

## 5. MENTOR SELECTION

The mobility of new lawyers between jobs has potentially significant implications with regard to several of the justifications that exist for selecting mentors, whenever possible, from within the new lawyer's own firm. One justification is familiarity. Another is incentive. Lawyers who work together may be more likely to have frequent contact, resulting in a stronger mentoring relationship. The mentor also may be more likely to have an active interest in a mentor relationship that facilitates the proper professional development of one of the firm's own lawyers.

**Indeed, the most common reason for ending a mentor relationship was that the lawyer being mentored no longer worked with the mentor. Nevertheless, the survey also suggests that these negative effects have not been universal.**

If either party to the relationship changes firms during the mentoring period, however, these benefits of familiarity and incentive may largely disappear.<sup>1</sup> Given the significant potential for job change observed in the study, even within the first three years of practice, therefore, it is important to know whether the loss of these advantages after a mentoring relationship has begun is likely to

endanger the continuation of the relationship.

The survey responses indicate that the modern tendency of lawyers to change employment has some negative impact on mentoring. When a mentoring relationship has begun between lawyers in the same office, it is possible that the relationships will not survive a decision by one or the other lawyer to leave the office. Indeed, the most common reason for ending a mentor relationship was that the lawyer being mentored no longer worked with the mentor.<sup>2</sup> Nevertheless, the survey also suggests that these negative effects have not been universal. Mentoring relationships that already exist appear to have some permanence to them, at least within the new lawyer's first ten years of practice, despite lawyer mobility. Of those already having a mentor, 85.5% indicated that their mentor continued to influence their character, even though slightly more than half of the lawyers then worked in a different law office than their mentor.<sup>3</sup> More specifically to the point, 111 respondents indicated that they had originally worked in the same office or firm as their mentor, but no longer did so. Of those 111 respondents, 73 (65.8%) indicated that their mentor continued to influence their behavior despite the change in employment.

A third justification for selecting a mentor from within the firm is ease of administration for those tasked with matching a mentor and mentee under a uniform initiative. A firm can rather easily be required to supply a mentor for a new hire. This administrative benefit is realized fully once the relationship is established and is not affected by a later change in employment. A fourth justification recognizes that a mentor

provides advice on more than simply professional relationships between a lawyer and another party and its counsel. A mentor from the same practice environment, and especially from the same office, is perhaps best able to provide effective guidance to a new lawyer regarding the particular issues and problems than can arise between lawyer and client, or even between lawyers within the same office, in that size and type of practice setting. The survey results suggest that this

fourth benefit is less likely to be diminished than might otherwise be expected if the new lawyer changes jobs, because a majority of the lawyers who change jobs in their first ten years of practice end up in a similarly sized practice setting.<sup>4</sup>

### ENDNOTES – Part 5

1. See Louise A. LaMothe, *Where Have All the Mentors Gone*, 19 LITIGATION 1 (No. 2, Winter 1993), at 2 (“[W]ith decreasing institutional loyalty among all lawyers, some partners now view associates as mere labor assets, dispensable workers instead of colleagues and future partners....[T]raining associates is no longer part of the equation.”); see also the authorities cited in Appendix 2 at n.16, *infra*.

2. Of the 58 respondents who indicated that their mentor no longer had an active influence on their professional character, 45 (93.8%) attributed the change to the fact that they no longer worked together in the same office. Only 5 respondents attributed the change to the fact that they no longer felt they needed guidance from a mentor.

3. 210 of 401 (52.4%) respondents indicated that the person they designated as their most influential mentor did not currently work in the same office or firm. Of those who did not work in the same office or firm, 156 nevertheless continued to have an active influence as a mentor. The survey did not ask which party to the relationship had changed jobs.

4. See *supra* Part 3.