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The benefits of having a great mentor

A LOOK AT SOME OF THE SPECIFIC SKILLS A MENTOR CAN IMPART AS YOUR YOUNG CAREER PROGRESSES

When I was starting my career as a trial attorney, my very first mentor said to me, “*You don’t know, what you don’t know.*” This phrase sat with me for a long time because it embodies why having a mentor and being a mentee is essential to the very art of being a trial attorney. In essence, how we approach our careers defines our personalities and is a part of who we are as a legal professional. We are all connected and need each other. Having a deep sense of what you want to do in your career is likely what brought you to the legal profession in the first place. You should trust your decisions and navigate your career with your instincts. But the reality is, when you first start out as a trial attorney there is a huge mystery as to *how* to perform the job.

Mentoring is part of our values as trial attorneys

The California Rules of Professional Conduct regulate our professional conduct as attorneys as dictated by the State Bar of California. Contained within the penumbras of these rules is the beauty of mentoring. For example, The California Rules of Professional Conduct, Rule 1.1 addresses when a lawyer does not have sufficient learning and skill when the legal services are undertaken, the lawyer nonetheless may provide competent representation by consulting or associating with another lawyer whom the lawyer reasonably believes to be competent.

Having a mentor early on in your career saves you a lot of struggles in figuring things out on your own when someone can help you navigate this landscape in a competent manner. The top areas where you most likely need a mentor to guide you with your case, fall under these categories: depositions, case strategy, being persuasive, mediation negotiation, and taking a trial to verdict.

Depositions

You don’t want to simply take a deposition; you want to take a killer

deposition that destroys the defense arguments. To accomplish this, read as many deposition transcripts as possible that you can get your hands on, taken by trial attorneys with a variety of different styles and tones in their word selection. Have your mentor help you structure a deposition outline that facilitates proving your case rather than simply investigating what the defense witnesses are going to say. Additionally, your deposition outline must be purposely oriented in showing the defense attorney, who is sitting alongside the deponent, that you will win at trial and that your deposition of this defense witness hurts the defense case.

There will be times during your first depositions where you will not know what to do. Some issues will inevitably come up and you may need a “lifeline” to call during a deposition to seek consultation. Always be comfortable to take a break appropriately during the deposition when you do not know what to do and call your mentor. Your mentor can give you the legal words to use on the record, offer the best approach out of a heated situation, and get you back to taking your killer deposition. Having the benefit of a mentor to call takes away any unnecessary stress that builds up when you are learning how to be effective with your deposition skills.

Case strategy

Having a mentor guide you with case strategy from prelitigation matters to post-trial motions is crucial to the successful outcome of your case. You do not want to be behind the eight ball. When you first start out as a trial attorney, you will not see the big picture of the life of your case because you have not gone through all the stages of the case. A mentor brings a depth of experience, wisdom and knowledge to the table for you when it comes to case strategy and how to approach a specific set of facts that are particular to your case. Your goal is to be extremely proactive. Your mentor can show you how to anticipate all the

opposing arguments, weigh all the evidence, assess the viability of all options for success, determine which witnesses are assets and which are liabilities, and how to talk to the defense professionally to ensure your client is getting high quality legal representation.

Your mentor will know that a large part of your case strategy is how to talk to opposing counsel. Your ability to be professional with opposing counsel is gold. Behave in a fashion that exudes confidence but not conceitedness. Treat everyone with respect and if there comes a time when opposing counsel behaves in a hostile manner towards you, reach out to your mentor on best practices. Recommended best practices are to not engage in hostility, rise above, never be mean in return when you are being thrown a lot of heat, take a deep breath, and when the time is right, call opposing counsel and make up. We all have times when our buttons are pushed; we are human. However more importantly, we are trial attorneys, and the world expects righteousness out of our behavior, and rightly so.

We were gifted something special when we took the attorney’s oath as required for admission to practice law in California pursuant to California Business and Professions Code section 6067. We vowed to conduct ourselves with dignity, courtesy and integrity.

The art of persuasion

The art of being persuasive is one of the most exciting parts of our profession. This skill never stops growing and only gets better with time. As an officer of the court, you must be truthful when being persuasive. The California Rules of Professional Conduct as dictated by the State Bar of California are very clear on a lawyer’s duty to tell the truth. Rule 4.1 addresses a lawyer’s duty not to make false statements of material facts or law to third persons while in the course of representing a client.

A mentor can steer you in the right direction and help you become great at being a fierce trial attorney. For example, word selection, demeanor, tone and how you carry your voice all play an integral part of being persuasive. Your mentor can listen and watch you present the arguments and points you want to make to a mediator, judge, or jury and then provide meaningful feedback. Be open to an honest critique from your mentor and learn how to present yourself better each time you practice. You can videotape yourself giving an opening statement or closing argument and go over your presentation with your mentor. Always ask your mentor, “How can I become better?”

Mediation

Mediation negotiations are like a well-choreographed dance. You need to know all the right moves and what the song is about to get the steps right. Sit with a mentor through your first mediation so you can learn fast what each offer and demand signals to the other side. Your mentor can help you understand what the opening offer means and why your initial demand at mediation must be well thought out. You may not initially understand what a certain number offered by the defense means in the middle of mediation, but trust me, the defense number does have a meaning. Talking to a mentor about numbers during mediation will help you become a sharp negotiator taken seriously by your opponent.

If you have a settlement number in mind, your mentor can help you execute a mediation strategy to hopefully get to that settlement number. A mentor can also help you think through whether leaving mediation with money on the table is the right move if you can expect a bigger settlement offer down the road and how to effectively discuss this with the client. For instance, are there other depositions you can take to place you in a better position to negotiate? You also want to discuss with your mentor any possible depositions that may harm a better settlement after leaving mediation.

Always be candid with your mentor so your mentor can offer solid advice.

Your mentor will also go over California’s mediation privilege with you, so you understand the vast scope of this privilege. All communications and settlement discussions between participants to mediation or a mediation consultation are confidential. Evidence Code 1119 outlines the mediation privilege, whereby no evidence or anything said in the course of mediation or mediation consultation is subject to discovery. This mediation privilege even extends to writings prepared for the purpose of mediation, which are also not subject to discovery.

Trial to verdict

A good mentor will have you prepared when the judge looks over at you in trial and asks, “Counselor, do you have an offer of proof?” You can read all the great books about putting a trial together and attend many of the excellent trial schools, but nothing compares to your mentor sitting next to you during your first trial, if you should be that lucky. Most of your initial trial experience will be watching your mentor conduct the trial and you possibly presenting testimony from a damages witness. Take notes, understand how the presiding judge operates his/her courtroom, learn to read body language, read court testimony transcripts, memorize how to introduce evidence and exhibits, and truly immerse yourself in the feeling of being in trial.

A good mentor will also tell you that trials are like rollercoasters. You have good days and bad days and the pendulum of which way the trial is going sways back and forth. You will also learn about endurance during a trial from your mentor and how to keep your mental health in check along with your physical health. Everyone handles being in trial differently, so having a mentor to discuss what you are going through and how to handle obstacles can increase your chances of a successful outcome.

You always want to do the best you can in trial, period. There is no excuse for

failure, and we are the most competitive people when we are engaged in trial. Our hunger for the win is ferocious and at times, can be overwhelming. There is so much at stake, and you want to provide excellent legal representation to your clients all the time. Reach out and have your mentor available or with you during this exciting moment in your career.

Finding a mentor who is right for you

Finding the right mentor for you takes initiative on your part. You must put yourself out there and start asking people to be your mentor. There should be mutual respect and trust between mentor and mentee, so ask people you feel comfortable sharing this part of your life with. There may be someone at your firm you respect and want to learn from that you can ask. You may have a friend who knows an attorney looking for a mentee that can be a good fit for you. You can go to professional events to meet people, introduce yourself to everyone you can, and get to know as many trial attorneys as possible. You will eventually come across someone you think is the right mentor for your personality and what you are looking for to advance your career.

Male mentor or female mentor? Does it matter?

Who you want to mentor you is based on personal choice and your personal comfort level with whom you ask to mentor you. We are all different and our relationships within the profession vary. When I looked for mentors, I tended to focus on the quality of the relationship I could have with that person regardless of their gender identity. I asked people to be my mentor because I wanted to learn from them, and I liked their lawyering style. Ask people whom you believe are right for you.

Being asked to be a mentor is the most flattering part of anyone’s career, so please know that asking someone to be your mentor is welcomed. Not everyone can immediately say yes or give that kind of time to a mentee, so do not take anything personally. Have a few people in mind to ask and you can always have more than one mentor. Your mentor will

likely change throughout your career. As you develop and take on new challenges, you will need new perspectives, leading to changes in who you seek out as a mentor.

Having a mentor will open doors to your career that you would not otherwise have come across. After one door is opened, there will be other doors to walk through and so on and so forth until you come to a point in your career where *every* door to your own personal success will be open and all you must do is walk through.

Mentoring is a circular

Once all those doors have been opened for you by great mentors who gave you the keys to those doors, another part of your career takes place. You are now ready to leave behind the mentee identity and give back to someone who needs a mentor. As a mentor you personally grow and discover new things about your skill set and you become

better at your job. The benefits of being a mentor are precious and very much embedded into our practice of law. We need to ensure *successful* succession in our profession, which means mentoring those who are new and upcoming.

We want to leave our world in a better place than we found it, and encompassed in that principle of ours, we must teach what we know and pass along our skills. So here are some helpful tips that hopefully can help you along the way:

- Work hard and harder than everyone else;
- Seize opportunities with caution;
- Continue your education indefinitely because your learning never stops;
- Network and grow old with your professional colleagues (friends and foes alike);
- Failure is not an option, but it will happen, so feel it, deal with it, and move on;

- Giving back to your community is everything.

Being a mentor also means you are a role model and one of our goals is to make sure all new trial attorneys think to themselves, “If she can do it, I can do it.” This is how progression happens in our field of law. We want those who will take over the succession to be better than us. If we can pass on our skills for them to take on any legal titan and win for our clients, we will always be remembered.

Ariella Perry is a senior attorney at Wilshire Law Firm. Her practice focuses on catastrophic injuries, traumatic brain injuries, wrongful deaths, automobile and bicycle accidents, pedestrian accidents, and premises liability cases.

