April 19, 2013

Via Email

ABA YLD Council and Diversity Team

Re: ABA YLD Diversity Dialogue White Paper

Dear Colleagues:

As many of you know, the ABA YLD Diversity Team presents a Diversity Dialogue program at every ABA Midyear Meeting. At this year’s Midyear Meeting in Dallas, we discussed the topic of “Diversity and Mentoring.” Enclosed is a white paper summarizing the discussions that occurred during that Diversity Dialogue program. Please feel free to share the white paper with your respective affiliates.

If you have any questions, please do not hesitate to contact me at min.cho@hklaw.com.

Sincerely yours,

Min Cho
Diversity Director

Cc: Cie Armstead
YLD Scholars

Enclosure
Introduction

Diversity and mentoring are not mutually exclusive but are rather complimenting concepts. Many agree that women lawyers and lawyers of color experience greater challenges in experiencing an effective mentor-mentee relationship than their white male counterparts. This problem can be attributed to cultural differences and the lack of common ground that often exists between people of different backgrounds. A lack of mentorship often leads to low retention rates, decreased career opportunities, and an inability for advancement among diverse attorneys in law firms, companies, or government agencies. Mentoring is essential for the legal profession because the relationships developed ultimately benefit both the mentor and the mentee.

This white paper summarizes a discussion that occurred during the YLD Diversity Dialogue held on Saturday, February 9, 2013 at the ABA Midyear Meeting in Dallas, Texas. The discussion participants (“the Roundtable”) were attorneys of varied ethnicities, ages, genders, and levels of professional experience. The Roundtable participated in a one-hour long discussion about mentoring and diversity in the legal profession.

Building a Successful Mentoring Relationship

While many things can contribute to the success of a mentor-mentee relationship, there are several components that the Roundtable agreed are essential to a fruitful bond that will benefit both the mentor and mentee. First, commitment by both parties to developing the relationship is key. Both parties must convey their commitment by communicating their expectations for the relationship. The mentee is responsible for expressing to the mentor what type of guidance they hope to obtain from the relationship. The mentee should also have an idea of the length of time they expect the mentor to contribute to mentoring.

Second, the mentor should be honest with the mentee about what they can contribute to the mentee’s professional development. The mentor should also convey to the mentee the value of trust and understanding. A mentee should feel comfortable openly discussing successes as well as challenges within the profession. The mentorship should not be a place of
judgment, but rather a place of comfort and support for both parties. Establishing expectations for the mentorship in advance can insure that both parties receive benefits from the relationship.

Lastly, another key component of a successful mentorship is a generous mentor. A mentor must be willing to give both her experience and time to insure the success of the mentee. A mentor is often in a position of great influence over the mentee. It is important for mentors to maintain a true understanding of the successes and struggles of the modern young lawyer. Overall, the Roundtable agreed that a successful mentor-mentee relationship is built on communication, trust, and understanding.

**How to Identify a Potential Mentor**

Diverse lawyers should also know how to identify and approach a potential mentor. The Roundtable agreed that the best way to identify a potential mentor is to seek someone who exemplifies the personal and professional characteristics that they wish to emulate. The mentee should look for a mentor who is successful, admirable, and has a stellar reputation in the legal profession. A good mentor should also be inspiring and willing to challenge and promote growth in the mentee. An ideal mentor should also be willing to provide the mentee with constructive criticism. A prime candidate for a potential mentor is someone who has a track record of establishing meaningful relationships with young attorneys and contributing to their success.

Mentees should also consider identifying potential mentors outside of the legal profession. Senior members of all professions can contribute to the growth and development of a young attorney. While the challenges young legal professionals face may not be uniform, an experienced individual outside of the legal profession may be able to provide a unique perspective. Many tools for success used in other professions can easily translate into the legal profession. The key to finding a successful non-attorney mentor is to seek a natural leader who is willing to share her advice.

**Mentorship vs. Sponsorship**

Lawyers spend a lot of time discussing the importance of mentoring in the profession, but rarely discuss the concept of sponsorship. A sponsor is an individual that will advocate for the success of a young attorney in forums where the young attorney may not have access. A sponsor is generally a high-level, influential partner or government lawyer that has the ability to promote the young associate or government lawyer. The sponsor continuously feeds that young lawyer with sophisticated work, provides valuable constructive feedback, and acts as the young lawyer’s advocate for compensation and promotion purposes.
The Roundtable agreed that sponsors are difficult to obtain because young lawyers cannot choose their sponsors; sponsors choose who they want to sponsor. A sponsorship relationship can be formed only after the young lawyer has demonstrated to the senior attorney that he or she performs quality work consistently. This is important because sponsors must use their own reputation and political capital to impact the young lawyer’s career.

Obtaining a sponsor is inherently difficult for diverse attorneys because of a concept called “unconscious bias.” Unconscious bias is not an overt form of discrimination but rather a deep-seated behavior that unconsciously causes a person to treat people differently based on ethnic, racial, gender, or other cultural differences. Decision makers will tend to sponsor individuals that share their same race and/or cultural identity while unknowingly distancing themselves from diverse attorneys. This obstacle is difficult for women lawyers or lawyers of color to overcome when senior attorneys, who may have an unconscious bias, are responsible for the creation of the relationship. Often times, the most effective sponsors are white men who take diverse lawyers under their wing, and invest their time in ensuring that those young lawyers succeed in their law firms, companies, or government agencies. Overall, the Roundtable agreed that mentoring was important, but sponsorship was absolutely necessary in order for diverse lawyers to be successful.

**Embracing Differences in Mentoring.**

The Roundtable agreed that there are both positive benefits and negative consequences to having a mentor-mentee relationship between individuals that share the same gender or racial/ethnic identity. Having a mentor that simply looks like you can create an automatic bond with the mentee. If there is already a degree of familiarity between a mentor and mentee, the relationship is more likely to be open and honest from the beginning. This is good.

However, the Roundtable also agreed that it is beneficial for a young lawyer to learn from someone who does not share their same gender or racial/ethnic background. While establishing a relationship with a mentor or mentee who has a different background may be a bit challenging at first, mentors and mentees should not shy away from the development of a mentorship with someone who has a different background. Diversity in professional relationships is beneficial. Indeed, the very definition of diversity is: a collection of different people. Interacting with people who are different enhances ones ability to interact with others on a global level. Mentees who have mentors of a different gender or cultural background can learn from the differing perspectives that their mentors may hold. Overall, while being mentored by someone that shares the same gender or racial/ethnic background makes it easier to
develop the relationship, there are many benefits to being mentored by someone who has a different background and professional perspective.

**Conclusion**

The Roundtable agreed that both mentoring and sponsorship provide great benefits to young lawyers of diverse backgrounds. Indeed, effective mentors and sponsors help retain and promote diverse lawyers in law firms, companies, and government agencies. Without effective mentors and sponsors, many young diverse lawyers will eventually leave their place of employment to look for other opportunities. This is not only bad for law firms, companies, or government agencies, but it is also bad for the legal profession as a whole.