

Mentoring, coaching and the practice of law

Rebecca Normand-Hochman

Mentoring Collegium Limited, Institute of Mentoring

1. Introduction

It is common knowledge that artists develop their talent with mentors, that sports people achieve high performance by working closely with coaches (and that many have mentors), and that successful business managers and leaders work with coaches and mentors. So why is it that mentoring and coaching are still mainly viewed as relating to underperformance in the legal profession? Why do so few lawyers value the great talent development opportunities that mentoring and coaching offer in a profession where most of the intangible skills and knowledge are acquired outside formal training?

We know from research that, beyond individual 'Learning Styles',¹ the way we learn best is through personal experience and interacting with others. The average rates of what we remember are found to be 10% of what we read, 20% of what we hear, 30% of what we see, 70% of what is discussed with others, 80% of what we experience personally, 95% of what we teach someone else and 98% of what we teach someone else using questions (inquiry-based approach).

As a chamber music musician, I had the great privilege to have as mentor a respected senior teacher from the Royal Academy of Music in London and her assistant in Paris who both showed me the right techniques, prompted me to try new repertoires and asked me questions that enabled me to build on the initial musical talent that I had.

I have learned from my early years of practising music, and then from practising law, that talent development comes from three sources:

- motivation;
- practice; and
- strong learning partnerships (working with coaches and mentors).

One can ask oneself, what are the reasons that we sometimes learn and sometimes fail to learn? Why are some lawyers skilled at helping others to develop and grow while others are not? Why does mentoring sometimes makes an impact and is sometimes a waste of time? What competencies and conditions inspire insight and understanding?

This chapter attempts to answer these questions by first summarising what all

1 Peter Honey and Alan Mumford, *The Learning Styles Questionnaire*, 80 item version, Peter Honey Publication Limited (2006)

lawyers should know about mentoring and coaching, including their most recent evolutions, then pinning down the essential skills that lawyers need to develop to become great mentors, and finally exploring the opportunities and challenges for developing mentoring in the profession.

I have found since I started to work in mentoring and coaching for lawyers that it is very difficult to talk or write about the subject without being either technical or simply uninteresting. The objective of this project has been to present all aspects of the subject in simple terms and to constantly link it to the challenges and rewards of the practice of law. I hope that you enjoy reading this book.

2. **An introduction to coaching and mentoring for lawyers**

What follows is what I believe every lawyer should know about coaching and mentoring.

2.1 **Why definitions matter**

Very few lawyers distinguish mentoring from coaching and there are indeed reasons for that. I have heard many coaches argue that attempting to define both practices is unnecessary, but I am of the strong view that unless the person providing the coaching or mentoring and the person being coached or mentored both understand the nature of their relationship, there is some essential clarity missing which impacts on the quality of the relationship.

Having said that, it doesn't mean that there are universally agreed definitions or that there isn't a big overlap between both types of help.

The reasons for which both types of help are so often confused are numerous and include the following:

- Recent evolutions in both coaching and mentoring have made the distinction less obvious than in the past;
- The skills and techniques that mentors and coaches use are largely the same; and
- The approach to mentoring in the United States and in Europe differ.

(a) **Coaching**

Coaching is unlocking people's potential to maximise their own performance

– John Whitmore²

Coaching in its modern form is increasingly becoming a non-directive type of help, usually from someone who doesn't have the relevant experience and background. The coach explores the issues, challenges and options and helps the person find his/her own solutions.

Coaching came from the sport world. It is in the *Inner Game of Tennis*³ that Timothy Gallwey, a Harvard educationalist and tennis expert, laid the foundations of modern coaching. The word 'inner' was referring to the player's internal state. Four decades ago, Gallwey wrote: "The opponent within one's own head is more

2 John Whitmore, *Coaching for Performance* (Nicholas Brealey Publishing, 1992).

formidable than the one on the other side of the net.” The Inner Game theory focuses on helping a person remove internal obstacles to his performance instead of providing technical input and remains the foundation of what coaching is today.

(b) Mentoring

Mentoring is off-line help by one person to another in making significant transition in knowledge, work or thinking.

– David Clutterbuck and David Megginson

Mentoring is help from someone who has the relevant background and experience. As well as listening and asking questions that raise awareness, the mentor can give specific guidance and advice based on his expertise and skills.

The term ‘mentor’ comes from Homer’s *Odyssey* and the relationship between Mentor (an incarnation of the goddess Athena) and Odysseus’s son Telemachus.

Mentoring is based on the apprenticeship model, which has always been at the heart of the legal profession. It is not so long ago that to become a lawyer, instead of attending law school, which is now a universal requirement to qualify as a lawyer, one had to be mentored by a senior member of the profession for a fixed number of years.

The Personal and Professional Development Department of Cambridge University defines ‘mentoring’ in a simple way:

Mentoring has been defined in many different ways but it’s basically a system of semi-structured guidance whereby one person shares their knowledge, skills and experience to assist others to progress in their own lives and careers.

Mentors very often have their own mentors, and in turn their mentees might wish to ‘put something back’ and become mentors themselves – it’s a chain for ‘passing on’ good practice so that the benefits can be widely spread.

Mentoring can be a short-term arrangement until the original reason for the partnership is fulfilled (or ceases), or it can last many years.

Mentoring is rather more than ‘giving advice’, or passing on what your experience was in a particular area or situation. It’s about empowering the other person to identify their own issues and goals, and helping them to find ways of resolving or reaching them...

2.2 Coaching versus mentoring³

There is in practice a big overlap between coaching and mentoring, especially since mentoring, as explained later in this chapter, is becoming less directive in its modern approach.

Over the last couple of decades, business coaching has evolved to become a flourishing industry with the standards of practice and the accreditation process of coaches being continually researched and refined. Mentoring has seen a much less

³ W Timothy Gallwey, *The Inner Game of Tennis* (Random House, 1974).

⁴ Adapted from Ellen Van Velsor, Cynthia D McCauley, Marian N Ruderman (Eds), *The Center for Creative Leadership Handbook of Leadership Development* (Jossey-Bass, 2010).

Coaching	Mentoring
Focused on performance improvement and skills development	Focused on career guidance and development
Sets clear, performance-based goals that can be achieved in a relatively short amount of time	Explores and discovers objectives, usually over a longer period of time
In its modern form, based on asking questions that prompt the person to find his own solutions	Mentors also provide guidance based on knowledge, expertise and skills

rapid expansion in businesses and has been little researched as a subject. There are, however, signs that the most progressive companies are now increasingly using mentoring to foster excellence.

It is informative that the British Sport Federation has, alongside its coaching programme, introduced a structured approach to mentoring:

... to provide the high performance system with the opportunity to pollinate knowledge across a wide range of sports. In addition, this ensures that the system becomes increasingly self-sufficient, transitioning knowledge and skill rather than solely relying on the services of identified external consultants.

2.3 Sponsoring

Another type of confusion arises around the distinction between mentoring and sponsoring.

The mentoring function has changed over time and has branched into two distinctive types of relationship. Sponsoring involves proactive, instrumental help to advance a person's career. The traditional model of mentoring based on the apprenticeship model included the sponsorship aspect, but mentoring and sponsoring are now considered as two different types of help. In the United States, most mentoring relationships have a strong element of sponsoring; but in Europe, the sponsoring aspect of mentoring is traditionally less important and often non-existent.

Sponsoring has in the last few years been on the rise, with formal large sponsorship programmes being established in some companies. Their primary objectives are usually to support women and minorities and to increase diversity.

(a) *Mentoring/sponsoring and gender balance*

Contrary to common belief, research now evidences that mentoring is not instrumental in helping women to access senior management and leadership roles.

Sylvia Ann Hewlett, chief executive of the Centre for Talent Innovation, describes in her latest book⁵ why women need sponsors and not mentors to succeed in today's

5 Sylvia Ann Hewlett, *Forget a Mentor, Find a Sponsor* (Harvard Business Review Press, 2013).

corporate world. Ida Abbott⁶ more recently also published a book on how sponsoring helps women to achieve career success. The book is particularly interesting as it explains how men play a determining role in promoting sponsorship in organisations. Avivah Wittenberg Cox⁷ describes the unquestionable limits that developmental initiatives targeted at women in organisations have. In law firms, after over a decade of having introduced specific mentoring programmes for women, the number of women that are equity partners still represent less than 15% in the big international law firms.

2.4 Recent developments

The shift that occurred from a mostly directive, technical-based type of coaching to a non-directive approach in the 1970s and 1980s has also taken place in mentoring, but in a much less noticed way. Many coaches still refer to mentoring as putting in content, while a mostly non-directive approach to mentoring (also referred to as developmental mentoring) is now the widely acknowledged best practice.

(a) *The US approach versus the European approach to mentoring*

In the 1980s, Kathy Kram⁸ in Boston and David Clutterbuck⁹ in London carried out separate academic research and established the foundations of modern mentoring.

Both refer to the developmental form of mentoring, but the US practice of mentoring retains a stronger element of sponsoring than in Europe. Mentors in the United States are usually expected to open doors and use their influence to promote their protégé. Interestingly, the word 'protégé', literally meaning someone who is protected, is still used in the United States but has been replaced by the word 'mentee' in Europe.

(b) *The rise of group mentoring, peer mentoring and reverse mentoring*

As described in her book on mentoring,¹⁰ Ida Abbott notes that:

Today, mentoring encompasses a range of different behaviors, takes many forms (from pairs, to small groups to large structured programmes), and involves mentors and mentees at all career stages. Mentees have several mentors and mentors may have several mentees – all at once or sequentially – each serving a different purpose.

These newer forms of mentoring are discussed in Part 4 of this chapter.

This is an extract from the chapter 'Mentoring, coaching and the practice of law' by Rebecca Normand-Hochman in Mentoring and Coaching for Lawyers: Building Partnerships for Success, published by Globe Law and Business.

6 Ida Abbott, *Sponsoring Women: What Men Need to Know* (Attorney at Work/Feldcomm, 2014).
 7 Avivah Wittenberg-Cox and Alison Maitland, *Why Women Mean Business* (John Wiley & Sons, 2008).
 8 Kathy Kram, *Mentoring at Work: Developmental relationships in Organizational Life* (University Press of America, 1985).
 9 David Clutterbuck, *Everyone Needs a Mentor: Fostering Talent in Your Organisation* (Chartered Institute of Personnel Development, 1985).
 10 Ida Abbott, *The Lawyer's Guide to Mentoring* (National Association for Law Placement, Inc, 2000).