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THE RELATIONSHIP BETWEEN MENTORING AND RETENTION

By Susan G. Manch

Attorney retention continues to be a subject of concern for the legal profession. While it is a relatively recent phenomenon, many law firms are facing a crisis of attorney attrition. High levels of associate dissatisfaction and poor attorney morale have crippled some firms. The results of a survey on attorney retention conducted by the *National Association for Law Placement* in 1997 were chilling. They reported that one in eleven associates left his or her firm within the first year of employment. Even more stunning, 43% of associates polled left by their fourth year.

These statistics are beginning to take their toll on firms and their ability to recruit and retain the top legal talent. The wider range of employment choices available to talented attorneys today, coupled with the end of the most recent "boom" period in the demand for legal services will only heighten the importance of retaining highly skilled and experienced mid-level attorneys in whom the firm has invested significant time and resources.

WHY ARE THEY LEAVING?

There are as many reasons behind this attrition trend as there are associates leaving, but some clear themes have emerged as we survey the population of attorneys who are unhappy in private practice. Lack of a real connection to the firm in which they are practicing, unrealistic notions of what life in a firm would be like, and poor supervision and management are the core of their laments regarding law firm life.

The following quotes were taken from the August 1998, Illinois Legal Times article, "*The Real Reasons Why Your Associates Leave.*"

"The biggest frustration I saw at the bigger firm was a lack of respect and investment in the associates by partners."

"You're just a worker bee, half the time they don't know who you are."

"I am so bitter because I was sold through the recruiting process that 'We're more than just a big firm, we're someplace special.'"

These sentiments reflect the thoughts expressed to me by associates from all parts of the country, and from firms of all types and sizes. Associates feel fungible and disconnected from the firm. Even more critical, they believe that senior firm members do not care about them as individual people, but rather see them only as the means to the firm's financial benefit. They have lost faith in their firm's commitment to their professional and personal development, and they do not trust firm partners.

SOME GOOD NEWS...

The good news is that there are firms in which this attitude is changing. In many firms, it is because they have developed attorney management systems and programs that provide associates with a different experience than that which was reflected in those quotes. These firms have taken a hard look at their attorney management systems, and determined the tenor of the message that these systems may be sending to their most junior firm members. For many of these firms, the implementation of carefully designed and thoughtfully managed mentoring programs has had the most positive impact on these critical problems.

If you think about it, the informal mentoring process is the foundation upon which the traditional law firm attorney development structure is built. The one-on-one system of personal and professional development promoted by the partnership structure employed by most firms is the way in which most firm attorneys have been trained. But in the majority of firms, *formal* mentoring programs often involve little more than partners taking associates out to lunch occasionally. The results of such efforts fall far short of the goal of developing positive learning relationships among firm members and increasing the retention of valued associates.

Some blame the law firm organizational structure, itself. Many experts have predicted that firms would have to give up the partnership structure and take on the corporate model of management in order to remain successful--and some firms have done just that. But there are many advantages to the traditional professional service firm structure, and one of them is the one-on-one system of training and developing new lawyers.

Whether you call it apprenticing, coaching, or mentoring, the meaning is the same--using the talent, experience, maturity, and skills of the senior members of the firm to develop the junior members in order to create a collegium of professionals. Law firms have always celebrated and promoted the one-on-one learning experience that is the time-honored process by which most lawyers have learned the practice of law. It is what separates a corporation that provides legal services from a collegium of lawyers who provide professional services. If you have decided that you prefer to be the latter, then you must wholeheartedly embrace the concept of mentoring.

WHY A MENTORING "PROGRAM"?

So why do we need to design and manage a mentoring *program* if this is such a well-worn tradition in firms? Why doesn't this mentoring process just happen naturally, and each attorney get the training and attention he or she needs to develop without any artificial pairing?

Well, I could say that it is the nature of the American culture to try to improve upon any existing system...or I could say that associates do not always respond in the expected manner to the mentoring efforts of partners...or I might tell you that attorneys in law firms have all become so busy that none of them has the time to mentor or be mentored.

Ultimately, all of these statements are true. As a culture, we find it hard to let well enough alone. Associates and partners do not always see eye-to-eye on key issues such as life priorities, loyalty and trust issues, and the role that associates play in a large firm. And I do not need to revisit the subject

of lawyers being too busy. In addition, many firms have grown so rapidly and taken on so many lateral associates and partners in the last few years, that it has proved difficult for most firms to maintain their unique culture and provide an atmosphere in which mentoring relationships develop naturally.

Beyond these issues, our increased dependence on technology is isolating. The system of professional development in a law firm is totally dependant on personal relationships, but with the technology available today, we do not have to see another human being for days, possibly weeks. We e-mail our agendas to our secretaries, associates submit drafts to partners by earmarking document numbers, partners comment on work via voicemail or e-mail, we get our firm management information from the firm intranet, and clients leave messages and comments on voicemail.

In the not-so-distant past, the seemingly insignificant personal contacts involved in discussing edits, passing on a message, or discussing a timeline for an assignment with co-workers provided constant contact. In that environment, relationships developed over time because of the natural opportunities for interaction. These regular opportunities for interpersonal contact are missing from today's law firm work environment. Because of this, firms find themselves in the position of developing programs that will mimic an environment of interpersonal relationship building that once existed naturally, but is now missing from the day-to-day work environment.

Combined with the other factors discussed, the development of relationships is a challenge. Some partners also feel that they lack the skills to be mentors--that it does not come "naturally" to them. In truth, there may be a few "natural" mentors in a firm, but most excellent mentors have to work at it. All partners have something to give and something to gain from working to develop a learning relationship with a colleague. The reason that most mentoring programs do not work is not because mentoring is not important--it is because the participants on both sides do not try hard enough to make it work.

HOW DO WE GET STARTED?

The first step requires that the firm set and commit to the goal of developing and nurturing learning relationships among firm members at all levels. Designing the appropriate mentoring program for your firm will depend entirely on the culture of the firm and the personalities of the people who will be participating in the program.

Some firms pair each associate with a partner or senior associate from their practice area. Some endeavor to pair associates with attorneys from outside their own practice area. Others choose three or four "class" mentors to be available to all members of a particular group of associates who are all at the same level of experience. Another possibility is to have available resource mentors who have specific areas of interest or experience that they are willing to share with any associate, such as writing skills, marketing expertise, or women's or minority professional development issues. The only requirement is that the program be the right one for your firm, not just a cookie-cutter model from some other firm.

Before you begin your program, you need to make certain that all participants know what will be expected of them. It is key to the success of any type of mentoring program that participants

determine in advance what the goals and expectations for the mentoring program will be. You can start by defining the kind of mentoring relationships that you hope to encourage. The following are some characteristics that have proven effective in mentoring relationships:

CHARACTERISTICS OF AN EFFECTIVE MENTORING RELATIONSHIP

- § It offers associates a senior attorney's feedback on their developmental progress, without the formal evaluative nature of a supervisory relationship
- § It provides an outlet for admitting fears, frustrations or failures without fear of negative outcome
- § It provides associates with a developmental checkpoint for legal skills building that complements the role of their supervisors
- § It is an arena in which the accomplishments and successes of the associate are celebrated and recognized
- § It provides associates with a senior attorney's perspective on the political and social nuances of the firm

I believe that there is a distinct relationship between the development of positive mentoring relationships and the improvement in the level of workplace satisfaction among both associates and partners. Firms who provide associates with the opportunity to have one or more relationships such as the one described above will have a definite advantage, not only in retaining its stars, but also in recruiting the best attorneys in the future. Law students are very skeptical of private practice and they carefully consider the way in which a firm values (or doesn't) its associates. Evidence of a working mentoring program that has the support of both the partners and the associates is one thing they will be looking for as they choose an employer.

But not only the most junior associates benefit from a successful mentoring program. Partners who have begun participating in mentoring programs tell me that the experience of mentoring has re-energized them. It has helped bring back an element of their work experience that was sadly missed - the advising and coaching role. Most of us have a need to feel as though we are "giving back" or helping others in some way. Mentoring offers wonderful opportunities for senior firm members to connect in a positive way with others in the firm, and open lines of communication among various firm constituencies.

Mentoring programs also promote a more seamless integration process for attorneys who are hired laterally from other legal employers. Active mentoring of laterals helps to orient these more senior attorneys and helps them to absorb their new firm's culture and personality. As lateral hiring continues to grow in popularity among firms, vehicles for creating a positive integration process will be of increasing importance to both the lateral and the firm. A mentoring program can also prove to be a distinguishing feature that separates the work environment at your firm from that of other similar firms. As such, it provides an effective recruiting tool for both entry-level and lateral attorneys.

SUMMARY

Retaining top level attorneys has become a critical problem for many legal employers. Poor morale and an increasing range of employment choices for attorneys have contributed to the seriousness of the situation. Much of the poor morale can be attributed to the lack of positive relationships between senior attorneys in the firm and those more junior to them. There is also a growing perception among law students and entry-level attorneys that legal employers, and law firms in particular, are not committed to ensuring an individual attorney's professional development.

Effective mentoring seems to provide associates with both the opportunity to develop meaningful relationships with senior firm members and with substantive professional development assistance. Promoting the development and management of a mentoring program in your law firm requires hard work and determination, but can yield important benefits for all members of the firm.

In the end, creating a workplace environment that encourages communication, that supports the development of learning relationships, and that promotes the organizational culture may mean the difference between the ultimate success and failure of the firm. It may also make coming to work a lot more pleasant for everyone.

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