

Decolonizing Legal Mentoring

BY J. RYANN PEYTON

What is legal mentoring? Experts often describe it as a less experienced lawyer tapping into the knowledge, skills, and experience of a senior or high performing lawyer to help the newer lawyer (1) acclimate to the legal environment, (2) cultivate professional and social networks, (3) acquire professional knowledge and skills, and (4) prepare for entry into the professional workforce. But this traditional model and its stated objectives, while well intentioned, limit our thinking and the scope of our activities.

Mentoring occurs not just between two people, but in community through a complex web of relationships with others. It is reciprocal and interactive, not a one-way street. Mentoring occurs not in big moments of epiphany, but in the hundreds of little interactions we have daily with others. The traditional definition of mentoring, which is largely shaped by Western colonialism, restricts the “who, what, when, where, why, and how” of mentoring. It is too narrow to meet the needs of a modern legal profession. Yet this colonial definition continues to dominate and inform the mentoring of lawyers in the United States.

This article addresses the hidden assumptions of mentoring that spring from the history of colonization and perpetuate the meritocratic hierarchy of the profession. It examines some of the most harmful instructional models used in traditional legal mentoring and how they can be “decolonized” to provide more equitable and just mentoring opportunities for racial/ethnic minority lawyers.

The Colonial Influence

Colonialism is the maintenance of political, social, economic, and cultural domination over people by a foreign power for an extended period.¹ In other words, it’s a way for one group to control another. The colonial history of the United States dates back to the early 1600s, when European settlers arrived on the North American continent with a presumption of sovereign entitlement and a belief in their right to establish a state over which they could exercise permanent and exclusive control.² Today, the three foundational processes upon which our country was built—Indigenous elimination, anti-Black racism, and immigrant exploitation—continue to shape inequities within many of our modern systems and structures.³

One of the most colonially influenced systems in America is the legal system.⁴ The effects go well beyond the scope of this article, but, as relevant here, include an ongoing struggle to recruit and retain racial/ethnic minority lawyers and create diversity, equity, and inclusion in the profession. Recently, cross-racial mentoring has gained attention as a principal and necessary action to address this problem. Yet little attention has been paid to how traditional legal mentoring incorporates colonial notions of power, assimilation, and erasure. For example:

- Socially marginalized or underrepresented lawyers are assumed to lack competency, skill, resources, and influence. They are less likely to be “chosen” as mentees in the first place, and, if chosen, are not asked to contribute to the mentoring

relationship because their “outsider” perspective is questioned or undervalued by the “expert” mentor.

- Mentors “teach the ropes” of the profession based on Eurocentric norms and values.
- Mentoring pairs fail to examine the institutional, professional, and societal norms influencing the outcome of the mentoring process.⁵

These elements of traditional mentoring do little to support the inclusion of racial/ethnic minority lawyers and instead strip diversity from our profession.⁶

Decolonizing Harmful Mentoring Models

Unfortunately, traditional legal mentoring often does more harm than good for the lawyers such mentoring aims to serve. To improve mentoring outcomes for these lawyers, we need to “decolonize” those instructional models that contain hierarchical, Eurocentric principles, and replace them with collaborative, holistic instructional models.

The Deficit Model

The deficit model assumes a hierarchy within the mentoring relationship where the mentor is deemed to have power over the mentee by virtue of their age, expertise, or position in the profession. It assumes that all mentees lack the knowledge or competency to be successful, and all experienced professionals have the competence to be effective mentors.⁷ Because the mentee is viewed as lacking ability, the flow of knowledge occurs solely in one direction—from the mentor to the mentee.

Mentors often unintentionally perpetuate the deficit model through a genuine, but misguided, attempt to “save” their mentee from their lack of competency. This deficit is further exacerbated for racial/ethnic minority lawyers who already face implicit (and sometimes explicit) bias regarding their competency, professionalism, and influence. In cross-race mentoring relationships, the effect of the so-called “white savior complex” can further embed the deficit model as the well-meaning mentor requires this deficit to “rescue” the mentee.⁸

The mentee may feel that their role is to be exceedingly grateful for the mentorship (whether authentic or not) and to publicly demonstrate their mentor's commitment to diversity.

To decolonize this model, the mentor should move to a shared model of mentoring. Instead of wielding power over the mentee, the mentor should reflect on the power and privilege they hold as a mentor and seek ways to share that power with the mentee. Examples of the shared model include:

- using the mentor's social capital to build the mentee's influence and power in the community;
- teaching the mentee how to navigate professional relationships with colleagues, peers, and supervisors;
- empowering the mentee to take ownership of the direction of the mentoring relationship;
- affirming and building the mentee's confidence; and
- valuing collaboration and bringing in different perspectives to the mentoring relationship.⁹

The shared model rebalances power in the mentorship and promotes a two-way exchange of information.

The Assimilation Model

The assimilation model presumes it the mentor's role to provide the mentee with knowledge, advice, challenge, counsel, and support in the mentee's pursuit of becoming a full-fledged member of the legal profession. This model assumes that (1) mentees must conform to become members of the legal profession, (2) the profession's values supersede the mentees' values, and (3) the purpose of mentoring is for the mentee to become a "clone" of the mentor.¹⁰

These assumptions are directly related to the settler colonialism on which the legal profession was built. They are further perpetuated by mentors who use the deficit model to indoctrinate the mentee to the profession's dominant (Eurocentric) norms and values. The assimilation model conveys to racial/ethnic minority mentees that they must give up their racial or cultural identities to find belonging and success in the legal profession.

When members of one community interact with another community, there can be a conflict of norms. While each community might prefer for its norms to govern the interaction, usually the community with the most power in society impresses its norms onto the other.¹¹ Currently, the profession's norms are so deeply rooted and entrenched in white, Eurocentric standards

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This process of assimilating to professional norms begins in law school and continues throughout a lawyer's career. "Formal legal education was founded on exclusionary and

classist premises. Those goals have waned somewhat, but the core of the educational and professional process is still typified by a narrow range of considerations, faulty pedagogy and the centering of white cultural norms."¹² The continued centering of white cultural norms, passed down and replicated through typical models of legal mentoring, creates a cyclical process of assimilation. It is not surprising then that the profession continues to struggle with generating real equity and inclusion, as the focus on "inclusion" has become a misguided quest for assimilation. The message to racial/ethnic minority lawyers is that professional inclusion is possible, as long as one assimilates to white cultural norms.

Decolonizing this model involves switching to a relational model through which mentees are treated as whole and unique individuals whose professional identities are shaped first and foremost by their personal identities. Examples of this approach include:

- creating space to courageously discuss the cultural differences between mentor and mentee and between the mentee and the legal profession as a whole;
- having a holistic understanding of a mentee that includes their racial/ethnic/cultural identities;
- reconciling the personal and professional identities of the mentoring pair and acknowledging how they can be both intersectional and incongruent with the norms of the legal profession;
- acknowledging that the law and the legal profession are not value free, and examining how the mentee's personal or cultural values compare to the profession's values.
- challenging oppressive structures within the legal profession that prompt or require assimilation as a tool for visibility, belonging, or success; and
- supporting mentees in navigating two worlds—their personal world and their professional world.¹³

The relational model allows mentees who don't fit into the typical lawyer mold to hold on to what makes them unique and feel at home in the legal profession.

The Worthiness Model

The worthiness model assumes that not all mentees are “worthy” of mentorship. A mentee’s worthiness is based on their coachability, trainability, or teachability, as defined by Eurocentric norms and values. Any failures of the mentoring relationship are presumed to stem from the mentee’s shortcomings or inability to be taught.¹⁴

Even mentors who believe in the values of diversity, equity, and inclusion naturally invest in and advocate for the development of mentees who are most like them.¹⁵ Our affinity bias toward those who remind us of ourselves informs our assessment of who has potential and who is worthy of our nurturing. The result of this affinity bias is twofold: (1) growth and advancement opportunities go disproportionately to those who belong to the demographic or social group that’s already in power, and (2) if a mentee pushes back against the deficit and assimilation models of mentoring because they feel that it is not true to their authentic self, they are deemed to be difficult or “un-coachable.”¹⁶

As a result, the mentoring relationship may never begin, or it may end prematurely. The onus of that failure is placed on the mentee without consideration of the broader context of the institutional, professional, or societal norms influencing the barriers to success for the relationship. The mentee then internalizes the perception that they aren’t worthy of mentoring or simply weren’t a good enough mentee.

Decolonizing this model means shifting to an ecological approach to mentoring. This model considers three contextual levels of influence on the success of a mentoring relationship: societal (or “macro”); institutional (or “meso”), which can be further divided into system and organization levels; and personal (or “micro”), which includes intrapersonal and interpersonal variables.¹⁷ Examples of this model include:

- taking steps to protect the mentee when issues of race, discrimination, and racism occur at the macro, meso, and micro levels;
- empowering mentees and changing negative beliefs about their capabilities;

- introducing mentees to influential people to build community and belonging in the profession;
- encouraging and appreciating the mentee’s perspectives and values on identity, culture, and competency in the profession; and
- acknowledging one’s own limitations and mistakes as a mentor.¹⁸

The ecological model acknowledges that the mentoring relationship is not isolated from significant environmental factors that influence its ultimate success or failure, and it takes the burden off the mentee to be “worthy” of the relationship.

Conclusion

The decolonization of legal mentoring requires lawyers to commit to growing in their individual cultural competence and cultural humility. Being a mentor includes taking risks, speak-

ing up, and increasing our own and others’ awareness to show the impact of concepts like colonialism on the culture, values, and systems of our profession. While the traditional methodology of legal mentoring has persisted through generations, we must acknowledge that the status quo is doing little to move the needle on matters of equity in the profession.¹⁹ Because mentoring is the primary way in which lawyers are integrated into the legal community, we must be conscious of legal mentoring models that perpetuate white, Eurocentric values, and actively work to decolonize these models to create a professional culture where every lawyer can thrive. 



J. Ryann Peyton is the CAMP director and a seasoned consultant and advocate on diversity and inclusivity in the legal field. Previously, Peyton focused her law practice on civil litigation with an emphasis on LGBT civil rights.

NOTES

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