

# The Law Society of British Columbia



## **Report of the Lawyer Education Advisory Committee - Proposed Program for Accredited Mentoring**

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**For: The Benchers**

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**Prepared on behalf of: Lawyer Education Advisory Committee**

**Staff: Alan Treleaven  
Director, Education and Practice (604) 605-5354**

**Michael Lucas  
Manager, Policy and Legal Services (604) 443-5777**

## **Proposed Program for Accredited Mentoring**

### **Background**

On July 4, 2008 the Benchers approved the Lawyer Education Advisory Committee's Report recommending implementation of a Continuing Professional Development ("CPD") requirement. The CPD program was implemented effective January 1, 2009.

The Rules require all practising lawyers, both full-time and part-time, to complete at least 12 hours of continuing professional development annually in accredited educational activities. At least two of the 12 hours must pertain to any combination of professional responsibility and ethics, client care and relations, and practice management.

The Report states that although CPD credit would not be available for mentoring in 2009, the Committee would further investigate mentoring.

The Committee has completed its deliberations, and in this Report recommends the implementation of accreditation for mentoring based on the following criteria, beginning with the 2010 reporting year.

### **Introduction - The Importance of Mentoring**

The Committee has considered the value of mentorship as it would apply to the legal profession, and has assessed the nature of mentorship programs for the purpose of making this recommendation.

Mentorship has long been an important method for imparting legal knowledge and training within the legal profession. The Committee recognizes that mentoring can be a very effective method for providing post-call training and education for lawyers. The Committee also observes that mentoring relationships can be a very important method of establishing and maintaining collegiality within the legal profession. With this in mind, the Committee has concluded that mentoring is an educational activity that should be supported, and credit for it should be included within the Law Society's CPD program.

While some law firms and legal departments have formal mentoring programs, others provide informal mentoring on a less structured basis. Outside of these settings, however, mentoring can be more difficult to obtain. The Committee intends to create a program that not only accredits mentoring within law firms and legal departments, but permits lawyers in small firms or sole practices, whether they be in urban or rural locations, to benefit. The Committee recognizes that mentoring by a lawyer from outside the lawyer's own workplace can be especially helpful for the sole practitioner who does not have another lawyer in the office upon whom to call for professional guidance. Lawyers in smaller communities who may not have ready access to training or to other more

experienced lawyers would be able to consult by telephone with a mentor who is in another location.

### **Definition of Mentoring**

“Mentoring” is a relationship pursuant to which a lawyer with experience or expertise in a practice area or practice skill (the “mentor”) provides guidance or advice in support of the professional or practice goals of another lawyer who requests assistance (the “mentee”).

Although the most accurate term for a person being mentored is “protégé,” the word “mentee” is now commonly used in mentoring literature. Because “mentee” is readily understood by most lawyers, the Committee has adopted “mentee” for the proposed mentoring program.

### **Recommendations**

The Committee recommends that the Benchers approve implementation of the following criteria for accredited mentoring, effective January 1, 2010.

#### **1. Subject Matter Requirement**

Mentoring must take place in connection with the categories of subject-matter approved by the Benchers on July 4, 2008 for approved CPD, and therefore must satisfy the following criteria:

- a) significant intellectual or practical content, with the primary objective of increasing lawyers’ professional competence,
- b) substantive, procedural, ethical or practice management (including client care and relations) matters relating to the practice of law.

Consistent with the restrictions approved by the Benchers on July 8, 2008 for accrediting CPD, the following subject-matter will not qualify as mentoring under this mentoring program:

- a) client or business development,
- b) marketing or profit maximization,
- c) focusing only on specific client files,
- d) lawyer wellness.

Mentoring under this program should focus on broader practice issues and skills, whether or not they arise out of a file. To count for CPD credit, mentoring must not simply answer questions about the handling of specific files.

## **2. Eligibility to be a Mentor**

The mentor need not be senior to the mentee in years of call. Peer mentoring will be permissible if the mentor has sufficient experience or expertise in the subjects under discussion to enable the mentee to learn from the mentor. This decision will be within the discretion of the mentor and mentee.

The Committee considered whether there should be formal eligibility requirements to be a mentor for the purposes of this program. The Committee concluded that to obtain CPD credit the mentor must meet the basic eligibility requirements that are necessary to be an articling principal. Therefore, a mentor for the purposes of this proposed program will need to have been engaged in the practice of law for 7 of the previous 10 years. The Committee decided, however, that the mentor need not have been engaged in the full time practice of law for 3 of the previous 5 years, which is a requirement for articling principals.

The suitability of a lawyer to be an articling principal is sometimes the subject of an inquiry by the Credentials Committee, either on its own motion or on the motion of the Discipline or the Practice Standards Committee. The Lawyer Education Advisory Committee has decided that there should also be a process for denying a mentorship proposal where sufficient concerns exist about the suitability of the proposed mentor. The Committee therefore recommends that if the Benchers approve the mentoring proposal, a process be created for considering the suitability of a proposed mentor. The Committee will develop rules for Benchers approval, which will track the process that currently exists for inquiries into the suitability of proposed principals.

## **3. Mentoring Plan Requirement**

To qualify for CPD credit, the mentor and mentee will be required to submit an on-line Mentoring Plan to the Law Society stating

- a) The Mentee's specific development and learning goals. These goals may change over the course of the mentoring, and can, accordingly, be revised to reflect the subjects considered during mentoring.
- b) The Mentor's brief description of the expertise or experience in the subject areas in which the mentee wishes guidance.
- c) Whether the meetings are to be face-to-face or by telephone, or a combination of the two.

d) An agreement that each mentoring session will be for a minimum of 30 minutes, and that the parties plan to meet for a minimum of 6 hours over the course of the year.

e) An agreement to document the time spent and to finalize the Mentoring Plan when the 6 hours are completed.

#### **4. Credit Hours**

a) Both the mentor and the mentee are eligible to receive CPD credit.

b) A mentor can obtain CPD credit for mentoring a practising member, or an articling student if the student is in another firm.

c) Mentoring with one mentee will qualify for up to 6 of the 12 hours required annually for CPD credit. If a mentor works with two mentees, the mentor qualifies for 6 hours for each mentoring relationship, for a total of 12 hours, but the mentoring must be one on one, not with two or more mentees simultaneously.

d) The mentee can claim a total of only 6 credit hours even if the mentee works with more than one mentor or spends more than 6 hours with a single mentor.

e) Credit is available only for time the mentor and mentee spend together. No credit is available for time spent reading materials on one's own, whether before or after the mentoring session.

f) No CPD credit is available for training to be a mentor or for training to be a more effective mentor or mentee.

#### **Conclusion**

The Committee recommends that the Benchers approve the program outlined above.