

A GENDER-BASED ASSESSMENT OF MENTORING IN THE LEGAL PROFESSION IN NIGERIA

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Abstract

The legal profession in Nigeria welcomed its first female lawyer in the year 1935. The early entrants upon being called to the bar in Nigeria had their skills sharpened by the male lawyers since the profession was initially an exclusive male preserve. Decades after, it would seem that female lawyers are still being mentored more by male lawyers than fellow female lawyers. This paper interrogates the seeming paucity of women who are willing to mentor fellowwomen in the legal profession. The scope is limited to female lawyers in the legal profession in Nigeria. Qualitative methodology was used for this study. Data was collected from secondary sources. These include books, journals, newspaper articles, law reviews and dissertations. All were content analysed. The research discovered that mentoring apart from providing practical training, encouragement and role modelling for mentees, also prepares and equips them for higher challenges. The paper concludes that lack of mentoring for young female lawyers is most likely the reason for their significant underrepresentation at the apex of the profession. It therefore, recommends that to ensure the attainment of ample career expectation by women, the task of mentoring young female lawyers should be led by the women themselves.

Keywords: Mentoring, Female lawyers, Underrepresentation, Legal profession, Career expectation by women

Introduction

Law as a profession was practised as an exclusive male preserve in most part of the world, especially in its early years. This was also the case in Nigeria and other Commonwealth countries (Oyeweso, 2014). Women first gained entrance into the legal profession in 1869 in Iowa; USA where a woman named Arabella Mansfield became the first historic lawyer. The second woman named Eliza Orme in Britain who though had obtained all credentials of a Lawyer, except the formal call to bar, could not practice until 1875. Their exploits spurred other women and as early as 1897, Clara Brett Martin, a Canadian woman became the first female judge in the world (Herbert, 2017). However, the paucity of women in the profession continued for a long time. One of the reasons behind this exclusivity was that, the legal profession like few of the other professions such as Engineering, Medicine

and Architecture introduced by the Colonial administration could only be practised by people who had acquired the western education also introduced by the same administration. Due to the patriarchal nature of the African society, especially as it concerns the education of the female child, not many women were opportune to have access to western education at its inception.

Thus, Nigeria welcomed its first female lawyer in the year 1935 (Fawehinmi, 1980). The early entrants upon being called to the bar in Nigeria had their skills sharpened by the male lawyers since the profession was initially an exclusive male preserve. Several decades after, it would seem that female lawyers are still being mentored more by male lawyers than fellow female lawyers. This lack of adequate mentoring of female lawyers raises a disquieting concern regarding the career progression of women in the profession.

Conceptual clarification

What is mentoring?

Hunt and Michaels 1983, define a mentor as an experienced and knowledgeable individual who assist keys or have protégé career progression and mobility. According to Kram (1983) a mentor provides assistance on two levels, a career development function which may involve coaching and shielding the protégé from negative forces in the organisation, provide a challenging tasks and assignments and visible promotion of the protege's career within the organisation. The second function, according to her, is psychological in nature; encouragement, friendship and support to the protégé. In the legal profession, a mentor helps to integrate a young lawyer into a new role and assists with cultivating a strong professional network. This helps develop a trust based professional relationship.

The importance of mentoring on work effectiveness and professionalism cannot be overemphasised. Existing research in business and management supports the premise that having a mentor is beneficial to women's careers and that psychosocial functions play an important role in mentoring when women are involved as either mentor or protégé (Chandler, 1996). Mentoring is a way of passing knowledge and values for personal calls from the older members of a profession to an upcoming generation, irrespective of trade. In organisational perspective, it is seen as a development programme or training that has the capacity to positively influence an individual or a group's ability to carry out certain responsibilities and duties. It is also seen as a programme of care for all aspects of a mentee's development (Hansford. and Ehrich, 2006).

On the need for women to have mentors, Ohlott et al (1994), submitted that women continue to feel left out of important networks and have difficulty in finding supportive people to talk to. It would seem that women cross-gender relationships are problematic due to gender-role expectations. This makes it

imperative for women in positions or as older members of faculty to take up the mantle and begin to mentor other women. This also includes senior female lawyers.

On a general level, Bowling (2018) believes that it helps women ideate about what they will become and emphasises that “it is crucial for women in the workplace to have role models”. She also submits that having structured mentorships where women can learn from each other is crucial and will lead to women being more empowered in the workplace. An observed difference in mentoring experiences for men and women involved the psychosocial functions (Chandler, 1996). This effect was especially pronounced in female mentor-female protégé pairs and as noted by Kram and Isabella 1985, speaks very much of a needs assessment for the legal profession in Nigeria, where the existing mentoring pattern would reveal that women are more likely to be mentees rather than mentors, especially to other women.

The gains of mentoring

Scholars generally agree that mentoring plays a significant role in the career advancement of women (Brown, 2005). Mentoring offers protection or a shield both from direct or subtle forms of discrimination in the organisation; by conferring on the mentees some form of legitimacy through giving out signals that they have the full support and backing of the mentors. Powell (1999) asserts that the number of women in top positions in organisations is also influenced by the development of their experience in lower level positions. If women are not given help to accept the development of their talents at this stage, they will have a hardtime competing with the usually better grounded men for higher positions. This privation will render them less prepared to handle future top level positions than men. The assertion by Powell above gives insight to the gains of mentoring as an essential at the entry level of a new employee. For instance, as observed by Chandler (1996), researches on mentors in business and management led to more recent studies on the role of mentors in the academic community. According to her, ‘the literature indicates that the benefits of the academic mentoring relationship to both the mentor and protégé include career faculty and enhancement, such as research collaboration and job placement, professional networking and development, and increased competence and self-esteem’ (Kram, 1985).

It is a common thing for young and news scholars in the Nigerian academic environment to always experience some disquiets in their search to develop themselves (Okurame, 2008). This is akin to the experience of a young wig who often comes face to face with actual law practice only after leaving Law School. This feeling of disquiet comes from the fact that, performing the expected assignments for which they are employed, which is principally, teaching and

research, requires some level of expertise in order to fulfill the purpose for which the university is set up for. In this scenario, the new scholars look up to the older faculties for guidance through mentoring. This is because mentoring is one of the ways institutions of learning can maintain standard by ensuring that their new staffs get mentored by the older ones (Abodunde, 2018).

Conversely, the legal profession being a practiced based occupation, mentoring serves as a platform for junior lawyers to look up to the senior lawyers to guide them. A mentor shows you the pothole to avoid and the things to know so as to have a successful practice” (Usoro, 2018).

Burke and McKleen (1990) and Schein (1973) also suggested that mentoring is essential for women as it has the potential to reduce stress by infusing protégés with self-confidence and the knowledge of how to go to reduce stress and how to handle it in the activities. In a study of about eighty protégés in the early stages of their carriers, the discovery was that female protégés reported greater supportive, personal mentoring than males reported and that female mentors were seen as providing this types of support more liberally than male mentors (Burke, 1984). For a woman possessing attributes such as intelligence, a strong work ethic, ability, and ambition, mentoring may make the critical difference in advancement to the highest level within organizations (Scanlon, 1997).

Mentoring in the Legal Profession

Mentoring in other fields of endeavour is increasingly being recognised as a means of providing guidance and support towards the achievement of professional development (Clarke 2004) and (Barkham, 2005). This makes its relevance in the legal profession much more important as the standard appears to be falling. Although there exists pupillage in the legal profession, as a means of building professional skills for new wigs, it is not the same thing as mentoring. Both pupillage and mentoring are needful but they play different roles. According to Usoro (2018) “simply means understudying a person in order to better your knowledge and understanding of legal practice. Ogunde (2018) refers to the term as the final stage of training to be a barrister in England and a barrister and solicitor in some parts of Canada. The period of training in Canada ranges from 9 to 12 months and is spent in chambers. Also, the time frame depends on the province a person seeks to practise as a lawyer. Admittance to the bar to practise as a lawyer is only after this. In England, it is 12 months while in Hong Kong, pupillage is for a period of 24 months, the same period required in Kenya. Nigeria has no history. He further submits that all the Nigerian lawyers called to the Bar through the various Inns before the establishment of the Nigerian Law School in 1962, underwent pupillage in England before returning to Nigeria.

The importance of pupillage is captured in the submission of Ogunde while speaking on the devaluation of the legal practice in Nigeria thus,

I make bold to say that the professional atmosphere into which a lawyer just called to the Bar arrives in 2018 has less awe, intellectual depth, fraternal bond and professional assurance than that which existed in the 70s, 80s or even the 90s. In those years, the cord that kept the legal profession as a unit totally immune from the assault of violence, poverty and mediocrity was the intrinsic worth of the lawyer called to the Bar at that time... These students were therefore coming into contact with judgments, statutes and academic writings for the first time only after they were called to the Bar!!!!!! They were never trained in the art of legal reasoning or how to find the *ratio decidendi* of a case (Ogunde, 2018).

In the United Kingdom for example, pupillage is a mandatory programme for the training of barristers. Although the Nigerian legal system is fashioned after that of Britain, Nigeria, pupillage is not practiced in the same manner. The pupillage programme is paid for by the young lawyer in the UK and he does not get remunerated while undergoing it. In Nigeria, the pupil does not pay for it but may also not get paid. Mentorship on the other hand is voluntary and does not form part of the qualifying process in both instances. It however, has no formal arrangement like the Pupillage (Usoro, 2018). The essence of both Pupillage and Mentorship undeniably, is to improve the standard and quality of lawyers in legal practice.

As an advantage, it is during the pupillage, they learn the legal skills of a senior layer as well as the other necessary attributes that will help a lawyer succeed. Solanke noted that “apart from realising during her pupillage that time is for a lawyer is of the essence, her experience left her in no doubt that “no lawyer could succeed without a total commitment to industry and research” (Solanke, 2017). In a practice based profession like law, it will expand the perspective of young lawyers and also expose them to necessary contacts which will help solidify their confidence in practice. As expressed by Hairat of her pupillage day at Chris Ogunbanjo & Co., “I must affirm that I learnt a lot at Ogunbanjo’s feet, I also met a lot of people (apart from Lawyers) who are still of substance in our society today” (Balogun, 2011).

In a study titled “the contributions of women to the legal profession in Lagos state, 1935-2011”, it was discovered that mentoring played a significant role in the professional development of the female lawyers. Judging from the profile of the selected lawyers in the study, who themselves were mentored in the early stage of their careers, it was obvious that mentoring played a significant role in shaping

and preparing them to better handle challenges at work and also be able to find solutions to them (Archibong, 2011). This confirms that mentoring builds the individual. Also, women lawyers and writers such as Fisher (1999) have argued that mentoring is special for the career development of young female lawyers since women lawyers who are mentored learn about their organisation quicker, have their self-confidence enhanced, their work skills improved and are visible in the organisation. Similarly, Cox (1977) submits that mentors are useful for giving advice, assistance and encouragement to women lawyers.

The challenges faced by women in mentoring

Considering the above mentioned benefits of mentoring, it is unclear why senior female lawyers are not effectively adopting this practice. Noe (1988) identified six potential issues that act as barriers for women in establishing mentoring relationships. These include (a) lack of access to information networks, whereby women may fail to obtain mentors because they lack knowledge of informal networks and may not know how to interact; (b) Tokenism, which is preferential treatment given to women and may produce feelings of resentment and jealousy. Also due to the high visibility of token women, potential mentors maybe frightened to take them on as protégés for fear that any mistake made will reflect on them. (c) Stereotypes and attributes, this negative stereotyping may hinder women's chances for mentoring. (d) Socialisation practices (e) Certain norms regarding cross gender relationships: often the relationship is interpreted as sexual, leading to jealousy, resentment and malicious gossip.

Additionally, Ragin (1989) who studied both personal and organizational barriers to mentoring for women suggests that women encounter greater organisational barriers to mentoring than men and are less likely to obtain mentors compared to men. One of such reasons being the fear of sexual involvement with protégés and the possibility of sexual innuendos. She also bets on the reality of too few women mentors.

In the case of women lawyers however, McGlynn (1998) believes women lawyers may be discriminated against in terms of the more limited mentoring opportunities offered by law practices to them compared to the male counterparts. Dusky (1996) found that amongst respondents in her study, women lawyers were less likely to gain mentors than men due to the overwhelming masculine presence in law firms which tends to shut out women. The emerging evidence indicates that although women are entering the practice of law at high rates, they are failing to reach the higher levels within the profession, for example, partnership (Gellis, 1991). Also Adekoya, (2009) stresses that addressing gender and diversity issues in private legal practice will enable more women reaching the level of partner and/or senior advocate and thereby provide mentoring opportunities for younger women. The lack of strong mentoring relationships is a key factor in failing to advance an

individual's career because it is linked to problems with allocation of work, performance and ultimately the partnership decision. This can be summarised in two questions from the Nigerian legal environment. How many women in practice are partners in law firms? How many women are Senior Advocates of Nigeria?

To the first question, the answer is obviously few. This is not unconnected with gender issues regarding how much responsibility women can take on in addition to their perceived traditional female role. It leads also to the issue of home and work balance which often seems to limit how much responsibility the employers are ready to delegate to the female lawyers. The answer to the second question also is yet again few. Solanke ((2017) stated that when she became a Senior Advocate of Nigeria (SAN) in 1981, she was the only woman. For the next eight years that followed, the status remained the same. The next five women to become SAN followed from 1989, beginning with Chief Mrs P. C. Ajayi-Obe, who was conferred with the prestigious rank on the 5th of June. The next was Otunba (Mrs.)

C. O. Ajayi Okunuga on the 21st of April 1995. She was followed by Mrs. Abimbola Williams on the 14th of September, 1998. Mrs. O. A. Adekoya followed on the 10th of September, 2001 before Mrs. Anayo Offiah on the 8th of September 2003 (Solanke, 2007). Till date, not much is on the list of female SANs. Lack of mentoring has probably played a discreet role in the under representation of women in the apex of the legal profession in Nigeria, just as "in academia women continue to be severely underrepresented in the higher-ranking faculty positions, especially in fields such as science and engineering" (Chandler, 1996). With this in hindsight, Falana (2014) opines that "mentoring is indeed desirable and it provides practical training, encouragement and role modelling for young lawyers". Nicholson (2006) in support writes; that because women, ethnic minorities and those from socially disadvantaged backgrounds most often are not exposed to mentoring, training and patronage, they are also unlikely to be allotted the sort of work useful for promotion.

To address this situation in the legal profession in Nigeria, three questions are pertinent. First, are senior female lawyers willing to volunteer to mentor the young female lawyers? Second, what should be the modality in getting mentored i.e. who seeks who out? Is it the mentor or the mentee? Third, what is required to make mentoring of female lawyers by fellow female lawyers more conventional? If attention is paid to these questions, mentoring as discussed will give the needed push to the female lawyers in a hitherto only male profession like law.

Conclusion

Mentoring has been established as a sure means to career progression. It has also been recognised as a means of providing guidance and support towards the achievement of professional development. In reality, every profession has a standard. This is either maintained or upgraded over time. Only a close watch on

the quality of service delivery by those involved will prevent a dwindling. The same goes for the practice of law, which has to be upheld at all times and which may not thrive for the good of all concerned under fallen standards. Standards can only be maintained when there is continuation of proper practice. Therefore, for the maintenance of strong ethical practice in the legal profession and the attainment of career expectation by women, certain assessment as discussed above, must be carried out by the women themselves.

Senior women in the legal profession in Nigeria must realise that lack of mentoring for young female lawyers could be the reason why women are significantly underrepresented at the apex of the profession, and consider mentoring more women so they will be available to occupy the positions when the need arises. In addition, it should be borne in mind that, mentored individuals are more likely to develop confidence which is a very important requisite in the life of a legal practitioner. A confident lawyer will most likely be a good advocate.

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