

**MENTORSHIP PROGRAMME LAUNCH****WEDNESDAY, APRIL 6, 2011 4 – 6 P.M.****NOVA SCOTIA BARRISTERS' SOCIETY CPD CENTRE****1645 GRANVILLE STREET****Learning the Ropes**

I come from the experience of starting my career as a practicing lawyer working entirely on my own. That was thirty years ago this July; I was admitted to the Nova Scotia Bar and immediately stepped into a small general practice.

What I learned from that tight-rope-over-the-abyss experience is the fundamental importance of recognizing that you need help and support. Be prepared to acknowledge that without being self-conscious about it.

I practiced on my own for the first two years after my admission. I can only describe it as a trial by fire.

At the time there were no formal or even *ad hoc* mentoring options. I identified my own resources: principally cold-calling more senior members of the Bar with expertise in the areas I needed; I also consulted the chair of the Bar Society's Practice Assistance Committee and friends who were lawyers with more experience than me.

When I entered into a partnership with my two original partners, Judge Flora Buchan and Dawna Ring, Q.C., I continued the practice of calling other lawyers who could assist and also on occasion sought the advice of the Bar Society's Legal Ethics Committee. Never listen to anyone who tells you not to cold-call other lawyers for advice, that it indicates your ignorance. Pay no attention to anyone who says that to you: if you don't know something, if you want to improve, if you need support, do not hesitate to reach out to those who can help you.

As I was a litigation lawyer, principally in the area of criminal law and criminal justice, I made a point of observing other more senior lawyers in the courtroom. The experience of being one of Donald Marshall Jr's counsel at the Royal Commission into his wrongful conviction impressed upon me the essential requirement of fearlessness in advocacy. I observed Clayton Ruby stand up to anyone and everyone in the proceedings – recalcitrant witnesses, belligerent witnesses, opposing counsel, hard-nosed judges. He never backed down, and was never intimidated. He did not realize he was mentoring me at the time but he was.

As my practice grew and I became increasingly involved in more complicated and challenging cases, I identified a lawyer – a barrister – whom I had known since my early days at the Bar, and consulted with him on occasion about legal, procedural or ethical questions. I did this to assist me in developing my approach to a case or to help me make the right decisions and to permit me to sort through ethical issues in a supportive and confidential context with someone whose judgment and expertise I trusted. I maintained this relationship over many years and although I did not consult with this lawyer often, when I did it was very profitable. On occasion I paid for his services and absorbed that cost as part of my professional development and my obligation to be the best lawyer I could be for my clients.

Ultimately that is what mentoring is about: developing yourself into the best lawyer you can be for your clients. And being the best you can be is your professional obligation to your clients.

I will also note that mentoring is seen as extending to supporting the financial viability of your practice. I take this from a piece I plucked out of the March edition of Canadian Lawyer which offered “**10 Tips For Lawyers To Keep Your Law Practice Financially Viable.**” I was struck by the fact that the number one tip was “Get a Mentor” and this is what Canadian Lawyer had to say about that:

*All lawyers need someone they can talk to when they have issues or concerns regarding practice management. He or she should know how to set up a diary, maintain files, answer the phone in a timely manner, handle trust funds, and so on. Make sure you find this mentor early in your legal career and maintain one throughout.*

### **Benefitting the Profession, the Public and the Administration of Justice**

It goes without saying that the profession’s ability to meet its obligations to the public is well served by an effective and robust mentoring programme. Better lawyers enhance public confidence in the legal system and the administration of justice. Better lawyers mean the systems of justice and the servants of justice – institutions such as the police, the Crown, the courts – are more likely to operate effectively in accordance with the high standards of professionalism that are required. Obviously better lawyers mean higher quality legal services to clients.

And where essentially inexperienced lawyers are representing marginalized clients, there is an even more urgent imperative to ensure a high quality of service. Such clients are likely not to have the resources or sophistication to get themselves another lawyer if your skills are falling short of what is needed to most effectively protect and promote their interests.

A mentoring programme also benefits the mentors. It challenges mentors to step up their game and requires a broader assumption of responsibility for the professional development of all members of the Bar.

### **A Perspective From the Bench**

You may be interested to know that mentoring is encouraged within the judiciary. When I was appointed in September 2005 it was suggested to me that I identify a colleague as a mentor and I did so. I have found that individual and my other colleagues to be very accessible and helpful whenever I have wanted to talk to them and I have taken full advantage of that collegiality.

As for my views as a judge on the benefits of mentoring I will limit my comments to the context of the courtroom which is where I see and interact with lawyers. If you are a courtroom lawyer, even some of the time, I encourage you to mentor with a lawyer who has proven skills as an advocate. Watching an able courtroom lawyer at their craft, talking to them about what they do, how they do it and why, learning what is effective and what isn't, will serve you well in your own advocacy practice. I do see instances of newly minted and no-so-newly minted lawyers who could materially improve their examination and cross-examination skills and would benefit from the example of lawyers who have honed their advocacy, a process of professional development that will last as long as your career.

## **Mentoring as Kinship**

I know from first-hand experience how lonely and terrifying it can be to work alone as a new lawyer. Lawyers who are on their own or in small firms are the most vulnerable to the undermining effects of isolation. They cannot develop with the same depth the kind of supports and role-modeling opportunities available to lawyers working in bigger firms. In a small firm there may be plenty of collegiality, as I experienced, but partners or associates may not be any more experienced than you are or they may not have expertise in the areas of your practice. I would have welcomed a mentoring initiative when I was staring at my phone and screwing up the courage to call some senior lawyer out of the blue. This is not to say you should not still do that and reasonably expect to be warmly received, but *ad hoc* arrangements are more like asking a favour of a neighbour whereas a mentoring relationship is a kinship relationship.

Mentorship can minimize loneliness, offer substantive advice and role-modeling, and provide a supportive and sustaining connection with well-respected member of the Bar. And a better supported lawyer is a better lawyer.

By developing this mentoring initiative, the Bar Society is making a significant contribution to individual members of the profession, to the profession broadly speaking, and to the public who need and are entitled to receive high quality legal services. The institutionalization of a mentoring model capitalizes on the wealth of expertise and professionalism to be found in the membership. It serves to ensure that tangible benefits will be realized and that there will be a mentoring standard of consistent excellence. It supports the professional development of lawyers who chose or find themselves practicing without the supports available in larger firms. It can inculcate principles and values that should be shared by all members of the

profession. Individual mentoring relationships ought to challenge each person involved to meet the highest standards of integrity, competence, diligence, and courage. I enthusiastically extend my congratulations to everyone who has been and will be associated with this initiative and thank you for according me the privilege of contributing to the launch of this programme. Thank you.