

MENTORING AND TRAINING NEW FIRM LAWYERS IN THE 2020s

by DEAN J. ZIPSER



To say that the pandemic upended our lives is a massive understatement. So much has changed in the past two and a half years. Notably, the way we work has changed—both where and how we work—for the foreseeable future and perhaps forever. No longer is everyone at their law firm’s office all day, every day. A significant percentage of attorneys and staff are working remotely, either wholly or partially.



There certainly are advantages to remote or hybrid work arrangements: more flexibility, better work-life balance, and saving commuting time, to name a few. But there are challenges as well, including and especially the training and development of newer lawyers. In an office environment, often such training and development is organic—attorneys walk down the hall to discuss a legal issue, a strategy question, or an ethical conundrum, or simply to have a check-in chat. In a remote work environment, this type of training and development may not happen at all or, if it does, it is less informal and spontaneous.

I know that I benefitted immensely from the mentorship of many. The mentoring I received was far more than learning the law or the finer points of litigation. More importantly, my mentors trained me on professionalism and ethics, dealing with opposing counsel, communications with the court, how to treat and appreciate staff, and simply being the best lawyer that I could be. Much of this occurred naturally and without pre-planning – from a lunch or last-minute happy hour, to just being at the office when a discussion or impromptu meeting would develop.

How do we capture such development and mentoring in the current environment? Because we are all in uncharted waters, and there is no one right way, I reached out to several managing partners and firm leaders—from small firms to large ones—to get their input. Not surprisingly, all agreed on the importance of training and development, and their firms have set up varying protocols to best address the issue for their particular firm. Reading their protocols might give you an idea about how best to cultivate training and development in your firm and how to make the most of your firm's office environment.

The Landscape

For many, if not most, remote work in some fashion is here for at least the foreseeable future. While disruptive (to say the least),

the pandemic has proved that work can still get done without everyone in the office every day. While opinions vary on whether working remotely affects firm productivity, firms are coping with and adjusting to it in various ways. Some have developed set parameters, while others are leaving it more open-ended for now. But all are grappling with the new and ever-changing reality.

For example, Susan K. Hori, the managing partner of Manatt's Orange County office, notes that Manatt recently implemented a new hybrid schedule. All attorneys, consultants, and paralegals are asked to come in Tuesday, Wednesday, and Thursday; staff will work four days in the office, with either

ability. O'Melveny has just started a new program in which it is asking its lawyers to come into the office on twelve designated days in October to better ensure a critical mass on those days, while permitting remote work on the other days.

Bremer Whyte Brown & O'Meara also has a hybrid model, but allows all but its newest attorneys the flexibility to work in the office or remotely as it best suits them. That said, the firm recognizes the value of in-office time and is taking steps for that to happen.

Latham & Watkins similarly allows its attorneys the flexibility to determine how and when to work in the office, while at the same time focusing on fostering its culture of training, development, mentoring, and camaraderie.

Marie D. DiSante, managing partner of CDF Labor Law, notes that her firm had flexible, remote working arrangements pre-COVID-19, and continued that flexibility through the pandemic. Not surprisingly, more of the firm's attorneys work remotely than before the onset of the pandemic. The firm does not have a policy requiring attorneys to be in the office a certain percentage of time; the decision is individualized. Although the firm has some attorneys working remotely 100% of the time, most choose to spend some regular time in the office.

The size and practice of each firm significantly affects its approach to remote and hybrid protocols. For example, Smiley Wang-Ekval, a seven-lawyer largely insolvency-

based firm that prides itself on working collaboratively, found it challenging during the early stages of the pandemic when the firm was fully remote (as were so many others). Given its size and the nature of its practice, the firm seeks to have its attorneys in the office the majority of the time, but also supports remote work two days a week. Like so many others, this smaller firm is trying to strike the right balance to maintain collaboration while allowing flexibility to accommodate attorneys' lifestyle needs.

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Monday or Friday being remote. One reason for the change was to enable various practice groups or teams to be in the office on the same days and help avoid situations where associates might be in the office, but the partners with whom they work were not, or vice versa.

Amy J. Laurendeau, the managing partner of O'Melveny & Myers' Orange County office, reports that the firm has sought to have its professionals in the office the majority of the time, but with individual flex-

Managing the Challenges

With remote and hybrid work now the norm for many, if not most, firms, how do you retain, or at least attempt to best replicate, the benefits of an in-office environment? One of the particular concerns, and the primary focus of this article, is the training and development of newer lawyers. Firm leaders uniformly recognize the importance of doing so and are taking concrete steps to address the issue.

On a broad level, no matter how many Zoom meetings a firm may have, there is no perfect substitute for the intangible benefits of an office environment, from the social interaction to what Derek Thompson describes as the “soft work.” Derek Thompson, *Hard Work Isn't the Point of the Office*, *The Atlantic* (Sept. 21, 2021), <https://www.theatlantic.com/ideas/archive/2021/09/offices-microsoft-study-out-group-connections/620137/>. As noted above, many firms that have a hybrid structure are scheduling specific days for the attorneys to be in the office at the same time. In addition, many firms such as Manatt, CDF, and Bremer Whyte are taking extra steps and setting events for those in-office days, such as attorney or practice group meetings, or in-house presentations and seminars. Nicole Whyte sums up her firm's efforts well:

We are encouraging more in-person events at the office, such as roundtable team meetings, in-person lunch seminars and presentations, and social functions such as food trucks, picnics, ice cream socials, and similar get-togethers designed to encourage the attorneys and the staff members to come into the office. This helps build relationships, trust, camaraderie, firm culture and loyalty. There is also an organic learning process that occurs in person that cannot be replicated on Zoom or over the phone.

The social benefits of in-person events are not just limited to the office. Firms such as Knobbe Martens and CDF are being more deliberate in scheduling events that bring firm personnel together outside the office, including happy hours, lunches, beach parties, and retreats.

The challenges of fully training and developing new lawyers requires more than occasional in-office or outside activities. Mentoring newer lawyers is far more difficult remotely and, in my view, remote mentoring does not have the same impact as in-person

exchanges. Those lawyers who began their legal career during 2020 may not have set foot in a law office for the first year or more. At the time, that probably could not have been avoided. But it can be avoided now, and it should be.

Mentoring, training, and developing new lawyers is multi-faceted. It is more than reviewing and commenting on written product and oral advocacy. Fortunately, that can still be accomplished in a remote or hybrid environment. But that environment is not a substitute for the development gained by being part of an in-person meeting with a more senior lawyer, observing how he or she handled the situation and then dialoging afterward about it, or being able to go down the hall and ask questions. While this can happen over the phone or by Zoom, both partner and associate often have a natural reluctance to do so.

Fortunately, firms are cognizant of these issues and are proactively taking steps to address training and mentoring in this hybrid environment. For example, many firms require new attorneys to work in the office full time or at least the majority of their time during their first several months at the firm, even if they ultimately plan to work remotely. CDF, for example, strongly encourages newly hired junior associates to work in the office for the majority of at least the first six months so partners can get a good sense of how capable they are and develop an appropriate training plan for them. The firm's training “typically is a combination of firm-led training sessions, one-on-one mentoring with an assigned mentor and with supervising attorneys, and attendance at seminars that cover relevant substantive law issues.” Bremer Whyte requires new lawyers to work full time in the office for their first three months. That way, as Nicole Whyte notes, “they can have the benefit of being mentored by their team leader and learn the firm policies and procedures in person. This is also important for learning and embracing the firm culture. All new hires are assigned a team leader and a mentor to assist in this process.”


These types of proactive steps are essential. As we attempt to navigate our new work paradigm, newer lawyers will suffer if we are not proactively mentoring and developing them. And if we don't, the profession in general suffers. The obligation falls on both the law firms and the new attorneys. Firms can set up all the programs they want, but they work best when the individual lawyers buy in and are engaged. What used to happen

organically now takes effort. But it is well worth that effort.

This is an area where the OCBA and other professional organizations can and do help. In addition to offering continuing legal education, the OCBA, through its Mentoring Program, provides a mentor to any and every interested newer lawyer—helping to fill a void particularly for attorneys who are not part of firms with formal mentoring programs.

Similarly, and just like the intangible benefits gained from spending time in the office, getting involved with and spending time at events offered by professional organizations may be more important now than ever, particularly for those lawyers working remotely. Doing so not only helps maintain networking, but also, a sense of community. The OCBA has a Young Lawyers Division, and many other organizations have similar programs. They are a great place to start.

In conclusion, working environments and firm protocols continue to evolve. As they do, we should focus on training and developing our new lawyers as top priorities—for law firms as well as for bar associations. How we do so necessarily varies from firm to firm, and person to person. There is no “one size fits all.” But regardless of firm size, demographics, and practice areas, we must not lose sight of the objective.

The pandemic underscored the need for flexibility and adaptation. What worked before the onset of the pandemic likely will not work now. What worked during the beginning of the pandemic might not be optimal now. And what works today might not work tomorrow. We have proven we can make things work through the challenges. As to developing our newest lawyers, we have the motivation and we have the tools to help them realize their talent. We can and should continue to do so in our new work environment. 

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