

High-quality mentoring and sponsorship can increase diversity and inclusion

Ida Abbott

As law firms seek ways to increase diversity and inclusion, many are turning to high-quality mentoring. Those that are doing so through sponsorship-focused mentoring programmes are reporting promising results.

Even after many years of trying, law remains the least diverse profession.¹ Firms have done well in recruiting women and minority lawyers at the entry level, but the pipeline leaks at a rapid pace and these lawyers remain shamefully underrepresented in partnership and leadership. When it is done well, mentoring is a proven way to slow the pipeline's leaks by providing the personal attention and individualised support that engages these lawyers, makes them feel valued, gives them career-enhancing practice and business opportunities, and helps them see the possibility of a successful and satisfying future in the firm.

Although mentoring has long been central to the legal profession and mentoring programmes make mentors widely available, the quality of modern mentoring has been inadequate to stem attrition among women and minority lawyers. Today, firms are feeling greater pressure from clients, recruits and society at large to increase lawyer diversity, so they are taking a fresh look at mentoring to support their diversity and inclusion initiatives. They are taking steps to provide high-quality mentoring to diverse lawyers through programmes that adopt innovative techniques and approaches specifically designed to promote greater inclusiveness.

The power of mentoring derives from its grounding in a personal relationship between mentor and mentee. The better the relationship, and the more committed the mentor and mentee are to making it work, the more beneficial it can be. High-quality mentoring is characterised by mutual competence, caring and commitment. High-quality mentoring relationships are interdependent and generative, promoting mutual self-awareness, empathy and trust. Together, mentor and mentee create a safe space where both are willing to be vulnerable, to speak honestly and listen deeply, to learn, contribute and envision new and creative possibilities. When the mentor is a highly regarded firm partner, the mentee can also find acceptance, validation and a feeling of inclusion in the firm.

Building the shared trust and respect at the foundation of such a relationship takes time, but the effect on both mentor and mentee can be transformative.

High-quality mentoring is hard for anyone to find, but especially for women and minority lawyers. Mentoring in law firms today tends to be perfunctory; much of it involves mere knowledge transfer. Many lawyers do try to develop more meaningful relationships, but time and billing pressures, frequent turnover of partners and associates, and lack of regular face-to-face interaction, make it hard to devote enough time to get to know each well, much less build the trust that a meaningful relationship requires. For lawyers who feel marginalised to begin with, this lack of connectedness can reinforce a sense of alienation and isolation.

Moreover, law firm mentoring programmes usually focus on professional learning and development for all associates in the early years of practice. They tend to match every associate with one or two mentors who help with orientation to the firm and legal practice, skill development, and general career advice. These programmes serve a vital function, especially when novice lawyers need to concentrate on becoming proficient at their craft and secure in their professional behaviour and identity. But as young lawyers progress in their careers, they need more active intervention and support than most programme mentors provide, such as high-visibility opportunities, access to influential networks and personal advocacy. We now refer to that kind of support as *sponsorship*, and its focus is on career advancement rather than professional learning and development.

Sponsors are characterised by power. In law firms, the overwhelming majority of potential sponsors (as opposed to mentors) are straight white male partners who have the gravitas, authority and political capital to have a measureable impact on associates' work experience, client exposure, leadership opportunities and career progression. While sponsors are scarce for

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all associates, research shows that women and minority lawyers are far less able to find sponsors than their white male counterparts. Studies have found that twice as many men as women have sponsors,² and white professionals are 63% more likely to have sponsors than professionals of colour,³ which gives white men a significant career advantage. Without sponsors, women and lawyers of colour are less likely to move up in the firm. A substantial body of research points to the lack of sponsorship as a key reason for the dearth of women and minority lawyers in partnership and leadership.

Because of the growing awareness of the importance of sponsorship to bring more women and minorities into partnership and leadership, many firms are creating sponsorship programmes. A few of these are true sponsorship programmes in that senior partners and leaders wield political leverage on their *protégées'* behalf and advocate for their promotion.⁴ At most law firms, however, sponsors in these programmes are expected to vigorously provide support, guidance, access, opportunities, contacts and/or other forms of career assistance, but not necessarily to serve as advocates for their *protégées'* promotion to partnership or leadership. What these firms are doing is creating the conditions, opportunities and encouragement for participants to develop high-quality mentoring relationships. By carefully selecting associates who are proven performers, and sponsors who are well-positioned and willing, the parties start their relationship with a positive, collaborative and success-oriented learning mindset. By devoting more time, more concentrated attention and a greater degree of personal investment than programme mentors normally would, sponsors lay the groundwork for *protégées'* eventual promotion. In the process, the junior lawyer acquires the tools, experience, recognition, networks and strategies that make advancement more likely.

The impact of #MeToo

Sponsorship for women has assumed a new urgency in the wake of the #MeToo movement. Sponsorship for advancement purposes is more intense, and often requires more frequent and closer personal interaction than mentorship. If women have had difficulty

finding sponsors before, in many firms their chances of finding sponsors since #MeToo has plummeted. While some men have responded to #MeToo by committing to support women more assiduously, studies show a significant decline in the willingness of men to mentor women. In a January 2018 online survey of 2,950 individuals conducted by LeanIn, almost 30% of male managers – more than twice as many as before – said they are uncomfortable working alone with a woman, and the number of male managers who are uncomfortable mentoring women more than tripled from 5% to 16%.⁵ In a second online survey of more than 5,900 individuals, senior men were 3.5 times more hesitant to have a work dinner, and five times more hesitant to travel for work, with a junior level woman.⁶

These findings were echoed in a February–March 2018 survey conducted by the *American Bar Association Law Journal* and Working Mother Research Institute of almost 3,000 employees of law firms and businesses. The study examined workplace sexual harassment and related issues in the wake of #MeToo. The survey data showed that substantial numbers of men, including those in leadership, now feel nervous about entering into one-on-one professional relationships with women, such as mentoring and sponsorship. When asked if such relationships are at risk because of the perception that unacceptable behaviour could be occurring, 56% of the men agreed, as did 35% of women.⁷

The impact of #MeToo is not limited to the United States. Art of Mentoring, an Australian company, conducted a survey that replicated and expanded the LeanIn survey to gauge how #MeToo affected workplace attitudes outside the United States. They found the same theme as the studies cited above – men feel less comfortable than they did a year ago with cross-gender workplace interaction, including mentoring relationships.⁸

Current mentoring efforts in many firms may be able to counteract this trend through targeted sponsorship programmes that aim to cultivate and retain diverse talent. High-quality mentoring and sponsorship are difficult to attain through a general mentoring programme. However, some law firms are implementing novel programme models that promote

high-quality relationships which emphasise the sponsorship functions of mentoring and are designed specifically for the purpose of retention and career advancement. As shown in the examples discussed below, these efforts are paying off – they are keeping women and minority lawyers at their firms longer, helping them advance and thrive, and achieving the benefits that mentoring promises.

These law firm sponsorship programmes vary in many ways, but certain factors are critical to their success:

- They are designed and intended to promote diversity and inclusion, focusing on women, lawyers of colour, LGBT lawyers, and/or members of other underrepresented groups.
- They are open only to a selected group of high-performing mid-level and senior associates, counsel and/or junior partners.
- Sponsors are prominent partners, rainmakers and leaders.
- The support given to the junior lawyers is intense, focused and methodical, requiring substantial and active personal involvement by the sponsor.
- They stress factors that lead to success in the business of law (eg, explaining law firm economics, increasing access to clients, expanding connections and networks in and outside the firm).
- They sometimes involve multiple mentors assuming different roles.
- They are not stand-alone programmes, but are connected to other talent management, diversity and leadership development processes and initiatives.
- Participants are carefully prepared through the selection, training and orientation processes, so that roles, responsibilities and expectations are clear.
- Participants' experience is closely monitored and programme outcomes are tracked and measured.

Examples of new mentoring and sponsorship programme models

The support provided to women by global law firm Linklaters LLP is illustrative. In 2012, as part of its

broader gender diversity strategy, Linklaters began a Women's Leadership Programme to increase and retain its pipeline of talented senior women associates (those with over five years' experience). The programme runs for nine months and in addition to various leadership development activities and courses, each of the participating women is assigned a sponsor partner (SP) who has a different practice area and is based in a different country. They do not know each other at the outset, but as the relationship progresses, their practice and geographic distances allow for less superficial and more candid conversations.

The SP's role is not to act as an advocate for the associate's promotion, but to increase her understanding of the workings of the firm, expand her internal visibility and network, develop and promote her brand, introduce her to the SP's clients and contacts, and generally act as an ambassador for her, internally and externally. Although SPs offer counsel and guidance, the emphasis is on helping the associate clarify and actively move toward achieving her ambitions.

One of the secondary benefits of the Linklaters programme – and evidence that it is enabling high-quality, mutually beneficial relationships – is that SPs become more aware, understanding and empathetic about the unique issues that confront women lawyers. Even in the best training programmes, discussing diversity in a group may leave the issues abstract and impersonal. Attentive, focused conversations in meaningful mentoring relationships make the issues personal and concrete.

As one of the Linklaters' SPs reported:

I'm always amazed by how much I learn about myself when mentoring others; when hearing about the challenges that colleagues face one can't help but think about how one would deal with them oneself. And when those challenges are caused by the behaviour of more senior colleagues it is hard not to look in the mirror and check you are not doing the same thing. I know it makes me a better partner, leader and mentor of others. I have also learnt a huge amount about an office and a practice I was not familiar with, something that is hugely important in the context of Team Linklaters.

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women have participated, including the newest cohort which started in June 2018. Although 37 (19%) of those participants have since left the firm, the firm has tracked the retention of the alumnae against that of their peers and has found that each programme cohort shows significantly better retention (12–37% higher) than its female peer group. To date, 19 (10%) of the programme alumnae have been elected to partner and 34 (17%) have been promoted to counsel.

Other law firms have experienced similarly promising results in their diversity focused mentoring and sponsorship programmes. Here are three examples:

- Littler’s Career Advocacy Programme (CAP), launched in 2014 following an 18-month pilot, matches high-performing women, minority, disabled and self-identified LGBT associates, usually in their 4th or 5th year of practice (*protégées*), with influential shareholders who help them develop books of business, build relationships and advocate for them among firm leadership. In addition, General Counsel from Fortune 200 companies that are firm clients meet in person with small groups of *protégées* to offer their career perspectives, advice and support. Over the past three years, CAP *protégées* have represented 18–40% of each new shareholder class. When promoted to shareholder, *protégées* remain in CAP, with programming and mentoring geared specifically to their success in that role.
- In 2013, Cadwalader started a pilot sponsorship programme for high-performing women which was expanded in 2015 to racially diverse lawyers and LGBT lawyers in the firm’s US offices. The programme pairs high-potential senior associates and counsel who are nominated by practice group leaders with top firm leaders and rainmakers for a year or longer. Since the launch of Cadwalader’s sponsorship programme:
 - 60% of newly-promoted partners in 2016 were women;
 - 40% of newly-promoted partners in 2017 were in the sponsorship programme;
 - 50% of newly-promoted partners in 2017 were women, minorities, and/or LGBT lawyers;

- eleven *protégées* in the programme have been promoted to partner and nine have been promoted to special counsel.

- Seyfarth Shaw’s Triad Mentoring Programme is open to all associates, not just women or minorities, but it places priority on diverse lawyers. The programme groups lawyers into triads comprised of:

- a senior associate mentee who is recognised as a strong performer and is on track for partner consideration in the next two to three years;
- a mentor who is an equity partner who is knowledgeable about the firm beyond their own office and department, and who can ensure frequent interaction with the associate; and
- a sponsor, who is a member of the firm’s executive committee, a department chair or in another senior leadership role.

Since its inception in 2013 (following three years of piloting it), 75% of programme participants have become partners.

A particularly inventive new sponsorship model is still in its pilot phase but bears mentioning. Diversity Lab, an incubator for innovative ideas and solutions that boost diversity and inclusion in law, is currently piloting ‘OnTrack Sponsorship’. The concept was generated in the 2016 Women in Law Hackathon held at Stanford Law School and the pilot programme launched in early 2018 with 47 women and minority *protégées* in 10 law firms, including Cooley, Arnold & Porter, and Baker Botts. It features several unique and intriguing elements:

- *Team approach*. Instead of working with one or two sponsors, each *protégée* is part of a five-person team consisting of a primary sponsor from the *protégée*’s practice group, a senior partner sponsor outside their practice group, an external coach, and either a management committee sponsor (if the *protégée* is an associate) or an external legal department sponsor (if the *protégée* is a partner). The sponsorship team works together to help the

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protégée achieve the customised goals the *protégée* selects with their primary sponsor and coach at the beginning of the programme.

- *Mutual support.* In addition to engaging with their sponsorship team, *protégées* within a firm join together regularly in a coach-facilitated conversation, allowing them to support and interact with each other across different geographic locations and practice areas.
- *Customised technology.* Technology created especially for this programme allows sponsorship teams to collaborate, track progress towards the *protégée's* goals, and see where they stand in relation to the other OnTrack *protégées* at their firm. Leveraging gamification techniques (eg, points, leaderboards, opportunities to give 'shout-outs' and 'likes'), the technology drives team engagement, introduces an element of healthy inter-team and intra-team competition, and promotes accountability.
- *Tracking.* The technology also enables Diversity Lab and participating firms to track participants' usage and progress. Because Diversity Lab can track discrete activities, they will be able to independently evaluate various programme features (eg, whether competition deadlines lead to an uptick in team activity).

It is still too early to assess the impact and value of OnTrack Sponsorship, but the key components of this pilot are being evaluated and because Diversity Lab is committed to knowledge sharing and collective learning, they will be open and transparent about what works and what does not. This will ultimately benefit all firms that have or are contemplating sponsorship initiatives of their own.

Considerations before starting a sponsorship programme

There is a great deal of interest in sponsorship today among law firms. According to a 2016 New York City Bar Diversity Benchmarking Report, 48% of the 88 New York law firms that participated in the survey

were creating sponsorship programmes. While these intentions are laudable, firms should proceed carefully, because sponsorship programmes are particularly challenging. The greater investment of time, effort and political capital required of sponsors makes these programmes more difficult to create and sustain than traditional mentoring programmes.

Most mentoring programmes routinely and easily match lawyers with mentors. Some mentors are better and more committed than others, but almost every lawyer has some knowledge, insights or advice that will benefit a mentee, even in a brief or limited way. Sponsors need to do and invest more. A partner who is willing to be a mentor might balk at being asked to be a sponsor if it means grooming, advocating for or proactively supporting someone for a bonus or promotion.

Moreover, not every junior lawyer may be suitable for sponsorship. Mentees do not need to prove anything to qualify for a mentor and mentoring programmes can be open to any group of lawyers, beginning with the most junior. Sponsorship, however, must be earned. Associates in a sponsorship programme are selected to participate because they have demonstrated sufficient ability, commitment and ambition to warrant a significant investment of partners' time and effort. Those who are left out may see the programme as exclusionary or promoting favouritism. This makes it imperative that other mentoring and professional development options be made available for lawyers who are not chosen for the programme so that they do not feel neglected or discouraged.

Conclusion

Traditional mentoring programmes provide considerable value but are not sufficient for achieving law firms' diversity and inclusion goals. Firms are under great pressure to become more inclusive, and those that are trying more creative, focused and intense approaches are seeing some success. These efforts demonstrate both the favourable impact that high-quality mentoring and sponsoring relationships can have on lawyers' careers and the long-term value

to the firm of investing in those relationships.

While sponsorship programmes present challenges, firms that are seriously motivated to retain and advance diverse lawyers may benefit greatly by

instituting them. When done well, these programmes can increase retention of women and minority lawyers, enable more of them to become partners and leaders, and create a more inclusive culture.

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- 1 Deborah L Rhode, "Law is the least diverse profession in the nation. And lawyers aren't doing enough to change that", *The Washington Post*, 27 May 2015, https://www.washingtonpost.com/posteverything/wp/2015/05/27/law-is-the-least-diverse-profession-in-the-nation-and-lawyers-arent-doing-enough-to-change-that/?utm_term=.365b182da998.
- 2 Sylvia Ann Hewlett, (*Forget a Mentor*) *Find a Sponsor* (Boston: Harvard Business Review Press, 2013).
- 3 *Ibid.*
- 4 In most sponsorship programmes the junior person is usually referred to as a *protégée* or sponsee.
- 5 See <https://leanin.org/sexual-harassment-backlash-survey-results#key-finding-1>.
- 6 *Ibid.*
- 7 Barbara Frankel and Stephanie Francis Ward, "Little agreement between the sexes on tackling harassment, Working Mother/ABA Journal survey finds," *ABA Journal*, 4 July 2018, http://www.abajournal.com/news/article/tackling_harassment_survey_women_men/?utm_source=maestro&utm_medium=email&utm_campaign=daily_email.
- 8 Art of Mentoring, *Cross-Gender Relations in a Post #MeToo World*, July 2018.

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