



The Advocates' Society

Guide To Mentoring



THE ADVOCATES' SOCIETY GUIDE TO MENTORING

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Part I: What is Mentoring

Introduction to Mentoring

A mentor is a wise and trusted advisor, someone we can rely because they have travelled the road on which we are embarked, and can guide and assist our understanding as we progress in our careers.

In legal practice, a mentor is often a more experienced lawyer practicing in the area in which we are involved, whether in the same firm or organization or elsewhere. Mentoring can take a variety of forms, from a formal program within a firm or organization, to a casual arrangement between acquaintances. Whatever the form, the relationship of a mentor and mentee involves the passing of knowledge and skills gained through experience from one advocate to another. Particularly today, when practical opportunities for the gaining of experience in low risk circumstances may be limited, having access to sage advice at critical points may have a significant effect on the ability of a young advocate to advance in knowledge and skills and to take on progressively more significant roles with confidence.

Mentors may be found through work associations, professional organizations, or peer contacts. This resource page sets out a number of suggestions for initiating a mentoring relationship.

This guide is intended to assist both the mentor and mentee in considering some of the basic advantages, and challenges of a mentoring relationship, and to offer advice regarding certain aspects of such a relationship that may otherwise be barriers to a successful outcome.

The various sections deal with getting started, how to advance the mentoring relationship effectively and how to determine whether the relationship is providing the hoped for benefits.

At the end of the Guide you will find a resources section with additional information that may be of value to you, including CPD information and various programs offered by law societies across Canada.

Part II: GETTING STARTED

1. FINDING A MENTOR/MENTEE

Finding a mentor or a mentee will often depend on your particular circumstances. Consider your:

- Personal and professional development goals
- Area(s) of need or expertise
- Expectations from the mentoring experience
- Timing and availability

It is important to note, however, that, whichever side of the relationship you are on, active participation is needed. Mentoring is most rewarding when both parties view themselves as having a stake in the relationship.

Mentoring can take many different forms. It can take place in a law firm or within an organization. It can be an informal arrangement between people in a similar practice area or within a law firm. Peer mentoring occurs regularly between advocates with similar practices and goals. The relationship can be based on practice area, stage of practice, geographical location, or some other aspect of practice where there is a need for guidance.

Whatever form mentoring takes, there is no doubt that it is a cost-effective approach to many of the problems that face advocates today. There is simply no substitute for the learning that is passed on from one counsel to another.

a) Finding a Mentor

There are many elements to a good mentor-mentee relationship. Do not be disappointed if you are unable to find one perfect mentor to meet all of your needs—be open to the idea that you will have more than one. It may be unrealistic to think that one individual will be able to fulfil all the roles and functions of a mentor, and it may be wise to consider how you want to grow as a professional. Also know that what a mentee is seeking in a mentor may change/evolve over time.

A mentor may be able to help you:

- analyze specific or general legal issues;
- explore ways to expand or narrow your practice area;
- connect with other practitioners in a particular practice area, geographic region, or demographic;
- as a sounding board for ethical dilemmas;
- with transitions (return to work after parental leave) or changing career paths;
- improve practice management skills;
- with advice on work-life balance; or
- help you develop your advocacy style and the skills you need.

The legal community has a number of organizations whose members are committed to giving back to the profession, and, as

a member of **The Advocates' Society**, you can look to your fellow members for mentoring support.

The TAS Mentoring Portal can help you find another advocate who can help you with one or more of your goals. TAS members span the country, working in firms of all sizes, in government, and as in-house counsel. Many TAS members are also trained as skills instructors to give helpful feedback in a productive and non-judgmental manner.

Look through our directory and do not feel confined to your area of practice or the lawyers in your firm. A suitable mentor may be a senior member of the bar, or he or she may be a peer you wish to learn from. Do not underestimate your junior colleagues—peer mentoring can often resolve routine procedural or administrative problems.

Finding a mentor has a lot to do with personality and individual style, and not all professionals will have the time to meet or speak regularly. While it is important to actively seek out potential mentors, always respect the schedules and demands of others. You may also wish to consider an informal relationship with another professional, or seek advice on a discrete issue or for a specific purpose. While it is important to value differences of opinions, some relationships simply will not foster skill development or professional growth.

When you seek to establish a mentoring relationship, it is important to have realistic expectations—not all lawyers will be able to assume the role of a formal “mentor”. Once you make contact, be prepared to explain why you believe you would be a good match. Most professionals will be flattered to be asked, even if their availability may have changed and they are unable to commit.

b) **Being a Mentor**

If you are looking to share your legal experience and expertise, there are many routes to finding a mentee. Getting involved is as simple as opting in as a Mentor on your TAS member profile page. Teaching or periodic speaking engagements will also give you exposure to junior lawyers who are keen to learn from others. Take the time to offer feedback to junior counsel when appropriate.

If you are willing to become a mentor, think about what skills and resources you might offer a mentee. Like choosing a mentor, choosing a mentee will require you to think about personality and individual style. If a mentoring relationship is based in mutual respect and appreciation, both parties will feel that they have an interest in the relationship and the both will be rewarded for their investment.

2. **ESTABLISHING WORKING AGREEMENTS**

There are a multitude of models for mentor programs which span the spectrum from a true “principal/junior” model for a dedicated work relationship to the designation of a “contact” person with whom an associate can consult on an as needed basis. While there is no magic formula, there are a few ground rules that should be discussed at the outset of the relationship:

- What is the expected frequency and means of contact? Phone and in-person discussions can both be productive. Will contact be at set increments or on an as-needed basis? Setting up a schedule with regular contact dates will ensure you stay on track and ensure the relationship doesn't go stale.
- What is the initial duration of time you are both willing to commit to? This can be extended but it is important to establish a set period of time for the commitment at the outset.
- Will the mentor be asked or expected to **refer work**? There may be an opportunity to involve the mentee both in his/her own files and identify opportunities for the mentee to work with others so as to gain exposure to different litigation styles and approaches.
- Will the mentor be expected to keep discussions in **confidence**? This may be particularly helpful for a mentee looking to discuss ethical dilemmas, practice management issues, or career changes. This may also be worth discussing if a mentor has a longstanding relationship with the mentee's work provider or law firm.

What can the mentor help with?

- Are there certain topics or issues in particular that the mentor is willing to discuss?
- Are there any issues or clients **off limits**?
- Is the mentor willing to provide advice on substantive legal issues or non-substantive issues only? The mentor may be available to the mentee for the purposes of providing professional guidance and litigation skills training and for purposes of assisting the mentee with problems and questions relating to practice, procedure, professionalism and civility.
- Is the mentor willing to assist the mentee with practice management issues, including such matters as litigation file organization, continuing legal education (including advocacy skills training), time management, docketing, billing and relations with others?
- Will the mentor be in a position to provide meaningful **feedback** to the mentee, including constructive criticism of the mentee's drafting and advocacy skills. This could include giving the mentee opportunities to get on his/her feet in a courtroom with the mentor present to observe. This may also include reviewing the examination for discovery transcripts of the mentee in order to provide guidance for future examinations. A mentor may also be able to facilitate or communicate candid feedback from other third parties on behalf of the mentee.
- The mentor may assist the mentee in understanding the history, culture and clients within the legal community.
- The mentor may assist in teaching the mentee the skills involved in business development from a litigation perspective so as to emphasize the importance of the client and the ways to attract new business.

It is important that the mentor is able to relate to the mentee on a personal level, both in the professional and social context, in order to develop the trust necessary for a mentoring relationship to develop. The above list may serve as a good starting point for an initial discussion between a mentor and mentee who do not already know each other.

Although most mentoring relationships will be informal, it is important to set out key terms of the relationship in an email to ensure expectations are aligned. This will also help in goal setting and periodic evaluation of the relationship. It is important that all mentor/mentee relationships established through the TAS mentoring portal are formalized with a [written agreement](#).

3. SETTING GOALS AND LEARNING PLANS

The key to ensuring the success of a mentoring relationship is to set realistic and attainable goals, recognizing that these relationships are fluid and reciprocal with benefits flowing to both the mentee and mentor.

It is important that the mentee first establish goals, including both more immediate specific goals, and broader career-oriented goals. Mentees are advised to consider the “SMART” principles¹ when setting goals and ensuring the goals are:

- **Specific:** Goals should be specific. For example, increasing connections to certain types of lawyers, becoming known as a subject matter expert, identifying writing or speaking opportunities, or receiving strategic or substantive advice.
- **Measurable:** A goal will be more motivating if you can track progress. For example, by growing your LinkedIn profile in strategic ways, attending or speaking at certain conferences, or by participating in a particular type of motion.
- **Achievable:** Can your goal really be achieved considering the unpredictability of litigation?
- **Relevant:** How does the goal help develop your career in a meaningful way?
- **Time-Bound:** Set a realistic but fixed deadline.

The mentor can help the mentee set specific goals, develop plans to measure achievement of the goals, and provide ongoing feedback. A mentor may also help identify opportunities to help develop the mentee’s career. Speaking from experience, a mentor can help a mentee deal with adversity, modify goals, and learn from mistakes.

If the relationship is not advancing one or more of the mentee’s goals, this is when the parties should revisit and review the relationship.

Part III: Growing the Relationship

1. Building Trust

Building trust depends on both the length of the relationship - 20 minutes of ‘speed mentoring’ or 20 years as members of the same firm - and the context of the advice sought.

It is important that the mentor fosters trust with the mentee. This means being available and approachable, so that the mentee feels safe and comfortable sharing issues, rather than being afraid of embarrassment, rejection, or punishment. Socializing outside of work, whether over coffee, lunch or dinner, can assist with this. Mentees can build trust by being punctual, reliable, and focused. It helps if mentees attempt to solve a problem before seeking advice to avoid ‘delegating up.’ For example, this may mean having a working knowledge of the major cases, new developments, and applicable legislation before seeking advice.

2. Listening

The Mentor’s role is to fill in knowledge gaps and offer common sense and strategic insights based on their experience. To do this requires gauging what the mentee knows and does not know by using active listening and questioning.

3. Constructive Feedback

No one benefits from discouragement and offering constructive feedback (giving a rose with a thorn) is crucial to maintain trust. Mentors should highlight something the mentee did well, and then focus on areas of in need of improvement.

4. Measuring Success

Ideally, mentors work themselves out of a job. The relationship develops to the point where the mentee is less dependent on the mentor. In the short term, success can be measured in preliminary goals set out by the Mentee.

5. Overcoming Obstacles

Fail forward. Often the best learning comes when a mentee faces a rude opponent, a loss in court, or an unhappy client. These are issues that continue throughout an advocates practice, and instilling good habits early to learn to deal with typical obstacles is a great benefit of mentoring. Mentors can offer encouragement and support by sharing their anecdotes and strategies for difficult situations.

¹ Bogue, Robert. “Use S.M.A.R.T. goals to launch management by objectives plan”. TechRepublic. Retrieved 20 November 2013; Doran, G. T. (1981). “There’s a S.M.A.R.T. way to write management’s goals and objectives”. Management Review. AMA FORUM. 70 (11): 35–36.

Part IV: Reviewing your progress

As you reach the conclusion of your structured mentoring relationship, it is important for you and your mentoring partner to reflect on the experience and redefine your relationship going forward.

This is the time for an open and free-ranging discussion with your mentoring partner of the learnings that you have made. You might review the goals that you set at the outset of the relationship, review the progress that you have made along the way, and discuss your future aspirations.

In addition to the formal or technical skills and insights that you gained through the mentoring experience, you might also review the interpersonal aspects of the relationship that you developed with your mentoring partner. This conversation allows both mentor and mentee to incorporate constructive feedback into any future mentoring engagement.

Some common questions and themes that help guide this discussion include:

- What are the most memorable moments and learnings that we made during our time together?
- What kinds of challenges did we experience during the relationship and how did we overcome them?
- What are your future learning goals, aspirations and plans?
- What has the mentoring relationship meant to you?
- How will we redefine the relationship?
 - Is there interest and agreement to continue another structured mentoring period?
 - Will we continue the relationship in a less formal manner, on an ad hoc basis?
 - Will we acknowledge the conclusion of the experience and identify other individuals who may be helpful to support the growth and interests of your mentoring partner?
 - Will we stay in touch, and if so, how?

You have done the hard work over a period of many months of discussion and discovery with your mentoring partner. You may decide to mark the conclusion of the experience with some form of celebration—a fun and light way to acknowledge your accomplishments and the meaningful connections that you have made through the mentoring experience.

PART V: Resources from The Advocates' Society

The Advocates' Society is committed to the development of the profession. The guidelines contained in these pages are a roadmap for building a successful mentoring experience. The Advocates' Society offers a number of ways for members to find a mentor or become a mentor.

Some of these include:

- An on-line Mentoring Portal where senior and intermediate members of the Society can opt-in as a mentor and make themselves available to help other members;
- Opportunities to network with peers and other members of the Society by getting involved with the Young Advocates' Standing Committee (YASC) and/or the YASC volunteer roster;
- Advocacy skills workshops facilitated by seasoned members of the bar help advocates of all vintages hone their skills in a supportive and encouraging;
- Formal mentoring events (Mentoring Dinners) and mentoring sessions (Fall Forum and Women in Litigation conferences) allow senior members to give back and young advocates the chance to have intimate discussions and make lasting connections;
- Member-only Practice Groups keep members connected with other TAS members in your practice area;
- Opportunities to speak at CPD and Practice Group programs;
- The opportunity to become a trained instructor for TAS advocacy skills programs;
- Opportunities to share insights and knowledge with other members by contributing to blogs and digital newsletters.

WWW.ADVOCATES.CA

For more information on TAS mentoring opportunities and membership, please contact Robin Black, Director of Marketing and Membership at robin@advocates.ca

Appendix I: EXTERNAL RESOURCES

a) Ontario

- Law Society of Upper Canada Mentoring programs:
 - Equity and Diversity Mentorship Initiative: The Equity and Diversity Mentorship Initiative encourages students from diverse backgrounds, including Aboriginal Peoples, Francophones and equity-seeking groups, to consider law as a career by providing matches for high school and university students with lawyers. In addition, the initiative provides matches for new calls to the Bar, law school students and students-at-law. Mentors offer academic and career advice, job-shadowing and share their experiences and insights in the legal profession.
 - Practice Mentoring Initiative: The Practice Mentoring Initiative connects lawyers with experienced practitioners in relevant areas of law to help them deal with a complex substantive legal issue or a specific procedural issue outside of the Law Society's Practice Management Helpline mandate.
 - Coach and Advisor Network: This program is designed for lawyers and paralegals looking for new ways to enhance competence and succeed in your practice. CAN offers shorter-term, outcome-oriented relationships with volunteer Coaches and Advisors drawn from the professions and serves as a complement to existing mentoring programs in Ontario.
 - Articling Mentoring: Provides students-at-law seeking articling positions with a support link by pairing them with a lawyer who will provide advice, support and encouragement in their search for an articling position.
 - Disability Mentoring Program: The Mentoring program is designed to match students, lawyers and paralegals with disabilities with experienced lawyers and paralegals who provide advice and guidance about law practice, and entering and remaining in the legal profession.
- Legal Aid Ontario: Offering one-on-one mentoring, group mentoring and access to other online resources.

b) Western/Central Canada

- Law Society of Manitoba: "The Importance of Mentoring—Report of the Equity Ombudsperson"
- Law Society of Saskatchewan 2016 Report including comments on mentoring
- Law Society of Alberta: The Mentor Program is a service to provide a less experienced lawyer with the assistance of more experienced counsel, and is aimed at ensuring that the public continues to receive quality legal services. The program simply carries on the long-standing tradition of the Alberta Bar to provide assistance to professional colleagues. It is operated by the Office of the Practice Advisor.
- The Law Society of British Columbia: Mentoring, for purposes of continuing professional development (CPD) credit, is a relationship in which a lawyer with experience or expertise in a practice area or practice skill (the "mentor") provides guidance or advice in support of the professional or practice goals of another lawyer, or an articling student in another firm, who requests assistance (the "mentee")

c) Atlantic and Northern Canada

- Law Society of Newfoundland: A new formal Mentoring Program will put some structure to current networking and, in doing so, assist those who might be hesitant about asking for help, or who simply don't know where to turn for guidance. The Program proposed here will be voluntary, a service by experienced practicing insured members who agree to provide less experienced members with assistance. Some benefits to participate include expanding your personal network, improving camaraderie among members and enhancing career satisfaction.
- Nova Scotia Barristers' Society:
 - Legal Legacies & Bridges (LLB): African Canadian and Aboriginal Law Student Mentorship Program—The Society offers this mentoring program in conjunction with the Indigenous Black and Mi'kmaq Initiative at Dalhousie University (IB&M).
 - The Internationally Trained Lawyers Mentoring Program: The Society runs this mentoring program in collaboration with Immigrant Settlement & Integration Services (ISI) in Halifax.
 - Pride Mentorship Program: This program, for lesbian, gay, bisexual and transgendered lawyers, is offered in collaboration with the CBA Sexual Orientation Gender Identity (SOGI) section. Its purpose is to provide a community of support for students and new lawyers entering the profession
- Lawyers' Insurance Association of Nova Scotia
- Law Society of the Northwest Territories (redirects to Alberta): The Practice Advisors of the Law Society of Alberta are available to practitioners in the Northwest Territories to discuss legal, ethical and practice concerns, as well as personal matters such as stress and addiction. Members of the Law Society of the Northwest Territories are invited to contact the Practice Advisors at any time. Members from the Northwest Territories and Nunavut are invited to call the office of the Practice Advisor and ask for the Mentor Program. There is no cost for this service.

d) *Quebec*

- The Bar of Montreal: This service, offered by the Bar of Montreal and the Young Bar of Montreal (YBM), has been created to provide a mentor to any member of the Bar of Montreal for a minimum six month period. The purpose of the program is to help lawyers to come out of their isolation, to respond to questions related to the practice of law and to guide the youngest in their practice.

Commentary on Mentoring

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McErlean, William and Teplinsky, Howard; *Training an Associate: Garbage In Garbage Out*; *LITIGATION*, Spring 1998, Vol. 24, No.3

Dr. George E. Vaillant, *Triumphs of Experience*

Tony Dungy, *The Mentor Leader*

Hollander, John; "What does it take to be a good mentor?" May 9, 2016 McBride Bond Christian LLP



The Advocates' Society

Appendix II: Sample Mentoring Agreement

Mentoring Partnership Agreement Between _____ and _____
We are entering voluntarily into a relationship. The following sets the parameters of the partnership.

The Mentee's expectations are:

The Mentee's goals are:

The Mentor's expectations are:

The Mentor and Mentee acknowledge and agree:

- That all matters discussed in the course of the relationship shall be confidential, unless both parties agree that disclosure can occur or as otherwise required by law;
- That the Mentor will not assist the Mentee on the following types of matter:
 - o Advice or opinions on specific files;
 - o Direct involvement in dispute resolution;
 - o Acting as an advocate for career advancement; and
 - o The lending of money or financial matters;
- That the Mentor will not have any contact with the Mentee's client that would create a solicitor/client relationship;
- That the Mentee understands that he or she is responsible for individually and independently satisfying himself/herself of the soundness of any suggestions, recommendations or advice-like comments made by the Mentor;
- That no solicitor/client relationship between the Mentee and the Mentor is created by this agreement;
- That the Mentee will hold the Mentor harmless for any professional liability claim arising on a matter for which the Mentor provided advice to the Member;
- 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.

We both understand that all issues discussed will remain confidential, unless specifically otherwise agreed.

Commitment agreement:

1. On-going: We plan to meet regularly, at least once every _____ months. We agree to establish the mentoring relationship with a minimum of _____ meetings over the length of the program (_____ months). We both agree to follow the guidelines of this agreement for the period specified and to make a concerted effort to resolve any issues, should they arise. If circumstances change, either party may cancel this agreement by _____.

1. One Hour: The parties agree that this agreement shall be initially limited to a one hour session, following which they will determine whether they wish to extend the agreement in accordance with the above terms.

Mentor's Signature/Date

Mentee's Signature /Date