

MENTORING IN THE LAW - BECAUSE “THAT SH*T DOESN’T REALLY WORK”

Lean In

It has been well over five years since Facebook executive Sheryl Sandberg’s book on workplace empowerment, *Lean In: Women, Work, and the Will to Lead*, entered the national debate.

The book, in effect, encouraged women to assert themselves both inside and outside the work place in order to progress. The idea, ambitious in its scope but ultimately over simplistic, was that as long as women tried they could simultaneously thrive in their personal lives and at work. They just needed to ‘lean in’.

Many of the topics discussed in the book were hardly novel. For example, the myth of doing it all, that the corporate ladder was more of a jungle gym, the need for women to accept that they have an equal right to sit, and participate, at the table, the need for mentors, or the idea that we must all work together to achieve equality which will benefit all.

Courageous as it was, the book received sustained criticism, not the least of which was because its author was white, married, educated and affluent.

Award winning journalist and author Susan Faludi questioned the reliance on individuality which was at the core of Sandberg’s work which, an emphasis that eschewed solidarity and diminished the corrosive effects of systemic gender bias experienced collectively by women in the workplace¹ (the most contemporary manifestation of which is the #metoo movement).

In an article on diversity in engineering, Kate Heddleston wrote in 2015, “women are the canary in the coal mine. Normally when the canary in the coal mine starts dying you know the environment is toxic and you should get the hell out. Instead, the tech industry [insert law, politics, and so on] is looking at the canary, wondering why it can’t breathe, saying ‘Lean in, canary, lean in!’ When one canary dies they get a new one because getting more canaries is how you fix a lack of canaries, right? Except

¹Faludi, Susan, “Facebook Feminism, Like It or Not”, *The Baffler*, July 2013.

the problem is that there isn't enough oxygen in the coal mine, not that there are too few canaries."²

More pithy was the comment by Michelle Obama, who last year remarked in an interview that sometimes (her language, not mine), "it's not always enough to lean in, because that shit doesn't work."³

I do not subscribe to the view that Sandberg was a "faux feminist",⁴ but I do think that her central premise had the tendency to gloss over, if not wholly ignore, the very real and entrenched structural impediments to success that women continue to face, especially in the workplace. Impediments such as race, education, class, and sexuality, to name a few.

In short, *Lean In* was too privileged, too wealthy, too married (at least at the time it was written), and too white. The reality of intersectionality was neither considered nor accounted for (intersectionality is the idea that those entering a traffic intersection in a luxury SUV is more likely to navigate it safely, whereas the pedestrian carrying a bag of groceries with two children in tow is more likely to get hurt).

However, while there is much to be improved upon, the wholesale jettisoning of Sandberg's work would be, in my view, a mistake. And in this respect there are two themes of *Lean In* that I wish to dwell upon: first, the need for mentors (or "teachers", to use Sandberg's language) and sponsors; and second, the need for workplace allies.

Or what I will inelegantly call, 'macro mentors' and 'micro mentors'.

Macro Mentors

Unquestionably, mentorship and sponsorship are drivers of success. I would not be standing here today without the professional and, at times personal, support and

² Heddleston, Kate, "How our engineering environments are killing diversity: Introduction", 2015.

³ Obama, Michelle, "Michelle Obama and the challenges of 'leaning in' for black women", *The Washington Post*, 2 December 2018.

⁴ Hooks, Bell, "Dig Deep: Beyond *Lean In*", *The Feminist Wire*, 28 October 2013.

sponsorship of mentors at ANU (where I completed my degrees), at the bar, and on the bench.

Macro mentors are those people who provide more systemic career (and/or life) advice. This can be more general (should I apply for this job?) or more directed specifically (I am being sexually harrassed, what should I do?).

The relationship is often characterised by its longevity – I am still being mentored 20 years later by the same people – but can be of limited duration (for example, tailored mentoring programs, such as the present program).

Regrettably, it is typically more challenging for women to find mentors and/or sponsors. And yet, women who are mentored by women often report feeling more supported and satisfied with the mentoring relationship and experience.

The reasons for the dearth of female macro mentors are, amongst others, numerical (there are not as many women in leadership positions) and social (women are sometimes too busy juggling family and work commitments to have the capacity to mentor).

But it is never too early or too late to find a woman to mentor, or for that matter, to be mentored.

If you are advanced in your career, pay it forward. If, on the other hand, you have just commenced, there is always someone coming up behind you who can benefit from your guidance and advice, for example, students or law graduates. Never underestimate the value of your input. Almost certainly you have already experienced what she is experiencing, or soon will experience.

Of course, mentoring is a two-way street. Your mentor's time is valuable. Use it wisely. Be pro-active in organising times to meet. And while you may disagree with any advice proffered, at the very least respectfully listen to it.

Also report back. A mentor is more likely to continue to invest in a person if that person is engaged and if the mentor feels that they are being of assistance.

If you are privileged enough to be a mentor (and it is a privilege), you must make yourself available and take the time to listen and constructively advise. Honesty is

crucial. Do not give the advice that you think someone wants to hear; give the advice that they need to hear, however difficult that may be.

Finally, don't just mentor, but, when and if appropriate, sponsor. In other words, introduce, recommend, advocate, champion and support.

I am fortunate to be a 'McHughette'. Justice McHugh (as he then was) recognised that being a High Court Judge's associate carried significant weight and opportunity, particularly for early career lawyers, and particularly for women. He consciously engaged in what can only be described as an affirmative action program to hire as many women as he could. But as important, his Honour continued to promote the talents of his associates long after their tenure at the High Court had ceased. For someone such as myself – a Sydney outsider with no legal connections whatsoever – this was more than invaluable.

Micro Mentors

A 'micro mentor' is a reference to an everyday mentor (male or female) who supports women, especially women in the workplace.

It is the person who, for example, sometimes at great personal or professional cost does the following (this list is in no particular order and by no means exhaustive):

- ensures that women are more visible, especially in decision-making roles and leadership capacities;
- nominates women to be on committees and sub-committees, and if possible, to chair those committees;
- ensures that womens' voices are heard and listened to at meetings;
- pays credit where credit is due;
- actively celebrates and promotes womens' achievements;
- acknowledges the existence of, and assists women with, family responsibilities;
- calls out sexist and demeaning language and behaviour;

- supports women who encounter or report sexual harassment;
- supports women who encounter or report bullying or harassing behaviour;
- does not exclude women from social, sporting, or networking events;
- encourages women to go for promotions; or
- writes a reference.

However fleeting or transitory the act, the lasting legacy of a micro mentor can be profound. In my opinion, micro mentors are as important as macro mentors. As ever, it is the little things in life that count.

A Mentoring Memoir

As I earlier stated, I am a 'McHughette'. But I only got appointed as Justice McHugh's associate because of Prof Fiona Wheeler, my Constitutional Law lecturer at ANU.

When I asked her for a reference in support of an application to be a Federal Court of Australia judge's associate, she told me that, in her view, I was good enough to apply to the High Court. For someone who was the first (and only) person in her family to go to university, who knew no lawyers, who did not come from a background of affluence or privilege, her support, as was Justice McHugh's in later years, proved to be monumental - it literally changed my life.

Prof Fiona Wheeler was herself a beneficiary of a strong female mentor, namely, Gaudron J at the High Court (she was her Associate).

Fiona paid it forward.

In my career at the Bar, and on the bench, I have endeavoured to do the same.

When the time comes, you should too.