

## Mentoring: What We Have to Do

By Steven C. Lindberg



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Mentoring a new attorney or hiring and bringing in an associate attorney to your practice can be a daunting task. There is so much for both of you to learn, where do you start? What do you need to do? What does the new attorney need to know? How will you go about teaching him or her?

The first issue that we must discuss is the new attorney as in recently licensed and the new attorney as in new to your practice although the attorney may have been practicing for some time. Each of these attorneys presents their particular challenges. There are some issues in common such as office procedures, learning the law in your practice area that we will touch upon. The newly licensed attorney needs more help and mentoring in the practice of law as well as the business of practicing law.

Mentoring a new attorney or a new associate in the office should be a process that is put in place by you, the owner of the business. You want to insure that the attorney will learn all the "right ways" to practice law in your office. In fact, you have an obligation to do this pursuant to the Rules of Professional Conduct, Rule 5.1. So what is mentoring, why do we do it and how do we do it?

The Merriam-Webster dictionary defines mentor as follows:

Definition of *MENTOR*: 1. a friend of Odysseus entrusted with the education of

Odysseus' son Telemachus 2a: a trusted counselor or guide  
b: tutor, coach.

Homer in *The Odyssey* had Odysseus going off to fight in the Trojan War. He left behind his son Telemachus who still needed to learn much and asked his family friend, Mentor, to tutor Telemachus while he was gone. Thus came the term mentor which means to tutor or to coach. We need to be a Mentor; we need to be a trusted counselor or a guide on how to practice law properly and professionally to the new attorneys in our practice as well as the rest of our professional community.

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What are the benefits of mentoring? There are several. Mentoring will increase the likelihood that you will be able to retain the new associate that you hired. That hopefully you will be able to grow your business and because of the mentoring will be able to attract new talent. You may be able to develop some succession planning within the firm by growing that

new associate into a leadership role. Finally you may be able to feel better about your role in the firm and the others around you which translates into increased morale.

At the outset, you should have a manual, or a checklist of all of your office procedures. Any new employee to your office needs to learn the office procedures and a newly hired attorney is no exception. Who answers the phone, how are you going to get your messages, how are emails and faxes handled, how are the files set up, paperless or hard copy, who maintains them, who has the client contact, how are forms organized, where are the forms stored, on what drive, who has access to them, how do you navigate the data base programs that the attorneys will be using regularly, who inputs time, who does the billing, etc... These are all very important facts for any staff member to know and this will serve you well as you hire new employees.

You should start the process of documentation by you and your support staff walking through a couple of routine files. Better still, start to document using files that are going to be handled by the new staff attorney. Write down the software and the hardware that the attorney will need to learn and the process as to how a file moves through the office in terms of who does what to the file. This quick process of documenting will allow the new attorney to work

with the staff to fill in the blanks to insure that the process is fully documented.

Who is going to mentor the new attorney in “office procedure?” Is this something that you will have to undertake or can you delegate this to a staff member? If you delegate this to a staff member, how are you going to insure that the attorney is taught properly? What checks and balances are you going to employ to insure this? It can be very frustrating not knowing who to give a letter to in order to get it mailed. How is dictation performed, do I type my own pleadings or do I use a dictation device, dragon dictate, how do I use it etc.... It is not always the law that causes the problems but the practice of law that can cause the issues. The devil is in the details and you need to insure that the details are covered.

In choosing a staff member as a mentor, it is important that you set the proper tone. It is not something that the staff member should take lightly. You need to emphasize how important it is that the new attorney feels comfortable in his working environment as that will mean less pressure on the rest of the office. Also, a lack of training will cause an office that is high functioning to slow down in its production as a result of the new attorney not knowing the proper office procedures. Incentivize the staff member to do a good job of training the attorney. Having them become invested with the outcome is very important. This also allows you to vest in that staff member some management responsibility. It allows you to nurture the staff member and have her/him grow so that you can delegate more tasks to her/him in the future. You are growing that staff member while training the new attorney.

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going to be working in. They sit with one person from each area and learn how they do their job, how it relates to the other areas in the practice and specifically what they do to support the attorney and what the attorney can do to support them. The staff members also show the attorney the software programs that are used regularly in the office and how to navigate through them. The attorneys are given the office manuals on the procedures to perform certain tasks as well as the software. This gives the attorneys a reference manual of sorts as to the practice area. This creates a line of communication between the attorney and the staff. It gives the attorney a chance to learn what the front line staff are doing and helps to improve the delivery of legal services. The new attorneys and staff members have been very positive about this exercise. I would suggest that you have the attorneys and staff members circle back after a couple of months to examine if the work flow is being done efficiently. Perhaps they have learned that things could be changed to benefit everyone and the failure to

have this second or third chat is an opportunity missed to improve the practice of law in your office.

The staff can only do so much in the nurturing and mentoring of the new attorney. You must take the attorney the rest of the way. It is our responsibility as professionals to teach the others in our profession the correct way to practice law as well as the law involved in our practice areas. If you have hired a newly licensed attorney, this task is a bit more daunting as the new lawyer in all likelihood will not have taken many, if any, classes in law practice management. The new attorney will have learned case law but not the cases relevant to your practice area. The new attorney knows about the Code of Civil Procedure but has never drafted or argued a motion to quash or a 2-615 motion. The attorney may have learned all the tax consequences of a marital deduction trust but has never gathered the information necessary to draft the document or has never learned the technique to interview a client. These are things that you have to teach. How do you go about this?

There has always been one school of thought that you throw the new attorney into the pool and say “swim.” Trial by fire and then after the fire you discuss what worked and what didn’t work. If it was good enough for me then it will work for them is the thought. I suggest that this is not necessarily a good idea. First of all, think about how you felt when you were put into that position. You were probably nervous, anxious and most likely didn’t do a particularly good job on those cases. How is that properly representing the client? Were you put into that position because the other attorney in the office didn’t have time to work with you? Are you thinking of doing this to your new attorney because you do not have the time to work with them?

If you are going to bring someone in who has not practiced in

your practice area(s) I suggest that it is not only respectful but professional to make sure that you have the time to teach and mentor them. This means reviewing the motions or briefs that they drafted. It means going to court to watch the attorney argue the cases. Help her/him and point out where things could have been presented in a better light. If you are in Court the Judge will respect you as you are there as a safety net. It means sitting in on client interviews and interrupting if necessary. It is all of our responsibility to insure that the new attorneys are taught. The frustration of not learning or not being taught properly will lead to burn out and perhaps that associate leaving your firm or abandoning the practice of law altogether. The cost of bringing in a new attorney is not measured solely in the salary and benefits but also the "soft" costs of training. You do not want to bring someone in only to have her/him leave you in a couple of months or a year and then you have to start the whole process over again. The soft costs of your time and your staff in doing the training are now lost. Why not do it correctly and set the base for the attorney to stay with the firm?

There is another reason to do mentoring and that is to create succession planning. Mentoring helps to integrate the new lawyer into the firm culture. You can strongly influence what they learn, how they learn and how they mature and develop. You can teach them how to be leaders within your firm and as a result, how to take over the reins of the firm. The associate then sees the benefits of career advancement and perhaps, just perhaps, that is your succession plan.

How will you go about the task of mentoring the new associate? The new staff attorney will need access to all the case law, briefs and memos that relate to your practice area. Have you been saving these? Are they in one place on

the firm hard drive? How have you been saving these documents? Are they searchable? If you have not been regularly saving this type of information now would be a good time to do so. Why reinvent your research or perhaps have a new attorney not know about important cases when she/he does her/his own research? It is better to have it on the firm hard drive and then allow the new staff attorney to update the work. It is more cost effective for the client and it serves as a learning tool for the attorney.

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It is important that you give the new attorney some research projects to work on in the practice areas that you concentrate your practice. This forces them to learn "the law." The new attorneys in my office have remarked how invaluable such projects have been to reinforce what they thought that they knew or to heighten their awareness of some aspect of the law that they are arguing on a regular basis.

Who is going to mentor the new staff attorney on the legal issues? Is this something you will be involved in or another attorney in the office? The same issues dealt with above regarding office procedures should be followed here. The problem is that we have had to hire another attorney because we have been so busy and we do

not have time to train the attorney. If we had time to train we would not have needed the new attorney, right? If you fail to properly mentor the new staff attorney you will cause a disconnect. That disconnect will mean that the attorney can become disillusioned, stressed out, make mistakes and perhaps leave the firm as a result of the frustrations that she/he encounters. This then leaves a hole in your workforce and more pressure on the other team members. It also means that you now need to begin the entire hiring process over again and lose productivity. It is better to spend some up front time, no matter how painful it might seem.

There are several things that we are doing in my firm to advance the mentoring concept. Albeit they are being done in small steps, at least they are steps. We recognized the need to bring some learning to the table for our new attorneys and to provide them with a reference point when we might not be available. We had been doing this for our staff for awhile and we knew we needed to bring it to the attorney discussion.

We have several directories set up on our network. One directory is called the "attorney folder." It has all sorts of information dealing with office procedures and issues specific to the attorneys. The directory has items such as expense sheets and how to properly fill them out, when they have to be turned in and to whom. What periodicals and trade magazines might be helpful to them and how they can subscribe to them, how to log into the Westlaw, how to log into specific research data bases specific to our industry.

We have another directory where all the briefs, articles, memorandums and case law are stored. They are organized by topic and can be searched. For example perhaps an attorney was given a motion to quash service. All the cases where briefs have been submitted on this point are in a

folder called service issues. Thus an attorney can review the cases and arguments in past matters and use those as a jumping off point in preparing his arguments on the case at hand.

We have instituted a training program for our staff. We wanted to improve the knowledge of our staff so we ran a "LUNCH AND LEARN" program. The program was such that the staff could attend a session and learn about service or preparing complaints or reviewing titles etc... During these lunch and learns sessions, we videotaped them. They have been put into a directory on the network. Thus, any new staff members who may come into the department in that area can watch the videos and get a basic understanding of the information. It eliminates a portion of the side by side training that is usually done when a new person comes into the firm. These videos also include staff talking about their jobs and a task as well as the attorneys talking about the legal ramifications of the actions that staff is taking.

We found that these videos were also helpful for the new staff

attorneys. It allowed them to learn the basics of the areas as well as the firm philosophy on what is needed in each area. It creates a common vision for all members of the firm. There are no mixed messages. It is important that all members of your staff, attorneys or support staff, all need to be aligned with the common vision of the firm. This allows for all to get the vision.

Mentoring for all staff is an important task that we need to recognize. We need to learn how to do it properly and we need to do it. As more experienced attorneys, it is our job, our professional obligation to teach the younger or more inexperienced members of the bar how to practice law.



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