



THE SUPREME COURT *of* OHIO



LAWYER
TO LAWYER

MENTORING PROGRAM

New Lawyer Orientation

2012



Increasing the VALUE, VIRTUE and VOICE of PROFESSIONALISM



THE SUPREME COURT *of* OHIO

LAWYER TO LAWYER MENTORING PROGRAM

New Lawyer Orientation

2012



MAUREEN O'CONNOR

CHIEF JUSTICE

PAUL E. PFEIFER

EVELYN LUNDBERG STRATTON

TERRENCE O'DONNELL

JUDITH ANN LANZINGER

ROBERT R. CUPP

YVETTE MCGEE BROWN

JUSTICES

STEVEN C. HOLLON

ADMINISTRATIVE DIRECTOR

OFFICE OF ATTORNEY SERVICES

SUSAN B. CHRISTOFF

DIRECTOR OF ATTORNEY SERVICES

LORI KEATING

SECRETARY, COMMISSION ON PROFESSIONALISM

614.387.9327



Lawyer to Lawyer Mentoring Program NEW LAWYER ORIENTATION

Tab I. Program Overview

Program Information & Forms

Tab II Timeline & Program Requirements

Tab III Mentoring Plan

In-House Mentoring Agreement

Outside Mentoring Agreement

Certificate of Satisfactory Completion

Tab IV First Meeting — Worksheet A

Tab V. Advice & Resources

- A. *Ethical issues in Lawyer-to-Lawyer Consultation*, Formal Opinion 98-411 issued by ABA Standing Committee on Ethics and Professional Responsibility, Aug. 30, 1998.
- B. Advice to New Lawyers
- C. Maya Eckstein, *From an Associate's Perspective: If I Knew Then What I Know Now*, *The Bench*, Jan/Feb., 2005.
- D. Jim Loehr & Tony Schwartz, *The Making of a Corporate Athlete*, *Harvard Business Review*, Jan. 2001
- E. Additional Resources



I. Program Overview



Lawyer to Lawyer Mentoring Program Overview

I. Starting at the Beginning

A. The Program Objective

The stated purpose of the mentoring program is to elevate the competence, professionalism and success of Ohio lawyers through positive mentoring relationships.

Specifically, your mentoring relationship should accomplish the following:

1. Foster the development of your new lawyer's practical skills;
2. Increase your new lawyer's knowledge of legal customs;
3. Contribute to a sense of integrity in the legal profession;
4. Promote collegial relationships among legal professionals and involvement in the organized bar;
5. Improve your new lawyer's legal ability and professional judgment; and
6. Encourage the use of best practices and highest ideals in the practice of law.

B. More simply stated...

In thinking about how you will accomplish these goals, look to the following principles to apply during your mentoring relationship.

1. Let's Not Recreate the Wheel

You have a great wealth of experiences to share with your new lawyer. Share techniques and strategies that you have found to be successful, and, when appropriate, reveal mistakes that you have made so that your new lawyer can learn from these experiences.

2. I Never Got the Memo

Much of the professional practice of law involves learning skills that are not found in law books and are not taught in law school. Do your best to provide guidance about professional practices, unwritten rules, and practical application of general legal concepts.

3. No Question is A Stupid Question

You are there to answer the many questions that your new lawyer has. Make sure that your new lawyer understands that no question – no matter how insignificant or obvious it appears to be – should be off limits. Although some of these questions may seem silly or trivial, realize that everything to your new lawyer is unfamiliar right now. Try to create an environment of trust so that your new lawyer feels free to ask these questions.

4. Let Me Introduce You To. . .

You are a veteran of our profession, and you should introduce your new lawyer to other lawyers and opportunities. You should help your new lawyer to develop relationships with other lawyers, find appropriate opportunities to better develop lawyering skills, and become involved in bar associations and other professional networks.

You may be assigned to a new lawyer who does not currently have employment in the legal field. You may offer to assist this new lawyer in his or her job search, but do not feel obligated to do so. Finding a job is not a program goal, and no mentor should feel pressured to find his or her new lawyer a legal position.

II. The Mentoring Term: So How Long Does this Relationship Last?

The mentoring term lasts for about a year. The dates of your mentoring term are listed in Tab II. You are expected to maintain your relationship with your new lawyer for the entire term. Afterwards, both of you may mutually choose to maintain a relationship; but for purposes of the program, the mentoring relationship ends at a determined date. Over the course of the mentoring term, you and your new lawyer must complete your personalized Mentoring Plan in a series of in-person meetings.

III. What You Will Be Doing All Year: The Mentoring Plan

A. The Curriculum

The Mentoring Plan is the curriculum for the program. It consists of a list of activities from which you and your new lawyer must choose so that you have a roadmap of those things that you will discuss during your relationship. You may discuss other issues as your new lawyer experiences them in the first year of practice, but the Mentoring Plan activities are those activities identified by the Commission on Professionalism as essential to your new lawyer's development as a professional lawyer and the activities you choose from this plan must be completed.

You and your new lawyer should choose activities together to personalize your Mentoring Plan so that the activities you discuss apply to your new lawyer's particular practice setting, individual needs, and personal goals.

The Mentoring Plan activities are broken up into five categories:

1. Introduction to the Legal Community and the Community at Large (First Quarter; One Activity)
2. Introduction to Personal and Professional Development (Second Quarter; Two Activities, including substance abuse)
3. Introduction to Ethics (Second Quarter; One Activity)
4. Introduction to Law Office Management (Third Quarter; Two Activities)
5. Introduction to Client Communication, Advocacy and Negotiation (Fourth Quarter; Two Activities)

On the Mentoring Plan, each category indicates a quarter during the mentoring term within which it is *suggested* that you complete the activities chosen therein and a minimum number of activities which are *required* to be chosen therein. Quarters of the mentoring term are suggested for the completion of each category's activities in order to assist you in your timely completion of your Mentoring Plan and to indicate which activities are thought to be most relevant to you as you move through your first year of practice. However, you are not required to complete the activities in the order suggested.

On the other hand, you must select the minimum number of activities that are indicated in each category of the Mentoring Plan. Additionally, every new lawyer must have a discussion about substance abuse and/or mental health issues. That activity has already been selected on your Mentoring Plan for you.

B. Deadline for Choosing Activities

You are expected to meet with your new lawyer to choose your activities and submit a Mentoring Plan and Mentoring Agreement before the due date provided in the Lawyer to Lawyer Mentoring Timeline (Tab II). This can be completed on-line at <http://www.supremecourt.ohio.gov/AttySvcs/mentoring/app/Login.aspx>. To access this computer application, you and your new lawyer will have to input your attorney registration number and corresponding CLE password. If you do not know your CLE password, you can indicate this on the log-in screen and ask that your password be emailed to you.

Both you and your new lawyer will also have to acknowledge an in-house or outside mentoring agreement. (See below for further discussion about these two types of mentoring relationships.)

Try to create your mentoring plan and acknowledge your mentoring agreement at your first meeting. During your first meeting, you should determine together how you intend to initiate future meetings.

C. Worksheets

In order to assist you and your new lawyer with your discussions, curriculum worksheets have been developed. A lettered worksheet is referenced next to each activity on the Mentoring Plan. Each worksheet is intended to be a tool for you and your new lawyer to use to facilitate your discussion about its corresponding topic. Worksheets contain talking points and suggestions for issues to discuss, as well as copies of other resources that you and your new lawyer can read and talk about.

Worksheets and the discussion questions they contain are valuable starting points for conversations with your new lawyer; however, encourage your new lawyer to ask questions or bring up other topics related to his or her workplace experiences.

IV. Mentoring Agreement

The Mentoring Agreement is an agreement about the parameters of the mentoring relationship which you must discuss and electronically sign on-line when you submit your mentoring plan.

A. Parameters on Your Relationship

The relationship created between you and your new lawyer is a teaching relationship.

If you are mentoring an attorney in your same office or firm, you have an in-house mentoring relationship. You must therefore acknowledge the In-house Mentoring Agreement with your new lawyer. If you are mentoring an attorney in a different office or firm, you have an outside mentoring relationship. In that case, you must acknowledge an Outside Mentoring Agreement.

1. In-house Mentoring Agreement

If you are mentoring in-house, your conversations with your new lawyer are safeguarded by the confidentiality that extends to all employees of your office or firm and a shared responsibility of liability to your clients for the actions taken on their behalf. Accordingly, you and your new lawyer are able to discuss privileged details about client cases and determine together courses of action on those cases. The In-house Mentoring Agreement does not restrict your conversations with your new lawyer.

Instead, the In-house Mentoring Agreement is an acknowledgment of the objectives of the mentoring program. During your first meeting you should discuss these program objectives as well as ask your new lawyer about his or her individual objectives so that you are both comfortable with your goals.

a) Important Consideration for In-house Mentoring

An important consideration for you and your in-house new lawyer to discuss is the reporting and evaluation responsibilities you have in your office or firm. For example, you may be a supervisor to your new lawyer, who assigns and evaluates his or her work or may be a managing partner with input into which associates make partner and when. Or you may be an attorney in a different practice group than your new lawyer and have little relationship to your new lawyer other than being a mentor. You should discuss with your new lawyer how your mentoring conversations will be handled in relation to the other functions you have within the firm. You need to clearly explain to your new lawyer whether your mentoring conversations could become a part of the new lawyer's evaluation or how discreet you intend to be with these conversations, especially in the case that your new lawyer identifies in-house problems.

2. Outside Mentoring Agreement

If you are being mentored by someone outside of your office or firm, you must abide by the Outside Mentoring Agreement. Please keep in mind the following parameters when participating in an outside mentoring relationship:

a) The general rule - Seek a trusting relationship with your mentor but remember that you are ultimately an independent professional

The mentoring relationship provides an opportunity for you to seek advice outside your firm or organization. Seeking advice from knowledgeable colleagues is an important component of your ongoing professional development. The mentoring relationship provides an opportunity to share the feelings, experiences, or questions you may be uncomfortable asking anyone else. However, be mindful that discussions must not lead to a breach of your duty of client confidentiality under Prof. Cond. R. 1.6. To this end, hypothetical discussions are favored whenever possible.

Additionally, you are expected to exercise your own professional judgment. If you seek guidance from your mentor about how to proceed in a particular case, the opinions provided may be something to consider, but ultimately, you retain the responsibility for whatever course of action you ultimately decide upon.

- b) The exception to the general rule – You may choose to enter into a co-counseling agreement with your mentor

You and your mentor may choose to co-counsel in a case, if you determine such a relationship would be mutually beneficial and appropriate. This decision must be made thoughtfully and with the consent of the client on whose behalf the matter is being handled. Co-counseling is not a program requirement, and under no circumstances should you pressure your mentor to enter into such an agreement with you. Similarly, you should not feel obligated to accept a mentor's offer to proceed on a matter as co-counsel. However, if both you and your mentor freely choose to co-counsel, this may provide a valuable learning experience for you. If this is an avenue you and your mentor would like to explore, consult the co-counseling worksheet in the Mentoring Plan and formulate a co-counseling agreement and fee agreement in writing.

B. Other Issues to Consider

- 1. Your new lawyer may be your parents' age (or your children's age)

You are likely to be in a different generation than your new lawyer. Because there are often misunderstandings when communication occurs between people of different generations, it is important to talk about each of your assumptions and values during the course of your relationship to avoid misunderstandings. Respect your new lawyer's perspective even if it is different from yours.

- 2. You may be of a different ethnicity, race, gender or nationality.

Just as generational differences can sometimes create misunderstanding in communication, so too can differences in ethnicity, race, gender or nationality. If you and your new lawyer are of a different ethnicity, race, gender or nationality, you should consider your cultural assumptions and values and discuss them with your new lawyer so as to avoid miscommunication.

V. Problems in the Relationship

A. What if we don't get along as well as I hoped we would?

If you are mentoring someone who you have not met before, it is entirely possible that you will not have perfect chemistry with your new lawyer. Worse yet, your personalities might clash.

Although the best mentoring relationship occurs when you connect with your new lawyer, the reality is people sometimes conflict. As a professional who must deal with a multitude of persons such as clients, associates, partners, opposing counsel, judges, and others, you know how to effectively communicate and deal with people who have conflicting personalities with yours so as to maintain a working relationship. Please make every effort to look past differences to serve as a mentor so that your new lawyer, who is also investing significant time into the mentoring relationship, benefits from the program.

B. What if the mentoring relationship ends early?

Some problems will be cause for the mentoring relationship to end. For example, if your new lawyer moves away, experiences significant health problems that interfere with participation, or loses all contact with you, your mentoring relationship may be ended. When such situations exist, it is the new lawyer's responsibility to contact the Commission Secretary so that they can be dealt with promptly. However, if you have reason to believe that your new lawyer will not initiate this contact, please update the Secretary yourself.

If you have invested significant time in a mentoring relationship that ended prematurely, the Commission may credit you with CLE hours for your participation. In such a case, the Commission Secretary will ask for a written reporting of the hours you spent mentoring and the activities completed so that an appropriate award may be made.

VI. CLE Credit

You will receive twelve hours of CLE credit upon successful completion of the program. This award includes one hour of professionalism, one hour of ethics, and one-half hour of substance abuse credit. If you are a new mentor who attends a mentor orientation in-person, you will receive additional CLE credit for that as well.

Your twelve hours of CLE credit is not awarded until the end of the mentoring term after you submit your Certificate of Satisfactory Completion on-line. Failure to complete all of the requirements for the mentoring program will result in your failure to earn these hours.

Please do not send submit your Certificate of Satisfactory Completion until the last month of your mentoring term. The expectation is that you will maintain your relationship with your mentor throughout the entire term.

VII. Surveys

You will be asked to participate in evaluations that will be emailed to you during the mentoring term. There are two evaluations for program participants – a mid-term survey in about six months and an end-of-term survey at the conclusion of the mentoring term.

If you have questions, concerns or comments about the program along the way, please contact the Commission Secretary.

VIII. Staying Connected

Nearly all communications to you from the program will be made via email. Therefore, it is very important to promptly notify the Commission Secretary if you change your email address.

IX. Going Online

Participants are asked to make all of their mentoring submissions online. You may find that your new lawyer is more familiar or comfortable with online computer applications than you are. In such cases, you may ask your new lawyer to assist you in making these submissions. If you are particularly averse to online computer applications, PDF versions of all of the required program submissions are located at <http://www.supremecourt.ohio.gov/AttySvcs/mentoring/forms.asp>. You may print these out and complete and fax them to the Commission Secretary. Alternatively, you may contact the Commission Secretary and ask to receive these forms.

X. The Bottom Line: Minimum Requirements for Mentoring

- A. **Orientation:** Mentors new to the program are strongly encouraged to attend a mentor orientation in-person. If you are unable to attend in-person, you may view it online. (CLE credit will only be given to mentors who attend in-person.)

If you are a mentor returning to the program, please review the orientation materials in this manual.

- B. **Submit Mentoring Plan and Mentoring Agreement:** Prepare for your first meeting by reviewing Tab IV. During or immediately after the first meeting, submit a Mentoring Plan and Mentoring Agreement online at <http://www.supremecourt.ohio.gov/AttySvcs/mentoring/app/Login.aspx> by the date listed in Tab II.

- C. Meet throughout the mentoring term: Participants must engage in at least six in-person meetings for a total of nine mentoring hours over the course of the mentoring term.

Participants must complete all of the activities chosen in their Mentoring Plan. (Please note, though, that the Mentoring Plan may be amended online at any time.)

Despite the fact that you are only required to participate in six in-person meetings, you are encouraged to meet more frequently throughout the mentoring term and talk fairly often. More consistent communication between you and your new lawyer will foster a stronger and more valuable mentoring relationship for you.

- D. Complete mid-term and end-of-term surveys: Complete these surveys online when the survey links are emailed to you.
- E. Verify Completion of the Program: Submit your Certificate of Satisfactory to the Commission on Professionalism online by the date listed in Tab II.

XI. A Final Thought. . .

This program will only be as valuable as you and your new lawyer make it. Its success depends on your devotion of time to your mentoring relationship and your genuine interest in the discussions with your new lawyer. So please, give it your all because only then will you and your new lawyer enjoy its true value.

I wish you the best in this endeavor. If you have any questions or concerns along the way, please feel free to contact me.

Contact Information:

Lori L. Keating, Esq.
Secretary to the Commission on Professionalism
Supreme Court of Ohio
65 South Front Street
Columbus, Ohio 43215
614.387.9317
614.387.9529 (fax)
lawyer2lawyer@sc.ohio.gov



II. Timeline & Program Requirements

Lawyer to Lawyer Mentoring Timeline

For new lawyers admitted in November 2011:	
Mentoring Term begins	Feb. 1, 2012
Mentoring Plans & Mentoring Agreements due	Mar. 1, 2012
Mentoring Term ends & Certificate of Satisfactory Completion due	Dec. 31, 2012

For new lawyers admitted in May 2012:	
Mentoring Term begins	Aug. 1, 2012
Mentoring Plans & Mentoring Agreements due	Sept. 4, 2012
Mentoring Term ends & Certificate of Satisfactory Completion due	June 28, 2013

Lawyer to Lawyer Mentoring Program Requirements

<input type="checkbox"/> Review orientation materials
<input type="checkbox"/> Submit mentoring plan and in-house or outside mentoring agreement (online)
<input type="checkbox"/> Complete all of the activities selected in the mentoring plan, including a required discussion about substance abuse & mental health issues
<input type="checkbox"/> Have at least six in-person meetings over the course of the term for a minimum of nine hours
<input type="checkbox"/> Complete mid-term and end-of-term surveys
<input type="checkbox"/> Submit Certificate of Satisfactory Completion (online)



III. Mentoring Plan & Required Forms



**LAWYER TO LAWYER MENTORING PROGRAM
MENTORING PLAN**

NEW LAWYER NAME/ _____
ATTORNEY REG. NO.

MENTOR NAME/ _____
ATTORNEY REG. NO.

INTRODUCTION TO THE MENTORING PLAN

The Mentoring Plan includes core concepts, lawyering skills, activities and experiences which should be used as learning activities for the new lawyer and mentor and as topics for discussion between them. The activities and experiences are an introduction to the topics with which lawyers need to be familiar for the successful and professional practice of law.

The Mentoring Plan should be developed by the mentor and new lawyer together during their first meeting and must be submitted, along with the Mentoring Agreement, to the Commission on Professionalism at the start of the mentoring term. Each individualized Mentoring Plan should incorporate the activities and experiences most applicable to the particular practice setting, individual needs, interests, and personal goals of the new lawyer.

The Mentoring Plan submitted to the Commission will be the checklist of activities which the new lawyer and mentor are required to complete together by the end of their mentoring term.

The activities and experiences listed in the Mentoring Plan reference Worksheets, which are intended to be resources for participants to use for facilitation of discussions on the corresponding topics. Completion of the Worksheets is not mandatory, but participants are encouraged to use them as guides to discussions. Mentors should also provide a meaningful review and suggestions for practical application of the concepts found in A Lawyer's Creed and A Lawyer's Aspirational Ideals in regard to each Mentoring Plan topic.

In addition to the discussion topics selected in the Mentoring Plan, new lawyers are encouraged to discuss with their mentors other career issues that arise in their early practice experience.





INSTRUCTIONS

To prepare the participants for their first meeting and to facilitate discussion about this Mentoring Plan, participants are encouraged to refer to **Worksheet A**.

The activities and experiences in the Mentoring Plan are grouped by topic. Instructions accompany each topic indicating the minimum number of activities which must be elected in each section. Additionally, each topic contains a quarterly timeframe by which it is recommended that the corresponding activities are completed. The timeframes are suggestions only; the minimum number of activities for election is mandatory.

Next to each activity description is a box that should be checked if the new lawyer elects to participate in that activity. Once the new lawyer and mentor check the activities that will make up their Mentoring Plan, both of them must sign the Mentoring Plan Pledge. Every participant must engage in a discussion about substance abuse and mental health issues.

In order to successfully complete the Lawyer to Lawyer Mentoring Program, all of the activities elected must be completed by the end of the mentoring term, including a discussion about substance abuse and mental health issues. The completed and executed Mentoring Plan must be submitted by the new lawyer to the Commission on Professionalism, along with the executed Mentoring Agreement, at the start of the mentoring term. Both the new lawyer and mentor should retain a copy of the Mentoring Plan and Mentoring Agreement for reference.

In order to receive credit for completing the Plan, the new admittee must submit a Certificate of Satisfactory Completion form signed by both the new lawyer and mentor at the end of the mentoring term, indicating that all of the activities elected in their Mentoring Plan were completed, including a discussion about substance abuse and mental health issues. Additionally, they must certify that they engaged in a minimum of six in-person meetings for nine hours of mentoring time over the course of the mentoring term.





**LAWYER TO LAWYER MENTORING PROGRAM
MENTORING PLAN**

FIRST QUARTER - THE LEGAL COMMUNITY & THE COMMUNITY AT LARGE

At least one activity or experience from this section must be elected.

Elected	Activity or Experience
	Meet at the mentor's law office so that mentor can introduce the new lawyer to other members of the mentor's firm and law office personnel or, in the case of in-house mentoring, ascertain that such introductions have already occurred. <i>See Worksheet B.</i>
	Attend a meeting of an organized bar association together. Discuss local, state and national bar association opportunities and the advantages of being involved in bar association activities. <i>See Worksheet C.</i>
	Introduce as feasible the new lawyer to other lawyers in the community through attendance at local bar association meetings or otherwise. <i>See Worksheet D.</i>
	Escort the new lawyer to the local courthouse(s), particularly those courts where the new lawyer will primarily be appearing, and, to the extent appropriate, introduce new lawyer to members of the judiciary, court personnel, and clerks of court. <i>See Worksheet E.</i>
	Discuss "unwritten" customary rules of civility and etiquette among lawyers and judges in the community. <i>See Worksheet F.</i>
	Escort the new lawyer to the local jail(s) where the new lawyer is likely to have clients and explain the procedures for jailhouse visits. <i>See Worksheet G.</i>
	Acquaint the new lawyer with Legal Aid, local <i>pro bono</i> agencies and other opportunities for lawyers to engage in <i>pro bono</i> activities and civic and charitable work. Discuss how and why one finds time, despite a busy practice, to engage in volunteer service. <i>See Worksheet H.</i>
	Have a meaningful discussion about <i>A Lawyer's Creed</i> and <i>A Lawyer's Aspirational Ideals</i> , making suggestions of practical application of the concepts expressed therein. <i>See Worksheet I.</i>



SECOND QUARTER - PERSONAL & PROFESSIONAL DEVELOPMENT AND ETHICS

At least one activity or experience from this section must be elected in addition to a discussion about substance abuse and mental health issues.

Elected	Activity or Experience
	Discuss the new lawyer's long-term career objectives and identify ways to meet those goals. <i>See Worksheet J.</i>
	Discuss techniques for finding a balance between career and personal life, putting daily pressures into perspective, reconciling job expectations with actual experience and maximizing career satisfaction. <i>See Worksheet K.</i>
√ required	Discuss substance abuse and mental health issues, including possible warning signs of substance abuse or mental health issues; what to do if the new lawyer, a colleague or a superior is faced with a substance abuse or mental health problem; and the resources for assistance with substance abuse and mental health issues. <i>See Worksheet L.</i>
	Discuss different career paths and identify resources for exploring options. Discuss to the extent knowledgeable differences between large firm, small firm, government and non-profit practice and non-traditional legal positions. <i>See Worksheet M.</i>
	Discuss practical ways to manage law school debt. <i>See Worksheet N.</i>
	Discuss job-search strategies. <i>See Worksheet NI.</i>

At least one activity or experience from this section must be elected.

Elected	Activity or Experience
	Discuss common malpractice and grievance traps and how to recognize and avoid common pitfalls. <i>See Worksheet O.</i>
	Discuss potential resources for dealing with complicated ethical issues, including conflicts of interests. If the mentoring relationship is an in-house relationship, discuss the firm's procedures for assisting with complicated ethical issues. <i>See Worksheet P.</i>
	Discuss benefits of carrying malpractice insurance and lawyers' obligations in the event of the failure to do so. <i>See Worksheet Q.</i>
	Discuss the appropriate way to handle situations where the new lawyer believes another lawyer (both in and outside of the new lawyer's firm) has committed an ethical violation; the obligation to report misconduct; and the appropriate way to handle a situation where the new lawyer has been asked by a senior member of the firm to do something that is unethical or unprofessional. <i>See Worksheet R.</i>
	Discuss the grievance process and a lawyer's duty to cooperate with a disciplinary investigation. <i>See Worksheet S.</i>



THIRD QUARTER - LAW OFFICE MANAGEMENT

At least two activities or experiences from this section must be elected.

Elected	Activity or Experience
	Tour the mentor's office to demonstrate and explain how the mentor's law office is managed. Discuss resources where the new lawyer can learn more information about law office management issues. <i>See Worksheet T.</i>
	Discuss good time management skills and techniques. <i>See Worksheet U.</i>
	Discuss practices to maintain client confidentiality. <i>See Worksheet V.</i>
	Discuss how to screen for, recognize and avoid conflicts. <i>See Worksheet W.</i>
	Discuss roles and responsibilities of paralegals, secretaries and other office personnel and how to establish good working relationships with others in the same office who are support staff, colleagues, or senior. <i>See Worksheet X.</i>
	Discuss how to prevent issues of unauthorized practice of law with staff. <i>See Worksheet Y.</i>
	Discuss office politics, including appropriate networking, socializing and personal behaviors. <i>See Worksheet Z.</i>
	Discuss the importance of planning ahead for how a lawyer's practice should be handled in the event of the lawyer's retirement, death or disability. <i>See Worksheet AA.</i>
	Discuss the issues surrounding leaving a firm, such as how to protect oneself, advising clients and withdrawing from cases. <i>See Worksheet BB.</i>



FOURTH QUARTER - CLIENT COMMUNICATION, ADVOCACY AND NEGOTIATION

At least two activities or experiences from this section must be elected.

Elected	Activity or Experience
	Discuss methods of client development that have been successful for the mentor, and discuss other techniques for business development, including any relevant ethical concerns and the most professional practices in this regard. <i>See Worksheet CC.</i>
	Discuss the responsibilities of the client and the lawyer in decision-making, and the best ways to involve a client in their case. <i>See Worksheet DD.</i>
	Discuss the best ways to evaluate a potential case and how to decide whether to accept a proffered representation. <i>See Worksheet EE.</i>
	Discuss how to deal with a “difficult” client. <i>See Worksheet FF.</i>
	Discuss the importance of client communication and how to maintain good on-going communication, including the use of retention and fee agreements, keeping clients informed about matters, confirming things in writing, being on time, etc. <i>See Worksheet GG.</i>
	Discuss proper legal counseling techniques, and duties and responsibilities of advising clients. <i>See Worksheet HH.</i>
	Discuss appropriate ways (including ethical concerns, etiquette, etc.) for dealing with others on behalf of your client. <i>See Worksheet II.</i>
	Discuss tips for preparation for and proper behavior during depositions. <i>See Worksheet JJ.</i>
	Discuss the most important points about negotiation with another lawyer and potential issues associated with negotiations. <i>See Worksheet KK.</i>
	Discuss relevant issues surrounding effective legal writing, such as techniques for the most effective legal writing, how to avoid common mistakes causing pleadings to be rejected, how to effectively use sample legal pleadings and forms, techniques to efficient legal research, etc. <i>See Worksheet LL.</i>
	Discuss the types of alternative dispute resolution (such as mediation, binding and non-binding arbitration, high-low arbitration, early neutral evaluation, court-annexed arbitration, summary jury trials, etc.) and the benefits and disadvantages of each. <i>See Worksheet MM.</i>
	Observe (in person or by streaming video on-line) an appellate argument in the Supreme Court of Ohio, Ohio appellate district court or United States circuit court, and discuss techniques and tips for effective oral argument. <i>See Worksheet NN.</i>
	Discuss co-counseling and how to determine when it is mutually beneficial for attorneys and appropriate. A mentor and new lawyer in an outside mentoring relationship may choose to co-counsel on a particular matter. <i>See Worksheet OO.</i>



**LAWYER TO LAWYER MENTORING PROGRAM
MENTORING AGREEMENT FOR IN-HOUSE MENTORING RELATIONSHIPS**

I agree to participate in the Lawyer to Lawyer Mentoring Program (the “Program”) in accordance with its rules and regulations as may be amended from time to time. I understand that the Program relies upon the development of a one-on-one mentoring relationship which primarily entails coaching, recounting experiences, lesson-sharing, and providing support.

I acknowledge the specific goals of the Program:

- To foster the development of the new lawyer’s practical skills and increase his or her knowledge of legal customs;
- To create a sense of pride and integrity in the legal profession;
- To promote collegial relationships among legal professionals and involvement in the bar;
- To improve legal ability and professional judgment; and
- To encourage the use of best practices and highest ideals in the practice of law.

The new lawyer agrees to waive all claims against, and to hold harmless, the mentor and the Supreme Court of Ohio, its employees and agents, for any actions or inactions associated with the Program or with the new lawyer’s participation in same.

I pledge to devote the time and effort needed to complete the activities selected in our Mentoring Plan.

I hereby certify that I have read the above Mentoring Agreement and agree to its terms.

Signature of New Lawyer Date

Signature of Mentor Date

Print/Type Name

Print/Type Name

Attorney Registration Number

Attorney Registration Number





**LAWYER TO LAWYER MENTORING PROGRAM
MENTORING AGREEMENT FOR OUTSIDE MENTORING RELATIONSHIPS**

I agree to participate in the Lawyer to Lawyer Mentoring Program (the “Program”) in accordance with its rules and regulations as may be amended from time to time.

I acknowledge that the principal purpose of the Program is to foster the development of the New Lawyer’s practical skills and to increase his or her knowledge of the law, its practice and its customs.

I further acknowledge, and will abide by, the following understandings and agreements:

- The New Lawyer and the Mentor agree that any communication between them relating to a pending or prospective legal matter shall be deemed to be confidential and shall not be disclosed to a third person without the consent of the client or prospective client to whose matter the communication relates, except as otherwise provided by the Ohio Rules of Professional Conduct or by law.
- The New Lawyer understands that the Mentor is not assuming any responsibility with respect to any legal matter being handled by the New Lawyer, unless, after discussion with respect to a particular matter and after obtaining the consent of the client on whose behalf the matter is being handled, the Mentor and the New Lawyer enter into a written co-counseling agreement with respect to that matter, provided that the retention of the Mentor as co-counsel is not precluded by, and is in conformity with, the Ohio Rules of Professional Conduct.
- The New Lawyer and the Mentor agree to waive all possible claims against, and to hold harmless, each another, as well as the Supreme Court of Ohio, its employees and agents, for any actions or inactions associated with the Program or with the New Lawyer’s or Mentor’s participation therein.

Finally, I pledge to devote the time and effort needed to complete the activities selected in our Mentoring Plan.

Signature of New Lawyer Date

Signature of Mentor Date

Print Name & Attorney Registration No.

Print Name & Attorney Registration No.





**LAWYER TO LAWYER MENTORING PROGRAM
CERTIFICATE OF SATISFACTORY COMPLETION OF PROGRAM**

The new lawyer and mentor certify the following:

1. The new lawyer has satisfactorily completed the Lawyer to Lawyer Mentoring Program;
2. The activities elected in the Mentoring Plan at the outset of the mentoring term were completed;
3. We participated in a discussion about substance abuse and mental health issues;
and
4. We had at least six in-person meetings over the course of the term for a minimum of nine mentoring hours.

I hereby certify that the above information is true and accurate to the best of my knowledge.

Signature of New Lawyer Date

Signature of Mentor Date

Print/Type Name

Print/Type Name

Attorney Registration Number

Attorney Registration Number

**THIS CERTIFICATE MUST BE SIGNED BY BOTH THE NEW LAWYER AND MENTOR
AND RETURNED TO THE COMMISSION ON PROFESSIONALISM
AT THE END OF THE MENTORING TERM.**



IV. First Meeting — Worksheet A



**LAWYER TO LAWYER MENTORING PROGRAM
WORKSHEET A
FIRST MEETING OF THE NEW LAWYER AND MENTOR**

Worksheet A is intended to facilitate the discussion between the new lawyer and mentor during their first meeting and prepare them for the joint development of the mentoring plan.

* * *

MENTORING GOALS

The new lawyer should articulate his or her specific goals for the mentoring relationship to assist in the development of a meaningful personalized mentoring plan. Discuss together three or more goals the new lawyer has for the mentoring relationship.

Keep in mind that a goal is something that one wants to achieve - an objective. A new lawyer reflecting on his or her goals for the mentoring program might complete the following statements:

- a) I am most interested in the following mentoring plan activities. . .
 - b) I have the following personal development plans that I want to achieve in the next year. . .
 - c) I need to know more about. . .
 - d) I want to strengthen the following skills. . .
 - e) In five to ten years, I see myself doing. . .
-

MENTORING EXPECTATIONS

The new lawyer and mentor should discuss their individual expectations and resolve any concerns over expectations.

Keep in mind that an expectation is a confident belief, strong hope or presumed notion that a particular result or event will occur. The exercise of listing the expectations of the mentoring relationship is intended to help the new lawyer and mentor understand each other's intentions so that neither feels disappointed or betrayed when they do not conform to some expectation that was never made explicit and so that they can resolve from the outset any unrealistic expectations of each other.



To assist you in reflecting on the expectations you have of your mentoring relationship, think about how you might complete the following statements:

- a) I expect that we will meet (how often) for (how long).
 - b) I hope that you will be otherwise accessible to me (how often and in what capacity).
 - c) I expect that we will do the following types of activities together. . .
 - d) I would like you to help me to. . .
 - e) I expect that you will treat me. . .
 - f) I think you need to know this about me. . .
-

COMPLETING THE MENTORING PLAN

The new lawyer and mentor should discuss the specific activities and experiences in the mentoring plan to develop a personalized plan that they will complete together by the end of the mentoring term. Both the new lawyer and Mentor must pledge to complete the mentoring plan. The mentoring plan must be submitted to the Commission on Professionalism within 30 days of the start of the mentoring term.

V. Advice & Resources

A.

Ethical issues
in Lawyer-to-Lawyer Consultation,
Formal Opinion 98-411
issued by ABA Standing Committee
on Ethics and Professional Responsibility,
Aug. 30, 1998.





AMERICAN BAR ASSOCIATION

STANDING COMMITTEE ON ETHICS AND PROFESSIONAL RESPONSIBILITY

Formal Opinion 98-411
1998

August 30,

Ethical Issues in
Lawyer-to-Lawyer Consultation

When one lawyer consults about a client matter with another lawyer who is not associated with him in the matter, both the consulting lawyer and the consulted lawyer must take care to fulfill their ethical obligations to their respective clients. Hypothetical or anonymous consultations thus are favored where possible. The consulting lawyer is impliedly authorized to disclose certain information relating to the representation without client consent, but may not disclose information that is protected by the attorney-client privilege or that would otherwise prejudice the client. No client-lawyer relationship between the consulting lawyer's client and the consulted lawyer arises as a result of the consultation, but the consulted lawyer may be obligated to protect the confidentiality of the information disclosed to the extent that she expressly or implicitly agrees to do so or to the extent that such obligation is imposed by law. In that event, the consulted lawyer and her firm may be limited in their ability to undertake or continue representation of their own clients if the representation will be materially limited by her duty to protect the consulting lawyer's client information.

This opinion discusses the ethical issues raised when one lawyer consults about a client matter with another lawyer who is neither a member of the consulting lawyer's firm nor otherwise associated on the matter, and where there

1. We believe the ethical issues are the same whether the consultation involves the substantive legal or procedural aspects of a client's matter or the consulting lawyer's ethical duties in furtherance of the client's matter. On the other hand, this opinion does not necessarily apply to or discuss all of the ethical issues concerning a consultation in which the consulting lawyer seeks representation for his own benefit regarding a

This opinion is based on the Model Rules of Professional Conduct and, to the extent indicated, the predecessor Model Code of Professional Responsibility of the American Bar Association. The laws, court rules, regulations, codes of professional responsibility and opinions promulgated in the individual jurisdictions are controlling.

AMERICAN BAR ASSOCIATION STANDING COMMITTEE ON ETHICS AND PROFESSIONAL RESPONSIBILITY, 541 North Fairbanks Court, 14th Floor, Chicago, Illinois 60611-3314 Telephone (312)988-5300 CHAIR: Deborah A. Coleman, Cleveland, OH □ Loretta C. Argrett, Washington, DC □ Albert C. Harvey, Memphis, TN □ Daniel W. Hildebrand, Madison, WI □ Donald B. Hilliker, Chicago, IL □ William H. Jeffress, Jr., Washington, DC □ Bruce Alan Mann, San Francisco, CA □ M. Peter Moser, Baltimore, MD □ Sylvia E. Stevens, Lake Oswego, OR □ CENTER FOR PROFESSIONAL RESPONSIBILITY: George A. Kuhlman, Ethics Counsel; Eileen B. Libby, Associate Ethics Counsel

© 1998 by the American Bar Association. All rights reserved.

is no intent to engage the consulted lawyer's services.¹ The decision to seek another lawyer's advice may be precipitated by an atypical fact pattern, a knotty problem, a novel issue, or a matter that requires specialized knowledge. A lawyer who practices alone, or who has no colleague in or associated with his firm with the necessary competence will, and indeed often must, seek assistance from a lawyer outside the firm. Even the most experienced lawyers sometimes will find it useful to consult others who practice in the same area to get the benefit of their expertise on a difficult or unusual problem.

Consultations between lawyers take a variety of forms. Some are superficial discussions, such as might occur between an audience member and a continuing legal education ("CLE") speaker, or an inquiry between colleagues to get a research lead or information about a particular judge. Others are lengthy, detailed discussions to obtain substantial assistance with the analysis or tactics of a matter. Many fall somewhere in between. Seeking advice from knowledgeable colleagues is an important, informal component of a lawyer's ongoing professional development. Testing ideas about complex or vexing cases can be beneficial to a lawyer's client.² Without careful attention, however, such consultations may create unanticipated consequences for both the consulting lawyer and the consulted lawyer. Bright line rules are difficult to draw in this area; we endeavor here to explore the risks and provide some practical guidance consistent with the lawyer's duties under the ABA Model Rules of Professional Conduct.

I. Issues for the Consulting Lawyer

The consulting lawyer must take care not to breach his duty of confidentiality under Rule 1.6. That rule expresses the principle that "all information

grievance or dispute with the client or regarding his own ethical duties vis-à-vis a client. For discussion of the issues specific to ethics consulting, see Drew L. Kershen, *The Ethics of Ethics Consultation*, THE PROFESSIONAL LAWYER, Vol. 6, No. 3 (May 1995). See also *The Ethics of Ethics Consultation*, 1997 SYMPOSIUM ISSUE OF THE PROFESSIONAL LAWYER, SELECTED PAPERS FROM THE 23RD NATIONAL CONFERENCE ON PROFESSIONAL RESPONSIBILITY at 7-60 (ABA Center for Professional Responsibility 1997); *Ethics of Ethics Consultation, Center Update*, THE PROFESSIONAL LAWYER, Vol. 8, No. 4 at 18-19 (August 1997).

2. A lawyer has a duty to "provide competent representation to a client" under ABA Model Rules of Professional Conduct Rule 1.1, but Comment [2] recognizes that "[a] lawyer need not necessarily have special training or prior experience to handle legal problems of a type with which the lawyer is unfamiliar." As the Comment notes, the necessary expertise can be attained "through association of a lawyer of established competence in the field in question." Consultation with a colleague also can aid a lawyer in attaining the necessary competence.

3. "The confidentiality rule applies not merely to matters communicated in confidence by the client but also to all information relating to the representation, whatever its source." Rule 1.6, Comment [5]. The rule does not require the client to indicate what information is confidential, nor does it permit the lawyer to speculate whether

relating to representation of a client” is confidential.³ No information may be disclosed without client consent, except where the disclosure is “impliedly authorized in order to carry out the representation,” Rule 1.6(a), or in the specific and limited circumstances set forth in Rule 1.6(b).⁴ Comment [7] explains: “A lawyer is impliedly authorized to make disclosures about a client when appropriate in carrying out the representation, except to the extent that the client’s instructions or special circumstances limit that authority.”

We interpret Rule 1.6(a), as illuminated by Comment [7], to allow disclosure of client information⁵ to lawyers outside the firm when the consulting lawyer reasonably believes the disclosure will further the representation by obtaining the consulted lawyer’s experience or expertise for the benefit of the consulting lawyer’s client. However, the consulting lawyer’s implied authority to disclose client information in consultation is limited, as our further discussion reflects.

A. Consult Hypothetically or Limit the Information Revealed

A consultation that is general in nature and does not involve disclosure of client information does not implicate Rule 1.6 and does not require client consent. For instance, a lawyer representing a client accused of tax fraud might consult a colleague about relevant legal authority without disclosing any information relating to the specific representation. Similarly, a lawyer might consult a colleague about a particular judge’s views on an issue. Neither consultation requires the disclosure of client information.

Somewhat like the general consultations are those that can be done anonymously or in the form of a hypothetical case. The consulting lawyer can “suppose” a set of facts and frame an issue without revealing the identity of his client or the actual situation. Where there is no disclosure of information identifiable to a real client or a real situation, the consulting lawyer does not violate Rule 1.6 when he consults outside the firm.

The consulting lawyer should not assume, however, that the anonymous or

particular information might be embarrassing or prejudicial if disclosed. So long as the information relates to the representation, it is protected. *See discussion* ABA/BNA LAWYER’S MANUAL ON PROFESSIONAL CONDUCT §55:101. The duty of confidentiality under Rule 1.6 clearly is broader than the scope of the evidentiary attorney-client privilege. Thus, while the client’s name and identity generally are not considered privileged, they may be entitled to protection under Rule 1.6 unless disclosure is necessary or desirable for the representation.

4. Rule 1.6(b) allows disclosure when necessary to prevent the client from committing a crime that will result in imminent death or substantial bodily harm, or to establish a claim or defense on behalf of the lawyer in a matter involving the representation.

5. For purposes of this discussion, we use the short-hand term “client information” to mean “information relating to the representation” as that phrase is used in Rule 1.6.

hypothetical consultation eliminates all risk of disclosure of client information. If the hypothetical facts discussed allow the consulted lawyer subsequently to match those facts to a specific individual or entity, the information is not already generally known, and disclosure may prejudice or embarrass the client, the consulting lawyer's discussion of the facts may have violated his duty of confidentiality under Rule 1.6.⁶

Similarly, the disclosure of privileged information specific to an identifiable client, without the client's consent, violates an attorney's duty under Rule 1.6. If a lawyer reasonably can foresee at the time he seeks a consultation that even the hypothetical discussion is likely to reveal information that would prejudice the client or that the client would not want disclosed, then he must obtain client consent for the consultation. On the other hand, if circumstances that were not reasonably foreseeable by the consulting lawyer at the time of the consultation result in the consulted lawyer subsequently discovering the client information, one cannot in hindsight say that the consulting lawyer has breached his duty under Rule 1.6.

B. Obtain the Informed Consent of the Client to the Consultation

Rule 1.6(a) permits disclosure of client information if the client consents "after consultation."⁷ When the consulting lawyer determines that the consultation requires disclosure of client information protected by the attorney-client privilege or that foreseeably might harm the client if disclosed, the lawyer must assure that the client is made aware of the potential consequences of the disclosure and that the client grants permission to consult the other lawyer. The consequences may be significant. A disclosure of privileged communications by the consulting lawyer could be held to waive the attorney-client privilege. Moreover, as discussed in Part II, a consulted lawyer who is not engaged or asked to be engaged may not have a duty under Rule 1.6 to preserve the confidentiality of information obtained in a consultation, nor is she necessarily prohibited from representing a client whose interests are adverse to those of the consulting lawyer's client in the matter.

Some protection for a client may be afforded by obtaining the consulted lawyer's agreement to hold information in confidence, but privileges will be

6. As mentioned in footnote 3, *supra*, the client's identity may be entitled to protection under Rule 1.6 if the fact of the representation itself should be confidential. For instance, a client may not want it revealed that bankruptcy advice has been sought, and the consulting lawyer must avoid disclosing the identity of the client to the consulted lawyer. On the other hand, if it is public knowledge that a lawyer represents a particular criminal defendant, the defense lawyer may reveal that fact in a consultation without violating Rule 1.6, although disclosure of other facts not publicly known may be a violation.

7. "Consultation" is defined in the Terminology section of the Model Rules as "communication of information reasonably sufficient to permit the client to appreciate the significance of the matter in question."

preserved only if the circumstances of the consultation are such that the privilege is not waived under applicable law. The consulting lawyer's client should be informed of those possibilities and their potential adverse effect on the client's interest in the matter when being asked to consent to the consultation.

C. Avoid Consulting with a Lawyer Who May Represent the Adverse Party

In selecting another lawyer with whom to consult, the consulting lawyer should exercise care to avoid consulting a lawyer who is likely to be or to become the adverse party's lawyer.⁸ For example, a lawyer representing management in a labor dispute should exercise caution in consulting with a lawyer whose practice is limited to representing unions to minimize the risk that the information subsequently might be used adversely to the consulting lawyer's client.

D. Obtain Assurances of Confidentiality

The consulting lawyer should consider requesting an agreement from the consulted lawyer to maintain the confidentiality of information disclosed, as well as an agreement that the consulted lawyer will not engage in adverse representations. As discussed above, in the absence of such agreement, the consulting lawyer discloses client information at some peril to the client. If the client's consent to the consultation was sought and obtained, the client may have a reasonable expectation that the disclosure will go no further than the consulted lawyer and will not be used adversely. If the consulted lawyer is unwilling to make such an agreement or offer adequate assurances, the consulting lawyer may wish to reevaluate whether the consultation should take place.

II. Issues for the Consulted Lawyer

The ethical responsibilities of the consulted lawyer are less clearly expressed by the Model Rules. The consulted lawyer does not have a client-lawyer relationship with the consulting lawyer's client by virtue of the consultation alone. Nevertheless, the consulted lawyer may acquire a duty of confidentiality regarding the information received; she must also be sensitive to her duty of loyalty to her own clients when consulting for the benefit of the clients of another.

A. Ask Whether the Information to be Disclosed is Confidential

In Formal Opinion 90-358, we concluded that a lawyer has a duty under Rule 1.6 to preserve the confidentiality of information received in a consultation with a would-be client even if no legal services are provided and the rep-

8. A consultation for the deliberate purpose of disqualifying potential adversaries would violate Rule 8.4(c), which prohibits conduct involving dishonesty, fraud, deceit or misrepresentation, and possibly Rule 8.4(d), which prohibits conduct prejudicial to the administration of justice.

resentation is declined. Under some circumstances, the Rule would protect not only the information disclosed by the would-be client, but also the would-be client's identity and the nature of the matter for which representation was sought. We also concluded that Rule 1.7 (b) might, absent client consent, disqualify the lawyer from a current or future representation if that representation would be materially limited by the lawyer's duty to protect the would-be client's information.

The Committee does not extend the analysis of Formal Opinion 90-358 to a consultation between lawyers where there is no expectation of an engagement. To do so, we believe, would discourage lawyers from agreeing to share knowledge and experience with others, and would thereby diminish the overall quality of legal services rendered to clients. The reasonable expectations of a prospective client that support the imposition of a duty of confidentiality when the lawyer is consulted about a possible representation cannot be said to exist in lawyer-to-lawyer consultations in which the client is not directly involved. Like a CLE panelist answering questions from the audience, the consulted lawyer does not, as a matter of ethics, automatically assume any duties to the consulting lawyer's client, particularly where consultation is general or hypothetical, or otherwise does not involve the direct disclosure of client information.

This is not to suggest, however, that the consulted lawyer never will be found to have duties with respect to a consultation. A consulting lawyer may request and obtain the consulted lawyer's express agreement to keep confidential the information disclosed in the consultation. There also may be situations in which an agreement to preserve confidentiality can or should be inferred from the circumstances of the consultation. If the consulting lawyer conditions the consultation on the consulted lawyer's maintaining confidentiality, the consulted lawyer's agreement should be inferred if she goes forward even in the absence of an expression of agreement. Similarly, the information imparted may be of such a nature that a reasonable lawyer would know that confidentiality is assumed and expected.

A consulted lawyer who has not expressly or implicitly agreed to maintain the confidentiality of client information acquired in a consultation should not be found to have breached an ethical duty under Rule 1.6 if she later discloses or uses the information, although the disclosure may have consequences under other law.⁹ Further, in the absence of an express or implied agreement to preserve confidentiality, the consulted lawyer will not be subject to a "springing" duty of confidentiality under Rule 1.6. For instance, assume a lawyer is consulted anonymously about a tax issue; she discusses the matter only hypotheti-

9. One who agrees with an agent to act for the principal in a matter becomes a subagent and owes to the principal all the duties of a fiduciary to a beneficiary. RESTATEMENT (SECOND) OF THE LAW OF AGENCY §428 cmt. a. We do not believe such duties arise in the absence of an express agreement.

cally and makes no promise to maintain the confidentiality of the information. Later, the consulted lawyer meets with a new client about a divorce and in the course of the first meeting realizes that the tax issue consultation was on behalf of the new client's spouse. The consulted lawyer has no duty of confidentiality under Rule 1.6 or a conflict of interest under Rule 1.7 in representing her new client merely because she has learned, after the consultation, the identity of the consulting lawyer's client. This is true regardless of how obvious it seems after the fact that the consulting lawyer should have insisted on a confidentiality agreement if he had intentionally disclosed the information or anticipated it could be ascertained from the "hypothetical" facts.

B. The Consulted Lawyer Should Reasonably Assure that the Advice Given is Not Adverse to an Existing Client

Although a consulted lawyer need not be concerned about confidentiality issues in the typical anonymous or hypothetical consultation, she must be sensitive to how the consultation may affect her responsibilities to her existing and future clients. Loyalty is an essential element in the lawyer's relationship to a client. Rule 1.7, Comment [1]. Loyalty to a client is impaired when a lawyer advocates a course of action for another that is contrary to the interests of her own client, or when a lawyer cannot consider, recommend or carry out an appropriate course of action for a client because of the lawyer's responsibilities to others, including non-client third parties. Model Rule 1.7, Comments [3] and [4]. The duties of a lawyer to be a competent, diligent, and zealous advocate for the interests of her clients¹⁰ also suggest that she must take reasonable steps to avoid engaging in conduct adverse to her own client's interests.

The need for caution is illustrated by the following example. A lawyer skilled in real estate matters is consulted for ideas to help the consulting lawyer's tenant client void a burdensome lease. No information about the identities of the parties is exchanged, nor does the consulting lawyer reveal any confidential information about his client. Based on the consulted lawyer's ideas, as implemented by the consulting lawyer, the tenant repudiates the lease and abandons the leased premises. The consulted lawyer subsequently learns that the landlord is a long-time client of the firm who wants the firm to pursue a breach of lease action against the former tenant. Because the consulted lawyer did not know the identities of the consulting lawyer's client or the landlord, she has, albeit unwittingly, helped the consulting lawyer's client

10. *See* Rule 1.1 Competence ("A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation."); Rule 1.3 Diligence ("A lawyer shall act with reasonable diligence and promptness in representing a client."); and Rule 1.3, Comment [1] ("A lawyer should act with commitment and dedication to the interest of the client and with zeal in advocacy upon the clients' behalf."). *See also* Preamble: A Lawyer's Responsibilities [2] ("As advocate, a lawyer zealously asserts the client's position . . .").

engage in conduct adverse to the interest of her own client in a way that Rule 1.7(a) would have prevented her from doing if the tenant had sought her advice directly as a prospective client.¹¹

Counseling against a client's interests is the antithesis of the client-lawyer relationship. We do not believe the consulted lawyer violates any ethical rule by inadvertently doing so, but the consultation may have affected the landlord client adversely and may well affect the consulted lawyer's relationship with her landlord client adversely if the consultation comes to light. The consulted lawyer who failed to clear conflicts may find herself in the intractable position of having given advice to and received information from both parties to a dispute. When a lawyer learns that this has occurred, and assuming no agreement was made to keep the consultation confidential, Rule 1.4 requires the consulted lawyer to inform her client of the consultation and the possible consequences of it.

Among these consequences, she may be charged with a violation of Rule 1.7(b) for failure to employ reasonable measures to avoid conflicts of interest, sued by her landlord client for malpractice, or at the least find her representation challenged on the ground that information about the adverse party obtained in the consultation is entitled to protection. Moreover, if the consulted lawyer agreed to keep the consultation confidential, the consulted lawyer may have to decline representation of the landlord in the matter.

These problems can be avoided if the consulted lawyer ascertains the identity of the consulting lawyer's client or the other parties involved in the matter and checks for conflicts before engaging in the consultation. They also likely can be avoided if, without learning the identity of the consulting lawyer's client, the consulted lawyer obtains sufficient information reasonably to assure herself that the matter is not one affecting the interest of an existing client.

C. The Consulted Lawyer Should Ask the Consulting Lawyer to Waive Conflicts

Even though a client-lawyer relationship is not created between the consulted lawyer and the consulting lawyer's client because of the consultation (and hence, no duty of confidentiality under Rule 1.6), a duty of confidentiality undertaken or imposed outside the client-lawyer relationship nevertheless can limit the consulted lawyer in representing others. The consulted lawyer who agrees expressly or impliedly to preserve confidentiality in connection with the consultation cannot, under Rule 1.7(b), continue or undertake a representation that will be materially limited by her responsibilities to the consulting lawyer's client unless she reasonably concludes the representation will not be adversely affected and obtains her client's consent after consultation

11. The result would be the same even if the consulting lawyer's client was identified, if the consulted lawyer was unaware that the landlord was her own client.

12. In Formal Opinion 90-358, we concluded that a lawyer's interview with a prospective client might also trigger Rule 1.9(c), which prohibits the use of a former

regarding the limitations on the representation created by her duty to the consulting lawyer's client.¹² As a practical matter, the consulted lawyer who undertakes to maintain confidentiality in a consultation will have to include the name of the consulting lawyer's client in her own client database in order to avoid inadvertently undertaking an adverse representation that implicates Rule 1.7(b). Moreover, we note, as we discussed in Formal Opinion 90-358, that in some circumstances, the obligation to maintain confidentiality may prevent the consulted lawyer from providing sufficient information to obtain informed consent from her own client.

On the other hand, there should be no disqualification under Rule 1.7(b) if the consulted lawyer secured the agreement of the consulting lawyer, on behalf of his client, that the consultation will not create any obligations to the consulting lawyer's client, where the consulting lawyer is authorized by his client to make such an agreement. If that is not possible, the consulted lawyer might ask that the consulting lawyer's client consent to a form of screening to avoid disqualification of other members of the consulted lawyer's firm.¹³

III. Conclusion

Despite their indisputable value to practitioners of every experience level, consultations with colleagues can be risky if undertaken without careful consideration. This opinion is not intended and should not be interpreted to discourage the practice of consulting between lawyers. However, both the consulting lawyer and the consulted lawyer should proceed with caution. A consulting lawyer must be careful to avoid disclosing client information, especially privileged information, without permission and in circumstances where the information will not be further disclosed or otherwise used against the consulting lawyer's client. The consulting lawyer must also exercise caution in consulting with lawyers who are likely to represent adverse interests. Although the consultation does not create a client-lawyer relationship between the consulting lawyer's client and the consulted lawyer, the consulted lawyer is obligated to protect information she receives that she has agreed explicitly or implicitly to keep confidential. Moreover, if the obligation to

client's confidential information to the disadvantage of the former client. Although we conclude here that a consulted lawyer may be obligated to protect the confidential client information acquired in the consultation, the consulting lawyer's client does not thereafter have the status of a former client to the consulted lawyer such that Rule 1.9 would be applicable.

13. Screening as a matter of right to avoid disqualification of an entire firm is available in only a few jurisdictions and is not allowed under Rule 1.10. However, there is no reason why a "third person" who otherwise could disqualify the consulted lawyer cannot consent to other lawyers in the consulted lawyer's firm representing an adverse interest if the consulted lawyer does not participate in the representation or disclose confidential information.

protect that information will materially limit her ability to represent her own clients, she can proceed with those representations only with consent. We believe these risks can be minimized if the lawyers take some or all of the following measures:

1) The consultation should be anonymous or hypothetical without reference to a real client or a real situation.

2) If actual client information must be revealed to make the consultation effective, it should be limited to that which is essential to allow the consulted lawyer to answer the question. Disclosures that might constitute a waiver of attorney-client privilege, or which otherwise might prejudice the interests of the client must not be revealed without consent. The consulting lawyer should advise the client about the potential risks and consequences, including waiver of the attorney-client privilege, that might result from the consultation.

3) The consulting lawyer should not consult with someone he knows has represented the opposing party in the past without first ascertaining that the matters are not substantially related and that the opposing party is represented by someone else in this matter. Similarly, a lawyer should exercise caution when consulting a lawyer who typically represents clients on the other side of the issue.

4) The consulted lawyer should ask at the outset if the consulting lawyer knows whether the consulted lawyer or her firm represents or has ever represented any person who might be involved in the matter. In some circumstances, the consulted lawyer should ask the identity of the party adverse to the consulting lawyer's client.

5) At the outset, the consulted lawyer should inquire whether any information should be considered confidential and, if so, should obtain sufficient information regarding the consulting lawyer's client and the matter to determine whether she has a conflict of interest.

6) The consulted lawyer might ask for a waiver by the consulting lawyer's client of any duty of confidentiality or conflict of interest relating to the consultation, allowing for the full use of information gained in the consultation for the benefit of the consulted lawyer's client.

7) The consulted lawyer might seek advance agreement with the consulting lawyer that, in case of a conflict of interest involving the matter in consultation or a related matter, the consulted lawyer's firm will not be disqualified if the consulted lawyer "screens" herself from any participation in the adverse matter.

B.
Advice
to New Lawyers





**Advice to New Lawyers
Provided By Lawyer to Lawyer Mentoring Participants
In End-of-Term Surveys**

From New Lawyers:

“Jump into the program with both feet. Be willing to discuss any topic. Use the worksheets as a guide to your discussions but don't be afraid to go even further.”

“Enjoy the experience and see it as an opportunity to learn and to network with seasoned attorneys.”

“Keep an open mind with respect to the mentor's attitudes and perspectives that may differ from your own. This relationship is a great opportunity for personal and professional growth.”

“Don't be afraid to talk to your mentor about issues that come up. You can't just keep everything inside and this is a great way to have even your ‘dumb’ questions answered.”

“[T]reat the process like an interview. Prepare and pay attention. Your mentor could be a resource down the line.”

“You will get out of the program what you are willing to put into it.”

“Listen. Listen. Listen. The mentors have a lot to teach you. Take notes.”

“Participate, challenge your mentor, and really take advantage of the opportunity to speak frankly to an experienced attorney.”

“Develop a mentoring plan specific to your questions, concerns and needs. Actively seek to gain a relationship with your mentor. Change the setting of the meetings. We met at the [m]entor's office, my office, met for lunch and also attended a businessman's lunch at the Indians game. This change in venue was a great benefit.”

“Seize the opportunity. Ask your questions, even if they seem stupid. Learn who your mentor really is; ask about past experiences in the law, good and bad, ask about family, ask for specific advice, ask for general advice.”

“I would encourage the new lawyer to keep a running list of random/general questions regarding the practice of law in a notebook and bring it to each meeting with their mentor. Their mentor wants to help and the new lawyer should not pass up a learning opportunity.”

“Your mentor will have years of experience and practical knowledge they will share with you. This is invaluable knowledge that is only gained by time in the field. By sharing it with you, you're receiving a gift.”

“[L]isten and learn from their mentor's experience. No matter what the generational gap might be, the practice of the law has obstacles and rewards that are the same no matter what generation one belongs to. Don't be afraid to ask questions and be very respectful.”

“[D]evelop a friendship with your mentor beyond the structure of the program.”

“Don't treat it as an assignment; treat it as a great learning experience.”

“Try to get in a few sessions right away - maybe three in the first two months. That way you can go to them with questions. It takes awhile to build a rapport with the mentor, but once the rapport is there, the mentor becomes an excellent resource.”

“Utilize your mentor because he or she has a lot of great knowledge, advice and knows more than you can even imagine when you're first starting out as an attorney. This mentoring program is a great benefit and your mentor would not participate in this program if he or she were not there to help you.”

“Make sure to prepare for the sessions so you can have thoughtful and engaged conversations.”

“Be respectful of your mentor and your mentor's time.”

“Soak in the wisdom of your mentor- she has been through it!”

“Be clear with yourself about your goals. Take charge of the program: you are responsible for seeing it is completed. Treat it like a client matter, and have a tickle file.”

“Outline in advance when the meetings will be. This way, there will be no scrambling to find days to meet or playing email or phone tag. Don't be afraid to take charge and set up meetings - these are your hours that need to be completed.”

“Make sure you set an adequate schedule so you don't feel rushed in the end. Also, choose fewer topics [in your Mentoring Plan] so you can have a more in depth discussion on them.”

“Be open to learning more about the law, yourself, and how you fit in the big picture.”

“Be enthusiastic about it. You never know who you will meet or where the program can lead you.”

From Mentors:

“We are all learning every day. Don't be surprised that you encounter unexpected problems.”

“You should feel free to ask any question you have without being embarrassed or feeling stupid. We are here to help you succeed in this profession and to be professional.”

“Take the mentoring program seriously. I think my mentee initially signed up for the program with the idea of avoiding a long couple of classroom CLE sessions. He was surprised at how seriously I took my obligation as a mentor, but then saw how it could benefit him and became engaged. New lawyers sometimes fail to appreciate how much time and effort a mentor devotes to them, and so they should be advised to consider this when the program begins.”

“Don't be afraid to show your vulnerabilities and inexperience. The mentor is there to help you.”

“Get involved; do not allow the program to be an opportunity for mentors to swamp you with war stories. Make the program what you want. Suggest activities.”

“Be patient with your mentor as his or her schedule is likely more crowded than yours.”

“Appreciate you are being matched up with successful attorneys who are giving you their valuable time in a profession that rarely does so and can hopefully impart some valuable guidance.”

“This program will not give you all the answers on how to practice law but if the relationship is strong it will be invaluable.”

“Do not be afraid to press your mentor and to ask the tough questions.”

“Show up on time; thank the mentor for taking time; be prepared with good questions to help carry the discussion.”

“Ask questions; challenge your mentors; keep a journal and bring it with you to facilitate discussions.”

“Go after what you need to derive from the relationship; if you don't ask for what you need, you probably won't get it; be respectful but not deferential; be very candid about yourself and your goals.”

“Ask your mentor pertinent questions and be willing to share as much as you are willing to listen. Don't be afraid to challenge your mentor. Invest in the relationship.”

“Do not make this the last mentoring program. Always keep looking to establish mentoring relationship throughout a career.”



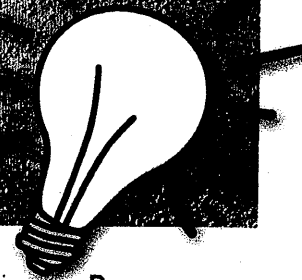


Maya Eckstein,
*From an Associate's Perspective:
If I Knew Then
What I Know Now,*
The Bencher, Jan/Feb., 2005.





If I Knew Then What I Know Now...



By
Maya
Eckstein

"If I knew then what I know now" is a common refrain among more seasoned attorneys when referring to their experience practicing law. Many of these lawyers could have known then what they know now had they had good mentoring relationships when they began practicing law.

I have been fortunate to have formed mentoring relationships with a few attorneys with whom I work. From my mentors I have learned what I consider to be one of the most important lessons of the legal profession—that the practice of law truly is a noble profession, and one that should be marked by civility and respect for other lawyers and the law. My mentors have also taught me other crucial lessons including that I am the only person truly responsible for my career; that no one will stand up for me if I do not stand up for myself, and that sometimes, rocking the boat could be a positive thing.

Mentoring cannot be mandated. A mentor must want to mentor and a protégé must want to be mentored. Both potential mentors and potential protégés should realize the benefits of participating in such a relationship—benefits that accrue to mentors as well as protégés.

Mentoring is not difficult. It does take a modicum amount of time in which to impart some wisdom, but mentoring is one of the most effective ways to pass on skills, knowledge and wisdom in training the next generation of attorneys.

To be a good mentor:

- Spend the time and energy necessary to be a good mentor. Mentoring does not have to be time-consuming, it simply requires your availability to impart advice and offer guidance.
- Realize that it's your responsibility to the profession. Young lawyers learn best by example and from the receipt of advice from individuals in whom they trust and confide.
- Maintain regular contact. Mentors should take the initiative to jump-start the mentoring relationship, as young lawyers often feel awkward about contacting their mentors. That said, once several meetings have occurred, the protégé should take the initiative to show a continued interest in the relationship.
- Always be honest. Trust and respect are the foundations of any effective relationship.

- Don't expect to have all the answers. Sometimes your protégés will not need advice, but just need you to listen attentively. Be there for them.
- Respect confidentiality. A good mentor mentoring relationship will not and cannot be established if your protégé believes you will reveal his/her discussions to others.
- Help guide your protégé's career. Advise honestly about career decisions and professional dilemmas.
- Teach your protégé to be a good lawyer. Teach practical lawyering skills and more importantly, professionalism and civility.
- Help your protégé learn about the firm. Explain the firm's political issues and unwritten rules, as appropriate.
- Listen. Be a sounding board by listening to ideas and plans, as well as doubts and fears.

A mentor-protégé relationship is a two-way street. While the mentor often should take the initiative in the relationship, the protégé must take ownership of it, too, if it is to be successful.

To be a good protégé:

- Do not expect to meet unreasonable goals through a mentoring relationship. The mentoring relationship will not offer shortcuts to success.
- Set goals. Identify the goals you hope to reach through the mentor-protégé relationship.
- Remember that ultimately, you are responsible for your own career development.
- Ask questions. Your mentor does not know what you want to know. Ask thoughtful, reflective questions, and follow up on the answers given.
- Respect your mentor's boundaries and time.
- Consider having more than one mentor and seek diversity in your mentor-protégé relationships.

My mentors, whose friendship and sage advice over the years I treasure greatly, have given me the opportunity to succeed and fail, to learn, and to grow as a lawyer. They have taught me civility by example and respect for our profession. More importantly, they have been my friends—people in whom I can confide and trust. I have learned more from them than anyone else in my still brief legal career. I hope that I have imparted to them at least a fraction of the great wisdom they have imparted to me. ♦

Maya Eckstein is a member of the John Marshall AIC and an associate with Hunton & Williams in Richmond, Virginia. She received the 2003 American Inns of Court Sandra Day O'Connor Award for Professional Service.



D.

Jim Loehr & Tony Schwartz,
The Making of a Corporate Athlete,
Harvard Business Review, Jan. 2001.





The Making of a Corporate Athlete

by Jim Loehr and Tony Schwartz



Harvard Business Review

Reprint R0101H

Harvard Business Review



January 2001

HBR CASE STUDY Who Goes, Who Stays? David A. Light	R0101A
FIRST PERSON The Ultimate Creativity Machine: How BMW Turns Art into Profit Chris Bangle	R0101B
HBR AT LARGE Tocqueville Revisited: The Meaning of American Prosperity Charles Handy	R0101C
Level 5 Leadership: The Triumph of Humility and Fierce Resolve Jim Collins	R0101D
Where Value Lives in a Networked World Mohanbir Sawhney and Deval Parikh	R0101E
The Ten Deadly Mistakes of Wanna-Dots Rosabeth Moss Kanter	R0101F
Strategy as Simple Rules Kathleen M. Eisenhardt and Donald N. Sull	R0101G
The Making of a Corporate Athlete Jim Loehr and Tony Schwartz	R0101H
HBR INTERVIEW Managing for the Next Big Thing: EMC's Michael Ruetters Paul Hemp	R0101J
BEST PRACTICE Getting 360-Degree Feedback Right Maury A. Peiperl	R0101K
TOOL KIT Innovation at the Speed of Information Steven D. Eppinger	R0101L
DIFFERENT VOICE What Is Science Good For? A Conversation with Richard Dawkins	R0101M
BOOKS IN REVIEW Should Strategy Makers Become Dream Weavers? John Stopford	R0101N

The Making of a Corporate Athlete

Some executives thrive under pressure. Others wilt. Is the reason all in their heads? Hardly. Sustained high achievement demands physical and emotional strength as well as a sharp intellect. To bring mind, body, and spirit to peak condition, executives need to learn what world-class athletes already know: recovering energy is as important as expending it.

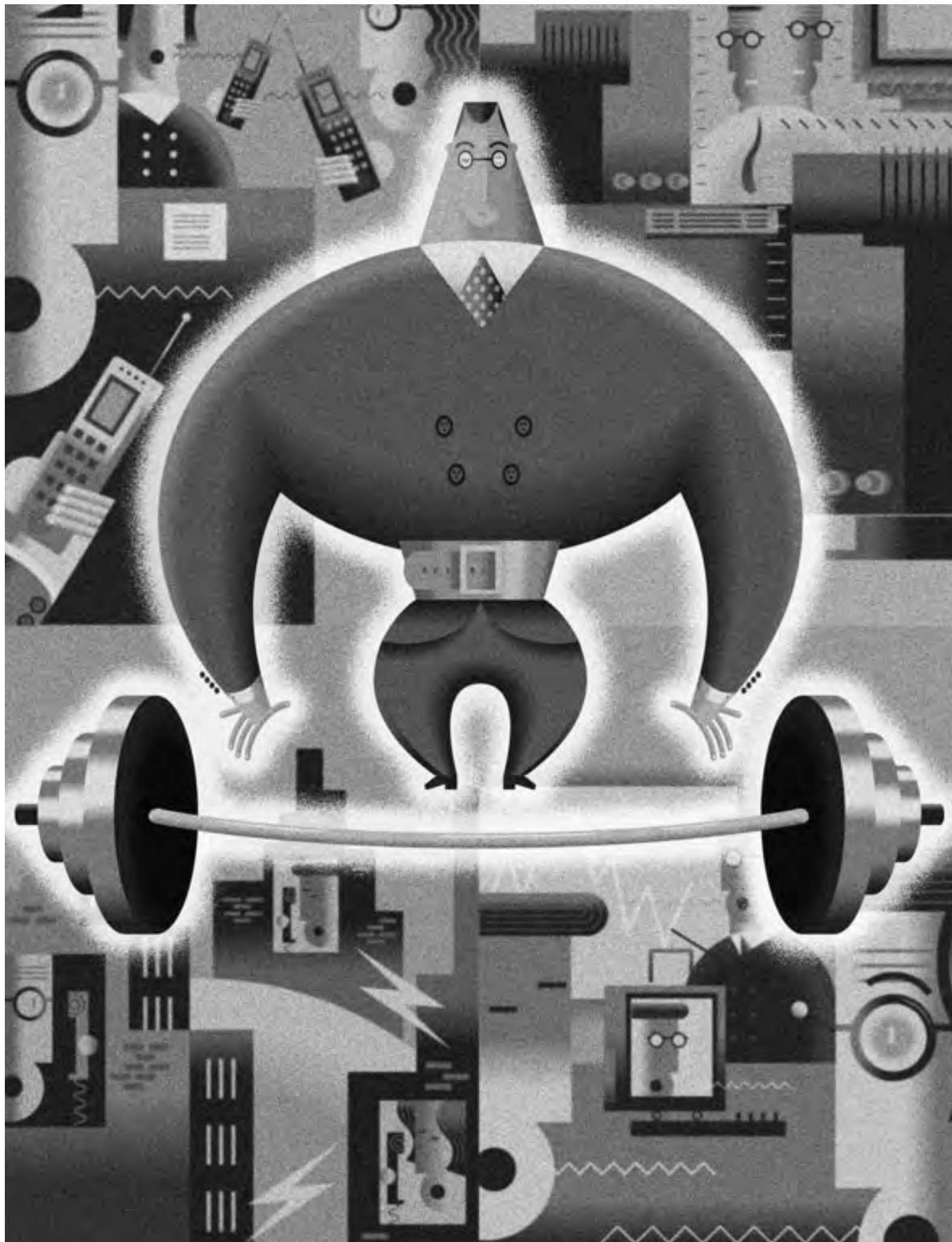
**by Jim Loehr and
Tony Schwartz**

IF THERE IS ONE QUALITY THAT EXECUTIVES SEEK for themselves and their employees, it is sustained high performance in the face of ever-increasing pressure and rapid change. But the source of such performance is as elusive as the fountain of youth. Management theorists have long sought to identify precisely what makes some people flourish under pressure and others fold. We maintain that they have come up with only partial answers: rich material rewards, the right culture, management by objectives.

The problem with most approaches, we believe, is that they deal with people only from the neck up, connecting high performance primarily with cognitive capacity. In recent years there has been a growing focus on the relationship between emotional intelligence and high performance. A few theorists have addressed the spiritual dimension – how deeper values and a sense of purpose influence performance. Almost no one has paid any attention to the role played by physical capacities. A successful approach to sustained high performance, we have found, must pull together all of these elements and consider the person as a whole. Thus, our integrated theory of performance management addresses the body, the emotions, the mind, and the spirit. We call this hierarchy the *performance pyramid*. Each of its levels profoundly influences the others, and failure to address any one of them compromises performance.

Our approach has its roots in the two decades that Jim Loehr and his colleagues at LGE spent working with

ILLUSTRATION BY DANIEL GUIDERA



world-class athletes. Several years ago, the two of us began to develop a more comprehensive version of these techniques for executives facing unprecedented demands in the workplace. In effect, we realized, these executives are “corporate athletes.” If they were to perform at high levels over the long haul, we posited, they would have to train in the same systematic, multilevel way that world-class athletes do. We have now tested our model on thousands of executives. Their dramatically improved work performance and their enhanced health and happiness confirm our initial hypothesis. In the pages that follow, we describe our approach in detail.

Ideal Performance State

In training athletes, we have never focused on their primary skills—how to hit a serve, swing a golf club, or shoot a basketball. Likewise, in business we don’t address primary competencies such as public speaking, negotiating, or analyzing a balance sheet. Our efforts aim instead to help executives build their capacity for what might be called supportive or secondary competencies, among them endurance, strength, flexibility, self-control, and focus. Increasing capacity at all levels allows athletes and executives alike to bring their talents and skills to full ignition and to sustain high performance over time—a condition we call the *Ideal Performance State* (IPS). Obviously, executives can perform successfully even if they smoke, drink and weigh too much, or lack emotional skills or a higher purpose for working. But they cannot perform to their full potential or without a cost over time—to themselves, to their families, and to the corporations for which they work. Put simply, the best long-term performers tap into positive energy at all levels of the performance pyramid.

Extensive research in sports science has confirmed that the capacity to mobilize energy on demand is the foundation of IPS. Our own work has demonstrated that effective energy management has two key components. The first is the rhythmic movement between energy expenditure (stress) and energy renewal (recovery), which we term “oscillation.” In the living laboratory of sports, we learned that the real enemy of high performance is not

Jim Loehr, a performance psychologist, has worked with hundreds of professional athletes, including Monica Seles, Dan Jansen, and Mark O’Meara. Loehr is also a cofounder and the CEO of LGE Performance Systems in Orlando, Florida, a consulting firm that applies training principals developed in sports to business executives. He can be reached at jloehr@lgeperformance.com. **Tony Schwartz** is executive vice president of LGE and the author of *What Really Matters: Searching for Wisdom in America* (Bantam, 1996), and *Work in Progress*, with Michael Eisner (Random House, 1998). He can be reached at tschwartz@lgeperformance.com.

stress, which, paradoxical as it may seem, is actually the stimulus for growth. Rather, the problem is the absence of disciplined, intermittent recovery. Chronic stress without recovery depletes energy reserves, leads to burnout and breakdown, and ultimately undermines performance. Rituals that promote oscillation—rhythmic stress and recovery—are the second component of high performance. Repeated regularly, these highly precise, consciously developed routines become automatic over time.

The same methods that enable world-class athletes to reach IPS under pressure, we theorized, would be at least equally effective for business leaders—and perhaps even more important in their lives. The demands on executives to sustain high performance day in and day out, year in and year out, dwarf the challenges faced by any athlete we have ever trained. The average professional athlete, for example, spends most of his time practicing and only a small percentage—several hours a day, at most—actually competing. The typical executive, by contrast, devotes almost no time to training and must perform on demand ten, 12, 14 hours a day or more. Athletes enjoy several months of off-season, while most executives are fortunate to get three or four weeks of vacation a year. The career of the average professional athlete spans seven years; the average executive can expect to work 40 to 50 years.

Of course, even corporate athletes who train at all levels will have bad days and run into challenges they can’t overcome. Life is tough, and for many time-starved executives, it is only getting tougher. But that is precisely our point. While it isn’t always in our power to change our external conditions, we can train to better manage our inner state. We aim to help corporate athletes use the full range of their capacities to thrive in the most difficult circumstances and to emerge from stressful periods stronger, healthier, and eager for the next challenge.

Physical Capacity

Energy can be defined most simply as the capacity to do work. Our training process begins at the physical level because the body is our fundamental source of energy—the foundation of the performance pyramid. Perhaps the best paradigm for building capacity is weight lifting. Several decades of sports science research have established that the key to increasing physical strength is a phenomenon known as supercompensation—essentially the creation of balanced work-rest ratios. In weight lifting, this involves stressing a muscle to the point where its fibers literally start to break down. Given an adequate period of recovery (typically at least 48 hours), the muscle will not only heal, it will grow stronger. But persist in stressing the muscle without rest and the result will be acute and chronic damage. Conversely, failure to stress the muscle results in weakness and atrophy. (Just think of an arm in a cast for several weeks.) In both cases, the enemy is not

stress, it's linearity—the failure to oscillate between energy expenditure and recovery.

We first understood the power of rituals to prompt recovery by observing world-class tennis players in the crucible of match play. The best competitors, we discovered, use precise recovery rituals in the 15 or 20 seconds *between* points—often without even being aware of it. Their between-point routines include concentrating on the strings of their rackets to avoid distraction, assuming a confident posture, and visualizing how they want the next point to play out. These routines have startling physiological effects. When we hooked players up to heart rate monitors during their matches, the competitors with the most consistent rituals showed dramatic oscillation, their heart rates rising rapidly during play and then dropping as much as 15% to 20% between points.

The mental and emotional effects of precise between-point routines are equally significant. They allow players to avoid negative feelings, focus their minds, and prepare for the next point. By contrast, players who lack between-point rituals, or who practice them inconsistently, become linear—they expend too much energy without recovery. Regardless of their talent or level of fitness, they become more vulnerable to frustration, anxiety, and loss of concentration and far more likely to choke under pressure.

The same lesson applies to the corporate athletes we train. The problem, we explain, is not so much that their lives are increasingly stressful as that they are so relentlessly linear. Typically, they push themselves too hard mentally and emotionally and too little physically. Both forms of linearity undermine performance.

When we began working with Marilyn Clark, a managing director of Salomon Smith Barney, she had almost no oscillation in her life. Clark, who is in her late 30s, runs the firm's Cleveland office. She is also the mother of three young children, and her husband is a high-powered executive in his own right. To all appearances, Clark lives an enviable life, and she was loath to complain about it. Yet her hectic lifestyle was exacting a cost, which became clear after some probing. In the mornings, temporarily fueled by coffee and a muffin, she was alert and energetic. By the afternoon, though, her energy sagged, and she got through the rest of the day on sheer willpower. At lunchtime, when she could have taken a few quiet moments to recover, she found that she couldn't say no to employees who lined up at her office seeking counsel and support. Between the demands of her job, her colleagues, and her family, she had almost no time for herself. Her frustration quietly grew.

We began our work with Clark by taking stock of her physical capacity. While she had been a passionate athlete as a teenager and an All-American lacrosse player in college, her fitness regimen for the past several years had been limited to occasional sit-ups before bedtime. As she learned more about the relationship between energy and high performance, Clark agreed that her first priority was to get back in shape. She wanted to feel better physically, and she knew from past experience that her mood would improve if she built regular workouts into her schedule.

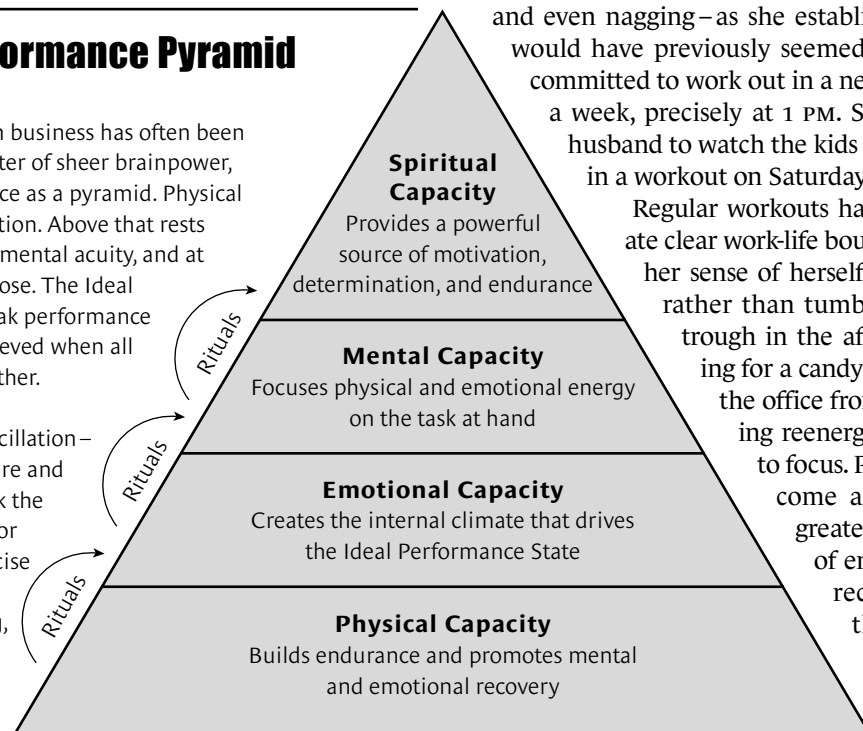
Because old habits die hard, we helped Clark establish positive rituals to replace them. Part of the work was creating a supportive environment. The colleagues with whom Clark trained became a source of cheerleading—and even nagging—as she established a routine that would have previously seemed unthinkable. Clark committed to work out in a nearby gym three days a week, precisely at 1 PM. She also enlisted her husband to watch the kids so that she could get in a workout on Saturdays and Sundays.

Regular workouts have helped Clark create clear work-life boundaries and restored her sense of herself as an athlete. Now, rather than tumbling into an energy trough in the afternoons and reaching for a candy bar, Clark returns to the office from her workouts feeling reenergized and better able to focus. Physical stress has become a source not just of greater endurance but also of emotional and mental recovery; Clark finds that she can work fewer hours and get more done. And finally, because

The High-Performance Pyramid

Peak performance in business has often been presented as a matter of sheer brainpower, but we view performance as a pyramid. Physical well-being is its foundation. Above that rests emotional health, then mental acuity, and at the top, a sense of purpose. The Ideal Performance State—peak performance under pressure—is achieved when all levels are working together.

Rituals that promote oscillation—the rhythmic expenditure and recovery of energy—link the levels of the pyramid. For instance, vigorous exercise can produce a sense of emotional well-being, clearing the way for peak mental performance.



she no longer feels chronically overburdened, she believes that she has become a better boss. “My body feels reawakened,” she says. “I’m much more relaxed, and the resentment I was feeling about all the demands on me is gone.”

Clark has inspired other members of her firm to take out health club memberships. She and several colleagues are subsidizing employees who can’t easily afford the cost. “We’re not just talking to each other about business accolades and who is covering which account,” she says. “Now it’s also about whether we got our workouts in and how well we’re recovering. We’re sharing something healthy, and that has brought people together.”

The corporate athlete doesn’t build a strong physical foundation by exercise alone, of course. Good sleeping and eating rituals are integral to effective energy management. When we first met Rudy Borneo, the vice chairman of Macy’s West, he complained of erratic energy levels, wide mood swings, and difficulty concentrating. He was also overweight. Like many executives—and most Americans—his eating habits were poor. He typically began his long, travel-crammed days by skipping breakfast—the equivalent of rolling to the start line of the Indianapolis 500 with a near-empty fuel tank. Lunch was catch-as-catch-can, and Borneo used sugary snacks to fight off his inevitable afternoon hunger pangs. These foods spiked his blood glucose levels, giving him a quick jolt of energy, but one that faded quickly. Dinner was often a rich, multicourse meal eaten late in the evening. Digesting that much food disturbed Borneo’s sleep and left him feeling sluggish and out of sorts in the mornings.

Sound familiar?

As we did with Clark, we helped Borneo replace his bad habits with positive rituals, beginning with the way he ate. We explained that by eating lightly but often, he could sustain a steady level of energy. (For a fuller account of the foundational exercise, eating, and sleep routines, see the sidebar “A Firm Foundation.”) Borneo now eats breakfast every day—typically a high-protein drink rather than coffee and a bagel. We also showed him research by chronobiologists suggesting that the body and mind need recovery every 90 to 120 minutes. Using that cycle as the basis for his eating schedule, he installed a refrigerator by his desk and began eating five or six small but nutritious meals a day and sipping water frequently. He also shifted the emphasis in his workouts to interval training, which increased his endurance and speed of recovery.

In addition to prompting weight loss and making him feel better, Borneo’s nutritional and fitness rituals have had a dramatic effect on other aspects of his life. “I now exercise for my mind as much as for my body,” he says. “At the age of 59, I have more energy than ever, and I can sustain it for a longer period of time. For me, the rituals are the holy grail. Using them to create balance has had an impact on every aspect of my life: staying more positive,

handling difficult human resource issues, dealing with change, treating people better. I really do believe that when you learn to take care of yourself, you free up energy and enthusiasm to care more for others.”

Emotional Capacity

The next building block of IPS is emotional capacity—the internal climate that supports peak performance. During our early research, we asked hundreds of athletes to describe how they felt when they were performing at their best. Invariably, they used words such as “calm,” “challenged,” “engaged,” “focused,” “optimistic,” and “confident.” As sprinter Marion Jones put it shortly after winning one of her gold medals at the Olympic Games in Sydney: “I’m out here having a ball. This is not a stressful time in my life. This is a very happy time.” When we later asked the same question of law enforcement officers, military personnel, surgeons, and corporate executives, they used remarkably similar language to describe their Ideal Performance State.

Just as positive emotions ignite the energy that drives high performance, negative emotions—frustration, impatience, anger, fear, resentment, and sadness—drain energy. Over time, these feelings can be literally toxic, elevating

A Firm Foundation

Here are our basic strategies for renewing energy at the physical level. Some of them are so familiar they’ve become background noise, easy to ignore. That’s why we’re repeating them. If any of these strategies aren’t part of your life now, their absence may help account for fatigue, irritability, lack of emotional resilience, difficulty concentrating, and even a flagging sense of purpose.

1. Actually do all those healthy things you know you ought to do. Eat five or six small meals a day; people who eat just one or two meals a day with long periods in between force their bodies into a conservation mode, which translates into slower metabolism. Always eat breakfast: eating first thing in the morning sends your body the signal that it need not slow metabolism to conserve energy. Eat a balanced diet. Despite all the conflicting nutritional research, overwhelming evidence suggests that a healthy dietary ratio is 50% to 60% complex carbohydrates, 25% to 35% protein, and 20% to 25% fat. Dramatically reduce simple sugars. In addition to representing empty calories, sugar causes energy-depleting spikes in blood glucose levels. Drink four to five 12-ounce glasses of water daily, even if you don’t feel thirsty. As much as half the population walks around with mild chronic dehydration. And finally, on the “you know you should” list: get physically active. We strongly recommend three to four 20- to 30-minute cardiovascular workouts a week, including at least two sessions of intervals—short bursts of intense exertion followed by brief recovery periods.

heart rate and blood pressure, increasing muscle tension, constricting vision, and ultimately crippling performance. Anxious, fear ridden athletes are far more likely to choke in competition, for example, while anger and frustration sabotage their capacity for calm focus.

The impact of negative emotions on business performance is subtler but no less devastating. Alan, an executive at an investment company, travels frequently, overseeing a half-dozen offices around the country. His colleagues and subordinates, we learned, considered him to be a perfectionist and an often critical boss whose frustration and impatience sometimes boiled over into angry tirades. Our work focused on helping Alan find ways to manage his emotions more effectively. His anger, we explained, was a reactive emotion, a fight-or-flight response to situations he perceived as threatening. To manage more effectively, he needed to transform his inner experience of threat under stress into one of challenge.

A regular workout regimen built Alan's endurance and gave him a way to burn off tension. But because his fierce travel schedule often got in the way of his workouts, we also helped him develop a precise five-step ritual to contain his negative emotions whenever they threatened to erupt. His initial challenge was to become more aware of signals from his body that he was on edge – physical ten-

sion, a racing heart, tightness in his chest. When he felt those sensations arise, his first step was to close his eyes and take several deep breaths. Next, he consciously relaxed the muscles in his face. Then, he made an effort to soften his voice and speak more slowly. After that, he tried to put himself in the shoes of the person who was the target of his anger – to imagine what he or she must be feeling. Finally, he focused on framing his response in positive language.

Instituting this ritual felt awkward to Alan at first, not unlike trying to learn a new golf swing. More than once he reverted to his old behavior. But within several weeks, the five-step drill had become automatic – a highly reliable way to short-circuit his reactivity. Numerous employees reported that he had become more reasonable, more approachable, and less scary. Alan himself says that he has become a far more effective manager.

Through our work with athletes, we have learned a number of other rituals that help to offset feelings of stress and restore positive energy. It's no coincidence, for example, that many athletes wear headphones as they prepare for competition. Music has powerful physiological and emotional effects. It can prompt a shift in mental activity from the rational left hemisphere of the brain to the more intuitive right hemisphere. It also provides a relief from obsessive thinking and worrying. Finally, music can be a means of directly regulating energy – raising it when the time comes to perform and lowering it when it is more appropriate to decompress.

Body language also influences emotions. In one well-known experiment, actors were asked to portray anger and then were subjected to numerous physiological tests, including heart rate, blood pressure, core temperature, galvanic skin response, and hormone levels. Next, the actors were exposed to a situation that made them genuinely angry, and the same measurements were taken. There were virtually no differences in the two profiles. Effective acting produces precisely the same physiology that real emotions do. All great athletes understand this instinctively. If they carry themselves confidently, they will eventually start to feel confident, even in highly stressful situations. That's why we train our corporate clients to "act as if" – consciously creating the look on the outside that they want to feel on the inside. "You are what you repeatedly do," said Aristotle. "Excellence is not a singular act but a habit."

Close relationships are perhaps the most powerful means for prompting positive emotions and effective recovery. Anyone who has enjoyed a happy family reunion or an evening with good friends knows the profound sense of safety and security that these relationships can induce. Such feelings are closely associated with the Ideal Performance State. Unfortunately, many of the corporate athletes we train believe that in order to perform up to expectations at work, they have no choice but to stint on

2. Go to bed early and wake up early. Night owls have a much more difficult time dealing with the demands of today's business world, because typically, they still have to get up with the early birds. They're often groggy and unfocused in the mornings, dependent on caffeine and sugary snacks to keep up their energy. You can establish new sleep rituals. Biological clocks are not fixed in our genes.

3. Maintain a consistent bedtime and wake-up time. As important of the number of hours you sleep (ideally seven to eight) is the consistency of the recovery wave you create. Regular sleep cycles help regulate your other biological clocks and increase the likelihood that the sleep you get will be deep and restful.

4. Seek recovery every 90 to 120 minutes. Chronobiologists have found that the body's hormone, glucose, and blood pressure levels drop every 90 minutes or so. By failing to seek recovery and overriding the body's natural stress-rest cycles, overall capacity is compromised. As we've learned from athletes, even short, focused breaks can promote significant recovery. We suggest five sources of restoration: eat something, hydrate, move physically, change channels mentally, and change channels emotionally.

5. Do at least two weight-training workouts a week. No form of exercise more powerfully turns back the markers of age than weight training. It increases strength, retards osteoporosis, speeds up metabolism, enhances mobility, improves posture, and dramatically increases energy.

their time with loved ones. We try to reframe the issue. By devoting more time to their most important relationships and setting clearer boundaries between work and home, we tell our clients, they will not only derive more satisfaction but will also get the recovery that they need to perform better at work.

Mental Capacity

The third level of the performance pyramid—the cognitive—is where most traditional performance-enhancement training is aimed. The usual approaches tend to focus on improving competencies by using techniques such as process reengineering and knowledge management or by learning to use more sophisticated technology. Our training aims to enhance our clients' cognitive capacities—most notably their focus, time management, and positive and critical-thinking skills.

Focus simply means energy concentrated in the service of a particular goal. Anything that interferes with focus dissipates energy. Meditation, typically viewed as a spiritual practice, can serve as a highly practical means of training attention and promoting recovery. At this level, no guidance from a guru is required. A perfectly adequate meditation technique involves sitting quietly and breathing deeply, counting each exhalation, and starting over when you reach ten. Alternatively, you can choose a word to repeat each time you take a breath.

Practiced regularly, meditation quiets the mind, the emotions, and the body, promoting energy recovery. Numerous studies have shown, for example, that experienced meditators need considerably fewer hours of sleep than nonmeditators. Meditation and other noncognitive disciplines can also slow brain wave activity and stimulate a shift in mental activity from the left hemisphere of the brain to the right. Have you ever suddenly found the solution to a vexing problem while doing something “mindless” such as jogging, working in the garden, or singing in the shower? That’s the left-brain, right-brain shift at work—the fruit of mental oscillation.

Much of our training at this level focuses on helping corporate athletes to consciously manage their time and energy. By alternating periods of stress with renewal, they learn to align their work with the body’s need for breaks every 90 to 120 minutes. This can be challenging for compulsive corporate achievers. Jeffrey Sklar, 39, managing director for institutional sales at the New York investment firm Gruntal & Company, had long been accustomed to topping his competitors by brute force—pushing harder and more relentlessly than anyone else. With our help, he built a set of rituals that ensured regular recovery and also enabled him to perform at a higher level while spending fewer hours at work.

Once in the morning and again in the afternoon, Sklar retreats from the frenetic trading floor to a quiet office, where he spends 15 minutes doing deep-breathing exercises. At lunch, he leaves the office—something he once would have found unthinkable—and walks outdoors for at least 15 minutes. He also works out five or six times a week after work. At home, he and his wife, Sherry, a busy executive herself, made a pact never to talk business after 8 P.M. They also swore off work on the weekends, and they have stuck to their vow for nearly two years. During each of those years, Sklar’s earnings have increased by more than 65%.

For Jim Connor, the president and CEO of FootJoy, reprioritizing his time became a way not just to manage his energy better but to create more balance in his life and to revive his sense of passion. Connor had come to us saying that he felt stuck in a deep rut. “My feelings were muted so I could deal with the emotional pain of life,” he explains. “I had smoothed out all the vicissitudes in my life to such an extent that oscillation was prohibited. I was not feeling life but repetitively performing it.”

Connor had imposed on himself the stricture that he be the first person to arrive at the office each day and the last to leave. In reality, he acknowledged, no one would object if he arrived a little later or left a little earlier a couple of days a week. He realized it also made sense for him to spend one or two days a week working at a satellite plant 45 minutes nearer to his home than his main office. Doing so could boost morale at the second plant while cutting 90 minutes from his commute.

Immediately after working with us, Connor arranged to have an office cleared out at the satellite factory. He now spends at least one full day a week there, prompting a number of people at that office to comment to him about his increased availability. He began taking a golf lesson one morning a week, which also allowed for a more relaxed drive to his main office, since he commutes there after rush hour on golf days. In addition, he instituted a monthly getaway routine with his wife. In the evenings, he often leaves his office earlier in order to spend more time with his family.

Connor has also meticulously built recovery into his workdays. “What a difference these fruit and water breaks make,” he says. “I set my alarm watch for 90 minutes to prevent relapses, but I’m instinctively incorporating this routine into my life and love it. I’m far more productive

Have you ever suddenly found the solution to a vexing problem while doing something “mindless” such as jogging, working in the garden, or singing in the shower? That’s the left-brain, right-brain shift at work—the fruit of mental oscillation.

as a result, and the quality of my thought process is measurably improved. I'm also doing more on the big things at work and not getting bogged down in detail. I'm pausing more to think and to take time out."

Rituals that encourage positive thinking also increase the likelihood of accessing the Ideal Performance State. Once again, our work with top athletes has taught us the power of creating specific mental rituals to sustain positive energy. Jack Nicklaus, one of the greatest pressure performers in the history of golf, seems to have an intuitive understanding of the importance of both oscillation and rituals. "I've developed a regimen that allows me to move from peaks of concentration into valleys of relaxation and back again as necessary," he wrote in *Golf Digest*. "My focus begins to sharpen as I walk onto the tee and steadily intensifies...until I hit [my drive]....I descend into a valley as I leave the tee, either through casual conversation with a fellow competitor or by letting my mind dwell on whatever happens into it."

Visualization is another ritual that produces positive energy and has palpable performance results. For example, Earl Woods taught his son Tiger—Nicklaus's heir apparent—to form a mental image of the ball rolling into the hole before each shot. The exercise does more than produce a vague feeling of optimism and well-being. Neuroscientist Ian Robertson of Trinity College, Dublin,

If executives are to perform at high levels over the long haul, they have to train in the same systematic, multilevel way that world-class athletes do.

author of *Mind Sculpture*, has found that visualization can literally reprogram the neural circuitry of the brain, directly improving performance. It is hard to imagine a better illustration than diver Laura Wilkinson. Six months before the summer Olympics in Sydney, Wilkinson broke three toes on her right foot while training. Unable to go in the water because of her cast, she instead spent hours a day on the diving platform, visualizing each of her dives. With only a few weeks to actually practice before the Olympics, she pulled off a huge upset, winning the gold medal on the ten-meter platform.

Visualization works just as well in the office. Sherry Sklar has a ritual to prepare for any significant event in her work life. "I always take time to sit down in advance in a quiet place and think about what I really want from the meeting," she says. "Then I visualize myself achieving

the outcome I'm after." In effect, Sklar is building mental muscles—increasing her strength, endurance, and flexibility. By doing so, she decreases the likelihood that she will be distracted by negative thoughts under pressure. "It has made me much more relaxed and confident when I go into presentations," she says.

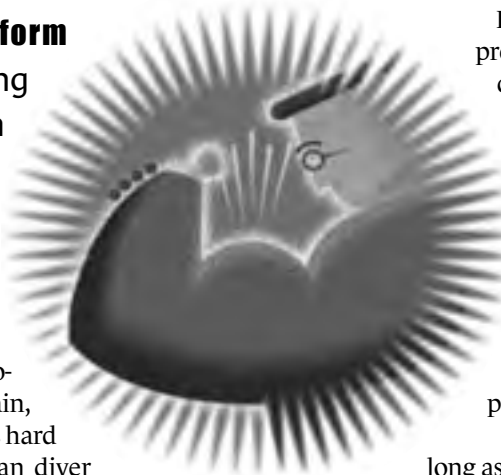
Spiritual Capacity

Most executives are wary of addressing the spiritual level of the performance pyramid in business settings, and understandably so. The word "spiritual" prompts conflicting emotions and doesn't seem immediately relevant to high performance. So let's be clear: by spiritual capacity, we simply mean the energy that is unleashed by tapping into one's deepest values and defining a strong sense of purpose. This capacity, we have found, serves as sustenance in the face of adversity and as a powerful source of motivation, focus, determination, and resilience.

Consider the case of Ann, a high-level executive at a large cosmetics company. For much of her adult life, she has tried unsuccessfully to quit smoking, blaming her failures on a lack of self-discipline. Smoking took a visible toll on her health and her productivity at work—decreased endurance from shortness of breath, more sick days than her colleagues, and nicotine cravings that distracted her during long meetings.

Four years ago, when Ann became pregnant, she was able to quit immediately and didn't touch a cigarette until the day her child was born, when she began smoking again. A year later, Ann became pregnant for a second time, and again she stopped smoking, with virtually no symptoms of withdrawal. True to her pattern, she resumed smoking when her child was born. "I don't understand it," she told us plaintively.

We offered a simple explanation. As long as Ann was able to connect the impact of smoking to a deeper purpose—the health of her unborn child—quitting was easy. She was able to make what we call a "values-based adaptation." But without a strong connection to a deeper sense of purpose, she went back to smoking—an expedient adaptation that served her short-term interests. Smoking was a sensory pleasure for Ann, as well as a way to allay her anxiety and manage social stress. Understanding cognitively that it was unhealthy, feeling guilty about it on an emotional level, and even experiencing its negative effects physically were all insufficient motivations to change her behavior. To succeed, Ann needed a more sustaining source of motivation.



Making such a connection, we have found, requires regularly stepping off the endless treadmill of deadlines and obligations to take time for reflection. The inclination for busy executives is to live in a perpetual state of triage, doing whatever seems most immediately pressing while losing sight of any bigger picture. Rituals that give people the opportunity to pause and look inside include meditation, journal writing, prayer, and service to others. Each of these activities can also serve as a source of recovery—a way to break the linearity of relentless goal-oriented activity.

Taking the time to connect to one's deepest values can be extremely rewarding. It can also be painful, as a client we'll call Richard discovered. Richard is a stockbroker who works in New York City and lives in a distant suburb, where his wife stays at home with their three young children. Between his long commute and his long hours, Richard spent little time with his family. Like so many of our clients, he typically left home before his children woke up and returned around 7:30 in the evening, feeling exhausted and in no mood to talk to anyone. He wasn't happy with his situation, but he saw no easy solution. In time, his unhappiness began to affect his work, which made him even more negative when he got home at night. It was a vicious cycle.

One evening while driving home from work, Richard found himself brooding about his life. Suddenly, he felt so overcome by emotion that he stopped his car at a park ten blocks from home to collect himself. To his astonishment, he began to weep. He felt consumed with grief about his life and filled with longing for his family. Af-


Companies can't afford to address their employees' cognitive capacities while ignoring their physical, emotional, and spiritual well-being.

ter ten minutes, all Richard wanted to do was get home and hug his wife and children. Accustomed to giving their dad a wide berth at the end of the day, his kids were understandably bewildered

when he walked in that evening with tears streaming down his face and wrapped them all in hugs. When his wife arrived on the scene, her first thought was that he'd been fired.

The next day, Richard again felt oddly compelled to stop at the park near his house. Sure enough, the tears returned and so did the longing. Once again, he rushed home to his family. During the subsequent two years, Richard was able to count on one hand the number of times that he failed to stop at the same location for at least ten minutes. The rush of emotion subsided over time, but his sense that he was affirming what mattered most in his life remained as strong as ever.

Richard had stumbled into a ritual that allowed him both to disengage from work and to tap into a profound source of purpose and meaning—his family. In that context, going home ceased to be a burden after a long day and became instead a source of recovery and renewal. In turn, Richard's distraction at work diminished, and he became more focused, positive, and productive—so much so that he was able to cut down on his hours. On a practical level, he created a better balance between stress and recovery. Finally, by tapping into a deeper sense of purpose, he found a powerful new source of energy for both his work and his family.

In a corporate environment that is changing at warp speed, performing consistently at high levels is more difficult and more necessary than ever. Narrow interventions simply aren't sufficient anymore. Companies can't afford to address their employees' cognitive capacities while ignoring their physical, emotional, and spiritual well-being. On the playing field or in the boardroom, high performance depends as much on how people renew and recover energy as on how they expend it, on how they manage their lives as much as on how they manage their work. When people feel strong and resilient—physically, mentally, emotionally, and spiritually—they perform better, with more passion, for longer. They win, their families win, and the corporations that employ them win. 



Reprint R0101H

To place an order, call 1-800-988-0886.



E.

Additional Resources





Additional Resources

Lawyers & Mentoring

Abbott, Ida O., *The Lawyer's Guide to Mentoring*, National Association for Law Placement, Washington, DC, 2000.

Mentoring and Law Firms / Business Organizations

Bell, Chip R., *Managers as Mentors: Building Partnerships for Learning* (2nd Edition), Berrett-Koehler Publishers, San Francisco, 2002.

Burton, Paul, *Managing Your Practice: What Money Can't Buy: A Strategy to Reintroduce Organic Mentoring in Firms* (2 part series), Oregon State Bar Bulletin, September and November 2006. <http://www.osbar.org/publications/bulletin/bulletin.html>

DeLong, Thomas J., John J. Gabarro, and Robert J. Lees, *Why Mentoring Matters in a Hypercompetitive World*, Harvard Business Review, January 2008.

Lacey, Kathy, *Making Mentoring Happen: A Simple and Effective Guide to Implementing a Successful Mentoring Program*, Allen & Unwin Pty., Limited, Australia, 2000.

Manch, Susan G., *Building Loyalty: The Relationship between Mentoring and Retention*, The Oregon State Bar Bulletin, April 2000. (LexisNexis search by citation – 60 Or. St. B. Bull. 21)

Zachary, Lois J., *Creating a Mentoring Culture: The Organization's Guide*, Jossey-Bass, San Francisco, 2005.

Mentoring's Impact on Lawyers' Professionalism

Hamilton, Neil and Lisa Montpetit Brabbit, *Fostering Professionalism through Mentoring*, Journal of Legal Education, Volume 57, Number 1, March 2007.

Mentoring Skills

Ensher, Ellen A. and Susan E. Murphy, *Power Mentoring: How Successful Mentors and Proteges Get the Most Out of Their Relationships*, Jossey-Bass, San Francisco, 2005.

Shea, Gordon, *Mentoring: How to Develop Successful Mentor Behaviors* (3rd Edition), Crisp Learning, Menlo Park, California, 2001.

Johnson, W. Brad, and Charles R. Ridley, *The Elements of Mentoring*, Palgrave Macmillan, New York, 2008.

Mentoring Theory

Kram, Kathy, *The Handbook of Mentoring at Work: Theory, Research and Practice*, Sage Publications, Inc., Thousand Oaks, California, 2007.

Mentoring & Managing the Millennials

Raines, Claire, *Connecting Generations: The Sourcebook for a New Workplace*, Crisp Publications, Inc., Menlo Park, California, 2003.

Howe, Neil and William Strauss, *Millennials Rising: The Next Great Generation*, Vintage Books, New York, 2000.

Technology's Impact on Mentoring

Esber, Eva Petko. *Nuts & Bolts: Everyday Mentoring in the Age of Technology*, American Bar Association, Litigation, Spring 2005. (LexisNexis search by citation: 31 Litigation 39)

Inspirational

Albom, Mitch. *Tuesdays with Morrie: An Old Man, A Young Man, and Life's Greatest Lesson*, Time Warner Paperbacks, 2003

Doyle, Mark K., *Mentoring Heroes: 52 Fabulous Women's Paths to Success and the Mentors Who Empowered Them*, 3E Press, Geneva, Illinois, 2000.



THE SUPREME COURT *of* OHIO

ATTORNEY SERVICES DIVISION
65 South Front Street
Columbus, Ohio 43215-3431
www.supremecourt.ohio.gov