

“Put Me In, Coach” Mentoring and Coaching at Today’s Law Firm

By Stephen P. Gallagher and
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Law firms throughout the world seek new ways to attract and retain young lawyers. In the context of today’s rapidly changing global marketplace, it is essential that young lawyers be trained to be flexible, adaptable and prepared to take responsibility for their own continuous personal and professional development. Law firms face new challenges in building professional development environments which will encourage individuals to take a more proactive role in their own learning process.

Young professionals are looking for better ways to increase their worth to their organization, while at the same time developing the transferable skills needed to enhance their own market value. Law firms are finding that “one size fits all” training programs are no longer sufficient to enable individuals to keep up with a new, fast-paced, turbulent business environment. Today, law firms have to become learning organizations, where “longer-term human development is seen as a continual and integrated part of daily life.”¹ According to Peter M. Senge, “learning organizations are organizations where people continually expand their capacity to create the results they truly desire, where new and expansive patterns of thinking are nurtured, where collective aspiration is set free, and where people are continually learning to see “the whole” together.”²

Talk to a successful person about how they learned their craft or their trade and you will find that most will fondly recall one or two key individuals who helped shape their careers. This person may have been a parent, a teacher, or in many instances a colleague who is expert in the individual’s field of interest. Airline pilots will tell you that flight simulators are useful in teaching you to fly; but they really learn to fly, to use their judgment, to become pilots, by spending hours training next to a more senior pilot. Surgeons perfect their skills by working on a team headed by more experienced surgeons before they earn the right and gain the expertise to perform surgery with their own team. Lawyers are no different. Over the years, law firms have relied on the one-on-one mentoring relationship to personalize the learning experience. “Sitting in the second chair” is how many litigators began their courtroom careers.

Research indicates that employees’ job performance is a function of their ability, their motivation to engage with their work, and the opportunity to deploy their ideas, abilities and knowledge effectively.³ It is very difficult to acquire these qualities from a classroom setting. One-on-one mentoring or coaching contribute to professional development by helping individuals reach their professional goals faster, building on strengths, developing skills, providing encouragement, while increasing confidence.

In the law firm setting, mentoring

provides a more junior attorney with an opportunity to reflect, learn, and develop, so the learner is able to apply knowledge to real world situations. This type of one-on-one working relationship has always been an important part of in-house training which has taken place in law firms for generations. In law firms, mentors are usually highly placed partners who take a stewardship interest in the performance and career of younger lawyers. Their focus is on career advising and advancement.⁴

One of the challenges the legal profession faces today comes from the pressure to increase billable hours. There are only so many hours in each day, so as law firms succumb to the pressure of increasing billable hours, something else has to give. If senior lawyers have less time to meet with junior lawyers, will these young protégés leave to go to firms that provide more comprehensive one-on-one learning opportunities? If firms are unable to create an environment where people want to work — a workplace based on trust and personal responsibility — such firms may face a serious crisis in attorney recruitment, training and management.

THE LOGIC OF “REFLECTION-IN-ACTION”

David A. Kolb, Ph.D.,⁵ professor of Organizational Behavior at the Weatherhead School of Management, Case Western Reserve University, and Donald A. Schön,⁶ a professor of Urban Studies and Education at the Massachusetts Institute of Technology, were

among the first to argue that professional education should be centered on enhancing the practitioner's ability for "reflection-in-action"—that is, learning by doing and developing the ability for continued learning and problem solving throughout one's professional career. Schön later suggested that "professional education should be redesigned to combine the teaching of applied science with coaching in the artistry of reflection-in-action."⁷ Law schools in the U.S. have never prided themselves on transferring knowledge to the "real world," although this may be changing.⁸

Kolb and Schön have given reflective practice currency in recent years, using and applying the basic principle of reflecting on experience to improve action and professional practice. However, this is not a new or original idea. Reflective practice was developed by education pioneers such as John Dewey⁹ and Curt Lewin.¹⁰ It can be traced back to Socrates' method of learning through questioning and feedback. "Reflection" involves a dialogue between practitioners and their colleagues, mentors and coaches, all of whom can provide useful feedback necessary for reflection.

One of the reasons for maintaining strong mentoring/coaching relationships is to help individuals better understand and make sense of what they are experiencing and feeling. Having a good mentor or coach can help a young lawyer engage in this ongoing dialogue to make sense of what he/she is learning. Relating the feedback given by others to their current understanding helps learners apply what they are learning. This is what Donald A. Schön talked about when he spoke of the importance of "reflection-in-action."

BUILDING A HIGH PERFORMANCE ORGANIZATION IN A HIGH-RISK CULTURE

Shoshana Zuboff and James Maxmin, authors of *The Support Economy*,¹¹ an excellent book about why corporations are failing individuals, convincingly argue that we are seeing a new type of consumer with dramatically different buying patterns and interests. Individuals no longer want to rely on group identification and compliance with group norms. Today's young consumers are clearly unlike any the world has ever seen. According to Zuboff and Maxmin, "[T]hese young professionals want to 'opt in' and make their own choices, controlling their destinies and their cash. They want their voices to be heard, and they want them to matter."¹² Are we not talking about today's law school graduates?

High performance is no longer an option. It is a requirement for the survival of both individuals and the organization. Building self-reliance, self-belief and self-responsibility can no longer be left to chance. Law firms will need to find ways to build more comprehensive mentoring/coaching relations if they hope to attract and retain top talent. Firms that continue to throw money at new recruits, while demanding 2000 to 2500 billable hours per year with limited feedback regarding their career advancement, may find their talent moving to firms more closely aligned with young professionals' core values.

As lawyers are increasingly being challenged to produce greater billable hours, opportunities for young practitioners to "learn by doing" are being eliminated. In past years, it was not uncommon for a senior attorney to include junior attorneys when handling client matters. Taking depositions could be used to train several younger lawyers so they all had an opportunity to *reflect*,

learn, and *develop* on a daily basis. Today, there is such pressure from clients to control costs that junior attorneys are losing out on these one-on-one training opportunities.

Another element which greatly affects teaching and learning in today's complex legal environment, our high risk culture, was first voiced by Morris Shechtman, a former university professor and psychotherapist who writes about the rapid rate of social, cultural, political, and economic change in the world today. In this *high-risk* culture our businesses and our lives are in a constant state of flux. There is no room for safety nets.¹³ Law firms working within this high-risk culture need to create an environment: more tolerant of dissent; more supportive of experimentation; and at the same time, more committed to shared discussion and learning. This can not be done in a "one-size-fits-all" world, and it certainly can not be done by focusing on billable hours.

In 2001, McKenzie and Company published a survey, *War for Talent*,¹⁴ which is proving to be of particular interest to law firms. The survey was developed to find out how companies build a strong pool of managerial talent — how they attract, develop, and retain key people in their organization and how they build a pipeline of younger talent who might one day move into more senior positions. The survey results showed how dramatically the recruiting game has changed. Of particular note to law firms is that development is shown to be critical to attracting and retaining key people. "Law firms which do a better job of attracting, developing, exciting, and retaining their talent will gain more than their fair share of this critical and scarce resource and will boost their performance dramatically."¹⁵ This is just not the time to cut back on one-to-one mentoring relationships which

have formed the heart of professional development programs.

MENTORING AND COACHING IN A LEARNING ORGANIZATION

To fully appreciate what would be lost if mentoring or coaching were to be eliminated, it is important to understand that *learning is developmental*, and the best professional development programs will be structured around learning that involves solving real and important business problems. These types of programs can *only* be delivered face-to-face. Collaboration is becoming more and more an imperative. It can no longer be a matter of choice. Making sense of new information and integrating it into an existing framework of understanding will enable the learner to make more and better informed choices.

For our purposes, *strategic coaching* in the business setting *integrates personal development and organizational needs*. As such, strategic coaching achieves positive change for both the individual and the law firm. Coaching is “a process of helping someone enhance or improve their performance through reflection on how they apply a specific skill and/or knowledge.”¹⁶ Coaching revolves around specific developmental areas/issues at work. Coaching is directly concerned with the immediate improvement of performance and development of skills, whereas mentoring focuses on career and personal development.

While mentoring focuses on informal advice-giving, guidance, and support about legal content and technique matters, coaching can help individuals keep on track with their personal developmental goals, as well as ensuring that these individuals meet all requirements for development within the firm. Coaching can help law firms provide ongoing feedback regarding

developmental goals to help individuals adapt to new responsibilities, improve retention, enhance teamwork, align individuals to collective goals, facilitate succession, and support organizational change.

Excellent *talent management* has become a crucial source of competitive advantage, and one of the ways law firms can improve their *talent management* in today’s *high-risk* culture is by actually expanding one-on-one mentoring or coaching through training initiatives for mentors and greater use of professionally trained coaches. There are significant overlaps between the role of coach and mentor, but in today’s law firm environment there are several core characteristics which distinguish the role of a coach from the role of a mentor. With the number of “baby boomers” entering retirement age, these senior lawyers may become the talent pool firms will need to enhance personnel development within the firm.

Law firms which integrate coaching with mentoring should be able to use their own professional development specialists as coaches as well as utilizing outside coaches when appropriate. This use should enable firms to set and better monitor their own performance standards while providing support to help all employees meet their own learning objectives. While a mentor is frequently more experienced and qualified than the “mentee” in a specific area of practice, a coach need not be trained as a lawyer to coach lawyers.

Unlike mentoring, coaching is not necessarily based on the coach’s direct experience in any particular occupational role. In-house professional development specialists can be used to complement the use of senior attorneys in their roles as mentors. A senior litigator, acting as mentor, introduces a newly-minted associate to the wiles and wonders of the courtroom. Organi-

zational priorities for coaching might include: building an individual’s capability; thinking strategically; and championing change. A coach may assist that young associate in developing the self confidence and assurance needed to succeed in that courtroom or elsewhere.

In some instances, it may be more effective to use an outside coach to work with firm leadership in connecting an individual’s thoughts and actions in order to create a balance between personal and professional goals.¹⁷ An outside coach can bring a new perspective to help leadership create a vision of the future or an ideal to aspire towards, as opposed to struggling to survive by avoiding problems. This may be particularly helpful in leading firms under today’s continually changing conditions. A coach can carefully observe both the individual’s actions and the effect of those actions within the law firm community. This can be an extremely difficult role for a mentor who is an active participant in the surrounding community.

WHAT HAS TO CHANGE?

Law firm culture creates a framework for performance expectations and the ways in which people relate to one another. Even when unwritten, associates quickly learn the “rules” about work habits and billable hours within their law firm culture. Using a coach should not imply that the individual has a problem, but rather that the individual wants to perform more effectively, or differently. Those firms which are building coaching and mentoring into their firm culture have a much better chance of changing human behavior for the good of all. Those firms which train their mentors in coaching skills may have the best chance of succeeding. If a firm is unable to integrate one-on-one coaching into their professional development program, learning will continue to be

sporadic at best. If a senior partner takes an interest in a younger protégé, the mentoring/coaching relationship will work well. Learning will flourish. On the other hand, too many young lawyers only see their mentors as senior attorneys whose job it is to make sure billable hours are turned in on time.

According to Peter M. Senge in his best-seller, *The Fifth Discipline* (1990), the organizations which will truly excel in the future will be the organizations which discover how to tap people's commitment and capacity to learn at all levels in an organization. Integrating coaching into mentoring programs will give lawyers, new and not so new, the tools and support they need to develop behavior and strategies to lead them to higher levels of success.

Coaching is about actions and results based on specific developmental milestones. When there is a "coaching culture" within the organization — one in which there is no tolerance for mediocre performance and where asking for and offering coaching is encouraged — remarkable results can be accomplished. The integration of coaching with mentoring should provide for continuous improvement of a lawyer's performance. It should include timely provision for constructive feedback, support for learning and development, and assist all partners and associates alike, with self-awareness and self-evaluation.

The need for coaching and mentoring in today's legal environment remains strong. Young lawyers need to be trained to be flexible, adaptable and prepared to take responsibility for their own learning and their own continuous personal and professional development. Coaching and mentoring principles underpin a management style needed to attain a high-performance culture in today's legal environment.

ENDNOTES

1. Mike Leibling & Robin Prior, *Coaching Made Easy: Step-by-Step Techniques that Get Results* (London: Kogan Page Limited, 2003), p. 1.
2. Peter M. Senge, *The Fifth Discipline: The Art and Practice of the Learning Organization* (London: Random House, 1990), p. 3.
3. Jessica Jarvis, *Coaching and Buying Coaching Services – A CIPD Guide* (London: Chartered Institute of Personnel and Development, 2004), p. 39. <http://www.cipd.co.uk/subjects/lrnanddev/coachmntor/coachbuyservs.htm?IsSrchRes=1>.
4. Anna Marie Valerio & Robert J. Lee, *Executive Coaching: A Guide for HR Professionals* (San Francisco: John Wiley & Sons, Inc., 2005), p. 15.
5. David A. Kolb, *Experiential learning: experience as the source of learning and development* (London: Kogan Page, 1984).
6. Donald Schön, *The Reflective Practitioner* (New York: Basic Books, 1983).
7. Donald Schön, *Educating the Reflective Practitioner: Toward a New Design for Teaching and Learning in the Profession* (San Francisco: Jossey-Bass, 1987), p. xii.
8. The Elon University School of Law in Greensboro, NC. is building on the university's national reputation for excellence in engaged learning and leadership education. Law students experience constant, constructive feedback and personal guidance from faculty, executive coaches and practicing attorneys (preceptors) who are committed to the school's mission. The 2007 Law School Survey of Student Engagement (LSSSE) reveals almost 90 percent of first-year Elon law students rate their educational experience as good or excellent, five percent higher than the national average.
9. John Dewey, *How We Think* (Boston: DC Heath, 1909). John Dewey is arguably the most influential thinker on education in the twentieth century, Dewey's contribution lies along several fronts. His attention to experience and reflection, democracy and community, and to environments for learning has been seminal.
10. Kurt Lewin, *Field Theory in Social Science* (London: Tavistock, 1952). For Kurt Lewin, behavior was determined by totality of an individual's situation. In his field theory, a "field" is defined as "the totality of coexisting facts which are conceived of as mutually interdependent." Individuals were seen to behave differently according to the way in which tensions between perceptions of the self and of the environment were worked through. The whole psychological field, or "life space," within which people acted, had to be viewed, in or-

der to understand behavior. See Kurt Lewin, K. *Field Theory in Social Science; Selected Theoretical Papers*. D. Cartwright (ed.). (New York: Harper & Row, 1951), p. 242.

11. See Zuboff, Shoshana and James Maxmin, *The Support Economy: Why Corporations are Failing Individuals and the Next Episode of Capitalism* (New York: Penguin Putnam Inc., 2002).

12. *Id.*

13. Morris R. Shechtman, *Working Without a Net: How to Survive & Thrive in Today's High-Risk Business World* (New York: Simon & Schuster, 1994), p. 5.

14. See Ed Michaels, Helen Handfield-Jones, Beth Axelrod. *The War for Talent* (Boston: Harvard Business School Press, 2001).

15. *Ibid.*, 7.

16. Sara Thorpe & Jackie Clifford, *The Coaching Handbook: An Action Kit for Trainers & Managers* (London: Kogan Page Limited, 2003), p. 1.

17. Thomas G. Crane, *The Heart of Coaching: Using Transformational Coaching to Create a High-Performance Culture* (San Diego: FTA Press, 2002), p. 115.

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