An Exploration and Assessment of Mentoring within the American Law Professoriate

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This paper presents descriptive results of a pioneering and exploratory study of mentoring among law faculty at American Bar Association (ABA) approved law schools. The findings are discussed and reconciled using a focused review of the mentoring literature addressing gender and race. The paper concludes with suggestions for promoting equitable mentoring for law faculty especially Women and People of Color faculty in American Law schools.

One of the first instances of mentoring traces back to ancient Greece where Odysseus placed his son Telemachus under his friend Mentor's tutelage (Murray & Owen, 1991). From then to present, mentoring has been used as process for developing the young and inexperienced. Pioneering investigations of mentoring (Dalton, Thompson, & Price, 1977; Kram, 1983; Kram & Isabella, 1985; Levinson, Darrow, Klein, Levinson, & McKee, 1978) have firmly established the mentoring process in the contemporary literature as a helping and or developmental relationship where a senior or more experienced person mentors a junior or less experienced person in the same organization (Noe, 1988; & Hunt & Michael, 1983). More recent mentoring literature has identified mentoring as an essential mechanism in fostering the career development for employees in business and academic institutions (Burke, McKeen, & McKenna, 1993; Donaldson, Ensher, & Grant –Vallone, 2000; Gaskill, 1993; Pollock, 1995; Allen, Eby, Poteet, Lentz, & Lima 2004). Despite, the establishment of links between mentoring and career –benefits for protégés, the knowledge base on mentoring as it relates to benefits for protégés is far from complete. In this age of multiculturalism and changing demographics, protégés in organizations are increasingly women and People of Color. It is predicted that People of Color will account for 62% of the U.S. workforce by year 2005 (U. S. Department of Labor, 1995). According to Forsythe (2003) by the year 2050, 85% of new entrants to the workforce will be the Women and People of Color. Thus, mentoring research needs to focus on determining how these protégés benefit from the mentoring process. It is no longer sufficient to design studies using mentoring constructs that do not distinguish between formal and informal mentoring. More studies are needed that make this distinction; in addition to examining the impact of race and gender in organizational mentoring. Such distinctions are necessary because there is a greater likelihood that Women and People of Color are likely to be involved in formal mentoring programs since formal mentoring programs proliferated in the mid-1980's as a way of improving the promotion and retention of women and people of color (Gunn, 1995).

Statement of the Problem

The purpose of this study was to examine the type of mentoring (formal and informal) occurring in American Law schools. Additionally, it uses the race and gender dimension outlined by Tillman (2001) as lens to gain perspective and assess the state of mentoring for law faculty at American law schools. Finkelstein, Seal, and Schuster (1998) suggest that the most profound changes in Colleges and Universities are occurring in the demographic composition of new faculty entrants. Despite these demographic changes, Smith and Witt (1993) reported that by the year 2000 there will be a reduction in African-American faculty employed in higher education. This finding is supported by other research which suggest that African-Americans and other People of Color stagnate in public and private institutions and tend to leave before achieving promotion and tenure (Creamer, 1995; Hutcheson, 1997). Law schools, in particular, are grappling with this issue as more women and people of color enter the law-teaching academy. However, as these previously underrepresented groups enter the law-teaching academy there is also a corresponding rise in their levels of attrition (White, 2001). This disturbing trend wherein underrepresented groups gain access but are unable to succeed or be retained at our nation's law schools warrant investigation to determine the causes of attrition for faculty belonging to underrepresented groups.

Significance & Research Questions

Presently, the author is unaware of any empirical study examining the mentoring of law faculty. This study is an important first step because law schools and their professors are essentially the gatekeepers to the infrastructure (laws) of our society and law professors serve a vital societal function by producing the nation's lawyers. As a consequence, it is important to know and understand how law professors are mentored and socialized, and whether the mentoring process and its effectiveness is affected by mentoring type and race and gender realities.

As a consequence, two research questions guide this study: first, what types of mentoring (formal or informal) are occurring in our nation's law schools? Second, is one type of mentoring perceived as being more desirable and effective than the other? These questions represent a first step in understanding how mentoring occurs for law Professors. At a pragmatic level, this study has significance for the law-teaching academy. An examination of law review articles, newspaper articles, journal articles, and reports issued by the American Bar Association (ABA) and the Association of American Law Schools (AALS) suggest that American law schools continue to struggle with the task of attracting and retaining minority and female faculty in tenured and tenure-track positions (Bell, 1994; Chambers, 1990; Delgado & Bell, 1989; Merritt & Reskin, 1997; White, 1996). In addition, other legal scholars have highlighted the challenges of recruiting and retaining faculty at American law schools by asserting that gender and ethnic biases continue to distort the process of hiring faculty at American law schools (Chused, 1988; Feagins, 1994; Ogloff, Lyon, Douglass, & Rose, 2000; Paulsen, 1993).

Method

This study including all associated procedures and instruments was approved by the researcher's Institutional Review Board and participants were given appropriate informed consent information prior to completing their surveys. The target population of this study was comprised of law professors from 178 of 184 ABA-approved law schools. In this study, Assistant Professors are defined as junior faculty. Associate Professors and Professors are defined as senior faculty. According to Merritt and Reskin (1997), the titles of Assistant Professor, Associate Professor, and Professor usually represent tenure-track or tenured status within the academy.

A survey research method was used to examine the occurrence of mentoring in American law schools. The researcher used a Mentoring Questionnaire (MQ) to collect data from the law faculty research participants. The MQ was developed by the researcher using Fowler's (1995) principles for the design and evaluation of survey questions. The MQ provided operational definitions of mentoring and its manifestations (formal and informal) for research participants to review and select from. Mentoring and its related terms (mentee, protégé, formal mentoring and informal mentoring were operationally defined by using the definitions put forth by classic works in the mentoring literature (Levinson et al., 1978; Carmin, 1988; Kram, 1985b; Chao, Walz & Gardner, 1992). A central theme in the mentoring definition was that mentoring involved the provision of career and psychosocial support to mentees/protégés. The purpose of the MQ was to solicit data on the occurrence of mentoring, the distinctions between the various forms of mentoring, and to obtain law faculty perceptions of the effectiveness of the various forms of mentoring they received. In addition, demographic data was collected; that data included information about position titles, time in current position, time affiliated with current institution, time in the law-teaching career, educational attainment, gender, race, and ethnicity. A confidential survey was used to collect data. The researcher created a stratified random sample of law schools based upon the distinguishing criteria of public versus private law schools. The researcher randomly selected 25 of the 101 private ABA-approved law schools. The researcher repeated the procedure and randomly selected 19 of the 77 public ABA-approved law schools. In total, the research sample of 44 public and private law schools constituted 25% of the universe of law schools ($N = 178$) . Surveys were mailed to 1,176 full-time tenured or tenure-track law professors. This sample ($n = 1,176$) constituted 13% of the total number of full-time tenured or tenure-track law professors ($N = 8,827$).

The descriptive statistics and demographic data gleaned from this study were used to compare key variables (gender, ethnicity, and tenure status) within the sample population to the known distribution of these key variables within the law-teaching academy. In addition chi-square tests of independence were conducted as a check on sample representativeness of the American law teaching population.

Results

Of the 1,176 coded questionnaires mailed, 428 were returned. However, 89 surveys were returned as undeliverable or with indication that the law professor had moved to another institution or was no longer with the law school. The received e-mailed message from 46 other law faculty who indicated that they did not wish to participate in the study

or that they did not like or did not agree with the survey. Additionally, 41 surveys were unusable because substantial portions of the survey including the demographics section were not completed.   After subtracting the unusable and undeliverable questionnaires there was a total of 298 usable questionnaires for a final response rate of 30%. The researcher recognizes that a 30% response rate is low. However, it should be noted that the researcher made several efforts to boost the response rate. Those efforts included separate letters to the Deans of each law school in the research sample urging each Dean to encourage their faculty to complete and return their surveys. Additionally, the researcher sent broadcast reminder e-mails directly to non-respondents reminding them to complete and return their surveys. Given a 30% response rate, the researcher were fortunate to be able to compare demographic data from the sample with data from the population of law professors as a check on representativeness.

Table 1 presents the demographic obtained from the study. These data are presented first to determine sample representativeness to the population of law professors.

Table 1. *Gender, Ethnicity and Age of Respondents (N=298)*

	(*n*)	%
Gender		
Male	182	61.5
Female	114	38.5
Ethnicity		
Black/African-American	24	8.3
Asian-American/Pacific Islander	8	2.8
White	239	82.4
Hispanic/Latino	12	4.1
Native American	2	.7
Other	5	1.7
Age at time of survey (years)		
29 or less	2	.7
30-39	44	14.9
40-49	83	28.0
50-59	124	41.9
60 or over	43	14.5

Note. Numbers do not total to 298 for each variable because of missing data*.*

According to Table 1, males represented the majority of the sample. Whites accounted for 82.4% of the sample with Minorities and Other accounting for the remainder of the sample; Black/African-American had the second highest representation at 8.3%. With respect to age, most law professors in the sample reported being between 50 and 59 years of age.

Sample Representativeness

Table 2 shows the results of direct comparison of the research sample's demographic data to the demographic data associated with the law teaching population. The researcher compared the numbers of persons responding to this study with the population of all law school professors in the United States. Comparisons were made on three key variables: gender, ethnicity, and position (faculty level). The first comparison involved gender. Table 2 shows the number and percentage of males and females among all U.S. law schools and in the study sample.

Table 2. *Number and Percentage of Law School Professors by Gender*

	All U.S.	Survey Sample
Males	6125	182
	76.6%	61.5%
Female	1765	114
	22.4%	38.5%

Note. Data for "All U.S." were obtained from the AALS website (www.aals.org).

The percentage of females in the study sample, 38.5%, exceeded the percentage of females among all U. S. law school professors, 22.4%. This was statistically significant in a chi-square test of independence, $\chi^2(1, N = 8,186) = 42.04, p < .01$. However, the national data provided gender percentages for each of the professorial ranks. Thus, further analyses were pursued to locate where the gender differences were greatest.

At the level of Assistant Professor, the percentage of females for the U.S. population (49.4%) and the percentage for the study sample (53.1%) were relatively similar and not statistically significant, $\chi^2(1, N = 629 = 0.16, p > .05$. In addition, at the level of Associate Professor, the percentage of females for the U.S. population (49.4%) and the percentage for the study sample (46.5%) were similar and not statistically significant, $\chi^2(1, N = 1,217) = 1.08, p > .05$. However, at the Professor level, the percentage of females for the U.S. population (22.9%) was significantly exceeded by the percentage for the study sample (33.0%), $\chi^2(1, N = 4,757) = 11.94, p < .05$. In summary, the gender representation of the study sample was similar to all U.S. law school professors for two out of three ranks that were part of the study.

An additional comparison involved ethnic status. Table 3 shows the number and percentage of minorities and whites among all U.S. law schools and in the study sample.

Table 3. *Number and Percentage of Law School Professors by Minority Status*

	All U.S.	Survey Sample
Minority	833	51
	15.%	17.6%
White	4738	239
	85%	82.4%

The percentage of Minority persons in the study sample, 17.6%, was not significantly different than the percentage of Minority persons among all U. S. law school professors, 15.% ($\chi^2(1, N = 5861) = 1.49, p > .05$).

The final demographic comparison involved position of respondent, i.e., professorial level. Table 4 shows the number and percentage of professors by rank among all U.S. law schools and in the study sample.

Table 4. *Number and Percentage of Law School Professors by Professorial Rank*

	All U.S.		Survey Sample	
	n	%	*n*	%
Professor	4326	71.9	213	73.2
Associate Professor	1125	18.7	46	15.8
Assistant Professor	565	9.4	32	11.0

Note. Data for "All U.S." were obtained from the AALS website (www.aals.org).

The data for *All U. S.* was after the subtraction of the survey sample cases. The percentages of professors, associate professors, and assistant professors in the study sample were not significantly different than the percentages among all U. S. law school professors, ($\chi^2 (2, N = 6307) = 2.07, p > .05$).

In summary, a comparative analysis of the research sample for its representativeness to the law professor population suggest that it is appropriate to conclude that the research sample is representative of American law professor population on three variables. The three variables are Gender, Race and Ethnicity.

Mentoring's Occurrence and Aspects

The MQ asked respondents to answer questions regarding their mentoring experiences including type, mentoring quality and present involvement with mentoring. It was found that 55.1% of respondents were informally mentored, and only 3.1% of respondents reported being formally mentored. Non-mentored respondents accounted for 21.8% of all respondents. A new category was created for respondents who reported that they had received both formal and informal mentoring; respondents in this category represented 20.1% of all respondents. It should be noted however, that the research on frequencies of mentoring type (formal and informal) concludes that mentoring relationships that are characterized as a mixture of formal and informal are generally informal in nature (Godshalk & Sosick, 2000; Ragins & Cotton, 1999). Given this conclusion, it is plausible to suggest that 75.2 % of the law professors in this study were informally mentored.

The MQ also required respondents to rate the effectiveness of formal mentoring on a five-point Likert scale. A slight majority of respondents (56.2%) agreed or strongly agreed that the formal mentoring they received was effective. In contrast, 81.7% of respondents agreed or strongly agreed that the informal mentoring they received was effective. A summary of the data associated with the Mentoring Questionnaire suggest that respondents, on average, either disagreed or were undecided as to whether formal mentoring is more effective than informal mentoring. Thus, there is no clear indication that formal mentoring is perceived to be more effective than informal mentoring. Responses suggested that respondents were aware that both forms of mentoring were occurring at their institutions. However, there was greater awareness that informal mentoring was occurring more so than formal mentoring. For example, respondents were undecided as to whether or not their law school has a formal mentoring program, but were quite sure that there is an informal mentoring program at their law school. Data revealed that respondents have a clear preference for informal mentoring.

Discussion

The data obtained from the mentoring questionnaire indicate that informal mentoring is the predominant form of mentoring currently occurring at the law schools in this research sample and formal mentoring programs are virtually non-existent. One possible explanation for this finding is that most ABA approved law schools have not sanctioned or devoted any organizational resources to creating formal mentoring programs. The demographics associated with this present research confirm the findings previous mentoring research in other organizational settings. Law school faculties are similar to other organizations wherein, the senior members (those who would serve as mentors) were predominantly White and male. As a consequence, organizational mentoring manifested informally and was restricted to White males (Kanter, 1977; Levinson et al., 1978; Russell, 1991; Sheehy, 1976). This tradition continues presently despite the increase of women and people of color entering the law teaching academy. Given the exclusive and restrictive history of informal mentoring, does this continued reliance upon informal mentoring mean that Women and People of Color faculty members are excluded from the mentoring process? Moreover, are law schools missing out on an opportunity to socialize non-majority and female faculty by not developing formal mentoring programs in addition to the existing informal mentoring programs?

Mentoring and Gender

Given the demographic changes which suggest that more women are entering the workforce, it is logical to conclude that there will be a rise in cross-gender mentoring relationships. Numerous studies have been conducted examining the issues associated with mentoring and gender Noe, Greenberger & Wang, 2002; Wanberg, Welsh, & Hezlet, 2003). Two studies suggest that women have less access to mentors (Noe, 1988b; Ragins 1989). Several other studies suggest that women appear to have equal access to mentors (Ragins, 1999; Riley & Wrench, 1985; Thomas, 1990; Wallace, 2001; Smith, Smith & Markham, 2000). These studies in aggregate provide contradicting evidence regarding the questions of whether women have access to mentors, the types of mentoring they receive and the outcomes attained relative to their male counterparts. In a comprehensive review the literature on mentoring and gender, Wanberg et. al., (2003), suggests that the literature is still unclear as to whether or not there are definitive differences between women and men in terms of access to mentors, mentoring functions and mentoring outcomes.

Mentoring and Race

The issues associated with gender are somewhat similar to the issues associated with race and ethnicity. It is a reality that a relatively small number of Women and People of Color are in significant positions of power within

organizational settings (Federal Glass Ceiling Commission, 1995). However, unlike gender, there is a paucity of empirical studies addressing the issues associated with mentoring and race (Wanberg et al., 2003).   This issue of race is particularly important given that many new faculty entrants to colleges and universities will be comprised of Women and People of Color (Finkelstein et al., 1998). Thus it would be important to know and understand the role race plays in mentoring relationships. Several studies focusing on the mentoring experiences of African-Americans have found differences related to race.   It was found that People of Color had less access to mentors, obtained less career or instrumental help, and were more likely to be in a diversified mentoring relationship (Dreher & Cox, 1996; Koberg, Boss, Chappell, & Ringer, 1994; McGuire, 1999; Smith et.al., (2001). Moreover, Kram (1985) found that protégés who are demographically different from their mentors were generally dissatisfied with their mentoring relationship and were more likely to terminate the relationship. Ragins (1997b) also outlined several obstacles that may inhibit People of Color from obtaining all of the benefits associated with mentoring relationships. Those obstacles are visibility and performance pressures which tend to cause People of Color to not serve as mentors; especially to People of Color protégés. In the few empirical studies addressing race and mentoring, Dreher and Cox (1996) and Dreher and Chargois (1998) found that protégés with White male mentors earned higher compensation than the non-mentored or protégés with non-White mentors. Additionally, Thomas (1990) studied the mentoring experiences of Blacks and Whites in organizational settings and found that Blacks tended to have same race mentors who were not their immediate supervisors and were from outside the protégé's department. Thomas also found that same race mentoring dyads produced more psychosocial support than cross-race mentoring dyads.

Implications & Suggestions for Mentoring in Law Schools

The present research suggests that forms of mentoring (formal and informal) are occurring in law schools however, informal mentoring is the predominant process through which career and psychosocial support is provided to junior law faculty. Given the mixed or inconclusive findings of the mentoring research regarding race and gender, it is plausible that Women and People of Color may be shut out from the mentoring process because it occurs informally. It may be that because mentoring occurs informally, many Women and People of Color are not mentored thus there are high attrition rates for Women and People of Color. Research shows that Women and People of Color leave their faculty positions before achieving promotion and tenure (Hutchenson, 1997; White, 2001). To improve the mentoring experiences and outcomes for Women and People of Color faculty at American law schools. The researcher proffers the following suggestions that are intended to serves as a basis for establishing and improving formal mentoring programs in American law schools.
Suggestion # 1: Law Schools should design and develop formal mentoring programs with open access to all new faculty entrants regardless of age, gender and sexual orientation.
Suggestion # 2: Engage and enlarge the role of senior faculty members to include that of mentor. Senior faculty mentors are the keepers of a law school's culture and are the best source for mentoring and socializing new and junior faculty entrants.
Suggestion # 3 Law Schools should encourage all new and junior faculty regardless of race and gender to build a developmental network that includes a primary mentoring relationship but not limited to it. A developmental network is essentially comprised of a group of individuals who offer different or varying levels of career and psychosocial support to an individual within an organizational setting (Thomas,1993; Higgins & Thomas 2001). This notion of a developmental network makes sense given the hyper-turbulence (constant change) associated with today's organizations. In many instances it is no longer feasible for protégés to have a mentor in the traditional sense wherein the relationship progresses through initiation, cultivation, separation and redefinition stages as delineated by Kram (1985).

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