

**Louis M. Welsh Inn of Court
presents**



MENTORS IN LAW

An Interactive Program Based on True Stories

Karie Boyd

Bob Gerber

Erik Ideta

Janice Mulligan

Luke Corbett

John Gomez

Denise McGuire

Samuel Park

Dan Eaton

Hon. Charles Hayes

Gloria McMillan

Wendy Patrick

Amber Eck

Rose Huelskamp

Jeremy Moffit

Dwight Ritter

Lindsey Stevens



“Mentors provide protégés with knowledge, advice, counsel, support, and opportunity in the protégé’s pursuit of full membership in a particular profession. Outstanding mentors are intentional about the mentor role. They select protégés carefully, invest significant time and energy in getting to know their protégés, and deliberately offer the career and support functions most useful for their protégés. Mentoring is an act of generativity – a process of bringing into existence and passing on a professional legacy.”

W. Brad Johnson and Charles R. Ridley, *The Elements of Mentoring* (Revised Ed. 2008), Preface, p. xv.

ORDER OF PROGRAM



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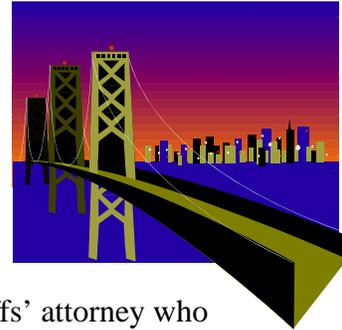
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SEGMENT 1: A GOLDEN GATE OPPORTUNITY: TRIAL LAWYER AS MENTOR

Key Facts:



- San Diego attorney Cal has been practicing for ten years and has some jury trial experience, but not as much as he would like. He is eagerly seeking trial opportunities wherever he can find them.
- At the invitation of Harry, a seasoned San Francisco plaintiffs' attorney who currently has more asbestos trials than attorneys available to staff them, Cal goes to that city to try a case on behalf of a laborer who is a former member of the Negro Baseball Leagues. While Harry consults Cal throughout, Cal is trying the case by himself.
- Cal and Harry are having breakfast on the morning of closing argument. Harry tells Cal he appreciates his hard work against aggressive opposing counsel for little pay and at risk to Cal's practice in San Diego. Cal is grateful to Harry for sharing his wisdom on trial tactics in this case. Both men understand that for Harry to do more than that would risk undermining Cal before the Court.
- Cal and Harry have a heated disagreement over how much Cal should ask the jury to award in damages. Harry had agreed to let Cal make the call on damages, as in all aspects of the trial of the case. But Harry believes that the number should be less than \$400,000, pointing out that the plaintiff has a mixed diagnosis, limited asbestos exposure, questionable liability, and relatively minor injuries. In fact, Harry tried to settle the case early for a minimal amount, but the defense refused as a matter of principle.
- Harry believes that the plaintiff's compelling life story justifies his inclination to "swing for the fences" and ask for damages of around one million dollars. He believes Harry's suggestion that he ask for less is close to selling the client out. When Harry balks, Cal invites Harry spend half of the hour before closing argument to convince Cal that he should ask for much less. Harry refuses, saying that he believes such a use of that precious time would be counterproductive, but nonetheless is adamant that Cal defer to his more seasoned judgment.

Question: Should Cal:

White: Reject the advice of his mentor and rely on his own judgment on what to seek in damages?

Black: Defer to his mentor's guidance on what to seek in damages?

SEGMENT 2: WHAT LOLA WANTS . . . : A PROTÉGÉ'S STORY

Key Facts:



- District Attorney V Sharon, a 15-year veteran of the office, has been working with law clerk Lola, a law clerk and aspiring attorney, on a complex civil case against several big companies in the city. After turning in an assignment on the case, Lola thanks Sharon for taking such an interest in her development, even arranging for Lola to get a coveted 6-month paid position in the office and involving her in key meetings on the pending civil case.
- There is an important meeting scheduled for later that day in the pending case in which all of the defense counsel will have the opportunity informally to question the city's key expert on liability. While confident in the city's expert, Sharon took a chance in arranging the meeting and believes it could make or break the case.
- Lola asks Sharon if she may attend the meeting. Sharon tells her no, explaining that Lola's presence could be a distraction and that the conference room where they will be meeting will be small. Lola is disappointed but says she understands.
- Lola shows up at the meeting as introductions are being made, telling Sharon that she had received permission to attend the meeting from Sharon's Division Chief. Sharon stares at Lola, making Lola visibly uncomfortable. Lola soon announces to all assembled that she will leave the meeting because it is obvious that she is making Sharon uncomfortable.
- Later that day, Lola stops by Sharon's office to ask if there is anything that she may do for her. Sharon tells Lola that Sharon has decided not to work with Lola anymore.
- A week later, Sharon's Division Chief Mark calls her down to his office. Lola is there when Sharon arrives. Mark explains that Lola had asked him to arrange the three-way meeting to see if Mark could mediate the tension that Lola has told Mark has developed between the women.

Question: Should Sharon respond to Mark at that moment in the office meeting by:

White: Identifying steps to salvage the mentoring relationship?

Black: Letting Lola have it, ending the mentoring relationship?

SEGMENT 3: ROADS TO CHOOSE: CLIENT AS MENTOR

Key Facts:



- While finishing lunch with Client, Associate thanks Client for providing a welcome relief from the desk work she normally does as she approaches her second year as a law firm associate. Associate candidly tells Client that she is disappointed that she has not gotten into court more as a member of the firm's litigation department and that it looks like it will be many years before she gets the court experience she craves. She is bored.
- From what her classmates at other firms have told her, Associate believes switching to another firm would be more of the same in a different setting. Associate tells Client that she is considering leaving law altogether. Her next job, she tells Client, will be one where she is her own boss and where she can decide which matters to take on herself and which to delegate.
- Client tells Associate that he had gotten the impression that she enjoyed working on the many litigation matters his business has generated because of Client's relative lack of legal sophistication. He likes Associate's work, particularly her responsiveness to him, and offers her a job as his company's in-house lawyer.

Question: Should Associate follow the Client-Mentor's advice to join Client's company as in-house counsel?

White: Yes

Black: No



LESSONS IN MENTORING: ESSAYS FROM TEAM MEMBERS

MENTORING PROFILE: SUSAN HACK

Karie Boyd, Associate

I can still remember the scenario. Having made the bold decision to strike out on my own fresh out of law school, it wasn't long until I was desperately looking for a mentor. And in retrospect, I got really lucky. I joined the Young/New Lawyers Division of the San Diego County Bar Association and enthusiastically signed up for their mentorship program, requesting a mentor in the civil litigation arena. As fate would have it, the president of YNLD advised me happily that I was in luck, because one of the best mentors in town happened to be available to be paired with me, a woman from her office named Susan Hack.

From the moment I met Susan, I couldn't believe my good fortune. She was one of the most well rounded individuals I had ever met, being able to balance family with her workload, all while devoting literally hours of her time selflessly assisting a new lawyer like me. I remember the first time I asked her for help – I was preparing for my first deposition and civil litigation trial. Without missing a beat she offered to meet me and review the facts and the pleadings. I should add that at the time she was getting ready to go on vacation, run a marathon, and prepare a federal court trial! As my case moved forward, she actually was able to assist me with depositions and offered to co-chair the trial. When I nervously asked her how much that would cost me, she astounded me once again by telling me of course she was going to do it pro bono. While we ultimately settled the case, she explained to me that it was well worth her time and effort to bring me up to speed so that I would feel confident in my first trial.

In addition to her help on specific cases, Susan also graciously loaded me up with practice guides and legal information, and introduced me to lots of important people in the legal community. She was an excellent resource, sounding board, and friend.

In retrospect, I recognize that while there were other lawyers in the community that assisted me over the two years now that I have been practicing, no one even came close to helping me in the ways that Susan did. It was more than legal assistance; it was practical advice about life. Having a two year-old daughter myself, I learned a lot from Susan's ability to balance her legal practice with her personal life. She was somehow always able to succeed famously at work yet always have plenty of time to spend with her family.

Since I began my relationship with Susan, I have actually had the privilege of mentoring four or five young protégés myself, who came out of law school with the same dreams that I had of opening up their own practice. As Susan was there for me, I have greatly enjoyed the opportunity to get to know them and help them decide if opening up their own practice is the right decision for them. I have been able to provide similar advice and assistance to the interns with whom I currently work. In short, I feel that my mentoring experience has come full circle, allowing me to give back the selfless time and wisdom Susan gave to me.

MENTORING PROFILE: LEON W. SCALES

Luke Corbett, Senior Master

I started my practice with the firm of Lindley, Scales and Patton, consisting of three partners and two associates. While there was no formal mentoring program, there was continual contact between partners and associates regarding not only the correct answer to the client's problem, but the practical and ethical way to go about achieving that answer. Probably I worked more, and learned more, from Leon Scales than any other individual. One example of his ingenuity and perception in getting his point across will illustrate.

Within the first year or two after I started practicing, Mr. Scales asked me to draft a lease for him. I immediately immersed myself in the task, went through two or three drafts on my own, and in two or three days I presented to Mr. Scales a draft which I felt confident was letter-perfect. In a day or so he buzzed me and asked me to come to his office to discuss my draft. The discussion went smoothly until we reached a certain provision. While I don't remember the particular language involved, Mr. Scales' concern was that the language I had used was ambiguous, or at least susceptible to an interpretation adverse to our client's interest. I immediately took issue with his comments, and vigorously asserted that the correct interpretation of the language I had used was consistent with our client's objectives, and that a court would have to come to the same conclusion.

After a couple of exchanges along these lines, Mr. Scales asked in a quiet manner, "Let me ask you a question, Luke. Would you agree that I'm a reasonably intelligent man?" What else could I say but, "Yes." He continued, "And would you also agree that I am as intelligent as the average juror you would get in a trial?" Again, "Of course." And finally, the clincher: "Well, if my reaction is that the language is ambiguous, and the average juror is likely to have the same reaction, wouldn't it be better to redraft that provision and avoid the problem?"

I have long since forgotten the exact language we were debating, but the lesson he taught me is with me still.

MENTORING PROFILE: GUILLERMO MARRERO

Daniel E. Eaton, Master

Guillermo Marrero was a partner in the litigation department of the firm then known as Gray Cary Ames & Frye when I arrived as a first-year associate in 1989. About my third year at the firm, I worked with Guillermo on a hotly disputed case in which we had to use a variety of legal tools to keep a bad guy from making off with hundreds of thousands of dollars that belonged to our client, but that was parked in two or three bank accounts in the bad guy's name.

I learned a lot about writs of attachment working on that project, but I learned about sustained intensity of effort, too. There were mornings when I had to get into the office at 3 a.m. because I needed to prepare for one of many early morning ex parte hearings in the matter. During part of this time, Guillermo was in Mexico on vacation with his wife and recently born son and called me in the wee hours of the morning to check in on me. It was great having him as a resource – particularly because these were the days when e-mail was mostly limited to internal communications and when virtually no one thought a Blackberry was anything other than a fruit.

I remember there was a bitterly contested discovery motion on which I had to prepare the draft papers. When I reached the “Conclusion” section I wrote what is the standard line even today in most briefs: “For the foregoing reason, this Court should grant the plaintiffs’ motion to compel” or some variant of that. I remember Guillermo giving me an incredibly valuable lesson on why drafting a conclusion like that was a wasted opportunity. It was the equivalent of a grade-schooler writing “The End” on a school composition. A judge, no less than a teacher, knows the end of a submission without having to be told. Guillermo didn’t write the conclusion on that brief, but guided me to use that opportunity to give the judge one last concise, artfully-worded summary of why we should win.

I don’t recall whether we won that particular motion, but I do know that we were able to block the bad guy from withdrawing the money in those accounts and leaving our client without a remedy. Along with the remarkable lesson he taught by example about persistent and tireless effort in litigation, Guillermo’s specific lesson about the value of an effective conclusion has stayed with me long after the details of this particular victory have passed from memory.

Working on this program has led me to reflect on how a mentor/protégé relationship differs from others. A mentor, like, a teacher, instructs and, like a friend, counsels. But a mentoring relationship somehow synthesizes those roles into something qualitatively different from either role alone. My most important mentorship relationships have provided me with specific lessons about the science of practicing law and broader lessons about the art of practicing law. The handful of really important mentors I have had in law – some of whom are members of this Inn -- have conveyed technical skills and character traits that a successful advocate must have. I have been able to pass on these lessons to others, sometimes long after regular contact with the mentor has ended. These lessons that last can be conveyed in moments or in years. But the twin pillars of the mentor’s craft are giving lessons, by word or by example, that last a lifetime and empowering the protégé to pass them on to others.

MENTORING PROFILE: MENTORS PAST AND PRESENT

Amber Eck, Barrister

A couple of years ago, I was thinking about making the move from private practice to the public sector. After being in private practice for nearly 15 years, this would have been quite a major change, so I wanted to get the advice and input from someone who successfully made the same transition. I immediately thought of Victor Barr, since he had been in private practice for over 10 years, then joined the City Attorney's Office and ultimately became a star prosecutor at the District Attorney's Office. He had interviewed me many years before, and I believe had some input in hiring me as a summer associate at Chapin Fleming & Winet after my second year of law school. While I was at the firm, my biggest mentor was Ed Chapin (and not only because of his height). Ed taught me by example the importance of working hard, serving your clients well, but even more importantly, always acting ethically, with integrity, professionalism, and courtesy to the clients, opposing counsel and the court.

But going back to Victor Barr, I really hadn't spoken to or seen him much over the past decade, so at first was reluctant to call him. But my options were limited since I didn't know many lawyers who did anything other than civil litigation, so I took the leap and called him up out of the blue.

I was overwhelmed by his immediate willingness, despite his busy schedule, to talk with me, and share his experiences, advice and insight. But he did more than that. He got me in touch with numerous friends and colleagues at the City Attorney's Office, District Attorney's Office and U.S. Attorney's Office, made introductions, and generally went out of his way to help me network and get the information I needed. An opportunity landed in my lap, and I ended up starting a small civil litigation firm with two former colleagues, but I was so grateful for all Victor's help that when I was able to "give back" and be a mentor with the Lawyers Club I jumped at the chance.

In the Lawyers Club, I was fortunate to be assigned to a young protégé who recently graduated from my alma mater, Boston University. We immediately hit it off, and I am genuinely interested in helping her succeed in any way I can. Since she is looking for a new legal position, when I learned of an opening at the federal court for a Magistrate Judge clerkship, I immediately forwarded her the listing, encouraged her to apply, talked with the current clerk for advice (who just so happens to be a member of this Inn and my small group), and helped her write a tailored cover letter for the position. I was immensely pleased to learn that out of hundreds of applicants, she even received an interview. She is an incredible, inspiring person, and I am very grateful to have the chance to get to know her.

Finally, one of our team leaders, Dan Eaton, yesterday challenged us with the question of whether, in this digital, social-networking age, we have ever sought mentorship from someone on the Internet we don't know. I contemplated it, and thought, "it's worth a shot." In a consumer fraud class action we brought against Trump University, Trump turned around and sued our lead plaintiff for defamation, which is raising some complex and unprecedented issues, so I've e-mailed three scholars/experts on defamation law, asking for their help. Maybe I will have a new cyber-mentor. Time will tell.

MENTORING PROFILE: MIKE WEAVER

Bob Gerber, Master

I was about a third year lawyer when I had the opportunity to second-chair my first significant Superior Court trial. It was the defense of a legal malpractice case arising from an underlying divorce case. I had deposed the plaintiff's damages expert, and gotten him to admit that out of eight factors he was supposed to consider in valuing certain community property, he had only considered four. I had drafted a motion in limine precluding the testimony of the expert which was conditionally granted, but the judge gave the plaintiff the opportunity to conduct a Cal. Evid. Code Section 402 hearing to "clarify" that in fact Mr. Expert had considered all eight of the factors and that he just hadn't done a very good job of explaining that at his deposition. (!)

We broke for lunch and my mentor, Mike Weaver and I, went back to our office to discuss who was going to cross-examine the expert in the 402 hearing, and how. I had taken Mr. Expert's deposition and knew the case law requirements better, but of course Mike was the more skilled ABOTA trial lawyer that could probably dismantle the expert with the greatest ease. In addition, practically the entire case was at stake – without a damages expert, the plaintiff's case would be in shambles and we would likely win either a nonsuit or verdict.

Mike decided early on that he would coach me through the cross and let me do it myself (with client consent of course). The client was on board because I had already set up Mr. Expert for the final blow and he thought I could carry the ball to the finish line. We reconvened at the courthouse and Mr. Expert took the stand. After 30 minutes of dancing around about how he had really considered all eight of the factors, I took the clean and simple route. I simply took the deposition transcript and meticulously asked the questions one by one, echoing the exact same language as that in the deposition: Q. Mr. Expert, did you consider factor X? Answer: Yes, I did. Me: Your Honor, I'd like to read from page __, line __ of Mr. Expert's deposition: Q: Did you consider factor X? Answer: No, I did not." Q. Mr. Expert, did you consider factor Y? Answer, Yes I did. Me: Your Honor, I'd like to read from page __, line __ of Mr. Expert's deposition: Q: Did you consider factor Y? Answer: No, I did not." After a couple more of these incompatible responses, the judge put down his pen and stared angrily at Mr. Expert. At the end of my short cross, and an even shorter attempt to rehabilitate Mr. Expert, the judge asked whether I would prefer to have Mr. Expert's opinion disregarded as not being in compliance with the law or, instead, have his opinion come in and be disregarded as being completely lacking in credibility. Indeed, in posing that question, he said: Wouldn't the latter give you a better defense on appeal? We chose the latter! The expert's opinion was admitted but found completely lacking in credibility. As a result, we successfully moved for a nonsuit. We later entered into a confidential and very favorable settlement.

Following the entry of judgment, Mike wrote up this experience briefly as I have here and circulated it to all of the litigators in our law firm (back then, there was no e-mail – a firm wide written memo was a big deal), trumpeting my success both on the conception of setting up the expert in deposition, and on conducting the cross. He also stated in the memo that the trial judge had complimented me outside my presence to Mike in the hallway when I wasn't present, indicating that he felt I showed a lot of experience for my "years." Of course, that came from Mike's mentoring and instruction. But rather than taking credit for it, Mike gave credit to me. He never mentioned that he had coached me through the whole cross before I ever conducted it.

MENTORING PROFILE: “MENTORS” I NEVER MET

John Gomez, Master

What I do best as a lawyer is try lawsuits before juries. As I began to reflect upon the topic of “mentoring,” I realized that I learned virtually everything I know about trying cases from “mentors” I had never before met. I first began trying cases at the United States Attorney’s Office here in San Diego. In the office library, I discovered a great collection of books and video tapes by people like Herbert Stern (Trying Cases to Win), and now-Judge Larry Burns. I read and watched everything that was available. On my own, I discovered a great series of videotapes by former Federal Defender Terry MacCarthy (“Killer Cross Examination”). That tape is what taught me cross examination.

As I transitioned into a plaintiffs practice, I began to study and learn from books and tapes by Gerry Spence, the founder of the Trial Lawyers College and a master of voir dire, David Ball (David Ball on Damages), and Rick Friedman (Rules of the Road, Polarizing the Case). Spence without question taught me how to effectively select a jury. Ball taught me virtually everything. While I have now met Spence, Ball and Friedman in passing, I had never spoken to them once prior to employing their wisdom and advice. In short, my “mentors” for trial advocacy purposes (what is most important to me) were by and large people I had never even met.

I imagine that there are similar resources available to attorneys regardless of practice fields. Perhaps at some level, “mentors” in this information-rich and internet age, are being replaced in some part by resources available to anyone that is interested. That may be a good thing for those that face some barrier to developing actual mentoring relationships. On the flip side, perhaps, mentors may be more valuable than ever for other purposes, including maintaining balance, perspective, and ethical boundaries.

MENTORING PROFILE: JUDGE AS PROTÉGÉ AND MENTOR

Hon. Charles R. Hayes, Senior Master

As a young lawyer and later as judge on the Municipal and Superior Courts, Dick Huffman was a trusted friend and mentor whose advice I could always rely upon. Dick is one of the smartest people I have ever encountered whose integrity is beyond question. Many years ago I remember asking him a question that had been bothering me regarding legal ethics. His response was simple. If you have to ask the question you likely already know the answer.

While Bill Yale, Peter Hughes and Frank Orfield informally provided me invaluable advice and counsel during my career, after being appointed to the Municipal Court, I learned the court had a formalized approach to mentoring new judges. In accord with their practice, the presiding judge formally designated Wayne Peterson to serve as my mentor judge to assist in the transition from a lawyer advocating a position to that of an impartial trial judge. Not a small task indeed and I think Wayne did a yeoman's job. Ironically, twenty four years later, following my retirement from the bench, Wayne is once again serving as mentor upon my becoming a mediator in the same firm in which he practices.

Finally, many years ago a dear friend was employed as a clerk in the produce department of a large grocery store. He felt he was at a dead end. Over a long period of time I encouraged him to go to law school. He finally did and it wasn't easy for him. He was married and had been out of school for some time. Fast forward twenty years. He is a successful and respected lawyer, still married to the same wonderful woman. I like to think I played some small part in his success.

MENTORING PROFILE: JUDGE EILEEN T. DEIMERLY

Rose M. Huelskamp, Barrister

After I graduated from law school in San Diego, I accepted a job at a small, yet busy, insurance defense firm in Fresno, California. I only knew one person when I moved to Fresno. Within my first year of working as an attorney, a female partner invited me to join her and some of her female law school friends for happy hour. These women met monthly to visit and discuss various issues related to their cases. I fit in well with the group and was invited to join their monthly meetings. I particularly hit it off with one of the attorneys, Eileen Deimerly, and we became close friends. At the time, she was in-house counsel for an insurance company and had tried approximately 10-15 cases. She had an exceptional reputation in the Fresno legal community and was known for her strong work ethic and attention to detail.

A few years later, I had my first case going to trial. At the time, I did not have much guidance on preparing the case for trial from the lawyers within my firm. I read various materials related to trial preparation but still felt overwhelmed and anxious. I knew Eileen had a lot of trial experience so I contacted her to see if she would meet with me to provide some insight based on her personal experience. She agreed and shared her views on jury selection and how she develops a theory of the case, prepares opening statements and closing arguments, and presents evidence during the trial. The information Eileen provided was invaluable and helped focus my efforts. As with most cases, the matter settled before it went to trial. However, I felt my trial preparation up to that point was in decent shape as a result of having had Eileen as a resource.

Over the years, Eileen and I have maintained a strong friendship and mentoring relationship, despite the 500 miles that separate us. Her continued guidance, advice, and friendship, have had a significant impact on my growth as an attorney. I am fortunate to have a mentor that takes an active interest in my professional development.

Approximately two years ago, I had the pleasure of returning the favor. Eileen applied to become an Administrative Law Judge in Sacramento. Without my knowledge, she put me down as a reference. I received a call from a judge asking me about what I thought of Eileen as a lawyer and to elaborate on our professional relationship. After I got over my initial shock, I explained that while we never directly worked together, she had a great reputation in the Fresno legal community and was an outstanding mentor. Around that same time, Eileen asked me to write her a letter of recommendation for the same position. I was honored to do so and was thrilled at the opportunity to assist her on a professional matter. Eileen is now an Administrative Law Judge in Sacramento.

MENTORING PROFILE: MALTE FARNAES

Erik Ideta, Associate

When I began as an associate with Ross, Dixon & Bell (now Troutman Sanders), Malte Farnaes was assigned to be my associate mentor. Malte had been with the firm for about seven years, and was there for another year following our merger with Troutman Sanders in 2009. He has since left the firm and has started his own practice in Solana Beach, and is doing very well. Malte was a great mentor to me my first year, and continues to be someone I look to for guidance in the practice of law.

Earlier this year, I was heading up to Orange County to defend my first deposition. While I had a general understanding as to what objections I could make and how to defend a deposition, I wanted to make sure that I was not “missing something”. At about 7:30 a.m. on my drive up to the OC, I decided to call Malte. He answered his cell phone and I told him I was heading up to defend my first deposition and needed some guidance. He was still at home getting ready to leave for his office, but he was more than happy to help and walked me through the rules for objecting and the general process and format of a deposition. The call lasted only about five minutes, but it really eased my mind going in. Ultimately, the deposition went fine.

This was a significant mentoring experience for me, not so much because of what I learned from Malte during the call, but because of the role Malte played in my growth and advancement in the practice of law. Malte was available for me—even at 7:30 in the morning—and was happy to assist—even though we no longer worked together. Malte unselfishly gave up his time and imparted his experience, with no expectation of anything in return. To me, Malte embodies what it means to be mentor.

MENTORING PROFILE: ONE MINUTE MENTOR

Denise McGuire, Master

Tom Green was a brand new attorney. While he had worked on motions in the past, recently he had been assigned his first case to prosecute. The case had been set for a plea. However, unexpectedly after filling out the plea form, which included an admission of guilt, the defendant changed his mind and instead the case was set for trial.

Tom returned to the office with the change of plea form in hand and explained to his immediate supervisor what had happened. He showed him the change of plea form. For some reason, his immediate supervisor told him his case was stronger now because he could use the filled out plea form against the defendant at trial.

Tom dropped by my office for a quick chat and told me what had happened, and asked me a few general questions about preparing for the trial. He seemed unclear about the use of the plea bargain form.

Well aware that if this young man did offer the form into evidence, he would receive a scathing rebuke from the judge and most certainly a mistrial on the matter, I took out my Attorneys Directory and copied down a phone number.

I told him, “Tom, take this and don’t ever lose it. It’s the number to the State Bar. After you put that form into evidence, you need to call them immediately. They appreciate people who self-report ethical violations.” Somewhat startled, he took the phone number and left.

Later he dropped by and thanked me for intervening. He told me it really woke him up. I don’t know if he ever talked to his supervisor about what I had told him, but I do know he never ever will consider using any type of settlement discussions or documents against a defendant in the future.

MENTORING PROFILE: MENTOR AS SPONSOR

Gloria M. McMillan, Barrister

Mentors play the role of provider of emotional support, teacher, adviser, counselor, and as advocate and career sponsor. Ideally, both a mentor and a protégé will have several significant mentoring experiences in their careers. I did as a teacher. Late in my career as an administrator, one of my most significant experiences as a mentor exemplified the role of mentor as sponsor.

An experienced, knowledgeable, competent, and respected colleague in my department invited me to lunch one week after I assumed my new title and moved into my new office. She opened our conversation with a request that I be her mentor. I was flattered, surprised, and appreciative of the directness of her approach and the clarity with which she delineated her expectations of what my mentorship and her role as a protégé would entail. When I retired she wanted my job.

Although desiring the position to which I had been assigned, my would-be protégé did not enter the competition for the position because she lacked the administrative credential and the skills required. However, she sought my future support because we both shared a strong commitment to the goals and mission of the program. The necessary chemistry of trust, respect, and commitment to a larger goal were already well established.

I was impressed by my protégé's personal courage in her direct request and the clarity of her expectations of me as a mentor. She understood what she had to do as a protégé to achieve her goal. My protégé had stepped up to the plate and was already enrolled in an administrative credentialing program at a local university. We could focus on her personal and professional development. She eagerly accepted additional leadership assignments to broaden her skills and knowledge. While adept at networking, she needed encouragement to really see herself in the broader administrative role of staff manager and she needed the skills necessary to evaluate programs, curriculum, and student achievement; prepare board reports; establish new programs; develop community outreach programs; and to direct a myriad of other activities.

My task as mentor was to provide continuing leadership and learning opportunities. The meetings we attended jointly exposed her to others who could, also, help her in her professional development and preparation to be an outstanding administrator.

Prior to and after my retirement I wrote letters of recommendation in support of her application and advocated to the district leadership and to the board of education for her appointment to my position. Interim administrators, also, valued her leadership skills. Ultimately, she was appointed as interim program manager of Gifted and Talented Education and after a national search and a competitive application process she earned the appointment. She presently serves as Director of the Gifted and Talented Education Department. My protégé was well prepared to be the best candidate for the job because she had the courage to define her goals and state them clearly three years before her opportunity arose. Having such a protégé made it easy for me to retire.

MENTORING PROFILE: MARY F. GILLICK

Jeremiah J. Moffit, Barrister

Mary Gillick is the Co-Chair of the Family Wealth and Exempt Organizations Practice Group at Luce Forward. Luce Forward provides first year associates with the opportunity to take projects from every group in the firm, rather than assigning young lawyers immediately to a specific practice area. Thankfully, I promised myself to take full advantage of this opportunity and learn something about the work of each practice group even if I suspected that I may have little or no interest in building a practice in that area of law.

One of the practice areas that I doubted would interest me was trusts and estates work. After all, I thought, death and taxes are two things that I would like to avoid. Nevertheless, I determined to take a project on and as usual, Mary had plenty of work available for those who sought it. After a couple of projects from Mary, I quickly learned how rich in facts and law the world of trust and estate litigation can be. I continued to take on new projects for Mary as soon as I completed the last. Although it would have undoubtedly taken less time for her to do otherwise, Mary has always provided detailed feedback hastening my development as an attorney. Before I knew it, I transitioned with Mary's guidance from project management to case management – taking a major role in hearings, depositions, strategy decisions and client service. While some of my peers were slow to embrace this level of responsibility, I relished the opportunity to take on meaningful work while many of my law school classmates were stuck in large warehouses performing document reviews for weeks on end.

Mary is a zealous advocate for her clients and does not back down from any fight, but she also has taught me much about the importance of integrity and honesty in our profession. By observing and working with her in numerous depositions, mediations, and trials, I have learned much to add to my own skill set. Mary has continued to guide and assist me throughout my career. She has opened many doors to help me develop my own reputation and practice. Her advice on such matters is invaluable, but she also respects my decisions even when they might not always match her advice.

Over the past couple of years, I have had the opportunity to try two cases in matters that I largely handled on my own. Not only did Mary trust me to see these matters to their conclusion, but she worked to provide me with the resources, advice and assistance to succeed. Thankfully, both trials ended in excellent results for our clients. Those experiences will forever be amongst my most cherished memories as an attorney. Being able to share these successes with Mary, without whom they would not have been possible, made the experiences far more meaningful.

MENTORING PROFILE: GRETCHEN NORTH (AKA GRETCHEN BAKER)

Jan Mulligan, Master

Gretchen was a partner at the firm then known as Fredman, Silverberg & Lewis. I was a newbie attorney working as a junior associate for a firm of equal size and stature. We met working on political fund raisers for a state senator and a local city council member.

To summarize everything I learned from Gretchen would take a book, and what an interesting book it would be! However, three of the many things I learned from her are how to have balance in my life (while practicing law like a maniac), how to be a rainmaker while having fun, and the many paths to success in the law, far beyond the traditional blueprint.

Balance in life is probably the most important lesson I learned from Gretchen—but balance is a relative term. Gretchen worked long hours practicing law, day after day, week after week, month after month... until she left for an annual trip abroad to exotic places like Dubrovnik (now in Croatia, then in Yugoslavia), Bled (now in Slovenia, then also in Yugoslavia), as well as islands in Greece and hamlets in Germany. These places were her respite, destination vacations that she fled to for a month or more every year. Gretchen taught me as long as I put the hours in and got the work done, why not take time off? I learned the lesson, and I would like to think I learned it well.

The second important lesson I learned is how to be a rainmaker. The key was to find something I enjoy doing and to do it well! I found early on that I like socializing with lawyers and I enjoy bar activities. Gretchen taught me how to run a “campaign” for running for bar boards. Early in my career, she helped me to successfully run for the bar boards of many local legal organizations. It has been a great source of business, but that is only a footnote to the joy I have had in serving in these organizations.

The third lesson I learned from Gretchen is that there are many ways to succeed in the practice of law. In law school, I learned that the optimal blueprint for success in the legal profession was to clerk for a judge, then become an associate at a prestigious law firm, where success was measured by the size of the paycheck as well as the location and size of one’s office. For many, this is certainly true and it is good, sound advice. However, when I followed this traditional thinking, I was miserable and feared that I was doomed to failure.

Imagine how surprised I was to learn that Gretchen started out at Fredman, Silverberg & Lewis as a receptionist! She graduated to legal secretary, and worked for the firm while she went to law school. She was a law clerk, associate, junior partner and partner before finally becoming managing partner - all at the same firm. From receptionist to managing partner. Absolutely brilliant, she is an expert on drafting commercial leases for large corporations, both in the U.S. and abroad. After her firm dissolved, she decided she needed a new adventure, so she joined the City Attorney’s office and became a trial attorney. After a string of successes, she “retired”. In retirement, she learned how to man a boat and navigate by the stars...and she sailed away.

I am grateful for her mentorship and for her continued friendship. She has big shoes to fill, and I love the challenge of leaving even a small footprint in following her.

MENTORING PROFILE: SHAWN A. McMILLAN

Samuel H. Park, Associate

Having only been in the legal profession for a few years, I have not had many mentors to this point. Still, I have been fortunate enough to befriend certain exceptional individuals who provided valuable insight on the art of lawyering.

My first firm job was with the Law Offices of Shawn A. McMillan. I consider Shawn to be a very good mentor and a friend and thankful that he is still here today. Back then, I had a terrible habit of rereading documents after they had been filed. On some occasions, I would discover small errors that needed to be addressed. Naturally, this irked Shawn, who puts a premium on the firm's work product. I was unhappily crowned "the Errata King."

One day, Shawn pointed to a poster on a wall, "The Road to Success," a cartoon drawing of the many pitfalls and traps that could beset a hapless adventurer on such a named road. Step by step, he took me through the potential mishaps – with items such as "carelessness" and "bad habits" -- lingering on the particular areas he believed I needed to work on. While the delivery was loud, humorous, and too long, the point was not missed when he finished by saying, "Sam, everyone makes mistakes. You're entitled to make mistakes too...just not fatal ones." The genuine concern combined with the rapacious joy in addressing any perceived lapse in method or intensity made his lessons memorable and effective. Shawn's understanding of human nature always ensured that advice was well taken.

In my own practice, the lessons learned while working with Shawn have had an impact on the way I view client advocacy, particularly the duty of care. In order to best protect our clients, potentially displeasing information should be disclosed, but in a tactful manner, so that the trust between attorney and client only increases. The other lesson is that our actions should be swift, deliberate, and perfect.

MENTORING PROFILE: BRIAN MICHAELS

Wendy L. Patrick, Master

Near the beginning of my career as a prosecutor, I experienced the unlikely transfer into the high profile Special Operations division of the District Attorneys' Office. This is the division responsible for handling ultra-sensitive cases such as the investigation and prosecution of other lawyers, law enforcement, and even other prosecutors. Suffice it to say, it was a bold assignment for a new prosecutor. The best part, however, was that I ended up getting assigned the office next to Brian Michaels, a person I only knew at the time as a legend in the ethics community as well as in our office. Coincidentally, he was also my sponsor for membership in the Louis M. Welsh Inn of Court. Brian's title in the office at the time was the Professional Responsibility Advisor, which meant that he single handedly dealt with every single ethics issue faced by the office, and in practice, by the state. To my great surprise, not only was he one of the most humble people I had ever met, despite his nationwide fame, he was also very interested in mentoring an energetic young attorney who wanted to learn as much as she could.

Before long, although it was not in my job description, Brian asked me if I was interested in volunteering some of my time assisting him in the field of ethics. Not knowing much about ethics at the time, I enthusiastically agreed. That began a mentoring relationship that in retrospect, defined the course of my career. Before long, not only was I researching and writing about ethics issues daily, I was attending conferences and co-presenting ethics programs with him around the state on a regular basis. I can still remember when he took me to my first San Diego County Bar Association Ethics committee meeting where he introduced me to ethics gurus like Danny Eaton and Bob Gerber and told me that if I was accepted for membership in that committee, I would want to get to know these guys because I could learn a lot from them and eventually he was going to retire!

Brian and I became very good friends over the years, which meant even more to me than the incredible work we accomplished every day in the office. We worked together right up until his very last day when he retired and moved with his wife and two adorable daughters to the boutique community of Midway, Utah. Since that time, I have come to appreciate the reality of what a selfless role a mentor really has, and how much a good mentor has to be willing to invest in a protégé to cultivate a mutually beneficial relationship. While I am not sure I can ever live up to the ambition, I can only aspire to be as good a mentor to others as Brian was to me.

MENTORING PROFILE: GERRY SPENCE

Dwight F. Ritter, Master

When I was much younger lawyer, many, many years ago, I was looking for all the mentors I could find. I had a fair amount of jury experience for my age and lots of energy but I was looking for someone who truly understood jury trials, how to present them, how to handle them, and how to keep motivated through the obstacles. While there were many lawyers who would give free advice, it wasn't always accurate or worthwhile. In fact, in many instances the advice was wrong. It was not given with bad intent; lawyers simply didn't know what they were talking about but thought that they did.

But there was one person in the late 70's and early 80's that was generating a lot of motivation, and personal success. He was very open about his work and would write books about his cases. He was fearless in his presentation and zeal. He would often accept cases that appeared to be unwinnable -- -- -- and yet he would win. His work was best represented by the books he wrote and the seminars he presented. His name is Gerry Spence.

In essence, I read and reread every book he wrote and listened to every seminar. His enthusiasm was truly an inspiration and his philosophy began to significantly influence my work. As I tried more and more juries, both civil and criminal I was able to incorporate much of his approach and feelings about helping persons who could not help themselves. Then in the mid-80s while I was studying for my LL M. degree at the London School of Economics, I had to choose an evidence dissertation about a controversial case that could be studied using a method called Wigmorean analysis. I focused the project on Gerry Spence's Karen Silkwood case. As you may recall, this was a very controversial case about Kerr-McGee's negligent exposure of its employees to nuclear fuel and the subsequent multimillion dollar verdict against Kerr-McGee in favor of the Silkwood family. After completing the project, I forwarded a copy of the dissertation to Spence and we corresponded about the limitations and advantages of using Wigmorean analysis. Since that time many years ago, we have discussed other methods for discovering and analyzing a story that are much more useful than Wigmorean analysis. Again, he knows a better way.

Spence's most significant contribution, in my view, is his incredible insight and appreciation for juries and how juries make decisions. Since the 1960's, he has studied juries with great intensity and researched the scientific background to identify and confirm the process we often refer to as "trial lawyer's intuition". Spence is unlike most successful trial lawyers, who believe only they possess the talents and thus are not particularly interested in sharing with others. He firmly believes his talents and trial abilities can be taught. Even though his methods are not traditional, Gerry Spence has shared and continues to share his insights. He is the kind of mentor you want.

As I look at the huge wealth of trial lawyers across our country, I cannot think of a single person who has had more influence, or more enthusiasm in representing people who are easily squashed by the sheer weight of our judicial system. To this day, at the age of 82, Spence continues to actively teach, and share his skills and knowledge. He says his greatest regret is that he cannot do more to help those who most need representation. I believe him. His life work reflects that attitude. I once asked Gerry Spence who was his mentor and he said he had none. I'm proud to say, like many others, he has been my most influential mentor. I'm just glad I've had an opportunity to tell him.

MENTORING PROFILE: JUDICIAL MENTOR AS PACESETTER

Lindsey Stevens, Associate

It was an early fall morning that I met my mentor. I had spent weeks nervously preparing to meet him. I had studied his impressive resume, met with his colleagues, and even tried a Google search. After our first handshake and introduction, I ambitiously launched into my prepared interview points and marched purposefully towards our unknown destination. Despite the intensity I had planned for, I realized that we were just walking... and talking... “What’s your hurry?” the Judge asked, “We are just out for a walk.”

It only took a moment for the Judge to slow me down. As we walked, the Judge offered anecdotes from his life, some far more serious than typical interview fare. In turn, I found myself sharing personal stories that I’d never planned to include in an interview. What I had imagined would be an intense formal clerkship interview progressed instead as a casual saunter downtown. When we finally looped back to our starting point, the Judge advised me to stop talking, recommending that I learn to “quit while ahead.”

A few weeks later I was busy preparing the Judge’s new chambers. Inevitably, as the case transfers matriculated, the chambers was challenged to keep up with the volume of cases that demanded judicial attention. By December, our schedule was consistent - chambers was running from 8 a.m. straight through until 6 or 6:30 in the evening. Our windowless environment, coupled with the waning season, caused the short days to seem sunless. We hardly noticed. At the height of our busiest days, the Judge would come out of his personal chambers just to share a story or a joke. He seemed to be reminding me - what’s your hurry? This is the practice of law! Slow down and enjoy it.

In the longest working days, the Judge always appeared confident, light hearted, and unwavering in his work ethic. His characteristic modesty and self-deprecating humor only provided further inspiration. His example left me no room to attempt the rumored nine to five schedule of government employment. Rather, I began to hear his maxims “if you’re on time, you’re late” and “if you can do it now, why wait” shadow me not only in my professional obligations but in my personal life. Most important however, was the dialogue that the Judge allowed to flow between us. While trust laid the foundation, and personal anecdotes provided the entertainment, the core of our relationship was built on the free conversation we shared.

While I met the Judge in his transition from prosecution to the judiciary, now I am in mine. At this moment, I am preparing to leave this clerkship and begin practice. The more subtle effects of the Judge’s mentorship are mostly unknown to me as of yet, and will only be realized when I am tested in my next position. Nonetheless, what the Judge has really taught me along the way, through all of the mutual trust, respect, and personal example, was to enjoy my work, take pride in my assignments, and to slow down to enjoy the practice of law.



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Further Resources

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