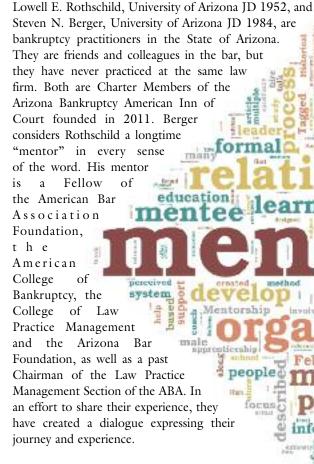


Journey of a Mentor-Mentee **Relationship**

BY LOWELL E. ROTHSCHILD & STEVEN N. BERGER

LOWELL E. ROTHSCHILD is a senior shareholder and a founding partner of Mesch, Clark & Rothschild. He received his J.D. in 1952 from the University of Arizona College of Law. His practice concentrates on bankruptcy, business reorganization and estate planning. He has mentored many younger lawyers over his 60 years in law practice.



STEVEN BERGER: In the early 1980s, you were the lead



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STEVEN N. BERGER s a founding shareholder of Engelman Berger PC. He received his J.D. in 1984 from the University of Arizona. His practice is concentrated on bankruptcy, business reorganization and mediation. He is a founding Executive Committee member of the Arizona Bankruptcy American Inn of Court and active in numerous bar and community activities.

attorney in a novel bankruptcy proceeding for the City of South Tucson. At that time I was a law student and clerking for the law firm on the other side of that case. I used to come down to Bankruptcy Court and watch the proceedings. You seemed like a order pit bull, and I never dreamed we would entia become friends and colleagues.

> LOWELL ROTHSCHILD: Well, sometimes I can give off the wrong impression. That was indeed a novel case, and it required some intensity on the part of all the lawyers. Or maybe I was a pit bull in those days.

SB: After that, I met you again while I was a young time lawyer on the opposite side of under another matter regarding the alleged fraud of your debtor-client and the potential for holding the debt non-dischargeable against both him and his "innocent spouse." I remember in that meeting that you told us, "On that issue, we'll take it all the way to the Supreme Court, and you will lose." I had never heard a



lawyer speak with that force in a negotiation before that meeting.

LR: Well, I still remember how innocent my clients were—both he and his wife. I also remember that you were a detail-oriented young lawyer, though even for a younger lawyer you might have exhibited more confidence at the time.

SB: I was still contemplating how your "innocent" clients were observed scrambling around their equipment lot with handfuls of VIN # plates right before a collateral inspection. But I didn't have enough confidence to expound upon that at our meeting.

LR: Well, in the beginning of my career, in the mid 1950s in Tucson, Arizona, I started solo and didn't have much time to pick and choose lofty clients and didn't have the "big firm" lawyers that you had to bring you along. My first bankruptcy work in those days was representing bankruptcy trustees. I tried a fraudulent conveyance action, and that experience taught me about the bankruptcy process.

SB: What would you tell younger lawyers about taking cases today?

LR: Young attorneys should not turn up their noses at representing trustees. Even if not lucrative or glamorous, it is a great way to learn the Bankruptcy Code. You should encourage young lawyers to get involved with trustees and receivers, as well as with Legal Aid cases—a great experience.

SB: Our friendship and professional relationship seemed to gel during major CLE conferences, where we would sit together and I would get sore ribs from your poking me to comment on the potential bias of a speaker or usefulness of the information. At those conferences, why did you sit with me or any younger lawyers, and not with your contemporaries?

LR: I already had a good feel for the perspectives of my contemporaries. I would rather learn about the younger lawyers' views and perspectives to keep up to date and appreciate the future of the profession.

SB: As we got to know each other, I would call you regarding legal issues and/or law practice management issues. We also shared experiences regarding our families and backgrounds. What is important to know about a person for whom you are a mentor?

LR: It is crucial to show an interest in a younger lawyer's life, learn about what makes them tick, and frankly it's crucial in developing any business or human relationship. I have a genuine interest in people, and that goes for not just mentees, but employees, colleagues and acquaintances. I want to learn about their families, values,

Mentoring Questions?

Like our authors, you may have launched your own fruitful mentor-mentee relationship. But if you're not sure how to get started, the State Bar has a resource:

http://www.azbar.org/sectionsandcommittees/ committees/mentorcommittee



goals and experiences. You can't provide good guidance or advice in a vacuum; a mentor must understand the context in which the mentee is navigating.

SB: We've never practiced at the same firm. Do you feel that there are limitations on how much you can mentor someone who is not a colleague at your firm?

LR: No, this is not about a competition; it's about a relationship. Of course, we can't trample confidentiality in the name of mentoring, but most problems can be discussed without breaching any lines in that regard. In addition, I may even provide some good and blunt advice to an adversary in a case, where I think they are conducting themselves in an unprofessional manner, hurting their reputation or missing a key issue in the matter. That is a form of mentoring often not appreciated until much later in their career.

SB: Several years ago I represented you while you were acting as a trustee in a case. What was your infamous response to me, a

lesson taught from a lawyer to a lawyer, but really about lawyer–client relations.

LR: I recall telling you something to the effect of, "That was a cogent, wellorganized, well thought out piece of legal advice and legal analysis. Now, as your client, I am telling you, I am not going to follow the path you recommend. That is my prerogative."

SB: Should have listened to me, huh?

LR: Perhaps, but it was worth it to see your expression.

SB: You have mentored so many attorneys in our community to some extent

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or another. What do you think of formal mentor programs often offered by law schools or other organizations?

LR: I've had mixed experiences in those. Sometimes the interaction is too forced or not enough thought given to matching the participants.

SB: Is mentoring about giving advice, providing opportunities, or waiting to be asked for help?

LR: All of those, except waiting. I am always proactively reading and clipping articles that I think will benefit or interest my friends and mentees. They are used to getting an article with a clipped note, "I thought you would find this of interest." On giving advice, I prefer bluntness to any hide-and-seek or Socratic complexities. Mentoring does take a conscious effort by the mentor.

Our profession gets a bum rap. Every day I look forward to coming into the office, learning how clients have created problems in their lives, helping them find solutions.

SB: So what's in it for the mentor?

LR: It's enjoyable to see others around me succeed. I have learned a great deal from the lawyers whom I have mentored. Some of the deepest learning from them has come after they have taken the bench!

SB: I've always been grateful to you for your blunt advice and for our friendship. After your 60 years in the profession, it's

hard to believe that you are still learning from younger lawyers.

LR: Our profession gets a bum rap. Every day I look forward to coming into the office, learning how clients have created problems in their lives, helping them find solutions, interacting with colleagues and younger lawyers, and learning from all of it.

SB: Has the Inn of Court experience added a new dimension?

LR: I'm very impressed with the structure and participation in the new Arizona Bankruptcy Inn of Court. Bankruptcy lawyers traditionally were not viewed as true "trial lawyers" and were not part of such formalized groups. The younger lawyers appear to be learning from our meetings, and the interactions are again very worthwhile. I would hope many beneficial mentoring relationships will grow out of the Inn of Court experience.