

inclusiveness manual beginning in 2008) collaborated on a list of factors that should be incorporated into a balanced-hours program. (See [Appendix J](#) for the list.) Members of the Network are also creating balanced-hours policies and programs (see [Appendix K](#) for a sample policy).

8. Mentor Programs and Sponsorship of Female and Diverse Attorneys

Mentoring is a critical component of any inclusive organization and the vast majority of successful attorneys have highly invested and effective mentors and sponsors. Every attorney needs mentors to teach him or her technical skills. To advance to the highest levels, however, attorneys also need sponsors who take a much more active role in career advancement. National research studies demonstrate that diverse attorneys have less access to mentors and, particularly, to the kinds of mentors who open doors for them, sponsors - powerful senior attorneys who use their influence on behalf of their protégés. Sponsors teach their protégés the unwritten rules, give them access to their networks, steer valuable assignments and learning opportunities to them, champion their promotion, and intervene when they are treated inequitably. Basically, sponsors ensure that their protégés are not impacted adversely by any of the hidden barriers that disproportionately operate to marginalize female and diverse attorneys.

Catalyst, Inc. conducted a series of studies on the impact of sponsors on the advancement of women. This research found that having a sponsoring relationship has a direct impact on retention and inclusion factors. Specifically, those with sponsors have increased job satisfaction, increased commitment to the organization, and a greater desire to stay.³⁸⁹ Similarly, according to a study by the Center for Talent Innovation, "protégés of color are 65% more likely than those without a sponsor to be satisfied with their rate of advancement" and are "nearly 60% less likely to plan to quit within a year."³⁹⁰

Catalyst's research also demonstrated that organizations play a key role in whether everyone gets a sponsor. Organizations should educate people about the critical role of sponsors, build awareness about how sponsor relationships are formed, and expect senior people to act as sponsors and not as mere mentors.³⁹¹

The San Francisco Bar Association conducted a study of all of the racially and ethnically diverse law firm partners in the city to determine how they became successful. One of the most striking commonalities was that their primary mentors, who were instrumental in their becoming a partner, were all *white men*.³⁹² This shouldn't be too surprising considering only 6% of all law firm partners in the U.S. are racially/ethnically diverse and 19% are women. If white men do not champion the development and promotion of diverse attorneys, those numbers will continue to be disproportionately low.

Despite the clear understanding of the role that mentors and sponsors play in the success of younger attorneys, many legal organizations struggle when it comes to implementing and maintaining an effective mentoring or sponsorship program. Current professional development and mentoring programs for diverse attorneys seem to be failing, according to data from the NALP Foundation's After the JD longitudinal study of nearly 5000 attorneys who graduated from law school in 2000. Few of the respondents, whatever their race or ethnicity, consider the formal mechanisms - formal training programs and employer-appointed mentors - important sources of knowledge about their jobs or office protocol, or of support during their years of early employment.³⁹³ But that does not mean these aren't important to young diverse attorneys. More diverse than white respondents expressed a desire for more and better training and mentoring by senior attorneys.³⁹⁴

A 2010-11 study by the NALP Foundation and West LegalEdcenter of law firm professional development administrators found that "mentoring and/or shadowing programs would be less of a priority for firms during the next 24 months" even though "[n]early all associates survey (95 percent) ranked work-related on-the-job training and informal/formal mentoring as the most important professional development activities." Further "[a]ssociates felt firms needed to do a better job delivering training on law practice management topics with 38 percent rating their firms' internal programs as 'below expectations,' while 48 percent stated that law practice management programs were not offered at their office location."³⁹⁵

Another study reveals the weaknesses of formal mentoring programs. In 2011, the *American Lawyer* conducted a survey of 5,361 mid-level (third-, fourth-, and fifth-year) associates at 149 firms. While a large percentage of the associates of color reported having mentors (Black – 86.5%, Latino – 83.1%, Asian – 73.8%), "they reported they thought they had a lower chance of making partner than whites. Only 60 percent of blacks, 63.7 percent of Asians, and 68.4 percent of Hispanics believe they were headed toward promotion to partner. A significantly higher percentage of white associates—76.3 percent—thought they were on the partnership track."³⁹⁶

The Minority Corporate Counsel Association (MCCA) has developed a comprehensive guide that provides valuable information for developing successful mentoring programs – "Mentoring Across Difference: A Guide to Cross-Gender and Cross-Race Mentoring."³⁹⁷

The National Association for Legal Career Professionals (NALP) recommends the following as elements of a successful mentor program:³⁹⁸

- Mentors must be trained in appropriate techniques and rewarded for success.
- Mentors and mentees must set mutual expectations with specific and regular opportunities to meet.
- Mentors must be assigned carefully. Consider
 - Implementing self-guided mentoring, which allows junior attorneys to identify a senior leader as a mentor.
 - Pairing diverse lawyers with other diverse lawyers.
 - Pairing each associate with both a more senior associate and a partner to allow a variety of resources to address individual needs and goals.
 - Establishing a supplemental mentoring program during the third or fourth year to assist associates during this crucial period of career development.
 - Pairing members of the senior management team with diverse lawyers to allow information to flow between these two important groups.

Example from the Case Studies: As part of the switch to a levels system with new core competencies and benchmarks, and in response to associates' stated desire for stronger mentoring, Brownstein Hyatt Farber Schreck (Brownstein) made fundamental changes to how attorneys are mentored. To develop this program, a joint subcommittee of the Inclusiveness and Diversity and the Professional Development Committees was formed. It consisted of three members from each committee, the Recruiting Director, and the Director of Professional Development. The subcommittee spent nearly a year researching different types of mentoring programs and best practices, meeting with focus groups, developing the program, and then rolling it out to the entire firm. The associates met with members of the subcommittee in several "town hall" meetings or smaller coffee groups so that the subcommittee could solicit their input in designing the program. The time spent in careful review and planning was well worth it, according to one of the Inclusiveness Committee Co-

Chairs, Susan Klopman, who is pleased with the positive reactions from everyone in the firm to the new program. Now, every associate has an assigned mentor, and will be offered a new mentor each time he or she is promoted to a higher level of development (on average, every two years). Typically, junior associates are assigned mentors who are mid-level to senior associates; mid-levels are assigned to senior associates or junior partners; and senior associates are assigned to junior to mid-level partners as mentors. This system provides mentors for the younger associates and opportunities to learn mentoring skills for the more experienced associates.

One innovative idea for mentoring, suggested by Dr. Arin Reeves, Nextions LLC, involves the use of "mentor advisory boards" – a group of attorneys in the organization (or even outside) who are good at mentoring and want to mentor younger attorneys. These attorneys receive training on effective mentoring and communicating across difference but it is then up to the younger attorneys to approach individual members of the mentor panel to form a relationship, based on whatever factors or criteria are important to the mentee. In this system, mentees use several mentors for their particular strengths – whether it is in legal writing, business development, substantive knowledge in a practice area, or navigating the political landscape of the organization.

The thought behind this method is that very few senior attorneys are really good at everything a mentee needs, so it does not make sense to limit young attorneys to just one assigned mentor. This method also requires the mentee to give critical thought to the areas s/he needs to develop in order to advance in the organization, as well as ownership over his/her own career development.

Valerie Fontaine, a senior legal search consultant in Los Angeles, recommends the following with respect to mentoring:

- Attorneys should strive to work with a number of mentors, both inside and outside the organization, with a variety of backgrounds and strengths. The ideal is to create a network of mentors where you also mentor others in the group.
- Variety is key; include people in the network from different backgrounds, areas of expertise, ages, practice areas, and even different professions and businesses.
- Mentors and sponsors aren't the same and every lawyer needs both. Mentors help with skill-building and support while sponsors use their influence to clear the career pathway for their protégés.³⁹⁹

Corporations are taking the research findings on sponsorship seriously by implementing sponsorship initiatives. Since sponsors usually pick their protégés based on relationships with deep trust (which are easier to foster based on affinity bias and likeness), these programs have proved challenging but are beginning to have some positive results.⁴⁰⁰

Example from the Case Studies:

Bryan Cave: *One of the programs Ms. Martin instituted to address this issue is an intensive mentoring program for mid-level associates of color. The program, called "Learning for Leaders," pairs participating associates for a one-year term with a partner in a high level management position in the firm (recruited from the Executive Committee, Office Managing Partners and Management Committee.). Now in its third year, the program includes 26 pairs.*

The primary purpose of the program is to ensure participating associates have access to the high profile work and networks of these influential partners. The mentors as well as the mentees have responsibility for

the success of the relationship. Each mentor/mentee pair is required to complete three action items each year related to internal and external networking as well as professional development. Ms. Martin created a list of action items they can choose from, which provides structure along with flexibility. At the beginning of the year, each pair reviews the suggested activities list and decides what they want to accomplish during the year. Examples of activities include participation in a charitable organization or nonprofit's events and completion of a development plan. The partner mentors discuss their activities in Executive Committee meetings which fosters accountability.

At the end of the year associates that haven't graduated out of the program (after the 6th year) can decide whether to keep their mentor or be assigned to a new one. Sometimes the mentor/mentee relationship grows organically into a sponsorship and pairs are so connected they want to continue with the relationship. In other cases, new pairs are formed so that associates can further expand the reach of their networking and access to work. It just depends on the circumstances.

Reverse-mentoring, where younger attorneys mentor more senior attorneys, is often just as important as conventional mentoring programs, especially in organizations seeking to create cultures of inclusion. Younger diverse attorneys can play an important role in creating new awareness and building bridges to greater understanding among everyone in the organization.

Lists of best practices include the following points regarding effective mentoring programs:

- Assist attorneys in identifying a "sponsor" or "champion" who can help them navigate organization politics and the promotion process.⁴⁰¹
- Provide opportunities for choice in the mentor-mentee pairing.⁴⁰²
- Institute mechanisms for mentee feedback and mentor accountability⁴⁰³ and implement confidential upward review processes so junior attorneys can evaluate the ways in which they feel they are being effectively or ineffectively mentored. To strengthen the impact of the upward review process, a portion of a mentor's compensation should be linked to effectiveness ratings s/he receives from mentees.⁴⁰⁴
- Provide training on mentoring to both mentors and mentees to increase the effectiveness of formal programs.⁴⁰⁵
- Mentors and mentees must set mutual expectations and be provided specific and regular opportunities to meet.⁴⁰⁶
- Institute different types of mentor programs:
 - Provide self-guided mentoring, which allows the employee to identify a senior leader as a mentor.
 - Provide diverse mentees with a diverse mentor⁴⁰⁷ as well as a non-diverse mentor.
 - Offer linear mentoring that pairs attorneys at the same level so that they can share different perspectives, coach peers, and exchange knowledge.⁴⁰⁸
 - Offer mentor panels where several senior attorneys volunteer to coach and mentor in specific skill areas, such as legal writing, business development, and case management or in "soft" topics like the organization's politics.⁴⁰⁹ Mentors are given special training and mentees are coached to tap these specialists for specific purposes.
 - Work with other legal organizations (such as clients,⁴¹⁰ other law firms, or specialty bar organizations) to create cross-organization mentoring relationships.

- Pair members of the senior management team with diverse lawyers to allow information to flow between these two groups.⁴¹¹
- Consider putting the mentees in charge of the program so that it will be guaranteed to meet their needs.⁴¹²

With any mentor or sponsor program, legal organizations also need to come to terms with how conscious and unconscious bias limits sponsorship opportunities. Research by the Center for Talent Innovation (CTI) shows that sponsorship is the #1 leveler for women stuck just below the top layer of leadership or management. However, men are afraid to sponsor women. CTI reports fear of being even suspected of an illicit relationship causes 64% of senior men to pull back from one-on-one contact with junior women. Half of junior women are hesitant to have one-on-one contact with senior men for the same reason.⁴¹³ Legal organizations can break through this obstacle by offering training on the issue and encouraging mentorship or sponsorship in pairs or groups, as opposed to one-on-one.

9. Affinity and Employee Resource Groups

Affinity and employee resource groups play an important role in any organization seeking to become more inclusive. Traditional affinity groups serve many important roles: as support groups for people from various social identity groups, an advocacy group, a networking vehicle and resource, and a mechanism for informal mentoring and coaching. They are focused mostly on the members of the group, however, and have little connection to others in the organization or to the mission of the organization itself. Evolving affinity groups into employee resource groups (ERGs) that are open to other groups of people has the added benefit of focusing on the organization and its goals. ERGs take the work of a traditional affinity group to the next level by identifying top business goals for the organization and ways the group can help meet those goals.

Corporations have long supported both affinity and employee resource groups and they are now much more common in larger law firms. Nearly all of the law firms profiled in the *Vault/MCCA Guide to Law Firm Diversity Programs*⁴¹⁴ have affinity groups or plans to establish them. The groups typically focus on race/ethnicity, religion, sexual orientation, gender (female), and parental status. As time goes on, legal organizations may see affinity groups form around different issues, including generational differences, green initiatives, and disability issues.⁴¹⁵

Affinity/employee resource groups can be a tremendous resource to the organization by providing information that helps inform business strategy. Corporations often consult their affinity and employee resource groups regarding how to tap into new markets, recruit new employees, and market to different client groups. Affinity groups in legal organizations should seek to play a similar role, tapping into and leveraging the business goals of their organization in order to establish a unique, but potentially powerful role.

Recommended best practices for affinity or employee resource groups:⁴¹⁶

1. Establish a policy regarding the formation and operation of affinity groups, including identifying which groups will and will not be supported. There is no reason to be overly restrictive if the group has a purpose related to the organization's business goals or strategy. Some organizations even have affinity groups for white men who want to explore their role in diversity efforts or as fathers.
2. Provide some sort of central coordination or support for all of the groups.
3. All affinity groups should have the same structure, resources, and opportunities.