

Riding Shotgun: Helping Colleagues in Need

Marc Garfinkle, New Jersey Law Journal

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Younger only than his *Iliad* as an example of Western literature, Homer's *Odyssey* is a priceless trove of information about life in ancient Greece. Its pages (or touchscreen) describe how those folks ate and drank, how they travelled, slept and worshiped, how they fought and how they thought. There are few more detailed accounts of living in Homeric times. Modern readers are often surprised at how naturally the Greek gods intervened in the daily lives of mortals.

As with much ancient literature, many of the *Odyssey's* accounts and descriptions are consistent with known historical and geographical facts. Some tales, such as Odysseus's encounter with Cyclops, are entirely true. The story of Mentor is one of those.

Our hero Odysseus (Ulysses) had gone off to fight in the Trojan War, leaving behind his home in Ithaca on the banks of Lake Cayuga, his comely wife Penelope, their infant son Telemachus and a dog. Among them, none was equipped to help young Telemachus grow to proper manhood.

Enter Mentor. Not the local schoolmaster or itinerant scholar, this Mentor was really a personification of the goddess Athena, intent on protecting and schooling young Telemachus while keeping an eye on Odysseus's other interests in his absence.

And absent Odysseus was. For ten years, he was busy fighting the good fight. At long last, Troy fell. Job done. Time to go home. But Poseidon intervened, and the voyage home took Odysseus ten *more* years. Back in Ithaca, he was presumed to have perished. Predictably, the pulchritudinous (though probably pruning) Penelope, invariably virtuous and virtually virginal, was seemingly surrounded by a self-selected slew of stalwart suitors.

Upon our hero's arrival home, his dog—whose watch was now over and his heart overfilled with joy—died on the spot. Then great Odysseus happened upon a skills competition in his own abode, planned for the suitors—winner take all. Clearly better at games of skill than chance, he entered the fray where ultimately, with sword and son, he slew the slew of suitors. Athena went home, and so ended the saga of Mentor.

Before I blaspheme his good name, I wanted you to know, dear reader, more about the man and the myth who inspired the noun "mentor," which became the verb "to mentor," which evolved into present participle and gerund "mentoring," and a noun again, "mentorship," all of which words are so misunderstood they beg a user-friendlier alternative.

Don't get me wrong; I am a big fan of lawyers helping lawyers. As a solo fresh out of law school in San Francisco, I could not have survived without a special handful of older lawyers who gave of themselves for no reason except to help me succeed. Later, back home in New Jersey, there were other lawyers who took an interest in my practice and found opportunities for me. They were my sounding boards, my editors and my friends, with watchful eyes and genuine concern. Perhaps most importantly, they made me more accountable for my handling of my cases. My mentors kept me from peril in countless ways.

Godspeed to all mentoring programs, whether sponsored by state or local bar associations, lawyers' groups, chat rooms, blogs, list serves—all of them. They are all peopled with lawyers, often exceptional lawyers, who generously share their time and the fruits of their experience.

But here's the rub. Teachers have students; mentors have disciples. In most cases, mentoring involves a relationship which neither side wants or needs. Of course, all of us sometimes could use an extra set of eyes, a tried-and-true practice form, a link to a contact or a broader view of a matter, but we just don't need a mentor. Similarly, few lawyers I know are looking to be, or to have, a disciple. We'll go out of our way to help an appreciative colleague, but we don't want to sign up for the whole season.

In this view, "mentoring" connotes a greater commitment from would-be mentors and mentees than the former wants to make or the latter needs. Worse, true mentoring provides no compensation to the mentor. That is unfortunate, because lawyers often form strategic alliances where we figure out how we can each make a dollar.

Beyond that, there is the age thing. "Mentoring" conjures images of a kindly, graying lawyer taking a fledgling under her wing, and, well ... mentoring. That relationship suggests that older lawyers don't need such protection, and that the shoe would not fit on the other foot. *Au contraire*. I turn to colleagues all the time for advice, and when I have a question about legal tech, I might call an attorney half my age.

Despite these issues with modern mentorship, most lawyers would gladly lend a hand to a colleague of any age or level of experience, except, of course, if they are associates in the same firm. Perhaps we just have a question of procedure or we'd like someone else to look at an email before we send it. Maybe we realize that we don't know what we don't know, so we call a more experienced colleague before taking on a new matter. Perhaps we wait until the water starts to deepen. Whenever we are ready, we turn to colleagues for answers, opinions, viewpoints and advice.

We used to call that "riding shotgun" for each other. We still do. The term evolved from the critical role of the man or woman who sat alongside the stagecoach driver, in the so-called "shotgun seat," back when those vulnerable vehicles voyaged West. Shotgun riders were an extra set of eyes and ears, an additional brain and some obvious clout that would be needed along the perilous journey, often on unmarked trails. The person riding shotgun was a lookout, a co-navigator, another perspective, an insurance policy and a comrade. Many a disaster was averted by the shotgun.

We lawyers sometimes perceive our deficiencies, bad decisions or ethics issues before they fester. Other times, we don't. In either case, the best way to avoid human error is to submit our intended actions for review by another human. Since you are a lawyer, that other human should be a lawyer, too. We all can use someone to ride shotgun. Don't hesitate to ask for help. Invite your colleagues to opine on a matter that is troubling you. Ask other lawyers to let you contact them with questions or to ride shotgun for you.

Better yet is to invite them to join you on the file and, perhaps, in the fee. Keep a file of specialists you know, and direct potential clients to them on matters you can't, or shouldn't, handle. On matters you wish to keep, just explain that you've got a matter that would benefit from their expertise or experience, and you'd appreciate their sitting next to you. Few experienced lawyers will refuse.

Where can such attorneys be found? Chances are you know more than enough of them already. If not, we meet each other in court, during transactions, at social events, bar functions, school reunions, family get-togethers and waiting in line at the theater. Simple conversation will open the door.

On the other hand, if you are an attorney with miles on your odometer and an inclination to share your knowledge, this is no time to be shy. Speak up. Let other lawyers know your strengths. Mention frequently your willingness to review a file, to make suggestions or just to be available when that lawyer needs advice or a helping hand. Offer to ride shotgun. This is intervention your colleagues will appreciate.

Do not look for a quid pro quo (at least the first time). If there is a fee to be made, consider it a bonus. Your less experienced colleagues should learn from your example so that they, in turn, will someday, perhaps soon, return the professional courtesy or extend it to another colleague.

I submit that, for semantical reasons alone, attorneys would prefer riding shotgun to mentoring. I hope to test this thesis by soliciting the cooperation of attorneys who would like someone to ride shotgun for them, and of attorneys who are willing to so ride.

The domain name ShotgunLawyer.com is still available. If readers' comments to this article indicate sufficient interest, we will procure that domain and compile a shotgun list. This would be a statewide database of attorneys, comprising all specialties and niches, who have expertise in one or several fields and would be willing to ride shotgun for a

colleague. There would be no charge to participate and minimal rules. Let me know of your interest.

This "shotgun list" would be available to all New Jersey lawyers, enabling any attorney to have an experienced, concerned colleague look at a file, answer questions or oversee a case. Many of us are already doing this, but the need is endless and attorneys are extraordinary givers. This year, for the holidays, put your name on the list. The gods are too busy these days to get involved in the daily lives of mortals. We have to help ourselves, and each other. •

Garfinkle's practice, now in Morristown, is devoted exclusively to matters of attorney ethics and discipline, bar admission and judicial misconduct. He moved from Maplewood when it was apparent that here were no more unethical attorneys left in Essex.