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**KINDLING THE FIRE¹: THE CALL FOR INCORPORATING
MANDATORY MENTORING PROGRAMS FOR JUNIOR LAWYERS
AND LAW STUDENTS NATIONWIDE²**

KATERINA P. LEWINBUK*

INTRODUCTION

The depiction of attorneys as greedy manipulators, who overzealously act in their own best interest to oppress the less educated and weak, dates to the seventeenth century.³ As countless surveys, books, and jokes frequently demonstrate, this perception still daunts the profession today. To counter this perception, those working both in and out of the legal profession direct their efforts towards saving society from gaining more “blood-sucking parasites.” Thus, people constantly try to deter candidates from applying to law school. They tell applicants that law school is expensive and entering the profession will be a mistake. This view may be one of the reasons for the decline in applicants and law school admissions. Though most of the backlash has no merit, the profession is not without its weaknesses.

The stress levels, long work hours, and challenges that an attorney faces all negatively affect their well-being. There is a fear that these concerns drive attorneys to substance abuse and cause mental health issues. A groundbreaking study recently validated these trepidations.⁴ The study found attorneys suffer from these issues more than other professionals do. However, this type of misery

1. See Plato, *Letter VII: Plato to the Friends and Followers of Dion: Welfare*, in PLATO: COMPLETE WORKS 1646, 1659 (John M. Cooper ed., Glenn R. Morrow trans., Hackett Publishing Company 1997) (“For this knowledge is not something that can be put into words like other sciences; but after long-continued intercourse between teacher and pupil, in joint pursuit of the subject, suddenly like light flashing forth when a fire is kindled, it is born in the soul and strighway [sic] nourishes itself.”).

2. This Article, along with all of my academic work, is dedicated to the precious memory of my father, Dr. Vladimir Z. Parton, who will always remain my inspiration. Special thanks go to my husband Dan, my children Alexandra and Michael, and to my mother Tamara for their endless love and support. In addition, I would like to express gratitude to my very gifted and dedicated research assistants, Teresa Lakho, Maggie Lu, and Taci Villarreal for their assistance in preparation of this Article.

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3. Leonard E. Gross, *The Public Hates Lawyers: Why Should We Care?*, 29 SETON HALL L. REV. 1405, 1408 (1998-1999).

4. See *infra* Section II.B.

does not have to be the norm for attorneys. Instead, attorneys should feel privileged in their role. Once this is recognized, the legal community can pull itself out of this rut by implementing a change.

This is where mentoring comes in. With mentoring, the legal community can guide, mold, and aid those entering the legal field. Mentoring should begin in law school, just as 110 schools⁵ are currently doing, so that students can begin building important professional relationships. Mentoring will help students and attorneys avoid making rookie mistakes, give them the confidence and skills they need to grow, and teach them how to “practice law in accordance with the highest ideals of the profession.”⁶

As cases dealing with attorney discipline demonstrate, attorneys that have mentors will likely be more successful than those that never sought guidance in their profession. For instance, the case of *Christman v. People*⁷ demonstrated the negative outcomes attorneys face when they never had a chance to obtain mentorships. As the court indicated in that case, it is critical for newly admitted attorneys to have guidance early on in their professional careers. As such, many law schools now strongly encourage mentorships for students.

Currently, the implementation of mentorship programs is being determined by each individual state. Six states currently require mentorship programs for newly admitted attorneys, others are joining the movement by implementing voluntary programs.⁸ A number of law schools are also encouraging and creating programs for students entering law school by connecting them with alumni, student organizations, and practicing attorneys. Not only are mentorship programs beneficial for learning purposes, but they also serve as a means for rehabilitation when attorneys have gone astray.

Having a mentor is not only beneficial to State Bars and law firms, but to the public. This is especially true when attorneys, who have been previously disbarred, want to reenter the profession. Among other requirements,⁹ the American Bar Association (the “ABA”) often calls for an attorney to complete and comply with its mentorship program in order to be rehabilitated.¹⁰

5. See *Mentoring Programs—Law Schools*, NAT’L LEGAL MONITORING CONSORTIUM, <http://www.legalmentoring.org/mentoringprograms.php?id=31> [<https://perma.cc/Z28V-X7RJ>] (last visited Apr. 15, 2018).

6. See *Mentoring*, STATE BAR OF GEORGIA, <https://www.gabar.org/aboutthebar/lawrelatedorganizations/cjcp/mentoring.cfm> [<https://perma.cc/R5XY-MY49>] (last visited Apr. 15, 2018).

7. *Christman v. People*, 367 P.3d 1204, 1210 (Colo. 2016).

8. See NAT’L LEGAL MONITORING CONSORTIUM, *supra* note 5. Georgia, Nevada, New Mexico, Oregon, South Carolina, and Utah have all implemented mandatory mentor programs. See *id.*

9. MODEL RULES FOR LAWYER DISCIPLINARY ENF’T r. 25 (AM. BAR ASS’N 2002).

10. *Id.* (describing the criteria for reinstatement or readmission). The disciplined attorney often demonstrates an awareness and appreciation for the mentorship roles. See, e.g., *Christman*, 367 P.3d at 1210 (attorney regrets not having a mentor); *In re Jarrett*, 879 N.W.2d 116, 124 (Wis. 2016) (attorney becomes a mentor during rehabilitation process to prove character/fitness).

Mentorships have a beneficial outcome on practicing attorneys, which, in turn, benefits clients.

Accordingly, this Article suggests that the ABA consider encouraging the states to take voluntary mentorship programs to a new level, potentially making it a requirement. For example, Georgia has adopted an approach that crafted its own unique program. Some states have adopted Georgia's model. Every state should implement its own suitable version. Over time, this would lead to a change in the culture of the legal profession. Giving back to the community and the profession through mentorship should not be an incentive,¹¹ but rather an investment attorneys want to make.

I. CONCERNS FACING THE PROFESSION

A. *Negative Public Perception*

1. Lawyers

The perception of attorneys as greedy, and perhaps even manipulative individuals, who overzealously act in their best interest to oppress the less educated members of the public, dates to the seventeenth century.¹² Unfortunately, countless surveys and research, not to mention media and movies,¹³ demonstrate that this perception still daunts the legal profession today. For instance, a recent poll taken by the Pew Research Center shows society views attorneys as inconsequential, when compared to other professionals.¹⁴ Moreover, this outcome has remained consistent for the sixty-five years that this survey has been conducted.¹⁵ The permanent theme in these surveys is the unsubstantiated view that attorneys are dishonest and unethical¹⁶ or even cold-

11. CLE credits for mentorship programs are awarded in Illinois, Indiana, Louisiana, North Dakota, Ohio, South Carolina, Tennessee, Vermont.

12. Gross, *supra* note 3, at 1408.

13. See, e.g., *5 Movies That Make Lawyers Look Awful*, FINDLAW (Sept. 10, 2014, 10:34 AM), https://blogs.findlaw.com/greedy_associates/2014/09/5-movies-that-make-lawyers-look-awful.html [<https://perma.cc/6RUN-TTMD>].

14. *Public Esteem for Military Still High*, PEW RESEARCH CENTER (July 11, 2013), <http://www.pewforum.org/2013/07/11/public-esteem-for-military-still-high/> [<https://perma.cc/W2WX-FCBL>] (“Among the 10 occupations the survey asked respondents to rate, lawyers are at the bottom of the list.”).

15. See Gross, *supra* note 3, at 1416 (explaining the effects and dangers of a lawyer's public image).

16. See *Honesty/Ethics in Professions*, GALLUP, <http://news.gallup.com/poll/1654/honesty-ethics-professions.aspx> [<https://perma.cc/6AT3-2RRE>] (A poll conducted in December 2017 showed that the twenty-eight percent of the public believe that lawyers have low or very low ethics and honesty.) (last visited Sept. 24, 2018).

natured, though competent in their roles.¹⁷ It is fascinating to note that these perceptions, are frequently based on stereotypes rather than on personal observations or experience. For example, the state of Texas alone has over 87,000 members of its state bar and it is hard to imagine they all, or at least a substantial number of them, are judged and depicted using the same negative stereotype.¹⁸ After all, it is no surprise that speakers today often make the comparison that “lawyers rank about the same as car salesmen.”¹⁹ Obviously, our profession’s image is in tough public relations spot and needs to be properly bolstered via attention from members of the profession.

2. Law Schools

The legal profession’s negative perception is often blamed on either the law school system’s role in preparing attorneys²⁰ or the common misconception that there are “too many lawyers in America.”²¹ Thus, as witnessed since the 50’s, society has constantly tried to dissuade young people from pursuing a legal career.²² This may be one of the reasons why the trend in enrolling law school applicants has substantially decreased over the last decade.²³ Law school

17. Susan Fiske & Cydney Dupree, *Gaining trust as well as respect in communicating to motivated audiences about science topics*, 111 PROC. NAT’L ACAD. SCI. 13593, 13595 (2014), available at http://www.pnas.org/content/111/Supplement_4/13593.full [https://perma.cc/23CJ-PQ99] (“Being seen as competent but cold might not seem problematic until one recalls that communicator credibility requires not just status and expertise (competence) but also trustworthiness (warmth).”).

18. See, e.g., AM. BAR ASS’N, NATIONAL LAWYER POPULATION SURVEY: LAWYER POPULATION BY STATE (2017), https://www.americanbar.org/content/dam/aba/administrative/market_research/National%20Lawyer%20Population%20by%20State%202017.authcheckdam.pdf [https://perma.cc/XN8J-E8NA].

19. AvvoLawyers, *Avvo Lawyernomics 2016 - Nika Kabiri - Do Lawyers Really Suck?*, YOUTUBE (Oct. 20, 2016), <https://www.youtube.com/watch?v=KPTUcX5iTso> [https://www.youtube.com/watch?v=KPTUcX5iTso]; see also Katerina P. Lewinbuk, *Let’s Sue All the Lawyers: The Rise of Claims Against Lawyers for Aiding and Abetting a Client’s Breach of Fiduciary Duty*, 40 ARIZ. ST. L.J. 135 (2008).

20. See Katerina P. Lewinbuk, *Hard to Build, but Easy to Destroy?: Will Chaos in Legal Education Lead to Restructuring of Law Schools and Elimination of Faculty Tenure?*, 39 J. LEGAL PROF. 1 (2014). Despite the fact that “American lawyers are generally perceived as one of the most powerful groups in society, the population remains attached to a lawyer’s negative image with the current criticisms of the legal education taking it to a new low.” *Id.* at 5 (emphasis added).

21. See Paul Brown, *A Simple Solution To The Lawyer Glut*, FORBES (Oct. 30, 2013), <https://www.forbes.com/sites/actiontrumpseverything/2013/10/30/a-simple-solution-to-the-lawyer-glut/> [https://perma.cc/G4VZ-BDW9]; Steven Harper, *Too Many Law Students, Too Few Legal Jobs*, N.Y. TIMES (Aug. 25, 2015), <https://www.nytimes.com/2015/08/25/opinion/too-many-law-students-too-few-legal-jobs.html> [https://perma.cc/2AF6-BDXG] (noting the low employment rate of post-bar law students and the crisis in legal education).

22. MURRAY TEIGH BLOOM, *THE TROUBLE WITH LAWYERS* (Simon and Schuster ed. 1968).

23. Jeff Jacoby, *US legal bubble can’t pop soon enough*, BOS. GLOBE (May 9, 2014), <https://www.bostonglobe.com/opinion/2014/05/09/the-lawyer-bubble-pops-not-moment-too-soon>

applications declined by forty-six percent between 2003 and 2013,²⁴ yet a continual increase in tuition costs for enrolling students.²⁵ Between 2001 and 2012, for instance, average tuition cost went up by approximately \$15,000 for public and \$17,000 for private law schools.²⁶ With the growing academic and social pressure of doing well in school to secure one of the few top paying positions,²⁷ it has unfortunately become common for many students to develop unhealthy habits that follow them into their legal careers. The image, attitude and performance of our future lawyers begins in law school and, as such, it is critical to examine our approach to how law students are trained and guided through their studies. In fact, it is in these early stages that we should inspire the future members of the profession to appreciate that serving others as an attorney is a privilege not to be taken for granted.

B. *Mental Health Issues & Substance Abuse*

Research indicates law students and lawyers are especially susceptible to experiencing substance abuse and mental health issues at some point in their legal careers.²⁸ Specifically, attorneys are twice as likely to become addicted to alcohol or drugs as compared to other professions.²⁹ In 2016, a groundbreaking study by the ABA and the Hazelden Betty Ford Foundation exposed these devastating statistics and, for the first time, captured nationwide data to reveal

/qAYzQ823qpf4GQl2OiPZM/story.html [https://perma.cc/DQ4W-33D3] (concluding that the decrease in law school applicants is due to the low employment rates of attorneys after graduation). “The National Association for Law Placement reports that fewer than half of lawyers graduating in 2011 eventually landed jobs in a law firm.” *Id.*

24. Ethan Bronner, *Law Schools’ Applications Fall as Costs Rise and Jobs Are Cut*, N.Y. TIMES (Jan. 30, 2013) <http://www.nytimes.com/2013/01/31/education/law-schools-applications-fall-as-costs-rise-and-jobs-are-cut.html> [https://perma.cc/3SCW-V85M].

25. *Id.*

26. *Id.*

27. Steven Davidoff Solomon, *Law School a Solid Investment, Despite Pay Discrepancies*, N.Y. TIMES (June 21, 2016), <https://www.nytimes.com/2016/06/22/business/dealbook/law-school-a-solid-investment-despite-pay-discrepancies.html> [https://perma.cc/7MLV-MC9M] (“The top graduates earn a median salary that will now start at \$180,000, but that represented only about 17 percent of the reported salaries in 2014, according to data from the National Association for Law Placement. . . . Law firm starting salaries are bimodal — meaning that while 17 percent of graduates earned a median salary of \$160,000 in 2014, about half had a median starting salary of \$40,000 to \$65,000.”).

28. Katerina Lewinbuk, *Lawyer Heal Thy Self: Incorporating Mindfulness into Legal Education & Profession*, 40 J. LEGAL PROF. 1, 3; see, e.g., JESSIE AGATSTEIN ET AL., FALLING THROUGH THE CRACKS: A REPORT ON MENTAL HEALTH AT YALE LAW SCHOOL (2014), https://law.yale.edu/system/files/falling_through_the_cracks_120614.pdf [https://perma.cc/23E4-CXLT].

29. Lewinbuk, *supra* note 28, at 3.

the serious problems involving substance abuse, mental health challenges and other issues.³⁰

1. Mental Health

Research specifically pertaining to mental health in the legal profession reveals the following data: out of the approximately 13,000 licensed attorneys surveyed, 61.1% reported suffering from anxiety, 45.7% from depression, 16.1% from social anxiety, 12.5% from attention deficit hyperactivity disorder, eight percent from panic disorder, and 2.4% from bipolar disorder.³¹ Alarming, lawyers rank fourth behind “dentists, pharmacists and physicians (in that order) in terms of the highest per capita suicide rate.”³² More specifically, 11.5% of the lawyers surveyed reported having suicidal thoughts during their career, 2.9% admitted having self-injurious behaviors, and 0.7% reported at least one prior suicide attempt.³³

Those numbers are disheartening and raise a tremendous concern about the potential unhappiness and mental issues among the members of our profession. Given this published study, the legal community can no longer escape the reality of mental health problems in the legal profession.

2. Substance Abuse

In addition to the mental health issues faced by some members of the legal profession, data pertaining to substance abuse revealed twenty-one percent of lawyers and judges reported substantial level of alcohol consumption, with 36.4% qualifying as problem drinkers.³⁴ Shockingly, that same data also established that drinking problems increased the longer a lawyer was in the profession: “those just starting out in the legal profession (0-10 yrs of experience)” had a thirty-five percent higher chance of developing a problem,³⁵ compared to attorneys with longer professional experience.³⁶ Alarming, when focused on frequency and volume of alcoholic consumption, the study found one in three active attorneys are “problem drinkers.”³⁷ This research further confirms the depth of challenges pertaining to overall attorney well-being, existing mental health issues, and a lack of productive coping strategies.

30. Patrick R. Krill, Ryan Johnson, & Linda Albert, *The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys*, 10 J. ADDICT. MED. 46, 46 (2016) (determining that substance abuse problems, as well as mental health issues, are a prevalent problem in the lawyer community).

31. *Id.* at 50.

32. Lewinbuk, *supra* note 28, at 5.

33. Krill et al., *supra* note 30, at 50.

34. *Id.* at 48.

35. *Id.* at 49.

36. *Id.*

37. *Id.* at 51.

3. Fear of Judgment

The above-described issues likely result from the constant pressure, ongoing intensity and concentration required by an attorney's daily duties. So why don't attorneys seek help? The study conducted by Krill found, as others have indicated,³⁸ that the most common barriers that prevent attorneys from seeking help are their fear of judgment by others (50.6%) and concerns regarding confidentiality (44.2%).³⁹ Similarly, seventy percent of law students that reported mental health challenges do not seek help because they fear "stigma attached to admitting they need help."⁴⁰ As such, not only are law students and attorneys experiencing these hurdles, they are also avoiding assistance that would likely provide a healthy coping mechanism.

Obviously, the current status and well-being of the legal profession as a whole is beyond troublesome. At this point, it is critical to look for solutions that would offer necessary support and proper guidance for its individual members, thereby allowing lawyers to have full commitment to their duties and representation of the public.

C. Mending the Concerns through Mentorship – A Professional Responsibility to Prepare Law Students and Lawyers

Mentorship offers a well-established framework for direction, guidance, and support of junior professionals in various fields.⁴¹ Mentorship is especially important in the legal profession in light of the complexity of knowledge, importance of proper judgment, and level of responsibility pertaining to one's decisions in terms of their impact on members of the public and society as a whole. Research has shown that mentorship programs are beneficial to participating lawyers' wellbeing because it reduces isolation⁴² and contributes to career progression.⁴³ The experience helps mentors and mentees feel restored,

38. Lewinbuk, *supra* note 28, at 6.

39. Krill, et al., *supra* note 30, at 50.

40. Lewinbuk, *supra* note 28, at 6.

41. See Roland Johnson, *The Interview: Chief Justice Wallace B. Jefferson on the Values of the Legal Profession, Mentoring, and the Transition to Practice Program*, 76 TEX. B. J. 213, 214 (2013) ("Mentoring is as old as our profession. It has always been a means by which experienced lawyers give beginning lawyers the skills and tools of our profession.").

42. REBECCA NERISON, *LAWYERS, ANGER, AND ANXIETY: DEALING WITH THE STRESSES OF THE LEGAL PROFESSION* (2010).

43. See BREE BUCHANAN & JAMES C. COYLE, NAT'L TASK FORCE ON LAWYER WELL-BEING, *THE PATH TO LAWYER WELL-BEING: PRACTICAL RECOMMENDATIONS FOR POSITIVE CHANGE* 16 (Aug. 14, 2017), https://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/lawyer_well_being_report_final.authcheckdam.pdf [https://perma.cc/8A47-K8TG].

connected with a stronger networking circle, and enthusiastic about the legal profession.⁴⁴

Unfortunately, however, it is common experience for lawyers to lack any type of mentorship throughout their legal career.⁴⁵ Many law students, as well as junior attorneys, feel they have to carve their own career path and reinvent the wheel with every new task, while senior colleagues or professors are “too busy” to share their professional experience and wisdom.⁴⁶ Various factors contribute to this culture of independence in the profession, including attorneys’ constant time shortage and the pressure to increase billable hours,⁴⁷ attorneys’ lack of mentorship experience while building their own legal careers, and a lack of overall structure in law firms and other organizations that would centralize such a process and create an easy-to-follow model.⁴⁸ Despite these difficulties, mentorship is needed. And it is critical that professional mentoring be implemented from the very beginning—when students start law school.

1. Law Students

The process of mentoring junior legal professionals should begin early in law school.⁴⁹ According to the former Supreme Court Justice Sandra Day O’Connor, an attorney’s responsibility to the profession through mentoring must start in law school in order to communicate to law students the importance of moral and ethical concepts.⁵⁰ Justice O’Connor further explained that such an early start reflects the need to “encourage attention to the moral responsibilities

44. *Id.* Due to the level of stress and responsibility a junior lawyer faces on a daily level, sometimes professional, as well as psychological backup and support, are instrumental to one’s proper fulfilment of legal duties, as well as personal confidence and mental stability.

45. See Jill Switzer, *Millennial Lawyers Need Mentors, But the Legal Profession is Slacking*, ABOVE THE LAW (May 2, 2018), <https://abovethelaw.com/2018/05/millennial-lawyers-need-mentors-but-the-legal-profession-is-slacking/> [https://perma.cc/S338-LRCF].

46. *Id.*; see also A. Bruce Campbell, *Mentoring — An Unmet Challenge*, 40 COLO. LAW. 99, 101 (2011) (“Expending resources on mentoring may be a questionable strategy for a legal practice whose primary goal is to make money or one where established lawyers find themselves competing for business with new law graduates.”).

47. Stephen Harper, *Where Have All the Mentors Gone?*, AM. LAW DAILY (Jul. 23, 2010, 11:36 AM), <http://amlawdaily.typepad.com/amlawdaily/2010/07/harpermentors.html> [https://perma.cc/86KZ-4BUP] (explaining that the emerging mentoring gap flows directly from the focus on short-term metrics – like individual billings, billable hours, and associate-partner leverage ratios – and leaves little room (or time) for personalized mentoring).

48. See Campbell, *supra* note 46, at 100 (“[M]ore lawyers looking for employment and fewer lawyers, law firms, and companies looking to employ them, may influence the decline of mentoring of novice attorneys.”).

49. See Johnson, *supra* note 41, at 214 (“While law schools teach professional responsibility . . . the focus is often on how to think as a lawyer, rather than how practically to engage with adversaries and the courts in real cases.”).

50. Sandra Day O’Connor, *Legal Education and Social Responsibility*, 53 FORDHAM L. REV. 659 (1985).

of a lawyer;” teach the importance of pro bono work while in law school; and help “develop a sense of civic and professional responsibility that recognizes that lawyers must assure the availability of legal assistance.”⁵¹

Justice O’Connor further noted that mentoring law students creates a “unique opportunity that focuses on strengthening concepts that go beyond a classroom setting of learning substantive law and how to analyze it.”⁵² Moreover, it is necessary to “instill a consciousness of the moral and social responsibilities to the lawyer’s clients, to the courts in which the lawyers appears, to the attorneys and clients on the other side of an issue, and to others who are affected by the lawyer’s conduct.”⁵³ One professor has emphasized the importance of offering law students practical skills outside the classroom, while also noting that attorneys willing to mentor law students risk compromising attorney-client privilege rules.⁵⁴

As Justice O’Connor made clear, competence and ethical development are critical for law students’ futures. A similarly-framed argument can be made that,

[t]he gap in the law that excludes law students from the attorney-client privilege represents a failure to support the direction and needs of modern legal education and impedes practical attempts by law schools to enhance the competence and ethical development of future members of a profession that is criticized frequently on grounds of competence and ethics.⁵⁵

Accordingly, mentoring law students should be made a priority within the profession and proper steps should be taken to make sure the attorneys do not face any obstacles in the process.

2. Lawyers

Although it is important for a law student to receive guidance while in school, ongoing formal mentor relationships are necessary to improve

51. *Id.* at 661. Allowing clinical studies where lawyers work with students can bridge this gap and, in doing so, law schools can strengthen the “emphasis on the lawyer’s moral and ethical obligations” because the “golden opportunity to teach such concepts is in law school.” *Id.* at 662.

52. *Id.* at 659.

53. *Id.* at 660.

54. Ursula H. Weigold, *The Attorney-Client Privilege as an Obstacle to the Professional and Ethical Development of Law Students*, 33 PEPP. L. REV. 677 (2005-2006). According to Professor Weigold, the barriers that prevent lawyers from mentoring law students center on the attorney-client privilege rules. *Id.* at 678 (“...[A]ttorneys willing to mentor law students cannot risk compromising their clients’ right to confidentiality, and they may exclude law students from the lawyering experiences that could be most instructive: direct contact with real clients.”). *Id.* at 679. Professor Weigold goes on to point out that, “although [students] spend hundreds of classroom hours learning legal analysis in various doctrinal contexts, law students have only limited opportunities to learn other lawyering skills that are essential for practice.” *Id.* at 678. Such essential skills include communication skills, client interviewing and fact investigation skills, client counseling skills, problem solving skills and ethical judgment. *Id.*

55. Weigold, *supra* note 54, at 679.

professionalism in the legal field.⁵⁶ Though mentors have “existed for millennia,” efforts fostering mentor relationships in an organized fashion in the legal profession only date back three or four decades.⁵⁷ A mentor can act as a role model in the professional context to “set an example of excellence by modeling the technical knowledge and relationship skills necessary for the professional role.”⁵⁸ It is well-known that hands on experience is vital in learning, especially when pertaining to the legal profession. “Protégé learning is pivotal, and protégés learn primarily through observation of, and interaction with, mentors.”⁵⁹

A professor of organizational behavior and faculty scholar at Boston University School of Management conducted research involving mentoring functions and the psychosocial functions of mentoring.⁶⁰ According to her studies, mentoring is required to enhance the protégé’s “knowledge and understanding of how to navigate effectively in the corporate world”⁶¹ and meeting work objectives and career aspirations.⁶² Mentoring helps the “protégé” or mentee develop the self-confidence necessary for *competency* in their role as attorneys and their self-worth, which enables them to reach goals.⁶³

The ABA’s Task Force conducted an in-depth survey, known as the MacCrate Report, to study and document skills-training designed curriculum available at various law schools and the resources that are currently available to offer skills training courses.⁶⁴ In doing so, it found there was a misconception regarding the supposed “gap” between the “legal education and the needs of the profession,” and instead discovered evidence that schools were devoting substantial resources to develop students in skills training programs.⁶⁵ Studies

56. Neil Hamilton & Lisa Montpetit Brabbit, *Fostering Professionalism through Mentoring*, 57 J. LEGAL EDUC. 102 (2007).

57. *Id.* at 106.

58. *Id.* at 109.

59. *Id.* at 111.

60. *Id.* at 107 (citing KATHY E. KRAM, *MENTORING AT WORK: DEVELOPMENTAL RELATIONSHIPS IN ORGANIZATIONAL LIFE* (Glenview, Ill., 1985)).

61. Neil Hamilton & Lisa Montpetit Brabbit, *supra* note 56, at 107 (quoting KRAM, *supra* note 60, at 28).

62. *Id.* (citing KRAM, *supra* note 60, at 28).

63. *Id.* at 108 (citing Sarah A. Hezlett & Sharon K. Gibson, *Mentoring and Human Resources Development: Where We Are and Where We Need to Go*, 7 ADVANCES IN DEVELOPING HUM. RESOURCES 446, 453, 448 (2005)).

64. COMM. ON THE PROF. EDUC. CONTINUUM, SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR, TWENTY YEARS AFTER THE MACCRATE REPORT: A REVIEW OF THE CURRENT STATE OF THE LEGAL EDUCATION CONTINUUM AND THE CHALLENGES FACING THE ACADEMY, BAR, AND JUDICIARY 1 (2013), https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/council_reports_and_resolutions/june2013_councilmeeting/2013_open_session_e_report_prof_educ_continuum_committee.authcheckdam.pdf [https://perma.cc/9WAV-JFK8].

65. *Id.*

done after the MacCrate Report pose similar questions, and the answers reveal that “observation of, and discussion with, practicing lawyers (including mentors) make a major contribution in developing these professional skills.”⁶⁶ Given the difficulty in measuring the outcomes of mentoring programs, it is not surprising that empirical data is almost nonexistent.⁶⁷

In practice, mentoring relationships can be set up via either formal or informal arrangement. A formal mentoring relationship differs from an informal relationship in two ways. First, the formal relationship is typically initiated through an organizational matching process, and second, it has elements of structure such as guidelines on how often to meet or suggestions on possible topics to discuss.⁶⁸ Many people, particularly those from disadvantaged backgrounds, could benefit from having formal mentorships, because they often lack the skills to initiate and grow an informal mentor relationship.⁶⁹

On the other hand, informal mentors may be more motivated to be in that relationship and give more time and energy to it than formal mentors.⁷⁰ A mentee who initiates an informal relationship is more likely to have both a stronger commitment, as well as the skills necessary to shape the relationship positively.⁷¹ Existing data suggest that both informal and formal mentoring relationships are better for the protégé/mentee than no mentor relationship.⁷²

II. MENTORING PROGRAMS

A. *Through the Eyes of the Court*

It may come as a surprise that courts have picked up on the benefits of mentoring relationships.⁷³ For example, in *Jarrett v. Bd. of Bar Exm'rs*, an

66. Hamilton & Brabbit, *supra* note 56, at 112.

67. *Id.* at 109. Data that does exist merely surrounds outcomes of mentoring programs and the mentee’s career advancement. *Id.* at 114 (“The current mentoring literature’s emphasis on business, industry, and protégé career development is one reason so little empirical research has addressed issues of professionalism unique to a peer-review profession.”). See also Tammy D. Allen et. al., *Career Benefits Associated with Mentoring for Proteges: A Meta-Analysis*, 89 J. OF APPLIED PSYCHOL. 127, 134 (2004) (“[E]mpirical research is needed that examines the link between mentoring and professional identity and self-competence because this is discussed in mentoring theory but has not been the subject of much research attention.”).

68. Hamilton & Brabbit, *supra* note 56, at 119.

69. *Id.* at 120.

70. *Id.*

71. *Id.*

72. Connie R. Wanberg, Elizabeth T. Welsh & Sarah A. Hezlett, *Mentoring Research: A Review and Dynamic Process Model*, 22 RESEARCH IN PERS. & HUMAN RES. MGMT. 39, 52-53 (2003).

73. See *In re Memoriam of Rimm*, 2009 N.J. Tax Lexis 35 (reflecting on the legal career of the judge and his influence as a mentor on his mentees’ professional careers and lives). Impacts mentors have on practicing attorneys and judges and their professions are clearly evidenced by this memoriam.

applicant was initially denied admission by the Wisconsin State Bar due to character and fitness issues relating to academic misconduct.⁷⁴ In examining the issue, the Wisconsin Supreme Court took into consideration the candidate's actions four years after the misconduct, and pointed to his role as a mentor to students.⁷⁵ The court specifically explained that mentoring is, among other actions, "a consistent theme of admiration for . . . work ethic, judgment, and his compassion."⁷⁶ Upon further review, the court overruled the lower court's decision against the applicant.⁷⁷ It further allowed the court to include and describe in its decision the benefits of obtaining a mentor, reasoning "admission to the practice of law in Wisconsin is contingent on his compliance with certain requirements . . . Specifically . . . to identify and appoint . . . a mentor."⁷⁸ The court further held that by certifying that an applicant had met the character and fitness requirements, the Wisconsin Board of Bar Examiners did not err in their finding that the applicant had minimized past misconduct.⁷⁹ By providing evidence of rehabilitation, through serving as a mentor, the applicant was warranted admission under supervision by a mentor.⁸⁰

In *Spaeth v. Georgetown Univ.*, the judge inferred that mentor/mentee programs are helpful in securing jobs after graduation due to the connections received through fellowship programs.⁸¹ In that case, the plaintiff sued Georgetown University, alleging that it discriminated against him based on his age when it declined to interview and hire him after he applied for an entry-level tenure-track teaching position.⁸² The plaintiff argued job candidates may feel threatened by those entering the work force who have been a part of fellowship programs or a recent mentee of a law school professor.⁸³ Though the claim itself was determined to be meritless, the court acknowledged the impact of mentorships by stating that "more young people are likely to go through a fellowship program, and as a result, have credentials and connections that give them a step up in the academic job market."⁸⁴

In the Reinstatement Matter Involving Wiederholt serves as another example of a court, this time the Supreme Court of Alaska, addressing the issue of attorney mentoring.⁸⁵ In that case, an attorney was disbarred when he filed a

74. *In re Jarrett*, 879 N.W.2d 116, 117 (Wis. 2016).

75. *Id.* at 124.

76. *Id.*

77. *Id.*

78. *Id.*

79. *In re Jarrett*, 879 N.W.2d at 124.

80. *Id.*

81. *Spaeth v. Georgetown Univ.*, 943 F.Supp.2d 198, 214 (D.D.C. 2013).

82. *Id.*

83. *Id.* at 216.

84. *Id.* at 214.

85. *See In the Reinstatement Matter Involving Wiederholt*, 295 P.3d 396 (Alaska 2013).

false pleading and affidavit and for forging his client's signature to endorse a check.⁸⁶ Though the court agreed his conduct after disbarment met the criteria for readmission, the attorney was required to complete a three-year mentoring condition.⁸⁷ The attorney disputed the condition stating the three years would cross "the threshold from being rehabilitative to being punitive."⁸⁸ The court, however, disagreed concluding that "a three-year period of mentoring is reasonable and appropriate in this case. A one-year period may be too short to give . . . enough time to benefit from the mentoring and oversight he will receive. And we do not perceive that a three-year period is punitive or excessive."⁸⁹ Though the attorney was not satisfied with the outcome, the court made it clear that mentoring advances several purposes including "promoting the [attorney's] rehabilitation, protecting the public, maintaining the integrity of the court and of the Bar and advancing the administration of justice."⁹⁰

While several courts have highlighted the potential positive impacts of mentoring programs, one court focused on the downsides of a lack of such experience for attorneys,⁹¹ which reflects the argument many legal professionals make.⁹² In *Christman v. People*, an attorney's petition for reinstatement was denied because she abandoned clients and failed to provide clear and convincing evidence that she had been rehabilitated or that she was fit to practice law.⁹³ In her defense, petitioner attempted to argue her misconduct stemmed from "battling the stress of having 'jumped off the cliff' by opening a solo practice right out of law school."⁹⁴ She further argued she would have been different had she had a mentor.⁹⁵ The court agreed a mentor would have been beneficial to her rehabilitation and learning development.⁹⁶ At the reinstatement hearing, however, the court noted that petitioner did not offer sufficient evidence to

86. *Id.* at 397 n.1.

87. *Id.* at 398.

88. *Id.*

89. *Id.* at 402.

90. *In the Reinstatement Matter Involving Wiederholt*, 295 P.3d. at 402.

91. *See Christman v. People*, 367 P.3d 1204, 1209 (Colo. 2016) (recognizing having a mentor is beneficial to the rehabilitation and learning development of an attorney seeking reinstatement after suspension).

92. *See Campbell, supra* note 46, at 100 ("Lack of mentoring frequently becomes apparent in the form of insufficient know-how of the mechanics in presenting a client's case in matters as basic as [follows]: knowing the expected order of presentation of the steps in trial of a lawsuit . . .")

93. *Christman*, 357 P.3d at 1213.

94. *See id.* at 1212.

95. *Id.* at 1210.

96. *Id.* at 1209.

support her testimony that her license should have been reinstated,⁹⁷ while at the same time acknowledging she did not “have a mentor in the legal profession.”⁹⁸

B. *Types of Mentoring Relationships*

In addition to formal and informal mentors, there are two types of possible mentoring arrangements in the legal profession: for newly admitted attorneys or law students. Of all officially listed mentorships, about fifty percent are offered between alumni and students, about forty percent are between lawyers, judges, and other legal professionals, and about ten percent are students peered with other students or staff.⁹⁹

In terms of mentoring junior attorneys, one-on-one communication and meeting regularly with more experienced lawyers is beneficial for teaching practical skills, professionalism, ethics, and judgment.¹⁰⁰ Such professional arrangements can be incentivized by state bar associations in various ways. One such example is offering continuing legal education (“CLE”) credits to lawyers who participate in mentoring programs.¹⁰¹ Various types of programs can be created for law students depending on whether mentoring is provided by full-time faculty, adjunct or clinical professors, or practicing attorneys.¹⁰²

97. *Id.* at 1210–12. Courts will consider whether an attorney has “experienced an overwhelming change in . . . state of mind . . . that . . . could be said to have undergone a regeneration.” *Id.* at 2011. This analysis is guided by several factors including “conduct since the imposition of the original discipline.” *Christman*, 357 P.3d at 2011.

98. *Id.* at 1209.

99. See NAT’L LEGAL MENTORING CONSORTIUM, *supra* note 5 (listing law schools that offer mentoring programs for students, identifying which schools offer mandatory or optional programs, and providing a direct internet link to each schools’ detailed mentoring program).

100. See Ursula H. Weigold, *The Attorney-Client Privilege as an Obstacle to the Professional and Ethical Development of Law Students*, 33 PEPP. L. REV. 677, 693 (2005) (emphasizing essential skills needed for a successful legal career).

101. See *infra* note 11 and accompanying text.

102. Compare *Minority Mentor Program*, PENN ST. LAW, <https://pennstatelaw.psu.edu/penn-state-law/student-life/minority-mentor-program> [<https://perma.cc/UEG9-TFQJ>] (last visited April 18, 2018) (offering mentorships with internal faculty and senior staff), with *Advocacy Mentor Program*, LOY.U. CHI, <https://www.luc.edu/law/academics/centersinstitutesandprograms/dankwebbcenterforadvocacy/aboutthecenter/advocacymentorprogram/> [<https://perma.cc/765Z-BGKX>] (last updated Feb. 28, 2019) (providing opportunities for alumni to share personal insight and experiences with students to create a positive mentoring and professional relationship), and *Mentoring Program*, THE U. OF TULSA, <https://law.utulsa.edu/student-services/professional-development/mentoring-program/> [<https://perma.cc/2KMF-RNGJ>] (last visited April 18, 2018) (pairing second and third-year law students with practicing attorneys from the Tulsa County Bar Association who provide general advice to the students regarding the practice of law and the various areas of law).

III. STATUS OF CURRENT ATTORNEY MENTORSHIP PROGRAMS NATIONWIDE

Mentoring works on several different levels to foster the development of a new lawyer's career while creating a sense of pride and purpose in the mentor.¹⁰³ To date, the importance of mentorship has been widely acknowledged and addressed by a number of state courts and bar associations. As a result, two types of programs have been created by state bars: mandatory or voluntary.

A. States with Mandatory Mentoring Programs for Lawyers

Georgia was the first state to require newly admitted attorneys to complete a mandatory mentorship program. Thereafter, five other states (Nevada, New Mexico, Oregon, South Carolina, and Utah) followed suit creating mandatory programs. Programs typically last for a period of one year, involve one-on-one communication, and require the mentor to submit a completion certificate. Though the specific arrangements can be modeled differently, their purposes seem to align. Each state program is designed with a core curriculum that promotes professionalism, teaches legal skills, and allows in-person training so participants can learn to "practice law in accordance with the highest ideals of the profession."¹⁰⁴

1. Georgia¹⁰⁵

In Georgia, the program for newly admitted lawyers is called Transition Into Law Practice Program (or "The Mentoring Program" or "TILPP") and it was created under Rule 8-104 of the State Bar of Georgia.¹⁰⁶ The Supreme Court of Georgia authorized the State Bar of Georgia to proceed with a mandatory mentoring program in 2005.¹⁰⁷ The Mentoring Program was launched in 2006

103. See Robert J. Derocher, *Mentoring Helps New and Experienced Lawyers Make the Connection*, 30 BAR LEADER, July–Aug. 2006, at 8 (discussing the need for mentorship and the enthusiasm from experienced attorneys who say "mentoring can be rewarding and enlightening"). This article also focuses on the Westchester County Bar Association's "Mentor a Dinosaur" program, which binds the communication gap between new and older attorneys. *Id.* at 12. Per the bar's Executive Director, "It's amazing how many of them are managing partners and judges who are thrilled with having this opportunity—and they're the ones who started calling themselves dinosaurs." *Id.*; see also, Wendy R.S. O'Connor, *Mentors Teach Young Lawyers How to be Lawyers*, THE LEGAL INTELLIGENCER (April 19, 2017) at 1 ("It seems pretty obvious how a new attorney might benefit from the mentor/mentee experience, but what too many more experienced attorneys may forget is that mentoring has positives for the mentor, too.").

104. See A.B.A. STANDING COMM. ON PROFESSIONALISM, A GUIDE TO PROFESSIONALISM COMMISSIONS (2011), https://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/guide_to_professionalism_commissions_august2011.authcheckdam.pdf [<https://perma.cc/N4MY-GFPB>].

105. See *Transition into Law Program (TILPP)*, ST. BAR OF GA., <https://www.gabar.org/membership/tilpp/> [<https://perma.cc/35NW-GWVG>] (last visited Apr. 18, 2018).

106. See GA. R. & REGS. ST. BAR 8-104.

107. *Id.*

but not made permanent and mandatory until June 2008 by the State Bar Board of Governors and Supreme Court of Georgia.¹⁰⁸ It is designed “to teach the practical skills, professional values and judgment necessary to practice law in accordance with the highest ideals of the profession.”¹⁰⁹

2. Nevada¹¹⁰

Like Georgia, Nevada’s mentoring program is similarly dedicated to transitioning into law practice and is named Transitioning into Practice (“TIP”).¹¹¹ All newly admitted members of the State Bar of Nevada must participate in it unless they are officially exempt or deferred.¹¹² New lawyers must enroll in the TIP program by filing the enrollment form within four weeks after admission to the bar.¹¹³ Unless an exception applies,¹¹⁴ all new lawyers must begin the next available program cycle following their admission to the bar.¹¹⁵ The program provides transitional support for newly admitted attorneys who enter practice.¹¹⁶ TIP is not designed to offer training in the practice of law or to provide substantive advice.¹¹⁷ Instead, the goals of the program include among others: assisting new attorneys in acquiring the practical legal skills and judgement necessary for law practice in a competent manner; training new attorneys on Nevada-specific rules and procedures, which are not typically taught in traditional learning environments, and matching new attorneys with more experienced ones for “training in professionalism, ethics, and civility.”¹¹⁸

108. A.B.A. STANDING COMM. ON PROFESSIONALISM, *supra* note 104.

109. *Id.*

110. See *Tip Mentoring Program*, ST. BAR OF NEV., <https://www.nvbar.org/member-services-3895/tip/> [<https://perma.cc/48P5-V9HB>] (last visited Apr. 18, 2018) [hereinafter *Tip Mentoring Program*].

111. *Id.*

112. See *TIP FAQs*, ST. BAR OF NEV., <https://www.nvbar.org/member-services-3895/tip/faq/> [<https://perma.cc/SQR9-4E9F>] (last visited Apr. 18, 2018).

113. *Id.*

114. See *New Lawyers*, ST. BAR OF NEV., <https://www.nvbar.org/member-services-3895/tip/new-lawYERS/> [<https://perma.cc/6D8Z-ZBE2>] (last visited Apr. 18, 2018) (deferrals and exceptions).

115. See *id.* (enrollment).

116. See *Tip Mentoring Program*, *supra* note 110.

117. *Id.*

118. *Id.*

3. New Mexico¹¹⁹

New Mexico's mentoring program, Bridge the Gap: Transitioning into the Profession, was created under New Mexico Rules Annotated 24-110.¹²⁰ Every new attorney admitted to practice law in New Mexico on active status is required to complete the requirements of the program administered by the State Bar of New Mexico,¹²¹ unless a specific exception applies.¹²² Per the State Bar, the program became mandatory after new attorneys reported dissatisfaction with the profession and began leaving the profession all together, "especially minority lawyers."¹²³ In addition, more experienced attorneys "reported a marked lack of civility and professionalism."¹²⁴ The program was created to address both concerns, and the New Mexico Supreme Court mandated the program in April of 2011.¹²⁵

4. Oregon¹²⁶

Oregon's mandatory initiative is the New Lawyer Mentoring Program ("the NLMP").¹²⁷ The NLMP provides incoming bar members with one-on-one professional guidance on various aspects of a highly competent practice, while promoting civility, professionalism, and collegiality.¹²⁸ The program is semi-modeled on programs in Georgia and Utah but "emphasizes a flexible approach in which mentors and new attorneys take the core curriculum and shape it to best meet the needs of the new lawyer."¹²⁹

119. See ST. BAR OF N.M., *Bridging the Gap Mentorship Program*, <https://www.nmbar.org/nmbar/docs/formembers/mentorship/Rule24-110.pdf> [https://perma.cc/AKJ8-HHNE] (last visited Apr. 19, 2018).

120. N.M. R BAR RULE 24-110.

121. N.M. R BAR RULE 24-110-A.

122. N.M. R BAR RULE 24-110-D, E.

123. See *FAQs*, ST. BAR OF N.M., https://www.nmbar.org/Nmstatebar/For_Members/Bridge_the_Gap_Mentorship_Program__New_Lawyers.aspx#Anchor4 [https://perma.cc/W6LJ-HFZM] (last visited Apr. 19, 2018) (addressing state's reasoning for creating a mandatory program for all newly admitted attorneys).

124. *Id.*

125. *Id.*

126. See *New Lawyer Mentoring Program*, OR. ST. BAR, <http://www.osbar.org/nlmp> [https://perma.cc/8DSD-S7PV] (last visited Sept. 19, 2018).

127. *Id.*

128. *Id.*

129. *Id.*

5. South Carolina¹³⁰

In South Carolina, the Lawyer Mentoring Program was formed pursuant to Rule 425 of the South Carolina Appellate Court Rules.¹³¹ Following the establishment of Rule 425, the Supreme Court of South Carolina ordered a permanent and mandatory mentoring program for all newly admitted bar members.¹³² This mandatory year-long program requires one-on-one or group mentoring, which must be completed in a timely fashion.¹³³ The new attorney and mentor must certify completion of the mentoring program.¹³⁴ In May 2016,¹³⁵ supervision of this program was transferred from the Commission on Continuing Legal Education and Specialization to the South Carolina Bar, but CLE credits are still awarded for mentors.¹³⁶

6. Utah¹³⁷

Utah's mandatory New Lawyer Training Program ("NLTP") was formed pursuant to Rule 14-808 of the Utah Rules of Judicial Administration.¹³⁸ According to that program, all new attorneys admitted to practice law in Utah, and who are on active status, need to complete the requirements of the Bar's NLTP within a specified timeline.¹³⁹ The new attorney is required to file a Mentoring Completion Certification, which is executed by the assigned mentor who has to attest to successful completion of the program.¹⁴⁰

B. States with Voluntary Mentoring Programs for Lawyers

Apart from the states with mandatory mentoring programs, all states, except for Arkansas, Maine, Mississippi, Montana, and Vermont, have voluntary

130. See *New Lawyer Mentoring Program*, S.C. BAR, <https://www.sbar.org/lawyers/bar-programs/new-lawyer-mentoring-program/> [<https://perma.cc/R7GB-R8YC>] (last visited Sept. 19, 2018).

131. See Rule 425, SCACR.

132. See Rule 425(a), SCACR.

133. See Rule 425(c) SCACR.

134. See Rule 425 (m) SCACR.

135. See *Lawyer Mentoring Program*, THE SUP. CT. OF S.C., <http://www.commcle.org/MentoringProgram.html> [<https://perma.cc/7LVG-9D95>] (last visited Sept. 19, 2018) (stating that administration of the Lawyer Mentoring Program was transferred to the State Bar in 2016).

136. See Rule 425(o), SCACR ("[T]he mentor shall be deemed to have completed 4.00 hours of CLE credit, of which 2.00 hours shall constitute ethics CLE credit.").

137. See *New Lawyer Training Program*, UTAH ST. BAR, <http://www.utahbar.org/member-services/nltp/> [<https://perma.cc/N6DD-JG8X>] (last visited Sept. 22, 2018).

138. Utah Code of Judicial Administration, Rule 14 808.

139. Utah Code of Judicial Administration, Rule 14 808(a)(1).

140. *Id.*

mentoring programs in place.¹⁴¹ Those states providing voluntary programs for attorneys offer them through each state's respective bars¹⁴² or via various organizations, such as the Texas Young Lawyer's Association.¹⁴³ Among those states, some are beginning to propose incentives to promote mentoring by allowing CLE credits to be earned for those acting as mentors and mentees.¹⁴⁴ Mississippi offers a mentorship program for law students through the Mississippi Women Law Association,¹⁴⁵ but does not have a program at the state

141. See *Mentoring Programs Listed by State*, AM. BAR ASS'N, https://www.americanbar.org/groups/professional_responsibility/resources/professionalism/mentoring.html [https://perma.cc/E N59-L6NL] (last visited Sept. 19, 2018).

142. See, e.g., *Mentor Program*, ST. BAR OF ARIZ., <http://www.azbar.org/professionaldevelopment/practice20/mentorprogram/> [https://perma.cc/6X9W-RQHH] (last visited Sept. 19, 2018) (Arizona); *Goal 2*, HAW. ST. BAR ASS'N, http://hsba.org/HSBA/ABOUT_US/Governance/HSBA/About_Us/Governance.aspx?hkey=61f455cd-e768-470c-8750-4243223f861d [https://perma.cc/G VA4-WXFK] (last visited Sept. 19, 2018) (Hawaii); *Idaho State Bar Mentor Program*, IDAHO ST. BAR, <https://isb.idaho.gov/member-services/programs-resources/mentor-program/> [https://perma.cc/Q7PZ-CGWR] (last visited September 19, 2018) (Idaho); *ISBA Lawyer-to-Lawyer Mentoring Program*, ILL. ST. BAR ASS'N, <https://www.isba.org/mentoring> [https://perma.cc/4U59-G4HW] (last visited Sept. 19, 2018) (Illinois).

143. *TYLA Ten Minute Mentor*, <http://www.texasbarcle.com/CLE/tyla/home.asp> [https://perma.cc/6U4S-ZSDA] (last visited Sept. 19, 2018) (offering short video segments on topics useful to Texas lawyers). The presenters include legal legends, respected jurists, experts in their fields, and young attorneys. *Id.*; *Ten Minute Mentor ... Goes to Law School*, TX. BAR ASS'N, <http://www.tmm.lawschool.com> [https://perma.cc/PGC7-SGQF] (last visited Sept. 22, 2018) (expanding Ten Minute Mentor program to law school students).

144. See, e.g., ILL. ST. BAR ASS'N, *supra* note 142 (Illinois); *Mentor Match Program*, IND. ST. BAR ASS'N, https://www.inbar.org/page/mentor_match [https://perma.cc/5TSJ-Q68G] (last visited Sept. 19, 2018) (Indiana); *Transition Into Practice (TIP) Voluntary Mentoring Program*, <https://www.lsba.org/Mentoring/> [https://perma.cc/682P-BXGK]; LA. ST. BAR ASS'N (last visited Sept. 19, 2018) (Louisiana); *Mentorship Programs*, ST. BAR ASS'N OF N.D., https://www.sband.org/page/mentorship_program [https://perma.cc/S7QE-T6AN] (last visited September 19, 2018) (North Dakota); *Lawyer to Lawyer Mentoring Program*, THE SUP. CT. OF OHIO, <http://www.su.premecourt.ohio.gov/AttySvcs/mentoring/> [https://perma.cc/EGS4-H98Z] (last visited Sept. 19, 2018) (Ohio); *New Lawyer Mentoring Program*, S.C. BAR, <https://www.sctbar.org/lawyers/bar-programs/new-lawYer-mentoring-program/> [https://perma.cc/QK38-KZZ2] (last visited Sept. 19, 2018) (South Carolina); *Mentoring Program*, MEMPHIS BAR ASS'N, <https://web.archive.org/web/20170912203613/https://www.memphisbar.org/build-your-practice/mentoring-program/> [https://perma.cc/X54U-FTZN] (last visited Sept. 22, 2018) (Tennessee).

145. *Welcome from the President*, MISS. WOMEN LAWYER ASS'N, <http://www.mswomenlawyers.com/> [https://perma.cc/XA7X-5YNZ] (last visited Sept. 22, 2018) (encourages members to do more by acting as a mentor to a colleague, but does not state any official mentorship programs sponsored for lawyers).

bar level for attorneys.¹⁴⁶ Arkansas had a state bar mentoring program in the past, but it is no longer active.¹⁴⁷

Though Maine and Montana do not have state bar mentoring programs, they provide resources to allow bar members to search for potential mentors.¹⁴⁸ Wyoming, on the other hand, was not able to offer strong enough incentives to spark interest in mentorships, as a 2017 survey indicated.¹⁴⁹ Despite that recent survey, the Wyoming Bar members urged the state to enforce a permanent or mandatory mentorship program for newly admitted attorneys.¹⁵⁰ One surveyor blamed the “lack of civility in the profession right now” and the “increasingly combative styles of interaction amongst lawyers” on the “lack of quality mentoring.”¹⁵¹

The states that see the benefits of Georgia’s mandatory mentorship program but are not yet ready to make it a requirement are finding other ways to make their program enticing. For example, just like Georgia, Ohio created a permanent mentoring program, but Ohio’s program is not mandatory for newly admitted attorneys.¹⁵² Instead, it can be used to fulfill the mandatory New Law Training state requirement.¹⁵³

146. *Lawyer in Every Classroom Program*, THE MISS. BAR, <https://www.msbar.org/programs-affiliates/lawyer-in-every-classroom-program/> [<https://perma.cc/5ZD6-UZF5>] (last visit Sept. 20, 2018) (allows an attorney to visit a kindergarten through twelve-grade class anytime during the school year to act as a mentor to students).

147. NAT’L LEGAL MONITORING CONSORTIUM, *supra* note 5 (noting that Arkansas’s program has been discontinued).

148. Both states offer electronic resources for state bar members to find mentorships as follows: *Mentoring & Networking Services*, ME. ST. BAR ASS’N, www.alpsattorneymatch.com/ [<https://perma.cc/V67C-M38N>] (last visit Sept. 20, 2018) (offers a free, web-based resource that connects attorneys preparing to leave the legal profession with those just entering); and *Alps Attorney Match*, ST. BAR OF MONT., <http://www.montanabar.org/page/AttorneyMatchTips/ALPS-Attorney-Match.htm> [<https://perma.cc/H82R-43EC>] (last visited Sept. 20, 2018) (tool for practitioners and bar associations to create mentorship programs that are more proactive and community need based).

149. *2017 Wyoming State Bar Member Survey Results*, WY. ST. BAR (2017), <https://www.wyomingbar.org/wp-content/uploads/2017-Bar-Member-Survey-Results.pdf> [<https://perma.cc/TC3K-6EDR>]. Wyoming conducts an anonymous survey every other year on various topics, such as bar activities and services, effectiveness of bar leadership, view of the current attorney state discipline system, public service and more, to get feedback from members of the bar. *Resource Page*, WY. ST. BAR, <https://www.wyomingbar.org/about-us/resource-page/> [<https://perma.cc/J5H8-F2VG>] (last visited Sept. 20, 2018). Survey results are submitted to The Board of Officers & Commissioners prior to their Strategic Planning session with hopes of providing clear direction, so a two-year plan that pleases bar members can be created. *Id.*

150. *2017 Wyoming State Bar Member Survey Results*, *supra* note 149, at 7. Surveyors stressed the need for mentorship programs in the 2017 survey and reiterated that this request was already submitted with no action taken in the prior 2015 survey).

151. *Id.* at 68 (explaining what surveyors believe to be the most critical challenge the Wyoming legal community is facing).

152. THE SUP. CT. OF OHIO, *supra* note 144.

153. OH ST GOVT BAR Rule X(14)(A)(2).

Ohio's¹⁵⁴ mentoring program is rather unique and deserves a brief individual description. The "Lawyer to Lawyer Mentoring Program" in Ohio was created under Ohio Supreme Court Rule X for State Continuing Legal Education.¹⁵⁵ Under Ohio's mentorship program, an attorney who is "newly admitted to the practice of law . . . may satisfy the New Lawyers Training instruction requirement . . . by participating in and successfully completing the Supreme Court Lawyer to Lawyer Mentoring Program."¹⁵⁶ The Commission on Professionalism launched the state-wide pilot mentoring program for all newly admitted attorneys in 2006.¹⁵⁷ Two years later, after evaluating the pilot's success, the Supreme Court of Ohio adopted Lawyer to Lawyer Mentoring permanently and offered it to new attorneys.¹⁵⁸ Ohio's mentoring program aspires to elevate the "competence, professionalism, and success" of its lawyers through "positive mentoring relationships."¹⁵⁹

As such, various models of mentoring programs have been created and designed to serve each state's individual vision and needs. These mentorship programs highlight the importance of evaluating these programs and making sure to obtain support and enthusiasm of the local bar members in order to assure success of this invaluable endeavor for lawyers of all levels of experience, as well as law students.

C. Mentoring Programs in Law Schools

Approximately 110 law schools nationwide offer a type of mentorship for its students, ninety five of which are listed as voluntary, while twelve are mandatory.¹⁶⁰ In terms of voluntary programs, about fifty percent are offered between alumni and students, forty percent are between lawyers, judges and other legal professionals, and the remaining ten percent are students peered with other students or staff.¹⁶¹ A close examination of mandatory programs, on the other hand, reveals about fifty percent are conducted between students and alumni, forty-five percent are between assigned lawyers and judges, with the

154. See *Forms and Materials*, THE SUP. CT. OF OHIO, <http://www.supremecourt.ohio.gov/AttySvcs/mentoring/forms.asp> [https://perma.cc/3BDF-84B9] (last visited Sept. 20, 2018).

155. See *Supreme Court Rules for the Government of the Bar of Ohio*, THE SUP. CT. OF OHIO, <http://www.supremecourt.ohio.gov/LegalResources/Rules/govbar/govbar.pdf#Rule10> [https://perma.cc/S82M-QNNW].

156. OH ST GOVT BAR Rule X(14)(A)(b)(2).

157. *Program History and Objective*, THE SUP. CT. OF OHIO, <http://www.supremecourt.ohio.gov/AttySvcs/mentoring/history.asp> [https://perma.cc/6B6T-SKW3] (last visited Sept. 22, 2018).

158. *Id.*

159. *Id.*

160. See NAT'L LEGAL MENTORING CONSORTIUM, *supra* note 5 (providing full list of law schools that offer mentoring programs for students, identifying which schools offer mandatory or optional programs, and, providing a direct internet link to each school's mentoring program).

161. See *id.* These percentages of mentorship types were generated by viewing the program descriptions from each listed law school's website.

remainder being a combination of peers, lawyers, judges, staff and others in the legal community.¹⁶² The goal is to ensure students learn the professionalism required to practice law and avoid career mistakes that could lead to disbarment.¹⁶³

Having a mentor is not only beneficial to state bars to help teach newly admitted lawyers, but it is also beneficial to the courts in helping attorneys find a way to reenter the profession in instances where they have gone astray. As such, the ABA's rules for readmission specifically require "rehabilitation" because "the purpose of lawyer discipline is not to punish," but to find ways for readmission.¹⁶⁴ Mentorship plays a significant role in this process and is often mentioned by the courts in attorney discipline matters. Per Rule 25 of the ABA Model Rules for Lawyer Disciplinary Enforcement, in order for an attorney to be reinstated after suspension or disbarment, he has to meet and comply with a number of requirements.¹⁶⁵ Various conditions, such as mentoring, can be placed on the attorney for reinstatement to ensure the public's safety.¹⁶⁶ Specifically, in order to ensure compliance with rules and procedures, it is common for courts or state bars to impose mentoring by a bar approved attorney as a condition for reinstatement.¹⁶⁷ Moreover, mentoring is one factor the courts frequently consider in determining whether the attorney presented clear and convincing evidence to make his case for "rehabilitation."¹⁶⁸ Furthermore, the

162. *See id.*

163. *See id.*

164. *See* MODEL RULES FOR LAWYER DISCIPLINARY ENF'T R. 25 cmt. (AM. BAR ASS'N 2002) ("As a condition of readmission or reinstatement, a disbarred or suspended lawyer is usually required to establish rehabilitation, fitness to practice and competence...to pass an examination in professional responsibility, and to comply with court orders.").

165. *See id.* at r. 25(A), (D), (E)(1)-(8).

166. *See id.* at r. 25(D), (E) (2002); *see, e.g.*, Cincinnati Bar Ass'n v. Wilson, 730 N.E.2d 957, 958 (Ohio 2000) (assigning attorney a mentor as a probation condition while on suspicion from practicing law); *see also* In re Jarrett, 879 N.W.2d 116, 124 (Wis. 2016). The court directed "...the Office of Lawyer Regulation...to identify and appoint a practice monitor to serve as a mentor...and to supervise and oversee...practice of law and related professional activities for a period of two years." *Id.* *See also* In re Reinstatement of Wiederholt, 295 P.3d 396, 402 (Alaska 2013). The court assigned a mentor for three years because a "one-year period may be too short to give...enough time to benefit from the mentoring and oversight he will receive...[and] do not perceive that a three-year period is punitive or excessive." *Id.* *See also* Office of Lawyer Regulation v. Linehan, 867 N.W.2d 806, 808, 814 (Wis. 2015). The court stated that "an attorney seeking reinstatement after a disciplinary suspension or revocation must demonstrate by clear, satisfactory, and convincing evidence that he or she has the moral character necessary to practice law in this state, that his or her resumption of the practice of law will not be detrimental to the administration of justice or subversive of the public interest, and that the attorney has complied fully with the terms of the suspension...[so] shall continue with monitoring/mentoring." *Id.*

167. *See* MODEL RULES FOR LAWYER DISCIPLINARY ENFORCEMENT r. 25(D), (E) (AM. BAR ASS'N 2002).

168. *See* Christman v. People, 367 P.3d 1204, 1209 (Colo. 2016) (denying readmission and noting a mentor would have been beneficial to the rehabilitation process); *but see* In re Bar

length of mentoring is left to the discretion of the courts with some examples ranging from two¹⁶⁹ to three¹⁷⁰ years or “until necessary.”¹⁷¹

Thus, it is the courts’ and state bar associations’ acknowledged judgment that mentoring, among other conditions, represents critical guidance an attorney needs in order to correct his mistakes in judgment, process prior experience, and attempt to return to the profession with better professional values and insight.

IV. CONCLUSION

A. *Why Implementation Should be Mandatory*

The negative public perception paired with the high stress levels and long work hours that accompany the job are affecting the well-being of attorneys throughout the country. A new approach is needed in order to change the overall culture of the profession. Moreover, a true and profound change in approach within the legal profession is needed in order to help students and junior lawyers avoid making rookie mistakes and foster confidence and competence, while focusing on the legal and interpersonal communication skills law students and lawyers need to grow. To that end, the beneficial effect of the mentorship in the legal profession has been widely acknowledged as a successful way of achieving these goals on various levels, from state bar associations to state courts, as well as by individual attorneys, including the ones that suffered a downfall and needed rehabilitation.

A formal mentorship requirement is the best way to start this change. Voluntary programs and programs without formal organization are not readily accessible to most members of the bar. Having a structured framework for the program and a reliable mentor from the start of one’s professional career would

Admission of Jarret, 879 N.W.2d at 124 (finding sufficient evidence of rehabilitation for reinstatement where petitioner acted as a mentor to high school students); In re Stanback, 913 A.2d 1270, 1285 (D.C. 2006) (reviewing petitioner’s role as a mentor in petitioner’s post-discipline conduct and reinstating attorney); Office of Lawyer Regulation v. Glasbrenner, 713 N.W.2d 627, 628 (Wis. 2006) (considering petitioner’s act of seeking a mentor for rehabilitation as clear and convincing evidence of rehabilitation); Lefly v. People, 167 P.3d 215, 221, 224 (Colo.O.P.D.J. 2007) (reinstating petitioner who sought a mentor after disbarment); and LaQuey v. People, 180 P.3d 1031, 1039 (Colo.O.P.D.J. 2008) (noting petitioner sought a mentor to provide structure upon readmission).

169. See *Jarrett*, 879 N.W.2d at 124 (“[W]e direct the Office of Lawyer Regulation...to identify and appoint a practice monitor to serve as a mentor...and to supervise and oversee...practice of law and related professional activities for a period of two years.”).

170. See *Wiederholt*, 295 P.3d at 402 (“A one-year period may be too short to give...enough time to benefit from the mentoring and oversight he will receive...we do not perceive that a three-year period is punitive or excessive.”).

171. See *Linehan*, 867 N.W.2d at 813 (“[U]ntil such time as the program determines that ongoing monitoring is no longer necessary [Linehan] shall continue with monitoring/mentoring with...[an] appropriate attorney as determined by Wisconsin Lawyers Assistance Program.”).

provide every lawyer with the accessible guidance she needs to prevent possible downfalls and maintain inspiration for practicing law.

B. Proposed Solution

Understandably, “one size does not fit all,” and each state needs to develop its own individual mentorship program that is best-suited for its attorneys and law students. A number of established programs discussed in this Article can be adapted “as is” or merely serve as models or starting points for further development. These programs should be customized in order to provide what is most important and needed for future or junior attorneys, i.e. professional and personal support at the very start of a big journey towards successful practice of law, which will allow them to remember how truly privileged they are. Moreover, giving back to the community and the profession through mentorship should not be an incentive, but rather investment experienced attorneys want to make,¹⁷² and as a result, the distorted view of the profession should change and improve, thereby increasing happiness and balance for each individual lawyer.

172. See Edward M. Slaughter & K.C. Ashmore, *Can I Bill for This? A Call for Mentoring in the Modern Law Firm*, DRI: FOR THE DEF 74, 81 (Dec. 2008) (“Lawyers and law firms must take responsibility for training the next generation of lawyers both for the success of their firms and the credibility of the profession. . . . The Model Rules require mentoring, and the vitality of our profession depends on it.”).