

Taylor's Perspective ...

Practicing the Pence/Graham Rule Hits Mentorship Hard

Vice President Mike Pence floored many people when he recently said he doesn't dine or spend time alone with any woman other than his wife, essentially following the antiquated "Billy Graham Rule," that the late evangelist lived by. Some thought Pence's avoidance policy screamed of paranoia fueled by his right-wing, religious beliefs while others thought he lacked any self-control or that he was just plain weird. (Perhaps all of these characterizations are on the mark.)

Yet, others understood and felt the VP was being smart in light of today's climate in which every day it seems allegations of sexual harassment and inappropriate behavior surface. Some men believe it's prudent to avoid alone time with women so as to steer clear of even the appearance of impropriety.

In two recent surveys, one by *Harvard Business Review* and another by *The New York Times*, a stunning percentage of those polled—both men and women—felt it was inappropriate to dine alone with a member of the opposite sex. Many also said they shied away from one-on-one business meetings, even in the work environment.

Law firms are certainly not immune to this type of gender separation caused by the "Pence Effect." When lawyers disengage from conducting one-on-one meetings or traveling or dining with only one other member of the opposite sex, mentorship suffers. And of course, mentorship in the legal

profession is vital for the training, development, and advancement of younger lawyers. While young male lawyers are held back, naturally young female lawyers are the most affected.

In January Wayne Stacey, a partner and chairman of the intellectual property group in the San Francisco office of Houston-based Baker Botts, published an article in *The Recorder* on the Pence Effect and its impact on mentorship. "Long hours together working on client matters, overnight travel, shared meals, and one-on-one meetings are frequent, necessary occurrences [in the legal profession]," he writes. "And with the senior ranks of the legal profession being so male-heavy, junior women feel the brunt of any uneven inclusion. If women don't get the same mentoring as their male counterparts, their careers will not advance at the same rates."

"Adjust and Engage"

I recently spoke to Stacey and he says he's both been the recipient of guidance from extraordinary mentors and has also mentored young lawyers, both male and female. He's deeply concerned about the inequity that may be emerging in law firms because of this gender separation. And, he's taken back by the *Times* and *Review* survey percentages, almost half of all polled, of men and women who indicated they wouldn't dine with just one individual of the opposite sex.

“I thought, if that many men feel that way and that many women feel that way, there’s always going to be people left out of the mentoring process,” Stacey says. “That’s incredibly unfair for something that can be adjusted. We need to make sure we adjust and engage in equitable mentoring practices.”

Those adjustments, which Stacey advocates for and in fact practices as he mentors young lawyers, are really quite simple. At the more nuanced level involving people who are trying to do the right thing, partners should avoid making someone uncomfortable by taking two people to dinner, he says. Meet in your office with more than one person for mentoring purposes. Or, talk and train someone in a more public place like a conference room.

“Here we have a smaller conference room that has all glass walls,” Stacey says. “We do most of our individual mentoring in there. Because it’s glass and open, people in the room feel comfortable.”

He emphasizes that these approaches are for “good people,” who are well-intentioned, and that bad actors must be dealt with differently: swiftly and sternly.

In his *Recorder* article, Stacey also says lawyers need to be reminded to do what they can to help build “an environment where mentoring relationships aren’t questioned,” he writes. “Fear of being wrongly accused of a workplace romantic relationship is a powerful motivator for both genders to avoid alone time with each other. We must all create an environment in which no one questions why a senior male attorney and a junior female attorney are spending time together alone. Any romance, even a fully consensual one, between a mentor and mentee poisons the workplace environment for years.”

Don’t Pull Back

With such easy alterations to the mentoring process that avoid discomfort, or worse, men should *not* pull back from mentoring female

associates, says Natasha Innocenti, a partner in the San Francisco office of the national legal recruitment firm Mlegal Group, who writes and speaks extensively about women’s issues.

Innocenti gets to the heart of this sensitive area in no uncertain terms. “The message [pulling back from mentoring] sends to men is that, rather than figure out how to navigate this in an acceptable way, they can simply abdicate,” she says. “And that is not acceptable. We’re not going to make progress in this area until we all learn how to comport ourselves in a reasonable way. It’s really not that hard.”

I applaud Stacey, Innocenti, and others who are speaking out to correct a very correctable problem.

Trends, Surveys, Books— Let Us Know

On another note, we want to hear from you. Is your firm blazing a trail with a new way to practice law, manage personnel, or market your practice? Or are you simply tweaking existing business practices in way that improves operation? Let us highlight what you’re doing.

We also want to know what you’re writing? Do you have any new books, blogs, or white papers you want us to review? Have you conducted any surveys that shed light on some aspect of the law firm environment? Maybe you discovered a survey by an outside organization you think is instructive but hasn’t received enough coverage. Contact us.

As you probably know, every month we publish a lengthy Q&A interview with an intriguing member of the legal profession. Let us know what your people are up to. Who at your firm or elsewhere would make a good interview subject?

Feel free to reach out to me at stevetaylor77@comcast.net or call 503-245-3209.

—Steve T. Taylor