



# Making contact:

## How lawyers make mentoring work

*The tradition of lawyers helping lawyers become better lawyers is as old as the profession itself: From the 13th century, when judges were first required to provide for the apprenticeship of lawyers, to today's new-age bulletin boards and electronic chat lines, the profession has repeatedly stated that sharing skills and knowledge with each other, and especially with junior members of the bar, is a value it holds dear. And although many feel mentoring today is not as valued or prevalent as it once was, the fact is practitioners continue to mentor and be mentored in many different ways.*

### **Mentoring at the end of the phone line**

Many lawyers act on that tradition by providing guidance, support, and even advice to colleagues over the phone. Although not mentoring in the fuller sense of the word, the sharing of expertise and knowledge over the phone is seen by many as mentoring at its simplest.

One such lawyer is Stanley Tessis of Laxton, Glass, Swartz, a respected personal injury and accident benefits specialist, who makes a point of making himself accessible to lawyers by phone. Occasionally, he takes that help one step further, sending facts, precedents and legal documents that he knows will

help steer the lawyer on the other end of the phone in the right direction.

“I make it clear that I am not giving legal advice, but that I am giving them the benefit of my experience and expertise,” emphasizes Stanley. Peers, juniors, even experienced lawyers turn to him as a sounding board. One called recently from the middle of a mediation, asking for advice; another time, prior to the commencement of a private mediation, a mediator wanted to be set straight on a particular issue. “There’s no retainer, no bill, just a favour from one lawyer to another,” says Stan. “I do this because I want to give something back to the profession. I get satisfaction from knowing that I am helping a lawyer, and ultimately the client. And I want to know that when I need help, I can pick up the phone and get it.”

#### **Law Association programs:**

##### **Matching that facilitates mentoring**

Building on the concept of mentoring by phone, several law associations across the province have created matching programs that link junior lawyers needing advice or assistance with more seasoned practitioners.

Typical is the Thunder Bay Law Association (TBLA) Mentoring Program, launched in early February. Like others in the Ottawa and Hamilton areas, the TBLA program is offered through the county law libraries. Lawyers who seek mentoring are matched against a list of mentor volunteers, organized by expertise and/or practice area. The onus is on the mentors to make the initial contact with the lawyer seeking mentoring, and to determine if they are competent to respond to the inquiry or issue of the junior lawyer.

Although it is assumed most calls will be “one-offs,” the scope and length of the

## **Mentoring comes with the job for criminal bar**

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If there is a segment of the bar for which mentoring is a *modus operandi*, it is likely the criminal bar.

“We share a mindset that says we don’t let our colleagues sink, we can’t simply stand by and watch a colleague crash and burn and not do something,” explains Andy Rady, vice president with the Criminal Lawyers Association and partner at Behr, Rady in London.

That “something” can range from taking a young lawyer aside during a break in a trial and offer advice or steer him in a different direction, to farming out files to more junior lawyers, to having a group of lawyers collaborate and take a struggling lawyer under their wing. “I think we’re more willing than most to share the tricks of our trade – probably because we are all basically on the same side,” adds Andy. Members freely share facts, precedents and other work products that could help out another lawyer.

“Making time for each other simply comes with the job – even for the most senior members of this bar,” adds Todd Ducharme, a Toronto-based sole practitioner and Law Society Bencher. Because most work alone or with only one or two other lawyers, the need to create and maintain mentor contacts is an integral part of practice. “We socialize a lot – but much of that socializing is sharing information and knowledge, and sounding each other out or reviewing cases and decisions.”

To facilitate this information exchange, the CLA maintains a computer-based list serve to which lawyers post questions, issues or concerns. “It is probably the ultimate sounding board because it lets a lawyer canvas virtually every member of our bar,” says Andy. “Sometimes you’re too close to a situation, you just don’t have the objectivity you need. The list serve helps take off those blinders, because the responses you get often help you come at an issue a different way. And the information sharing that this allows is priceless.”

Although mentoring is very much part of the bar’s culture, young lawyers are well advised to create mentoring opportunities for themselves, especially in today’s climate where they may be forced to work out of their homes and are more isolated from opportunities to interact. You can learn a lot by sitting in on a trial, and watching how some of the best conduct a case. “Talk to others about how you’ve done in court, even if you think everything went well, because learning after the fact is part of mentoring,” advises Todd. “Make a point of calling others to find out about a Crown, the judge, and what they are like on various issues. Show some hustle – make yourself useful to potential mentors by helping them with some of the more mundane aspects of practice, like set dates. You can’t replicate the mentoring that happens in an employment situation – but you can come close.”

relationship are often determined by the mentor and mentee themselves. Disclaimers and releases that vary in detail depending on the law association, set out the parameters of the agreed-to mentoring relationship, as well as absolving both the

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law association and the mentors of any responsibility for the advice, guidance or suggestions made by mentors in the course of the relationship.

“Like all law associations, we are always looking for new ways to better serve our members,” says Kevin Cleghorn, who, as immediate past president of TBLA, spearheaded the development of this program.

“This type of initiative recognizes the value of the informal mentoring that has been happening here for decades,” adds Kevin, who is also Director of the Family Law Office (Thunder Bay) for Legal Aid Ontario. “By putting some structure to that networking, we’re hoping to access those who might otherwise fall between the cracks because they’re hesitant, embarrassed, or simply don’t know who to turn to for some advice or assistance.” Kevin estimates that close to one-third of the local law association’s 160 members have volunteered as mentors, many in several categories. “This take-up, I think, is a clear indication that lawyers want to help lawyers, as a way of serving the best interests of the profession.”

**For information on the Thunder Bay Law Association Mentoring Program, contact Kevin Cleghorn at (807) 346-2953 or via e-mail at [jkcleg@tbaytel.net](mailto:jkcleg@tbaytel.net).**

### **Osgoode Hall Law School Mentor Program: Mentoring at the ground level**

Launched in 1992 by a trio of law school graduates, this program links first year law school students with Osgoode Alumni, ranging from second or third-year calls to members of the bench, including numerous Chief Justices. Its goal: to help new students gain a better understanding of law practice and future opportunities by facilitating interaction between them and members of the bar.

“When I graduated, I realized there was nothing in place to introduce new students to law practice; nor were we, as alumni, doing anything to help make that overwhelming first year experience more manageable,” says Peter Osborne of Lenczner Slaght Royce Smith Griffin, who helped get the program off the ground.

Groups of new students are matched with a student advisor (a second or third-year law school volunteer) and an Osgoode Alumni mentor, selected by the Alumni Association Board. Groups meet several times during the year, depending on the students’ needs and interests; at least two of these meetings are social events, hosted by the Alumni Association. Students are free to contact mentors about specific issues, as long as they keep the ground rules in mind: the program is not a recruiting vehicle or forum for academic issues.

Feedback from the more than 200 new students and 40 or 50 mentors who participate in the program each year has been positive, says Peter. “It’s particularly useful to students who come to the legal community with little or no previous exposure to this area.” Some students keep up the mentor contact, even into law practice. “There are certain issues that you simply cannot discuss with others in your firm; it’s good to have this recourse to others in the profession established from an early stage.”

Among practitioners, he’s discovered, “there is a huge willingness to mentor.” And many mentors participate year after year – not

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# Going solo?

## A mentor network is key for Thornhill lawyer

With only six months in a two-lawyer firm under her belt, Roselyn Pecus knew that establishing her solo family law practice in 1994 would be a lonely, potentially risky business. She had a peer network of law school contacts she could turn to, but little else. "There simply was no mentoring program I could tap into back then," she says.

Instead of simply hoping for the best, Roselyn set to work establishing a network of mentor contacts in various fields on which she could draw, depending on the issues facing her. Initial contacts with members of the Thornhill Chamber of Commerce and other local business groups helped her identify potential mentors in law as well as in marketing, business administration and other areas. Some were her senior; many were her peers but with experience and expertise in areas that complemented her own. They talked over the phone, over lunch or drinks after work.

"When you're on your own, you need to know that there are others you can turn to and talk to about virtually anything – from how to deal with an overly aggressive lawyer to how to teach your staff to do the billings correctly; you even need the occasional shoulder to cry on when things

don't go your way," she says. Specific members of her network also become a sounding board on strategies, tactics and substantive law issues.

"Sometimes you just need someone to tell you that you are on

the right track," she says, citing a recent situation where opposing counsel's sudden willingness to go to mediation was causing her to doubt her strategy. "I was worried that I was missing something, that I had overlooked something that would undermine my client's position," she says. "I called a lawyer I trust who assured me that I was on the right track – and after eight hours of mediation, the mediator said the same thing."

As she's gained experience and confidence, the mentoring network has become less crucial and the composition of her network has evolved to reflect her changing situation. "Mentoring is really critical at the beginning, when you are starting out and thinking that you must be the only one in the world with these ques-

tions, doubts and issues," says Roselyn. A decade after being called to the bar, Roselyn figures she herself is now ready to mentor – but she's also keeping her own network intact.



# Mentoring comes full circle

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It was a personal, defining experience with a mentor that made Jim Adamson of Gilbertson Davis Emerson LLP a lawyer committed to mentoring others.

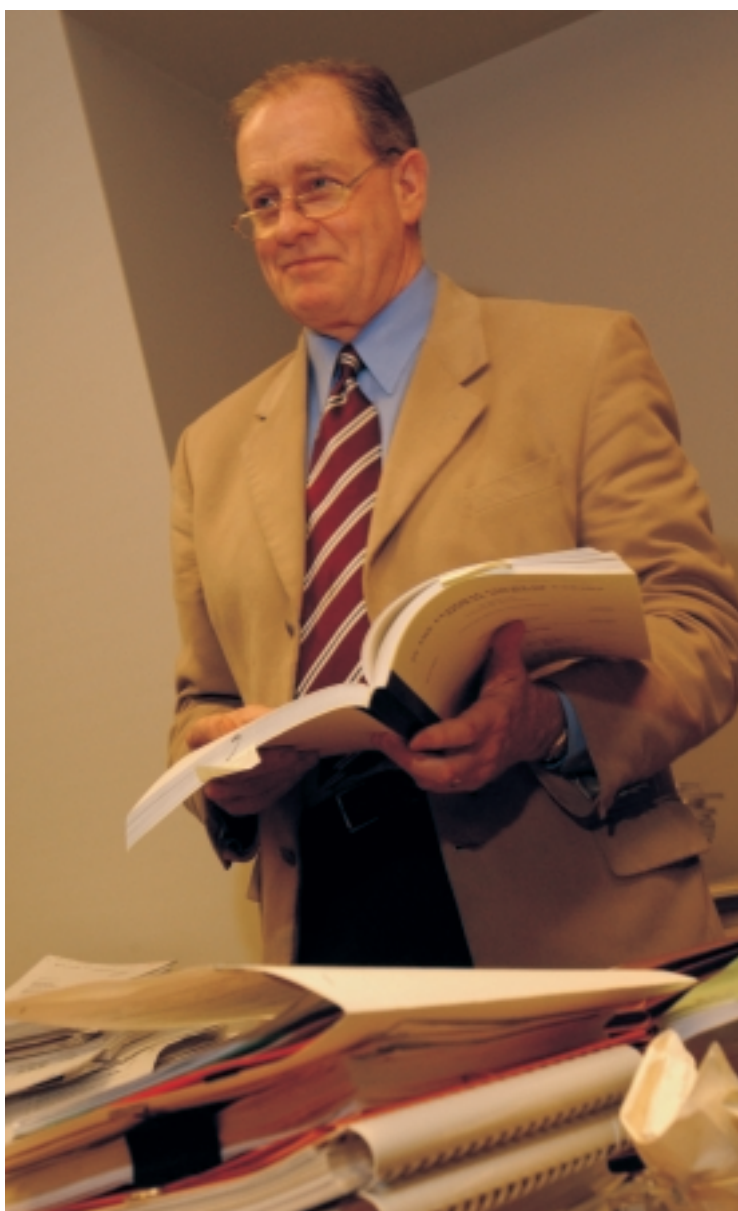
As a junior litigator some years ago, he found himself needing advice that only an experienced lawyer could provide. "I had a sense of what the result ought to be, based on simple morality; but there was an unavoidable threshold proceeding which was being used as a diversion," he recalls. Prepared "like for a Court of Appeal motion" he summoned the courage to call "one of the giants of the bar.

"It was a gratifying experience . . . he was sincerely interested in my case . . . we discussed the case and my views at length." All that was asked in return was to be kept informed of how the case went. "I had needed confidence and he gave it to me. Like day following night, all the rookie jitters disappeared. Later, in settlement negotiations with an intimidating older opponent and in court, I had no self-doubts about the basics of the case," says Jim. The occasional subsequent inquiry to other members of the bar elicited the same support: "I received the same gracious, sympathetic, charitable treatment, as well as wonderful memories of some of the best lawyers anyone could ever hope to meet." It was a lesson Jim never forgot.

When juniors call today, he readily provides advice and guidance, even ongoing mentoring if that is what is needed: "They inevitably have the training and ability but lack the confidence, the conviction in themselves to go it alone," he says. Like his mentors before him, he makes a point of "working them over," pointing them toward a probable theory of the case and case law but never doing the work for them.

"Mentoring a young lawyer is not always quick. Sooner or later it is difficult not to get drawn into vetting correspondence, motion materials – as is the case with a junior in your own office,"

admits Jim. Occasionally, he's found himself mentoring a junior "who is undergoing a baptism by fire." But his commitment is unwavering and like so many others, he says, "we simply make up the time working late another night, or missing the Leafs on TV – again."



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only because it really takes very little time, “but because they see that they are contributing to the profession in a meaningful way.” His hope: That the positive mentoring experiences of the Osgoode program make committed, life-long mentors of the new Osgoode Alumni.

**For more information on the Osgoode Alumni Mentoring Program, contact the Alumni office at 416-736-5638.**

### **The Ontario Bar Assistance Program: Mentoring through peer support**

Mentoring can encompass more than advice on legal procedures or precedents. Sometimes lawyers need help with personal or professional distress or impairment such as stress, burnout, substance use/abuse or even physical or mental health challenges. The myriad demands of family, clients, continuing legal education, leisure and self sometimes seem impossible to juggle in a very demanding profession that mandates a high quality of work with the expectation by clients of instant access by phone, cellphone, fax and email.

The Ontario Bar Assistance Program (OBAP) has a corps of peer support volunteers who have “been there” and have worked their way through the ups and downs of practising law and having a personal life. Volunteers listen in a non-judgmental way and help to look for that light at the end of the tunnel. Talking to someone who understands can provide the grounding that makes problems realistic and manageable. OBAP also act as a personal loss prevention intervention to help avoid negligence claims or discipline problems if issues are dealt with early enough.

OBAP is a totally confidential service (except in the case of criminal activity that affects clients’ interests) and is free to members of the profession, their families, law students and judges.

**For more information, contact OBAP through Leota Embleton, Program Manager at 1 877 576-6227 or John Starzynski, Volunteer Executive Director at 1 877 584-6227. The toll-free, 24-hour answering and referral line is 1 800 667-5722.**

### **The Advocates’ Society: Mentoring a cornerstone of 2002 program**

Building on its successful civility initiative of 2001, The Advocates’ Society, under the stewardship of its president Bruce Carr-Harris of Borden Ladner Gervais LLP, has made mentoring a focus for its initiatives in 2002.

“The profession is looking for some leadership on this issue; we miss the collegiality and civility that are fundamental to mentoring,” says Bruce. “To get back on track, we need to get rid of some of the stumbling blocks to mentorship; for example, in small communities lawyers may be reluctant to admit they are out of their depth and need a mentor; in other areas, billing targets and other financial constraints impede mentoring.”

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The Advocates’ Society’s mentoring initiative has its roots in a Report on Mentorship prepared in 1996. That report contained a wide-ranging set of recommendations which were considered by the special task force on mentoring that is now coordinating the Society’s mentoring initiatives. Among the programs that the task force has on the agenda are the following:

- A series of special mentorship occasions that will pay tribute to senior members of the profession who are also acknowledged mentor leaders; Ian Scott was feted last fall, Pembroke’s Allan Huckabone is to be celebrated this May;
- A special Forum on Mentoring for young lawyers, and a mentoring luncheon for intermediate members of the Society, both scheduled for this May;
- A Guide to Mentoring brochure that will provide guidance on goals for mentoring programs, to be published this summer;
- A chat line/bulletin board for Society members, scheduled for launch later this year;
- The Society’s civility training workshop, which sees senior members of the bar, including judges, lead in-firm workshop sessions on the value of civility and how to handle uncivil counsel.

**For more information on any of these initiatives, contact Nancy Reason, Director of Education at The Advocates’ Society at 416-597-0243 or via e-mail: [nancy@advsoc.on.ca](mailto:nancy@advsoc.on.ca).**