CROSS-RACE MENTORING 14-15 (2003), <https://www.mcca.com/wp-content/uploads/2017/04/Book7-Yellow.pdf> [hereinafter MCCA].

¹⁰ James Backman, *Externships and New Lawyer Mentoring: The Practicing Lawyer's Role in Educating New Lawyers*, 24 BYU J. PUB. L. 65, 66 (2009); Julie A. Oseid, *When Big Brother Is Watching*

fathers, Thomas Jefferson, was famously trained by George Wythe.¹¹ This model was a part of law practice for centuries.¹² Lawyers stepped away from this method of mentoring with the rise of the modern law school. While large law firms did pick up some of the slack,¹³ this has lessened more recently with the emphasis law firms have placed on law schools producing “practice ready” lawyers.¹⁴

Still, some mentoring did and continues to occur in law firms. At first, mentoring in firms was informal. However, informal mentoring often left female lawyers and lawyers of color without mentors.¹⁵ Despite the fact that these attorneys acknowledge the importance of mentors, they fail to establish mentoring relationships.¹⁶ This is due, in part, to predominantly white male partners in firms selecting protégés¹⁷ similar to themselves to mentor.

To fill this gap, some law firms have introduced formal mentoring programs,¹⁸ although interestingly there is not a lot of information about what works in the law firm setting. Anecdotal material exists—i.e., “here’s what I think a good mentor should do”—with little evidence of what a good mentoring relationship is or what good mentoring practices are in a legal context.¹⁹ As Ida Abbott notes, “[p]rogram goals tend to be vague and ill-defined, and programs are not monitored or evaluated.”²⁰ Similarly, Hamilton

[Out for] You: *Mentoring Lawyers, Choosing a Mentor, and Sharing Ten Virtues from My Mentor*, 59 S.C. L. REV. 393, 396–98 (2008).

¹¹ Theodore Fred Kuper, *Thomas Jefferson the Lawyer*, 3 LAW. GUILD REV., Mar.–Apr. 1943, at 30. Lawyers can still read for the bar under the supervision of a practicing attorney in Virginia. See *Law Reader Rules & Regulations*, VIRGINIA BOARD OF BAR EXAMINERS, <http://barexam.virginia.gov/reader/readerrules.html> (last visited Feb. 17, 2019).

¹² Backman, *supra* note 10, at 66; Oseid, *supra* note 10, at 396–98.

¹³ See EVE SPANGLER, *LAWYERS FOR HIRE* 44–46 (1986) (describing “mentoring” by large law firms).

¹⁴ See, e.g., Gary S. Gildin, *Practice-Ready Legal Education: The Four New Demands Law Schools Must Satisfy*, 37 PA. LAW. 32 (May/June 2015).

¹⁵ See Tammy D. Allen, *Mentoring Relationships from the Perspective of the Mentor*, in THE HANDBOOK OF MENTORING AT WORK: THEORY, RESEARCH, AND PRACTICE 123, 128 (Belle Rose Ragins & Kathy E. Kram eds., 2007).

¹⁶ See *supra* note 2 and accompanying text.

¹⁷ Current literature about mentoring mostly refers to mentees as protégés. The term protégé will be used in this Article for consistency purposes.

¹⁸ In a study using data from the National Association for Law Placement, researchers looking at over 1,300 law offices found only 21% of them had formal mentoring programs. Fiona M. Kay & Elizabeth H. Gorman, *Developmental Practices, Organizational Culture, and Minority Representation in Organizational Leadership: The Case of Partners in Large U.S. Law Firms*, 639 ANNALS AAPSS 91, 100 (2016).

¹⁹ See Oseid, *supra* note 10, at 402.

²⁰ ABBOTT, *supra* note 1, at 25. As other researchers have noted, “In relation to evaluation of mentoring programs, Merriam concluded that many ‘consist of testimonials and opinions.’ After reviewing more than 300 research-based articles on formal mentoring programs, we would support Merriam’s claim.” Lisa C. Ehrlich, Brian Hansford & Lee Tennent, *Formal Mentoring Programs in*

and Brabbit note that “[e]mpirical research on [legal] mentoring relationships is still relatively thin.”²¹ Most research on workplace mentoring has been done in the education and business settings—not law firms.²² There is little research on formal mentoring relationships, and “even less research on rigorously comparing formal and informal mentoring relationships.”²³ However, studies do suggest that informal mentoring is more effective.²⁴ Finally, “[l]ittle is known regarding the specific characteristics that an effective mentor possesses.”²⁵ Instead, most research has focused on protégés.

More recently, law schools have introduced mentoring programs. The University of St. Thomas has a mentoring program for its students.²⁶ My law school, the University of Arkansas at Little Rock, has one.²⁷ According to its website, Harvard has a “pilot” mentoring program,²⁸ to name a few schools with such programs. There are also court-based and bar-based programs, such as the court-based programs in Utah (for first year lawyers) and Ohio.²⁹ Other states’ bars have programs, including Arizona, Connecticut, Colorado, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Missouri, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania (sponsored by the PBA Minority Bar Committee), Rhode Island (Rhode Island Women’s

Education and Other Professions: A Review of the Literature, 40 EDUC. ADMIN. Q. 518, 520 (2004) (internal citations omitted).

²¹ Hamilton & Brabbit, *supra* note 4, at 109.

²² *See id.* at 110.

²³ *Id.* at 120.

²⁴ WENDY MURPHY & KATHY E. KRAM, STRATEGIC RELATIONSHIPS AT WORK: CREATING YOUR CIRCLE OF MENTORS, SPONSORS, AND PEERS FOR SUCCESS IN BUSINESS AND LIFE 2 (2014); S. Gayle Baugh & Ellen A. Fagenson-Eland, *Formal Mentoring Programs: A “Poor Cousin” to Informal Relationships?*, in THE HANDBOOK OF MENTORING AT WORK: THEORY, RESEARCH, AND PRACTICE 249, 254–55, 260 (Belle Rose Ragins & Kathy E. Kram eds., 2007); Christina M. Underhill, *The Effectiveness of Mentoring Programs in Corporate Settings: A Meta-Analytical Review of the Literature*, 68 J. VOCATIONAL BEHAV. 292, 301 (2005) (meta-analysis of two studies finding “informal mentoring had a small but significant positive effect on career outcomes, whereas formal mentoring had no significant effect”).

²⁵ Allen, *supra* note 15, at 140.

²⁶ *See Mentoring Externship Program*, U. OF ST. THOMAS SCH. OF L., <http://www.stthomas.edu/law/practicaltraining/mentor/> (last visited Sept. 8, 2018).

²⁷ *Be a Mentor*, U. OF ARK. LITTLE ROCK WILLIAM H. BOWEN SCH. OF L., <http://ualr.edu/law/alumni/be-a-mentor/> (last visited Sept. 8, 2018).

²⁸ *Amicus: Mentoring at HLS*, HARV. L. SCH., <http://hls.harvard.edu/mentoring-at-hls/> (last visited Sept. 8, 2018).

²⁹ *New Lawyer Training Program*, UTAH ST. BAR, <http://www.utahbar.org/member-services/nltp/> (last visited Sept. 8, 2018); *Lawyer to Lawyer Mentoring Program*, SUP. CT. OF OHIO, <http://www.supremecourt.ohio.gov/AttySvcs/mentoring/default.asp> (last visited Sept. 8, 2018).

Bar Association program), South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, and Virginia (resources for new lawyers).³⁰ Yet little is known about whether and the extent to which these programs actually work in providing adequate mentoring relationships for new lawyers.

III. WHAT DO WE KNOW THUS FAR ABOUT MENTORING?

In the last thirty years, researchers have made significant strides in understanding mentoring. Yet a lot work remains to be done.³¹ This portion of the Article describes what studies show about mentoring in both the legal and business context. It begins with the benefits to protégés, which is one of the more well-studied aspects of mentoring. It also examines the benefits to mentors, which provides an argument for why senior attorneys should spend time mentoring. It moves on to discuss the functions of mentors and describes what mentors and protégés are looking for in the relationship. Finally, it explores the differences, advantages, and disadvantages of informal versus formal mentoring programs.

A. Benefits of Mentoring

Beginning with the benefits to protégés, studies suggest that mentoring has positive effects.³² In general, “mentored lawyers are more likely to make partner and report higher job satisfaction.”³³ They are also less likely to leave the firm.³⁴ Studies of associates regarding retention show that associates point

³⁰ See *State Bar Lawyer Mentoring Program*, ABA CTR. FOR PROF. RESP., http://www.americanbar.org/groups/professional_responsibility/resources/professionalism/mentoring.html (last visited Sept. 8, 2018).

³¹ See Hamilton & Brabbit, *supra* note 4, at 110. Christina Underhill has noted that there are also problems with studies of mentoring. For example, many do not compare outcomes for persons having mentors with those who do not have mentors. See Underhill, *supra* note 24, at 292, 301. As she explains, “[o]ne cannot make causal connections between receiving mentoring and career outcomes without a comparison group and a design that examines alternative explanations for the relationship.” *Id.* at 302.

³² There are some studies detailing negative mentoring experiences. Mentoring relationships can be a source of disappointment, frustration, and dysfunction. See Lillian T. Eby, *Understanding Relational Problems in Mentoring*, in *THE HANDBOOK OF MENTORING AT WORK: THEORY, RESEARCH, AND PRACTICE* 323, 324 (Belle Rose Ragins & Kathy E. Kram eds., 2007). Defined broadly, relational problems in mentor-protégé relationships include “real or perceived aspects of mentor-protégé interactions that minimize, negate, or undermine the personal and professional growth of one or both members.” *Id.* One specific problem identified is mentor-protégé mismatch. This occurs when the mentor and protégé have differing personalities, values, and work styles. *Id.* at 326. Scholars note that highly dysfunctional mentor-protégé relationships are uncommon. *Id.* However, studies show that increased protégé-mentor problems correlate with increased protégé intentions to leave their jobs and decreased job satisfaction. *Id.* at 328. Thus, not every mentor-protégé relationship will work well and this may well impact the protégé.

³³ See Oseid, *supra* note 10, at 401; see also Hamilton & Brabbit, *supra* note 4, at 110.

³⁴ See Hamilton & Brabbit, *supra* note 4, at 111; ABBOTT, *supra* note 1, at 32–33.

to the lack of mentoring as one of the reasons they left their firms.³⁵ Finally, mentors can also help minority and female attorneys feel less like outsiders.³⁶

Outside of law, studies likewise show that employees with mentors have higher rates of promotion and compensation.³⁷ Employees with mentors also are more satisfied overall with their careers.³⁸ In general, “studies have shown that such a [mentoring] relationship is related to enhanced career development, career progress, higher rates of promotion and total compensation, career satisfaction, and clarity of professional identity and sense of competence.”³⁹ As Dougherty and Dreher sum-up, “mentored individuals (versus non-mentored) report more career and job satisfaction, promotions, higher incomes, and lower turnover intentions and work alienation.”⁴⁰

Mentors also benefit from relationships with protégés, although less research has focused on this aspect of the relationship.⁴¹ Potential benefits include mentors becoming known as people who develop talent, as well as providing mentors with satisfaction and a feeling of giving back. Mentors also have “increased compensation, promotions, and the loyalty of their employees.”⁴² In cross-gender and cross-race mentoring, participants noted the benefits of expanding their thinking and perspectives, and found that mentoring altered incorrect assumptions and stereotypes.⁴³ Studies suggest that mentors have a range of motives for mentoring—including self-focused motivations (improving their own welfare, by, for example increasing learning and gaining gratification from developing others) and other-focused motivations (improving the welfare of others and helping the organization succeed).⁴⁴

There are also work-related benefits for mentors. Ghosh and Reio conducted a meta-analysis of the extant studies available at the time (eighteen

³⁵ ABBOTT, *supra* note 1, at 33.

³⁶ MCCA, *supra* note 9, at 17.

³⁷ See Monica C. Higgins & Kathy E. Kram, *Reconceptualizing Mentoring at Work: A Developmental Network Perspective*, 26 ACAD. MGMT. REV. 264, 265 (2001); Hamilton & Brabbit, *supra* note 4, at 110; Wallace, *supra* note 2, at 381.

³⁸ Thomas W. Dougherty & George F. Dreher, *Mentoring and Career Outcomes: Conceptual and Methodological Issues in an Emerging Literature*, in THE HANDBOOK OF MENTORING AT WORK: THEORY, RESEARCH, AND PRACTICE 51, 52 (Belle Rose Ragins & Kathy E. Kram eds., 2007); RHODE, *supra* note 2, at 16; David N. Laband & Bernard F. Lentz, *The Impact of Having a Mentor on Earnings and Promotion: Evidence from a Panel Study of Lawyers*, 6 APPLIED ECON. LETTERS 785, 786 (1999) (finding mentored lawyers more likely to become partner, but no link to salary).

³⁹ Higgins & Kram, *supra* note 37, at 265.

⁴⁰ Dougherty & Dreher, *supra* note 38, at 52.

⁴¹ See Baugh & Fagenson-Eland, *supra* note 24, at 258, 259.

⁴² MURPHY & KRAM, *supra* note 24, at 90.

⁴³ MCCA, *supra* note 9, at 13.

⁴⁴ Allen, *supra* note 15, at 133.

in all) on the benefits to mentors and found that: (1) mentors were more satisfied with their jobs and more committed to their organizations; (2) providing career mentoring correlated with higher performance at work and higher perceived career success for mentors; and (3) providing psychosocial mentoring correlated with higher job satisfaction, higher organizational satisfaction, and higher perceived career success for mentors.⁴⁵ There is, however, a chicken and egg problem here. Ghosh and Reio noted that they could not determine if mentors were simply the type of people who were more likely to be satisfied at work or whether mentoring resulted in employees being more satisfied with their jobs.⁴⁶ They noted that there were no longitudinal studies of mentoring over time, so they could not determine a causal effect.⁴⁷ Still, from an employer's viewpoint, it does appear that mentoring helps develop new talent, and having employees willing to mentor is helpful to this effort. Thus, the causal effect on the mentor may not be that important to the general question of whether an employer should implement a mentoring program.

While theoretically mentors should benefit from these relationships, Baugh and Fagenson-Eland note that "there is only a limited basis to begin to build a taxonomy of the types of benefits that formal mentors should expect to enjoy."⁴⁸ However, as explained above, it is expected that there are benefits. As Murphy and Kram point out, "[h]igh-quality relationships have a transformational effect on both parties."⁴⁹

Mentoring also could result in significant benefits to legal employers. It may lower associate attrition, which has been estimated to cost firms \$200,000–\$500,000 per associate.⁵⁰ It can increase the success of diversity efforts of legal employers by increasing the retention of women and lawyers of color.⁵¹ However, even though research shows that mentoring correlates with more positive outcomes for protégés, little is known about the process by which mentoring influences career success. Essentially, it is unclear exactly how mentoring works.⁵²

⁴⁵ Ghosh & Reio, *supra* note 8, at 109, 110–12.

⁴⁶ *Id.* at 112.

⁴⁷ *Id.* at 113.

⁴⁸ Baugh & Fagenson-Eland, *supra* note 24, at 259.

⁴⁹ MURPHY & KRAM, *supra* note 24, at 29.

⁵⁰ Elizabeth K. McManus, *Intimidation and the Culture of Avoidance: Gender Issues and Mentoring in Law Firms*, 33 FORDHAM L.J. 217, 222 (2005).

⁵¹ MCCA, *supra* note 9, at 9.

⁵² See Daniel B. Turban & Felissa K. Lee, *The Role of Personality in Mentoring Relationships*, in THE HANDBOOK OF MENTORING AT WORK: THEORY, RESEARCH, AND PRACTICE 21 (Belle Rose Ragins & Kathy E. Kram eds., 2007).

B. Functions of Mentors

In her groundbreaking research in the 1980s on mentoring, Kathy Kram identified two primary functions of mentors: career functions and psychosocial functions.⁵³ Career functions refer to the “promot[ion of] professional growth by coaching, providing needed information, and exercising organizational leverage” to help the protégé advance.⁵⁴ Thus, career mentoring helps the protégé advance in the organization.⁵⁵ Mentoring also has “psychosocial functions,” meaning those aspects of mentoring that promote “confidence, a clear sense of identity, and effectiveness in a professional role.”⁵⁶ This enhances the protégé’s “sense of competence and identity.”⁵⁷ Higgins and Kram include friendship, counseling, acceptance, and confirmation in the list of functions of mentors.⁵⁸

Later researchers identified role modeling as one of the functions of a mentor.⁵⁹ Hamilton and Brabbit have emphasized role modeling specifically in legal practice.⁶⁰ They consider the role model function as setting “an example of excellence by modeling technical knowledge and relationship skills necessary for the professional role.”⁶¹ Hamilton and Brabbit also include professionalism mentoring in the context of the legal profession,⁶² which makes sense. Lawyers are part of a unique profession and it is important that new lawyers begin to incorporate aspects of what it means to be a member of the bar into their daily life at work.

Others identify the functions differently. For example, the MCCA describes the following functions of a mentor: workplace socialization, skills building, confidence building, and career advancement.⁶³ These functions

⁵³ KATHY E. KRAM, MENTORING AT WORK: DEVELOPING RELATIONSHIPS IN ORGANIZATIONAL LIFE 22 (1988).

⁵⁴ ABBOTT, *supra* note 1, at 27.

⁵⁵ Oseid, *supra* note 10, at 399–400.

⁵⁶ ABBOTT, *supra* note 1, at 27.

⁵⁷ Oseid, *supra* note 10, at 400.

⁵⁸ Higgins & Kram, *supra* note 37, at 268.

⁵⁹ See Terri A. Scandura & Belle Rose Ragins, *The Effects of Sex and Gender Role Orientation on Mentorship in Male-Dominated Occupations*, 43 J. VOCATIONAL BEHAV. 251, 254 (1993); Connie R. Wanberg, Elizabeth T. Welsh & Sarah A. Hezlett, *Mentoring Research: A Review and Dynamic Process Model*, 22 RES. PERSONNEL & HUM. MGMT. 39, 41 (2003) (explaining that some models suggest a role model function); Ghosh & Reio, *supra* note 8, at 107; Stacy D. Blake-Beard, Audrey Murrell & David Thomas, *Unfinished Business: The Impact of Race on Understanding Mentor Relationships*, in THE HANDBOOK OF MENTORING AT WORK: THEORY, RESEARCH, AND PRACTICE 223, 234 (Belle Rose Ragins & Kathy E. Kram eds., 2007).

⁶⁰ Hamilton & Brabbit, *supra* note 4, at 106.

⁶¹ *Id.* at 108–09.

⁶² *Id.* at 109.

⁶³ MCCA, *supra* note 9, at 9.

could fall within the two functions recognized by Kram. For example, skills building and career advancement could be considered career functions, while workplace socialization and confidence building could fit within psychosocial functions. However the functions are characterized, mentoring encompasses more than simply advancing one's career.

The modern emphasis is on having multiple mentor relationships. Researchers refer to this as a "developmental network"—"a variety of relationships that support your personal development and career advancement."⁶⁴ Research suggests that the bigger the developmental network, the greater the protégé's satisfaction at work.⁶⁵ In an interesting study of attorneys at twelve major law firms, researchers found that there were distinct advantages to having what they called a "developmental constellation."⁶⁶ Higgins and Thomas described a constellation as "comprised of one or more types of 'developers' . . . who may or may not be senior-level individuals working in the same organization as the protégé."⁶⁷ The study found a positive and significant relationship between the amount of psychosocial support provided by the constellation and the protégé's work satisfaction.⁶⁸ In addition, the greater the amount of career assistance provided by the constellation, the greater the protégé's intentions to remain at the firm.⁶⁹ Interestingly, while the relationship status of the primary developer—or mentor—did not have a positive effect on career outcomes, "the relationship status of the constellation was significantly and positively related to the likelihood that the protégé would make partner in the long run."⁷⁰ The researchers characterized the status of the constellation as "*the critical developmental relationship variable that contributed to career advancement*" in their study.⁷¹ Thus, having a network of people who can help new attorneys develop appears important as well.⁷²

⁶⁴ Higgins & Kram, *supra* note 37, at 268; MURPHY & KRAM, *supra* note 24, at 6–7.

⁶⁵ MURPHY & KRAM, *supra* note 24, at 48.

⁶⁶ Monica G. Higgins & David A. Thomas, *Constellations and Careers: Toward Understanding the Effects of Multiple Developmental Relationships*, 22 J. ORG. BEHAV. 223, 224 (2001).

⁶⁷ *Id.* at 224.

⁶⁸ *Id.* at 237.

⁶⁹ *Id.*

⁷⁰ *Id.* at 238.

⁷¹ *Id.*

⁷² In a study of two organizations with formal mentoring programs, researchers found that supervisor and coworker relationships "were more important than mentoring relationships in their potential effects on the individual's organizational commitment, job satisfaction and turnover intent." Babette Raabe & Terry A. Beehr, *Formal Mentoring Versus Supervisor and Coworker Relationships: Differences in Perceptions and Impact*, 24 J. ORG. BEHAV. 271, 285 (2003). Raabe and Beehr opine that this might be the result of the employee spending less time with the mentor than he or she spends with coworkers and supervisors. In the study, mentors were only required to spend two hours per month with the protégé. *See id.* at 285.

A constellation or developmental network also can include peers.⁷³ While mentors can provide career and some psychosocial support, peers can provide a wider variety of support. Peers also have the advantage of being more available than mentors, who are fewer in number given the hierarchy in organizations.⁷⁴ Peer relationships often last longer than traditional mentor relationships.⁷⁵ Kathy Kram identified several different types of peer relationships that can provide information and support to a co-worker.⁷⁶ These relationships occur over a continuum of increasing intimacy. Included are information peers, who, as the name suggests, exchange “information about their work and about the organization.”⁷⁷ She also identified the “collegial peer,” or a peer with whom the employee entrusts with more personal information.⁷⁸ This person provides more emotional support and feedback.⁷⁹ Finally, she suggests that there are also “special peers,” who provide friendship and support in both the work and family areas.⁸⁰ While Kram characterizes these relationships as “rare,” when they occur, they offer a consistent relationship that often lasts a long time.⁸¹ The contours of these relationships are beyond the scope of this Article, but it is worth noting that peers provide significant support to workers.

C. Mentoring Relationships

Research also has examined what mentors and protégés want from each other and the relationship. Mentors want certain qualities in protégés, such as personality characteristics “that indicate ability, competence, and willingness to learn.”⁸² They also prefer protégés who are like them. In two studies, “mentors reported providing more career and psychosocial mentoring to protégés who were perceived as similar to themselves than to protégés perceived to be less similar.”⁸³ Mentors want protégés who are capable, diligent, and performing well.⁸⁴ Essentially, mentors want protégés who they

⁷³ Higgins & Thomas, *supra* note 66, at 224 (noting that constellations can include peers).

⁷⁴ See KRAM, *supra* note 53, at 134.

⁷⁵ See *id.* 134, 137. Kram notes that mentor relationships generally last between three and eight years, while peer relationships can last as long as twenty or thirty years. *Id.* at 137.

⁷⁶ See *id.* at 138–42.

⁷⁷ *Id.* at 138.

⁷⁸ *Id.* at 140.

⁷⁹ *Id.*

⁸⁰ *Id.* at 141.

⁸¹ *Id.*

⁸² Turban & Lee, *supra* note 52, at 33; Allen, *supra* note 15, at 129.

⁸³ Allen, *supra* note 15, at 132–33.

⁸⁴ MCCA, *supra* note 9, at 16.

see as “winners” or “keepers.”⁸⁵ They wish to invest their time in protégés who they believe will be successful, and they want proficient protégés to serve their clients.⁸⁶ As an aside, this has led at least one set of researchers to wonder if mentoring actually leads to career success or mentors simply select protégés because of their protégés’ potential for success.⁸⁷ However, studies that controlled for variables such as protégé personality still indicate benefits to mentored lawyers.⁸⁸

Studies also have explored what protégés are looking for in these relationships. Protégés want mentors who are “go to people”; who can get things done; who accept them as they are; who do not judge and do not look down on them for asking for help or asking questions; and who will speak up for them.⁸⁹ “Mentees wanted access to feedback from mentors with high-quality, high-visibility work experience.”⁹⁰ In one study of twenty-seven experienced mentors, the common attributes of these mentors included “listening and communication skills, patience, knowledge of organization and industry, and the ability to read and understand others.”⁹¹

Researchers have identified a level of cross-gender and cross-race mentoring discomfort.⁹² In her early study of mentoring relationships in non-legal settings, Kathy Kram identified problems that can occur in cross-gender mentoring relationships.⁹³ Problems include: male mentors being overly protective of their female protégés;⁹⁴ male mentors being less helpful as role models; tensions resulting from increased intimacy; and public scrutiny from other members of the organization.⁹⁵ Given that Kram’s study is now over thirty years old, some of these problems may have lessened due to the increased prevalence of women as managers in workplaces. According to the Bureau of Labor Statistics, more than half of management positions are held

⁸⁵ *Id.* at 14.

⁸⁶ *Id.* at 18.

⁸⁷ Carol McKeen & Merridee Bjaki, *Gender and Mentoring: Issues, Effects, and Opportunities*, in THE HANDBOOK OF MENTORING AT WORK: THEORY, RESEARCH, AND PRACTICE 197, 209 (Belle Rose Ragins & Kathy E. Kram eds., 2007).

⁸⁸ See, e.g., Wallace, *supra* note 2, at 386 (controlling for ten demographic, human capital, work context, and personality characteristics, a study of female attorneys still found benefits to having a mentor).

⁸⁹ See MCCA, *supra* note 9, at 16.

⁹⁰ *Id.* at 18.

⁹¹ Allen, *supra* note 15, at 140.

⁹² MCCA, *supra* note 9, at 15; KRAM, *supra* note 53, at 119–23; see also Terri A. Scandura & Ethlyn A. Williams, *An Investigation of the Moderating Effects of Gender on the Relationship Between Mentorship Initiation and Protégé Perceptions of Mentoring Functions*, 59 J. VOCATIONAL BEHAV. 342, 347–48 (2001) (summing up studies showing difficulties in cross-gender mentoring).

⁹³ KRAM, *supra* note 53, at 105–28.

⁹⁴ *Id.* at 105. Kram notes that this is a natural consequence of early socialization experiences. *Id.*

⁹⁵ See *id.* at 106–07.

by women.⁹⁶ Still, in the large law firm setting, male attorneys predominate in the partnership ranks,⁹⁷ making it likely that these problems linger.

In a more recent study by the MCCA, male mentors noted that they were uncomfortable with female protégés. They feared potential sexual harassment and discrimination claims.⁹⁸ Interestingly, female mentors did not express this hesitancy about mentoring men.⁹⁹ Another study, however, indicated that female lawyers with male mentors earned significantly more than female lawyers with female mentors.¹⁰⁰ However, this study also revealed benefits to same-gender mentoring for female lawyers. Female lawyers with male mentors reported less career satisfaction and less intent to stay in the profession than female lawyers with female mentors.¹⁰¹ In addition, female lawyers with female mentors reported significantly less work-family conflict.¹⁰² Finally, one study suggested that when it came to role modeling, males and females benefited more from having a mentor of the same sex.¹⁰³

More research is needed to understand cross-race mentoring relationships.¹⁰⁴ As Blake-Beard and her colleagues point out, “[o]ur most highly regarded models, theories, and empirical studies either exclude race as a factor or include samples that lack diversity such that race is relegated to ‘unexplained variance.’”¹⁰⁵ The MCCA’s study of diverse mentoring relationships provides some information about the impact of race on mentoring.¹⁰⁶ The MCCA explicitly studied cross-race mentoring relationships.¹⁰⁷ Most study participants were in informal mentoring relationships that developed from working together.¹⁰⁸ When it came to mentoring lawyers of color, mentors worried about offending protégés with inappropriate statements, not understanding the experiences of their protégés, and feared discrimination claims from inadvertent comments.¹⁰⁹ Still, mentors formed productive relationships with protégés of color, but limited

⁹⁶ *Labor Force Statistics from the Current Population Survey: Employed Persons by Detailed Occupation, Sex, Race, and Hispanic or Latino Ethnicity*, BUREAU OF LAB. STAT. (Jan. 18, 2019), <https://www.bls.gov/cps/cpsaat11.htm>.

⁹⁷ See *supra* notes 5–6 and accompanying text.

⁹⁸ See MCCA, *supra* note 9, at 15.

⁹⁹ See *id.* at 15.

¹⁰⁰ Wallace, *supra* note 2, at 381.

¹⁰¹ *Id.* at 381, 385.

¹⁰² *Id.* at 385.

¹⁰³ Scandura & Williams, *supra* note 92, at 357–58.

¹⁰⁴ Blake-Beard et al., *supra* note 59, at 226, 232–38.

¹⁰⁵ *Id.* at 226.

¹⁰⁶ MCCA, *supra* note 9, at 6–7.

¹⁰⁷ *Id.* at 10.

¹⁰⁸ *Id.* at 12.

¹⁰⁹ *Id.* at 16.

the help they provided.¹¹⁰ Interestingly, few protégés in this study expressed concerns about these relationships, although some felt uncomfortable raising diversity issues with their mentors.¹¹¹ Studies suggest that these interracial mentoring relationships work better in the context of career mentoring rather than psychosocial mentoring. This has led to people of color developing two sets of mentors—white mentors who help with career mentoring and mentors of the same race who provide psychosocial mentoring.¹¹²

Research involving MBAs suggested African American MBAs had less access to mentoring than white MBAs.¹¹³ Additionally, in Catalyst's study of women of color in corporations, women noted the difficulties of finding mentors because the mentors were mostly white males.¹¹⁴ However, other studies showed no differences in the ability of white and black employees to find mentors.¹¹⁵ Because of the dearth of higher level employees in most corporations, people of color often must navigate interracial dynamics in order to find a mentor. Commentators have referred to the racial barriers that people of color must overcome in this context as a "mentoring tax"—a barrier that white employees do not encounter.¹¹⁶

D. Formal Versus Informal Mentoring Programs

Less empirical research has focused on the benefits of mentoring programs to employers.¹¹⁷ Because studies of informal mentoring programs showed a positive relationship between employee retention and satisfaction with work, employers began implementing formal mentoring programs hoping for similar results.¹¹⁸ Indeed, studies of undergraduate students show that organizations with mentoring programs are more attractive,¹¹⁹ so such programs may aid in employee recruitment. Some of the theoretical benefits of formal mentoring programs include better socialization of new employees into the organization, increased retention, enhanced performance of employees, identification of talented employees for development, enhanced

¹¹⁰ *Id.*

¹¹¹ *Id.*

¹¹² See Blake-Beard et al., *supra* note 59, at 228–29, 230.

¹¹³ See *id.* at 227 (citing studies).

¹¹⁴ See *id.*

¹¹⁵ See *id.* at 228.

¹¹⁶ See *id.*

¹¹⁷ See Baugh & Fagenson-Eland, *supra* note 24, at 254 (noting the lack of evidence of formal mentoring program effectiveness).

¹¹⁸ See *id.* at 252–53.

¹¹⁹ See Tammy D. Allen & Kimberly E. O'Brien, *Formal Mentoring Programs and Organizational Attraction*, 17 HUMAN RESOURCE DEV. Q. 43 (2006).

diversity, and improved communications.¹²⁰ Yet there are few empirical studies linking formal mentoring programs to these outcomes. In fact, as one set of researchers noted, “organizational outcomes are difficult to influence through human resource interventions.”¹²¹

Studies generally show that formal mentoring programs (while providing the advantage that everyone who wants a mentor gets a mentor) do not supply the same benefits as informal mentoring relationships,¹²² although the evidence is not consistent.¹²³ Formal mentoring programs are those that are set up by the employer and are usually of limited duration.¹²⁴ Informal mentoring relationships occur naturally without the direct assistance of the employer and are generally of longer duration.¹²⁵ Formal mentoring relationships may have goals that are specified by the organization, although the program can also permit mentors and protégés to set their own goals.¹²⁶ Informal mentoring relationships are not constrained in this manner.¹²⁷ Informal mentoring relationships also may not be as apparent, whereas formal mentoring programs generally involve some public acknowledgement or activities that make the relationship visible in the organization.¹²⁸

Studies of informal and formal mentoring programs show mixed results as to whether protégés in formal mentoring programs receive more career and psychosocial support than those who have informal mentoring relationships.¹²⁹ Some research suggests that informal protégés receive more psychosocial and career support while others show no difference.¹³⁰ However, no studies show that protégés in formal programs receive more support than those who have informal mentors.¹³¹

Still, there may not be much difference between a formal and informal relationship from a protégé’s perspective. Studies have not shown differences in organizational commitment, career involvement, or job satisfaction between protégés in formal mentoring programs versus those in informal mentoring programs.¹³² Indeed, one study suggests that the quality of the

¹²⁰ See Baugh & Fagenson-Eland, *supra* note 24, at 253–54.

¹²¹ *See id.* at 254.

¹²² See MCCA, *supra* note 9, at 19; *see also* Underhill, *supra* note 24, at 303 (finding informal mentoring more effective).

¹²³ See Baugh & Fagenson-Eland, *supra* note 24, at 254.

¹²⁴ *See id.* at 251.

¹²⁵ *Id.*

¹²⁶ *See id.*

¹²⁷ *See id.*

¹²⁸ *See id.* at 252.

¹²⁹ *See id.* at 254–55 (citing and describing studies).

¹³⁰ *See id.*

¹³¹ *See id.*

¹³² *See id.* at 256.

mentoring relationship—regardless of whether it was formed formally or informally—accounts for more of the variance in outcome than type of program.¹³³ One study showed that 90% of attorneys in formal mentoring programs were satisfied with it.¹³⁴

Participants in formal mentoring programs are more satisfied when they have input into how their mentors are selected.¹³⁵ Murphy and Kram suggest matching participants by interests and developmental needs.¹³⁶ This is important, given that studies have linked mismatched mentors and protégés to increased intentions to leave employment, as well as decreased job satisfaction.¹³⁷ Murphy and Kram also note that participants who are more demographically similar to each other tend to develop stronger relationships.¹³⁸

It is worth noting that one study of law firms showed a negative relationship between formal mentoring programs and the number of certain ethnic and racial minority partners present. While Kay and Gorman noted that only 21% of the more than 1,300 law firm offices they studied had formal mentoring programs,¹³⁹ they found no significant association between formal mentoring programs and the overall minority presence at the partner level.¹⁴⁰ Disturbingly, they found a significant negative relationship between formal mentoring programs and the representation of Latino and Asian partners.¹⁴¹ Thus, the mere existence of a formal mentoring program does not guarantee positive results for racial and ethnic minority lawyers. Instead, the nature of the formal mentoring is likely important.

While researchers have explored some aspects of mentoring, there are areas yet to be studied. For example, more research needs to be done on the impact of race on mentoring relationships.¹⁴² In addition, the characteristics of an effective formal mentoring program are still unclear.¹⁴³ Finally, much of the research completed cannot show a causal connection between formal mentoring and positive job outcomes.¹⁴⁴ Even though more research is

¹³³ *Id.*

¹³⁴ See MCCA, *supra* note 9, at 12.

¹³⁵ See MURPHY & KRAM, *supra* note 24, at 97.

¹³⁶ *Id.*

¹³⁷ See Eby, *supra* note 32, at 328.

¹³⁸ MURPHY & KRAM, *supra* note 24, at 97.

¹³⁹ Kay & Gorman, *supra* note 18, at 100.

¹⁴⁰ *Id.* at 106.

¹⁴¹ *Id.* at 106–07.

¹⁴² See Blake-Beard, et al., *supra* note 59, at 242 (noting “[t]he study of race and mentoring represents unfinished business for organizational scholars, managers, and practitioners”).

¹⁴³ See Baugh & Fagenson-Eland, *supra* note 24, at 250.

¹⁴⁴ See Sameer B. Srivastava, *Network Intervention Assessing the Effects of Formal Mentoring on Workplace Networks*, 94 SOC. FORCES 427, 431 (2015).

needed, studies do suggest what might be important in creating a good mentoring program or a workplace atmosphere where mentoring is more likely to flourish.

IV. THE ELEMENTS OF A GOOD MENTORING PROGRAM—TENTATIVE SUGGESTIONS

Given the potential for enhanced career outcomes for lawyers who have mentors, it appears that new lawyers can benefit from a mentor. There are two main areas that an employer needs to consider in order to set up a successful mentoring program. The first is creating a workplace culture in which mentoring is valued and therefore flourishes. The second is establishing the mentoring program itself in a manner that both mentors and protégés will find beneficial.

A. Workplace Culture

It is in an organization's interest to foster mentoring. Mentoring correlates with increased retention, creates conditions for nurturing new talent, and inculcates organizational values in new employees.¹⁴⁵ A workplace culture can encourage or discourage mentoring. To have a successful mentoring program, employers need to create a culture of mentoring and collaboration. As Abbott explains, how the employer views mentoring can have a significant impact on whether senior attorneys are willing to act as mentors:

Organizational factors that affect the frequency and quality of workplace mentoring include the degree of hierarchy and internal competition, the performance appraisal and reward systems, and the emphasis placed by the firm on professional development and work satisfaction. In order to thrive, mentoring requires a culture that values and rewards professional development, collaboration, and concern for others. A law firm where little attention is given to professional development, where associates are afraid of partners (or some partners are afraid of other partners), where partners compete against each other for business and recognition, and where the bottom line is all that matters, will not sustain healthy mentoring relationships.¹⁴⁶

The organization must value mentoring or senior attorneys will be less likely to invest time in it. So, how can an organization foster mentoring?

¹⁴⁵ See KRAM, *supra* note 53, at 159.

¹⁴⁶ ABBOTT, *supra* note 1, at 30.

In her pioneering work on mentoring, Kathy Kram identified several organizational obstacles to mentoring.¹⁴⁷ Included in these obstacles was a workplace reward system that emphasized the bottom line and not human resource development.¹⁴⁸ Billable hour requirements can create disincentives to mentoring. This is relatively easy to fix in the law firm context. In order to promote mentoring, firms can count time spent mentoring as equal in value to billable time. The firm or company can also set priorities, policies, and compensation that reflect the importance of mentoring and diversity, if that is also one of the goals of the mentoring program.¹⁴⁹

This leads to another obstacle Kram identified in her study—an organizational culture that does not value mentoring.¹⁵⁰ She suggests that organizations can create a culture in which mentoring is valued by having leaders who are mentors and creating rewards for those who provide mentoring.¹⁵¹ If employees do not trust leaders and there is a lack of communication in the organization, the culture will not foster mentoring.¹⁵² Kram explains that “[t]he culture that most severely discourages mentoring activities is the one that is so short-term results-oriented that attention to employee development and relationships is considered a distraction from important work.”¹⁵³ Employers can encourage mentoring by providing tangible and significant rewards to outstanding mentors, such as cash or travel.¹⁵⁴ As mentioned earlier, law firms can assign billable hour credit for mentoring.¹⁵⁵

In addition, Kram noted that if the design of work minimizes interactions between people, this can also pose an obstacle to mentoring.¹⁵⁶ Work that is individualized and hierarchical can lead to fewer interactions between people and less opportunity for mentoring. On the other hand, if people work in project teams, there is more potential for interactions.¹⁵⁷ Law firm work can be set up either way. Lawyers often work in teams, but the projects within the team can be individualized with little interaction between team members. Essentially, lawyers can receive their part of the project and go off to their individual silos, leaving less opportunity for productive interactions that lead to mentoring. Instead, team members can brainstorm and work together,

¹⁴⁷ See KRAM, *supra* note 53, at 160–67.

¹⁴⁸ *Id.* at 161.

¹⁴⁹ MCCA, *supra* note 9, at 19.

¹⁵⁰ KRAM, *supra* note 53, at 164.

¹⁵¹ *Id.*

¹⁵² *Id.*

¹⁵³ *Id.* at 165.

¹⁵⁴ MCCA, *supra* note 9, at 19.

¹⁵⁵ *Id.*

¹⁵⁶ See KRAM, *supra* note 53, at 162.

¹⁵⁷ *Id.*

leading to more opportunities for mentoring. Heads of teams must be intentional about how they assign work to foster mentoring. It is also important that the senior members of the team act as coaches rather than evaluators.¹⁵⁸ The work atmosphere should encourage collaboration instead of competition.¹⁵⁹

Kram also notes that an organization can have what is essentially an information gap whereby both potential mentors and protégés are unaware that workplace relationships play an important role in career development.¹⁶⁰ Essentially, this amounts to new employees thinking that senior level managers do not have time to mentor, individuals being unaware of the benefits of mentoring, or employees simply lacking the interpersonal skills to form these relationships.¹⁶¹ This gap can be filled through communication, education, and adjustments to firm culture. The organization needs to make potential mentors aware of the benefits of mentoring, and new employees need to be told that senior managers are available as mentors.

Finally, Kram noted that employers can use performance management systems, such as review processes and career development systems, to encourage and provide mentoring.¹⁶² However, often these systems are not in place or are not used properly for this purpose. These mechanisms can provide feedback loops on employee performance that can build mentor relationships. Potential mentors need to know how to use these systems to develop productive relationships with employees with whom they work or interact.

One cautionary aspect of creating a workplace culture that encourages professional development of junior employees is how this impacts racial and ethnic minority attorneys. As previously noted, in their study of over 1,300 law offices, Kay and Gorman found a significant negative relationship between a law office's cultural value of fostering the professional development of junior employees and the presence of racial and ethnic minority partners at the law firm.¹⁶³ This negative effect was most significant for African American attorneys,¹⁶⁴ and only marginally significant for Latino attorneys.¹⁶⁵ In addition, they found no significant correlation between a cultural emphasis on collegiality and the proportion of minority partners at

¹⁵⁸ *Id.*

¹⁵⁹ *Id.* at 163.

¹⁶⁰ *Id.* at 165.

¹⁶¹ *Id.* at 166-67.

¹⁶² *Id.* at 163.

¹⁶³ Kay & Gorman, *supra* note 18, at 106.

¹⁶⁴ *Id.*

¹⁶⁵ *Id.* at 107. It has no significant impact for Asian attorneys. *Id.*

these firms.¹⁶⁶ These results appear counterintuitive to what would be expected if one of the functions of mentoring is to help ethnic and racial minority attorneys succeed in firms. However, the authors of this study note that there is often a “loose coupling” between what an organization says about such efforts and how those efforts operate in practice.¹⁶⁷ Indeed, the firm cultures studied were derived from the firms’ own statements about themselves.¹⁶⁸ Still, it does suggest that firms should be cautious in assuming that these cultural pronouncements will translate into programs that have a significant impact on the proportion of ethnic and racial minority attorneys making it to the partnership level.

B. Features of an Effective Mentoring Program—Tentative Suggestions

Along with workplace factors, how the mentoring system is set up will have an impact on its effectiveness. This section is titled as “tentative suggestions” because it is not entirely clear what is essential for an effective formal mentoring program.¹⁶⁹ As Baugh and Fagenson-Eland point out, “[t]here is a great deal of literature offering advice to program developers with respect to the design features of the program . . . based on very limited research and large doses of anecdotal evidence.”¹⁷⁰ In spite of this, this section will suggest aspects of mentoring programs that may make them more likely to be effective.

First, even though studies suggest that formal mentoring programs are not as effective as informal mentoring,¹⁷¹ it is important that firms create voluntary formal mentoring programs.¹⁷² Women and minority lawyers are less likely to have opportunities to form informal mentoring relationships,¹⁷³ and these programs can help fill those gaps. In their latest report on racial and gender bias in the legal profession, the ABA Commission on Women in the Profession and the MCCA explicitly recommended mentoring as a tool to

¹⁶⁶ *Id.* at 106.

¹⁶⁷ *Id.* at 108.

¹⁶⁸ *Id.* at 99.

¹⁶⁹ See Baugh & Fagenson-Eland, *supra* note 24, at 249, 250 (noting that there is “scant research data on which to base [formal mentoring] program recommendations”).

¹⁷⁰ *Id.* at 261.

¹⁷¹ See *id.* at 260.

¹⁷² See Michael Horvath, Laurie E. Wasko & Jessica L. Bradley, *The Effect of Formal Mentoring Program Characteristics on Organizational Attraction*, 19 HUM. RESOURCE DEV. Q. 323, 339 (2008) (study of undergraduate students found organizations with voluntary mentoring programs more attractive).

¹⁷³ See ABBOTT, *supra* note 1, at 55. Informal mentoring can be perceived as unfair by those who do not acquire a mentor. See Wallace, *supra* note 2, at 369, 381 (study showing that female attorneys who had mentors were “more likely to feel the procedures used for allocating rewards were fair” than those without mentors).

disrupt bias in legal workplaces.¹⁷⁴ Also, there are simply not enough senior women and minority lawyers to form informal mentoring relationships with women and minority associates. Moreover, “[e]xisting data suggest that both informal and formal mentoring relationships are better for the protégé than no mentor relationship.”¹⁷⁵ Such programs should be voluntary.¹⁷⁶ Still, if possible, informal mentoring seems to work better. Informal mentoring generally results from people working together.¹⁷⁷ Thus, encouraging more senior attorneys to mentor associates with whom they work also makes sense.

Second, how mentors and protégés are matched in formal programs is important.¹⁷⁸ Murphy and Kram suggest matching participants based on interests and developmental needs. They acknowledge that participants who are more demographically similar tend to develop stronger relationships.¹⁷⁹ One study showed that protégés who had input in the matching process were more satisfied with their mentors.¹⁸⁰ A study of both mentors and protégés noted that “perceived input into the matching process appears to be critical for both mentors and protégés.”¹⁸¹ These researchers reasoned that “[b]y perceiving that they have a voice in the matching process, mentors and protégés may start to invest in the relationship prior to its official beginning.”¹⁸² And studies show that mismatched mentors and protégés can increase the protégé’s intention to leave employment as well as decrease his or her job satisfaction.¹⁸³ Thus, a thoughtful matching process that provides for the mentor and protégé’s meaningful input into selection is helpful.

Research in non-law settings demonstrates that relationship diversity in the mentor-protégé dyad can have benefits as well, such as increasing understanding across race and gender.¹⁸⁴ The MCCA study identified

¹⁷⁴ ABA/MCCA Report, *supra* note 7, at 44, 97, 113.

¹⁷⁵ Hamilton & Brabbit, *supra* note 4, at 121.

¹⁷⁶ Tammy D. Allen, Lillian T. Eby & Elizabeth Lentz, *Mentorship Behaviors and Mentorship Quality Associated with Formal Mentoring Programs: Closing the Gap Between Research and Practice*, 91 J. APPLIED PSYCHOL. 567, 568 (2006) (detailing reasons programs should be voluntary). Interestingly, while the authors of this study noted the theory behind voluntariness, their study showed no correlation between the voluntary nature of the program’s participation and the mentoring outcomes they studied. *See id.* at 574.

¹⁷⁷ *See* MURPHY & KRAM, *supra* note 24, at 2.

¹⁷⁸ As noted earlier, mismatching correlates with decreased job satisfaction and increased intention to leave employment. *See* Eby, *supra* note 32, at 328.

¹⁷⁹ MURPHY & KRAM, *supra* note 24, at 97.

¹⁸⁰ R.E. Viator, *An Analysis of Formal Mentoring Programs and Perceived Barriers to Obtaining a Mentor at Large Public Accounting Firms*, 13 ACCT. HORIZONS 37, 44–46 (1999).

¹⁸¹ Allen et al., *supra* note 176, at 575.

¹⁸² *Id.*

¹⁸³ *See* Eby, *supra* note 32, at 328.

¹⁸⁴ MURPHY & KRAM, *supra* note 24, at 49–50.

benefits to cross-gender and cross-race mentoring relationships.¹⁸⁵ So, these relationships should be encouraged as well. As a practical matter, they must occur if all new lawyers are to have a mentor, given the dearth of female partners and partners of color.

Third, formal mentoring programs should include training, and mentors and protégés should know what the expectations are for the relationships. Formal mentoring programs often lack follow-up and training, leaving mentors and protégés with little idea about how to develop relationships.¹⁸⁶ Training quality also appears to be important as Allen, Eby, and Lentz found that it was “associated with protégé reports of mentorship quality, career mentoring, and role modeling.”¹⁸⁷ In addition, mentors who reported high quality training were more likely to report providing psychosocial support to protégés.¹⁸⁸ Managing the expectations of both the mentor and protégé can also foster a positive relationship. Mentor expectations need to be explicit—mentors may know what they expect of protégés, but never express it to the protégé. Moreover, mentors can be motivated by work and business concerns—not altruism—but they must be patient with their protégés.¹⁸⁹ Protégé expectations should be explicit as well, including their needs and expectations.¹⁹⁰ Thus, having mentors and protégés agree on their expectations with respect to each other is a good first step in creating a positive relationship in a formal mentoring program. This can be done informally between the mentor and protégé or the program itself can designate expectations.

Fourth, mentors and protégés should use work and work-related activities as a starting point for mentoring efforts. Mentors and protégés should also search for common interests and values and make an effort to learn about each other.¹⁹¹ Mentors need to help provide good work opportunities for protégés to excel, give meaningful and constructive feedback, be open to different styles and approaches (especially when mentoring across race and gender differences), and initiate mentoring relationships (by, for example, being approachable, taking the initiative, being empathetic and a good listener).¹⁹²

Murphy and Kram suggest that successful mentoring programs have the following characteristics: (1) “goals aligned with the organization’s strategy”

¹⁸⁵ See MCCA, *supra* note 9, at 13.

¹⁸⁶ *Id.* at 12.

¹⁸⁷ Allen et al., *supra* note 176, at 576.

¹⁸⁸ *Id.*

¹⁸⁹ MCCA, *supra* note 9, at 14.

¹⁹⁰ *Id.* at 20–21.

¹⁹¹ *Id.* at 20.

¹⁹² *Id.* at 26–28.

(how does it fit in the organization's structure; what is it designed to do?); (2) "active support of senior leaders" (publicize program, encourage participation, provide recognition); (3) "program coordinator" (individual or team who creates materials and manages resources); (4) "selection and matching" (voluntary; should include matching based on interests and needs); (5) "education and training" (set expectations and provide resources); (6) "ongoing support" (additional programming, check-ins); (7) "periodic program feedback and evaluation" (get feedback early—three to six months—and periodically thereafter); and (8) "aligned with human resources system and organizational structure."¹⁹³ Of course, only a large organization could afford to set up a mentoring program with all these features. Smaller businesses could still implement some form of informal mentoring that adopts some (if not all) of these elements.

Protégés also benefit from multiple mentoring relationships—from forming a "developmental network" or "constellation."¹⁹⁴ This includes mentors who provide career support (exposure, "visibility, sponsorship, and protection") as well as psychosocial support ("friendship, counseling, acceptance and confirmation, and sharing beyond work").¹⁹⁵ Research suggests that the bigger a developmental network, the greater the career satisfaction of the protégé.¹⁹⁶ Some businesses set up "mentoring circles"— "[in] this format, one to three mentors are brought together with four to eight mentees for the purpose of accelerating the development of the mentees."¹⁹⁷ Thus, new lawyers can benefit from multiple mentors, including both formal and informal mentors as well as peers.

V. CONCLUSION

New attorneys want mentors. This inclination seems well-founded, given that studies suggest mentoring relationships can have positive effects on protégés. Mentors provide protégés with a variety of support, including career, psychosocial, and role modeling functions. These functions should help protégés advance and be happier in their workplaces. Mentors can also benefit from developing new employees. Mentoring may likewise decrease employee attrition, saving law firms and other legal employers the resources they use in training new associates.

Although research supports a preference for informal mentoring, formal mentoring programs also can help establish mentoring relationships. This is

¹⁹³ MURPHY & KRAM, *supra* note 24, at 92.

¹⁹⁴ *Id.* at 6–7.

¹⁹⁵ Higgins & Kram, *supra* note 37, at 268.

¹⁹⁶ MURPHY & KRAM, *supra* note 24, at 48.

¹⁹⁷ *Id.* at 126.

especially important for female attorneys and attorneys of color, who are less likely to have access to mentors from their demographic groups. In addition, employers can arrange work and workplaces so that informal mentoring is more likely to occur. By working in teams, senior attorneys have more opportunities to provide support for newer attorneys.

This Article attempts to take what is known about mentoring and apply it to the law office context to suggest how employers could establish formal mentoring programs that most benefit new attorneys. It also makes suggestions about work arrangements that should help foster informal mentoring. While the research on mentoring is still evolving and more research needs to be done to understand mentoring in the law firm context specifically, this Article provides some features of a formal mentoring program that should make such programs more effective for all involved.

