

# The Bad Old Days: Why Nostalgia for In-Office Work Is Misguided

by Debra Pickett



Nearly seven months into the pandemic, with “regular life” a distant memory, it’s understandable that some law leaders are grasping for the Before Times, casting familiar habits and routines in sepia and longing for the time when we can get back to the “good old days.”

This nostalgia seems to be driving a [recent flurry of articles by senior law partners](#) about how the loss of in-office work will hobble the next generation of attorneys. Without face-to-face interactions, the argument goes, associates will miss out on vital mentoring from senior partners, as well as the camaraderie and casual elevator banter that builds bonds and a sense of shared mission.

While no one can quibble with the latter (working from home can be lonely and boring — nobody ever asks “so how was your weekend?” when you are standing at the coffee pot in your own kitchen), admitting defeat on mentoring should raise a big red flag for anyone following current challenges in retention and advancement at law firms.

If this framing — a white man who holds institutional power saying “I wish I could mentor, but...” — sounds familiar, that’s because we also heard it at the height of the #metoo scandal. As accusations of abuses of power were coming to light and the perpetrators were, in some cases, being held accountable, other male leaders expressed concern, privately or in public, about mentoring women lawyers. In such a “sensitive environment,” what if something they said or did was misconstrued, and their well-intentioned efforts backfired? Best not to risk it. Best to continue mentoring lawyers who remind them of themselves.

Or maybe you have heard it in the context of racial inclusion, when white male senior partners (we hate to pick on them again, but minority women make up only 3.2% of law firm partners, according to the [Institute for Inclusion in the Legal Profession’s 2019-2020 review](#)) profess a sincere desire to mentor lawyers of color, except no lawyer of color has ever asked them for their help.

Now we find ourselves in new circumstances, with physical proximity slotting in as the barrier to mentoring the next generation of attorneys. And while it might seem different on its face, claiming that you can’t mentor someone unless you can interact with them in person during business hours is no less problematic than blaming potential accidental sexual harassment or lack of initiative by lawyers of color. That’s because when offices do begin to re-open, the first associates and junior partners to return will be white men. (Surveys and statistics show that lawyers in other demographic groups will be contending with remote learning, lack of childcare and care for other family members for far longer.) And under a mentoring rubric that views traditional work schedules and practices as essential, white men will continue to reap the benefits of the access to power and client contacts and high-profile assignments that they have always enjoyed.

Wash, rinse; repeat.

This problem with equity in training and development is completely predictable. (We are predicting it right now, and so are lots of other people.) Law firms have proved themselves to be extremely adept at solving all kinds of complex predictable problems, so this one should be no different. Of course law leaders acting in good faith can create new systems to sustain mentoring in this extraordinary time, and ensure that mentoring includes all attorneys, regardless of gender and race. (Whether they actually want to is a different question, but also an irrelevant one, since unprecedented focus and pressure on firms to become more inclusive workplaces means it's not up to them anymore.) Here are some first steps to making it happen:

**Get over your nostalgia.** We all miss social interaction with colleagues, and lawyers maybe most of all, given that their jobs play such a large role in their identities. But be careful not to conflate conventions with business imperatives. The legal industry has experienced many other big changes that at the time seemed to threaten core aspects of the work process. ("How will we function without fax machines?!") But then attorneys who were flexible and creative adapted, and law firms survived and found new ways to thrive. When client service is your core value, you find all kinds of novel ways to accomplish it, including by ensuring the critical development of powerhouse diverse teams who can meet client needs.

**Acknowledge that the old mentoring system was already broken.** It worked for some lawyers, but not for everyone, and in 2020 it is unacceptable to pretend like that's not true. Mentorship and, even more important, active sponsorship, doesn't happen "naturally" — it results from systems designed to yield those outcomes. Brokering a client relationship with a junior partner on the golf course at your all-white country club is the result of a system too, even if it simply feels to the participants like the way things have "always worked." What would a mentoring system that includes women and lawyers of color look like? How would it be built? How could it be conducted remotely, and does remote work actually present some *opportunities* for equity that are not present in person at the office? When we stop revering the old ways of doing things, we open up space to think big and create something new. That should feel exciting, not limiting.

**Get worried about the right things.** All snark aside, law leaders *should* be concerned about how the pandemic will impact the careers of the next generation of lawyers. It is definitely harder to mentor from a distance, but an insistence on in-person connections will only (and very predictably) lead to inequality. Without thoughtful interventions, lawyers who return to the office first will get first dibs on high-value work and have greater visibility with leadership, leading to more positive performance reviews, increased compensation and promotions. But you can intervene to create a different outcome. Leaders who care about equitable training and development need to call on the expertise of diversity and inclusion experts for support in designing an approach to remote mentoring. It is possible, and they know how to do it. One thing is for sure: you won't get there by applying yesterday's solutions to today's problems.

No question, law leaders are facing some of the hardest challenges they've ever seen. Let's not make matters even worse by clinging to outdated thinking that will hobble our progress on equity and inclusion.

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