

The Labor & Employment Law Section Mentoring Program:
A Personal Perspective

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If your eyes are open, you've been paying attention, or you have any sense of self-awareness, you recognize that whatever success you've had in your legal career has probably been the result of being mentored, trained, nurtured, supported, and advanced by the kindness, generosity and professionalism of many lawyers and teachers who came before you. I have had such good fortune. More than my share perhaps. As a result, an enormous debt or duty to give back has grown within me: An individual debt to those who helped along the way, a general debt we all owe to this profession that means so much to all of us, and a loftier public debt we owe to the public to insure the next generation of lawyers who will serve them ethically and well.

It gives me great pleasure to report that the Labor & Employment Law Section of the State Bar under the leadership of Section Chair John Runyan, a role model for many of us, has initiated an extraordinary mentoring pilot program providing a vehicle for us to give back, to share the hard lessons we've learned, and to help shape an ethical, thoughtful, civil, and professional generation of labor and employment lawyers.

10 mentors were matched with 10 mentees. The plan provides that we meet regularly, at least once per month, maintain confidentiality, and systematically provide career development, assistance and advice based on our own experience, coaching through career challenges, support and motivation and expansion of the mentee's network and resources. I was connected to Liz Abdnour, a former Title IX investigator and a relatively new plaintiff side civil rights and employment lawyer with a solo practice in Lansing. Once paired, Liz and I got acquainted and quickly got down to the nuts and bolts of mentoring.

As a young boy growing up, my father frequently reminded me that "any damn fool can learn from his own mistakes. The wise learn from the mistakes of others." By the time I left home for college, I *hated* that admonition. Since I've been mediating and arbitrating, however, I have a different opinion. I've posted my father's maxim on my website where anyone seeking my professional assistance will be sure to see and learn from my father's wisdom. Mentoring is based on that principle.

Liz and I have talked about specific cases. We've strategized. We've thought through consequences and tried to anticipate multiple moves down the board. Liz has an interesting

and meaningful practice and our discussions have been deeply satisfying as they remind me of the “good old days” when I was in practice myself.

We’ve discussed record keeping, new client intake procedures, and law practice management.

Liz has been a perfect fit. She listens. She asks excellent questions. She prepares for our meetings. She thinks about and processes my comments and advice. She engages and pushes back when something doesn’t sound right to her. And there doesn’t appear to be a defensive bone in her body. She has shown no need to defend herself from constructive suggestions for change.

We’ve also talked about a whole host of business issues. For example:

- The importance of back bone and integrity. Plaintiff lawyers who rely on contingency fees must be scrupulous in realistically evaluating cases for settlement, keeping an open mind to changing assessment of risk, of course, but sticking to their guns when negotiations begin. Contingent fee lawyers must be scrupulous in not allowing their own financial situation to impact resolution of client matters. During the time between settlements, the temptation will be there. It must be resisted.
- Financing your practice. Lawyers should open a line of credit with the bank in case of emergency but should not access it – ever – if possible. Owing money to the bank is additional pressure for anyone dependent on contingency fees. Advice to new lawyers: don’t spend money or commit to spending money until you’ve got it in the bank. Most purchases and investments can wait until the next case has been settled.
- Wait for the settlement check to clear the bank. When a settlement check is deposited, the bank generally requires a day or three to process it and make the funds available. Over the years, in my experience, checks from the most reliable of sources have not always cleared. No matter how tight your financial situation, do not spend it until the check has cleared, the money credited to your account. There is a small but credible risk the next settlement check will be the one with a problem.
- The importance of reputation. Lawyers are inveterate gossips. We talk about each other endlessly. Everything we do and say, every victory and defeat, soon gets spread around, often to people on the other side of the “v.” from us. Sitting as a case evaluator once, defense counsel recommended a low number on a matter. “Word is plaintiff’s counsel is having financial problems. I’m sure he’ll accept.” What a lesson! Lawyers are often asked, “how’s business?” When times are tough, prudence dictates we stay mum. Otherwise, settlement offers might be tailored to what someone has heard on the street rather than the merits and exposure of a particular law suit.

The Labor & Employment Law mentoring program is a huge success in my view. I’m able to share practice lessons learned the hard way over the years. I have a stimulating new relationship with a fine person whom I value and look forward to continuing to connect with. I am having fun while giving back and contributing to the development of someone who will leave her own mark and legacy someday, someone I know I will be proud to know

and be associated with. I urge anyone to consider serving as a mentor in this wonderful program.

When I saw the email from the Employment Law section advertising a new mentoring program, I was excited but also hesitant. I'm a bit of a non-traditional mentee – I have been a lawyer since 2007 and have worked multiple legal jobs at this point. But I am also pretty new to a lot of things – I started my own law practice in 2018, where I began doing employment law for the first time, and I also don't have much of a legal colleague network here in Michigan as I spent the first eight years of my career in Cincinnati and then spent three years working in a non-attorney role at MSU.

At this point in my career, I have been a mentor more times than I have been a mentee. I thought, "Will they really want someone like me?" But I knew how valuable mentoring programs can be, and I also knew that I really needed more people in my circle who are seasoned Michigan employment law attorneys to help me make sure my practice is the best it can be, so I decided to apply.

I am so glad I did. I was really fortunate to get selected for the program and paired with Shel Stark. Shel is a veteran employment lawyer here in Michigan – everybody knows him, and everybody has a high opinion of him. He has moved on from the active practice of law to mediating full time, and he has a wealth of experience in both areas. Most importantly, Shel loves mentoring.

We have had many conversations about questions or experiences I have had where Shel not only went through something similar, but he was able to tell me what solutions or possible resolutions might look like, as well as what not to do. Luckily for me, Shel is also not afraid to tell me about times where things went awry – being human, we are all bound to make mistakes, and it is really nice to be able to talk to someone who is not worried about trying to impress me so that I can be open and share my concerns and mistakes too, in order to learn.

One of my favorite things about employment law is that you always get to do something new. Every client has a new profession, trade, or career path to learn about, and there are nuances and unspoken rules in every different area of work. Through Shel, I have had the opportunity to learn that every employment law attorney has a bit of a different approach to the work too. It's an area of law where the personality fit between client and attorney is particularly important, because you have to put so much trust in each other. Many of the cases I work on are handled on a contingency basis, and Shel has given me some excellent guidance to help me with selecting clients and cases where I can be most effective, which is not something I ever had to do in my past practice. Shel has helped me become more skilled at choosing clients who are truly committed to doing their share of work on the case, identifying red flags in potential clients and cases, and figuring out how to bill and fee share effectively and ethically in this practice.

I am so excited and grateful to have the opportunity to participate in the mentoring program and to have been paired with Shel, and I cannot recommend it enough, even if you have been practicing law for a while. If you are new to employment law, there is so much to learn, and

having a confidential and supportive listening ear to help guide you through the inevitable sticky spots is invaluable.