Mentoring for a Public good

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Dialogue starts from the courageous willingness to know and be known by others. It is the painstaking and persistent effort to remove all obstacles that obscure our common humanity. Genuine dialogue is a ceaseless and profound spiritual exertion that seeks to effect a fundamental human transformation in both ourselves and others. Dialogue challenges us to confront and transform the destructive impulses inherent in human life. I earnestly believe that the energy generated by this courageous effort can break the chains of resignation and apathy that bind the human heart, unleashing renewed confidence and vision for the future.

—Daisaku Ikeda

I. INTRODUCTION

There is an immediate and significant need for social justice mentoring in the San Francisco Asian American legal community. Because of its strong network and community ties, the Asian American bar has an opportunity to benefit the community and itself by creating mentoring programs centered on pro bono legal clinics. The ideal result would be a mentoring venue framed by purpose and concrete tasks, which would help to foster more open and meaningful interactions between mentor and mentee. By practicing mentoring focused on social justice, mentors and mentees can share practical guidance and anecdotal encouragement while they work together to offer legal services to San Francisco’s underserved communities.

In light of the real and ongoing need for increased access to legal services, it is crucial that social justice mentoring impress upon law
students and budding attorneys the importance of social responsibility, an ideal all too easy to begrudge amid adversity. Within our current professional structure, efforts to better our communities conflict with efforts for personal and professional gain. Even professional ethics rules present these as conflicting ideas and permit young lawyers to believe that community advocacy is a sacrifice, not a calling. The American Bar Association (ABA) Model Rules of Professional Conduct offer an example of pro bono work portrayed as self-sacrifice. The rules establish that “every lawyer has a professional responsibility to provide legal services to those unable to pay.” 3 But this “responsibility” remains merely an ideal; the Model Rules recommend that lawyers aspire to provide fifty hours of free legal services per year, 4 hours that instead could be billed to a paying client. A comment to this rule allows that “in some years a lawyer may render greater or fewer hours than the annual standard specified.” 5 This frames social responsibility as self-sacrifice that is separate from and less important than serving private paying clients. The comment does note that “personal involvement in the problems of the disadvantaged can be one of the most rewarding experiences in the life of a lawyer.” 6 However, this encouragement to sacrifice time for a faceless, disadvantaged populace seems flippant and naive when the individual lawyer in private practice is hard pressed to bill the required payable hours first. “Lawyers agonize about demands on their time. They are concerned about money.” 7 In the

2. Deborah Rhode, Director of the Stanford Center on Ethics, Remarks at the Santa Clara University Ethics at Noon Discussion (Jan. 17, 2002), available at http://www.scu.edu/ethics/publications/submitted/rhode/equal-justice.html. See, e.g., Geoffrey Hazard, Jr., After Legal Aid Is Abolished, 2 J. INST. STUDY LEGAL ETHICS 375, 386 (1999); Stephen Pepper, Access to What?, 2 J. INST. STUDY LEGAL ETHICS 269, 272 (1999); Jack B. Weinstein, The Poor’s Right to Equal Access to the Courts, 13 CONN. L. REV. 651, 655 (1981); Marc Galanter, Why the Haves Come Out Ahead?: Speculators on the Limits of Legal Change, 9 LAW & SOC’Y REV. 95, 95 (1974). In San Francisco, the Asian American legal community is served by several legal organizations that recognize these needs. For example, the Asian American Bar Association and the Bar Association of San Francisco’s Minority Bar Coalition share similar missions to provide legal services to San Francisco’s underserved residents, create opportunities for legal service in the community, encourage participation by their members in these community legal service programs, advance professional growth and education, and cultivate diversity and equality to promote constructive change in the legal profession. See ASIAN AM. B. ASS’N OF THE GREATER BAY AREA, http://www.aaba-bay.com (last visited Nov. 27, 2010); Mission Statement, BAR ASS’N OF S.F., http://www.sfbar.org/about/index.aspx (last visited Nov. 27, 2010).

4. Id. (emphasis added).
6. Id.
7. Stephanie Francis Ward, Pulse: 800 Lawyers Reveal What They Think About Their Lives, Their Careers, and the State of the Profession, A.B.A. J. 30, 31 (2007) (finding lawyers are more concerned about billing hours than solving problems, resulting in a general decline of civility in the profession).
face of such challenges, the ideal of social responsibility is a burden and, thus, often remains an unmet aspiration.9

In reality, social justice lawyering and professional advancement are complementary—not conflicting—ideals. Social justice mentoring would elevate the profession itself by promoting diversity and refocusing relationships between new and experienced attorneys. In addition to benefitting a diverse community, social justice mentoring can help meet the ongoing need for legal professionals of diverse personal backgrounds.10 The legal community must recommit to increasing diversity, as the profession will not otherwise be able to meet the legal needs of California’s diverse population. The public will “not continue to have faith in the integrity of our judicial system if it is operated and run” by people that do not reflect its diversity.11 Although the Bar Association of San Francisco’s (BASF) 2005 Report on Diversity reports that the diversity of San Francisco’s legal community far surpasses national diversity statistics, it suggests that even in this legal community, firms must be better at retaining and promoting minority attorneys.12

Social justice mentoring further enhances mentor-mentee relationships because it focuses on common goals for community good, rather than personal performance in private firms. The BASF Report suggests that firms match junior minority attorneys with experienced minority and majority attorneys.13 As it stands, minority associates often find mentoring programs to be inadequate to welcome them to the new workplace or to provide orientation, training, and support for them in their new profession.14 The mentoring for minorities that exists now is largely ineffective due to workplace inhibitors such as social constraints stemming from office culture. What is often lost in many work-based legal mentoring models is the human component. At the core of an effective mentoring relationship is a fundamental trust and respect between mentor and mentee that allows both to rejuvenate themselves and continue to care for and work toward a shared goal. However, as with most new associates, it is often difficult for new minority associates to communicate openly and honestly with senior attorneys about their fears, shortcomings, and inexperience. To

9. Kenneth Davis, ABA Releases First Survey on Pro Bono Work, S. F. DAILY J. 5, 5 (2005) (“A lack of time was cited by sixty-nine percent of attorneys polled as the reason for not participating in pro bono work.”).
11. Id. at iii.
13. BASF Diversity Report, supra note 10, at iii.
14. Id. at 19.
avoid this conflict, the mentor need not, and sometimes should not, be a work-based senior attorney.

The symbiosis between social justice and personal advancement is particularly sacred to minority bar associations, which were founded to combat inequality and social injustice, and which strive to advance their members within the legal profession. In this light, minority bar associations, such as the San Francisco Asian-American Bar Association (AABA), would further their established missions by focusing more efforts on mentoring programs. Work-based and work-focused programs foster favoritism and competition within the firm and within the field; a more effective social justice mentoring model would foster open communication, trust building, and mutual benefit between the mentor and the mentee. It would also cultivate diversity and equality in the legal profession to pioneer constructive change in society, such as increasing access for legal services in the community, in addition to professional advancement. By focusing on a common mission, the mentor and mentee can work alongside each other, looking toward a common goal, and sharing a mutually beneficial relationship. Such a mentoring dynamic can foster more open communication, deeper trust building, and ultimately a more sustainable model for personal reinvigoration and growth.

In this vein, this Note will discuss the value of mentoring in the Asian American bar in San Francisco. First, the Note will provide context by discussing some of the social, professional, and personal circumstances that inspired the first generation of mentors and mentees in the Asian American bar. This Note will then briefly survey some notable generational leaders of the Asian American bar in San Francisco, particularly attorney Joe Morozumi and the members of the coram nobis team who litigated Korematsu v. United States.

Next, the Note will describe the gradual changes in incentives to seek mentoring in the Asian American bar, from civil rights based agendas to personal job security. At first glance, there are few examples of discrimination against Asian Americans in personal, social or professional settings to encourage law students to recognize the importance of social

15. See ASIAN AM. B. ASS’N, supra note 2; BAR ASS’N OF S.F., supra note 2.
17. Certainly, despite being a minority based on one sociological factor, minority attorneys may find themselves more comfortable with senior attorneys with whom they share other traits, namely class or geographic area.
18. This Note refers both to the Asian American bar generally, and to the Asian America Bar Association. The abbreviation, “AABA” will be used to refer to the organization, and the Asian American attorney’s more generally will be referred to as the “Asian American bar.”
justice advocacy. Comparing the present discussion to mentoring among women in law,\(^2\) the Note will briefly discuss how age and generation gaps as well as differing cultural, personal, and professional expectations have challenged mentoring relationships in the Asian American bar.

Finally, the Note will discuss how mentoring continues to be integral to the professional and personal growth of the current generation of Asian American lawyers. This analysis will begin with the effect of the current economic downturn and how the consequent lack of job security may be reinvigorating law students to seek mentor attorneys and other perspectives on legal work.\(^2\) The Note will move to an analysis of a valuable strand of mentoring in the Asian American bar. In particular, this strand draws on aspirations of social justice, ethical best practices, and sustained community involvement, including leadership in law school student organizations, minority bar associations, and other community-based initiatives. The Note will conclude by arguing for the need to increase law student awareness and practical involvement in social justice mentoring.

II. NOTABLE FOUNDING LEADERS IN THE SAN FRANCISCO ASIAN AMERICAN BAR

A. MENTORING FOUNDED ON BOTH PROFESSIONAL AND PERSONAL MOTIVATIONS FOR SOCIAL CHANGE

The Asian American bar owes its success to a generation of attorneys who used social justice mentoring to unify Asian American attorneys and to forge civil change. The hallmark of the mentoring relationship fostered by this founding generation was the passion among members of the bar for social change through progressive community lawyering. Joe Morozumi, a trial lawyer who litigated criminal and civil cases starting in the 1960s, was among the first Asian American lawyers in the San Francisco area.\(^2\) Morozumi was impassioned about community lawyering and social justice, in part because he and his family were interned\(^2\) during World War II.\(^2\) In

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20. See, e.g., Malaika Costello-Dougherty, We’re Outta Here: Why Women Are Leaving Big Law Firms, CAL. LAWYER 20, 24–25 (2007) ("Many people assumed that as more women entered the legal profession, they would form mentoring relationships with younger women to pass along the keys to success—that the older generation would lend a helping hand . . . But that hasn’t happened.").


23. Id.

24. In 1942, after Japan’s attack on Pearl Harbor, the United States government forced the relocation and internment of some 110,000 Japanese and Japanese American residents
the late 1960s, Morozumi recruited Asian American lawyers and law students who shared his conviction that the law should be used to protect and broaden civil rights. Morozumi modeled zealous advocacy for those marginalized by society and the law. Like the social justice mentoring model discussed below, Morozumi gave guidance and support to up-and-coming attorneys by working together with them on tangible efforts to promote social justice. For example, through Morozumi's support, this group of lawyers and law students, which included Dale Minami and other members of the Korematsu coram nobis pro bono legal team, eventually founded the Asian Law Caucus.

living on the U.S. Pacific coast to “War Relocation Camps.” President Franklin Delano Roosevelt’s Executive Order 9066 authorized the military to designate “military areas” from which all persons could be removed. Under this Executive Order, the military relocated all people of Japanese ancestry from the West Coast states of California, Oregon, and Washington. In the case of Korematsu v. United States, 323 U.S. 214 (1944), the United States Supreme Court upheld the constitutionality of Executive Order 9066. In 1988, federal legislation was enacted to signify the U.S. government’s formal apology for the internment, recognizing that the government and military actions stemmed from racial prejudice, failure in political leadership, and war hysteria; $1.6 billion in reparations were later disbursed by the U.S. government to Japanese Americans who had either suffered internment or were heirs of those who had suffered internment. See generally MARY MATSUDA GRUENEWALD, LOOKING LIKE THE ENEMY: MY STORY OF IMPRISONMENT IN JAPANESE-AMERICAN INTERNMENT CAMPS (2005).

25. ASIAN AM. BAR ASS’N, supra note 22.
26. Id.
27. Dale Minami is a partner with Minami Tamaki LLP in San Francisco, California, and specializes in personal injury and entertainment law. He was a co-founder of the Asian Law Caucus, a community-interest law firm, a co-founder of the Asian American Bar Association of the Greater Bay Area, the first Asian American Bar Association in the United States, and other bar associations and political action committees. He has participated in significant litigation involving the civil rights of Asian Pacific Americans and other minorities, including Korematsu, 584 F. Supp. 1406. See Dale Minami–Attorney Profile, MINAMI TAMAKI LLP, http://www.minamitamaki.com/attorney-1067081.html (last visited Dec. 1, 2010).
28. In 1942, Fred T. Korematsu, a Japanese American resident of Oakland, California, defied military orders to relocate to an internment camp. He was ultimately arrested and jailed in 1942. He appealed his case to the United States Supreme Court, arguing that it was unconstitutional for the government to incarcerate Americans without charges, evidence, or trial. Korematsu’s case stood for almost forty years until a legal team of pro bono attorneys successfully reopened Korematsu’s case in 1983, resulting in the erasure of his criminal conviction for defying the Internment. Korematsu Institute at the Asian Law Caucus, Fred Korematsu–Biography, http://korematsuinstitute.org/korematsu/; Korematsu, 584 F. Supp. at 1420. See also OF CIVIL WRONGS AND RIGHTS (Fournier & Korematsu 2001). In throwing out Korematsu’s forty-year-old criminal conviction, Judge Marilyn Hall Patel of the U.S. District Court for the Northern District of California wrote:

Korematsu remains on the pages of our legal and political history. As a legal precedent it is now recognized as having limited application. As a historical precedent it stands as a constant caution that in times of war or declared military necessity our institutions must be vigilant in protecting our constitutional guarantees. It stands as a caution that in times of distress the shield of military necessity and national security must not be used to protect governmental actions from close scrutiny and accountability. It stands as a caution that in times of international hostility and antagonisms our
The coram nobis legal team included Dale Minami, Lorraine Bannai, Dennis Hayashi, Don Tamaki, Robert Rusky, Karen Kai, Edward Chen, Leigh-Ann Miyasato, Peter Irons, Eric Yamamoto, and Akira Togasaki. Accounts of their work reveal that these individuals did work beyond litigation on behalf of Fred Korematsu. Reflecting the influence of Mr. Morozumi’s community lawyering, these individuals engaged in an effort to conduct community outreach, education, and political advocacy to advance the broader movement for redress for Japanese internment. For most of these attorneys, the intersection of civil rights, race, and litigation was a matter of both professional and personal concern.

The desire for professional advancement was another significant motivator for progressive ideals among Asian American lawyers during the 1960s and 1970s. At that time, Asians and Asian Americans could not find jobs as private firm attorneys. Although some Asian American attorneys could find government jobs, there were few other professional opportunities. Thus, with little professional status, reputation, or money,
Asian American attorneys had little to lose by adopting progressive social philosophies and lawyering tactics.  

Lack of private work was not the only reason many of the first Asian American attorneys turned to public interest law. Many were attracted to the work out of a common desire to repair past wrongs and build a healthy community. Generally, Asian American attorneys and law students in the 1960s and 1970s were the first in their families to attend graduate school and carried with them the dreams and work ethic of their immigrant parents. Japanese American attorneys also carried with them the image of their parents' internment during World War II and were motivated by the desire to seek reparations for them. In Dale Minami’s speech accepting the American Bar Association’s Thurgood Marshall Award, he shared:

My mother lived during a time when racism ruled America but she also lived through the progress this country has made in accepting diversity. She lived to see the victory of Redress, the reclaiming by Japanese Americans of their political birthright and their emotional redemption. She received an apology and $20,000 from the President [for her incarceration during World War II]. She also saw the Civil Rights movement, Title VII, Brown vs. Board of Education, and the rise and fall and half rise of affirmative action.

Thus, these Asian American attorneys shared more than a professional relationship. They shared a human relationship that was strengthened by a common struggle. In real terms, the attorneys bonded by working long and

33. Interview with Dale Minami, supra note 32.
34. In addition to the coram nobis team litigation in Korematsu, 584 F. Supp. 1406, a significant example is the work of the Soko Bukai legal team, comprised of attorneys Karen Kai, Robert Rusky, Donald Tamaki, and Tracie Brown. Bill Ong Hing, Symposium: Pursuing Equal Justice in the West: Rebellious Lawyering, Settlement, and Reconciliation: Soko Bukai v. YWCA, 5 NEV. L.J. 172, 191 (2004). The Soko Bukai case was a dispute over the identity of the rightful owner of a building at 1830 Sutter Street in San Francisco. Id. The Japanese American community had raised funds to purchase the building in the 1920s and asked the San Francisco YWCA to hold the property in trust for the community because Japanese immigrants were barred from owning property at the time. Id. When the legal dispute ended with Japanese American community groups agreeing to purchase the building, the Japanese community apparently viewed the result as providing vindication for past victimization by the alien land laws in the early 1900s and internment during World War II. Id. Professor Hing further notes that the community felt ownership of the legal effort based on the Soko Bukai legal team’s “rebellious” community lawyering, community's involvement, education, and outreach. Id. For example, the legal team kept the community informed by sharing and explaining pleadings and holding community meetings and education forums continued. Id.
35. Hing, supra note 34.
intense hours on community lawyering initiatives, facing significant adversity, and building social networks.\textsuperscript{38}

The Asian American attorneys also felt an affinity for other minority social movements. Dale Minami described the influence the African American-led Civil Rights movement had on the Asian American attorneys:

[My mother] was branded as a traitor like other Japanese Americans, and herded into these prison camps. But she lived to see the day when Japanese Americans started that journey for Redress—a journey inspired by African Americans, and every Asian American owes a debt to those African Americans and Latinos who led the civil rights movement. They ignited our passion, they gave us the courage to go forward and ask for something that we should have asked for a long time ago. And during that inspired journey, the Redress Movement enlisted people of all colors on this road to redemption.\textsuperscript{39}

The Civil Rights movement inspired this generation of Asian American attorneys to begin an organized effort to enact social change. In turn, the Asian American bar focused their efforts on building a community that reached beyond boundaries of race for the pragmatic goal of enacting social change.\textsuperscript{40} On the creation of the Minority Bar Coalition in 1991, Joe Morozumi commented that coordinating and integrating the efforts and resources of the various minority bar associations, “be they intellectual, tactical, financial, or even spiritual, [could help] effect essential changes in [the] social fabric and to attain parity with mainstream powers-that-be.”\textsuperscript{41} Thus, these values, held by minority individuals working together, became the impetus for the founding of formal professional networks, minority bar associations, and legal organizations such as the Minority Bar Coalition, the Asian American Bar Association, the Asian Law Caucus, and API Legal Outreach.

III. CHANGING NOTIONS OF MENTORING WITHIN THE ASIAN AMERICAN BAR

A. TRADITIONAL DEFINITION AND ROLE OF A MENTOR AND MENTEE

If the San Francisco Asian American bar has any traditional notion of legal mentoring, it is the model inherited from the first generation: two individuals who are personally invested in working intensely to advance

\textsuperscript{38} Notably, a significant majority of the first generation of Asian American attorneys were male.
\textsuperscript{39} Minami, \textit{supra} note 37.
\textsuperscript{41} \textit{Id.}
significant matters of social change. In a situation where the mentor and mentee share a common goal, the senior attorney imparts working skills, knowledge, experience, and a sense of passion for the cause to the junior attorney in a collaborative setting. As Malcolm Yeung, Director of Policy at the Chinatown Community Development Center, describes, there are also time and work components. A minimum amount of face time is required to build a working relationship, and a certain amount of conviction to work hard is necessary to assure the mentor that the time invested in the relationship is worthwhile. Moreover, as discussed below, fundamental trust between the individuals is necessary for every mentoring relationship.

B. A GRADUAL CHANGE IN INCENTIVE FOR SEEKING MENTORSHIP IN THE ASIAN AMERICAN BAR

From a distance, a modern attorney’s profession seems relatively unmarred by the kind of economic, social, and professional discrimination that would make social justice advocacy or unique mentoring models necessary. However, up close, the veneer is still pitted by subtle and serious forms of discrimination, as well as a growing disconnect between newer and older generations of attorneys. Thus, it is more important than ever that minority attorneys in particular turn to the mentoring models that helped them and their communities in the past.

Thanks to the achievements of the first generation of Asian American attorneys, there is an increasing trend for Asian American law students to obtain work at law firms. In 1990, only eleven percent of associates at San Francisco Law firms were minorities. In 2005, that figure was twenty-four percent and fifteen percent of minority associates were Asian American. As a result, the perceived immediacy and need to pursue social justice advocacy has largely vanished for many Asian American law students.

The fruits of social progress brought about by the founding generation of Asian American attorneys, coupled with increasingly challenging

42. Malcolm Yeung, Remarks at the Bay Area Asian Pacific American Law Students Association Conference, Santa Clara University (Jan. 29, 2010).
43. Lynn Calkins, Group Mentoring Lawyers in the Firm’s Sweet Spot, A.B.A. J. SEC. LITTG. 46 (Fall 2009).
44. See BASF Diversity Report, supra note 10. See, e.g., BASF Task Force Report, supra note 12, at 40 (an Asian American respondent to the Task Force study noted, “I cannot think of any instances of discrimination in the workplace off the top of my head. I am not saying that I have never been the victim of discrimination, but I may have blocked it out because it just wasn’t that important.”).
46. Id.
47. Id. at 6.
economic forces,\textsuperscript{48} have shifted young lawyers’ agendas from civil rights to personal job security. Many Asian American law students have come to view the challenges of finding legal work as an economic problem rather than a social issue. Thus, to the extent that many Asian American law students concern themselves with seeking and establishing mentoring relationships, these relationships have largely been reduced to mere professional networking contacts rather than a deeper human relationship founded on a shared vision of social issues. Unfortunately, this shift distracts from the ongoing need to address persistent social issues, as the BASF report indicates.\textsuperscript{49}

Not only do social barriers persist within the legal profession, but a growing disconnect between new and experienced attorneys threatens professionals’ ability to acknowledge those barriers and work together to eradicate them. Gaps in age, generational culture as well as both personal and professional expectations have challenged mentoring relationships in the Asian American bar, and threaten to erase the mentoring culture that the pioneering generation struggled to forge. The unfortunate result would be not only a loss of knowledge, but a loss of community. In an illuminating study on mentoring among women who practice law, Malaika Costello-Dougherty, an associate editor at the \textit{California Lawyer}, found that there is an increasing disconnect between the last two generations of women lawyers.\textsuperscript{50} Costello-Dougherty explains that female senior partners have come to view facing and overcoming gender-based discrimination and professional challenges as a part of their professional legacy.\textsuperscript{51} Further, the Baby Boomer generation, who made tremendous sacrifices for their jobs, are frustrated that younger women are unwilling to make the same sacrifices.\textsuperscript{52} Older generations of lawyers distinguish themselves from younger women by criticizing the younger women’s feeling of entitlement to legal jobs, professional training, and support.\textsuperscript{53}

Similarly, in 2005, BASF reported that many young Asian American associates see the sacrifices made by top minority partners at their firms and refuse to imagine themselves accepting such a lifestyle in the future.\textsuperscript{54} The result is twofold; not only has the mentoring relationship been reduced to professional networking, but the feelings of camaraderie and respect that bound traditionally marginalized classes of legal professionals have disappeared.\textsuperscript{55} Many young Asian American associates and law students

\textsuperscript{48} Ellen Schrecker, \textit{Vocational Training in Higher Education and the Loss of Civic Literacy}, \textit{Key Reporter} 7, 7 (Winter 2010).
\textsuperscript{49} BASF Diversity Report, \textit{supra} note 10.
\textsuperscript{50} Costello-Dougherty, \textit{supra} note 20, at 22.
\textsuperscript{51} \textit{Id}.
\textsuperscript{52} \textit{Id}.
\textsuperscript{53} \textit{Id}.
\textsuperscript{54} BASF Diversity Report, \textit{supra} note 10, at 19.
\textsuperscript{55} \textit{Id}.
no longer draw inspiration from senior minority attorneys and do not want to engage them as mentors for fear of becoming obliged to make the same sacrifices for social justice advocacy.\textsuperscript{56} Senior minority attorneys who view efforts for social responsibility as a part of their professional legacy, interpret this resistance as callous laziness and apathy and thus feel no compulsion to extend any special support to younger attorneys. This disconnect in expectations and understanding between older and younger generations of lawyers, which impedes their ability to learn from one another and hurts the mentoring relationship. Thus, despite the growing trend of Asian American representation in associate and partner jobs, many Asian American associates continue to face social and professional isolation in law firms, and, consequently, do not remain at these jobs long.\textsuperscript{57}

Social constraints, meaning personal inhibitions, pose another challenge to the formation of traditional mentoring relationships. Traditional mentoring relationships entail the sharing of fundamental trust and a certain level of intimacy.\textsuperscript{58} As William Deresiewicz writes, mentoring is, in essence, about relationships.\textsuperscript{59} However, the difficulty is that this type of "Socratic relationship is so profoundly disturbing to our culture that it must be defused before it can be approached,"\textsuperscript{60} if it can be approached at all. It follows that this socially conservative inhibition against seeking deeper relationships with senior attorneys can be controlling given the lack of incentives for professional gain and social change.\textsuperscript{61}

Personal inhibitions are usually exacerbated in professional legal settings. As young Asian Americans gain greater entry into professional roles, they find that their work settings present another barrier to freely engaging in social issues at work. Logistically, people are too busy with work to worry about others not receiving equal opportunities. For example, many law firms impose an "eat what you kill" model, which encourages competition and isolation among young attorneys as they work to keep ahead in benefiting the individual firm.\textsuperscript{62} Consequently, the importance of

\textsuperscript{56} BASF Diversity Report, supra note 10, at 19.
\textsuperscript{57} Id.
\textsuperscript{58} William Deresiewicz, \textit{Love on Campus}, 76 \textit{THE AM. SCHOLAR} 46, 47 (2007). The issue of sex and mentorship is too broad to discuss in this note.
\textsuperscript{59} Id. William Deresiewicz is a former associate professor of English at Yale University and an essayist and literary critic for \textit{The American Scholar}, \textit{The New York Times}, \textit{The London Review of Books}, and \textit{The Nation}.
\textsuperscript{60} Id.
\textsuperscript{61} Or worse, the presence of disincentives to seeking mentoring relationships, as described above.
social justice and pro bono work become secondary to young attorneys as they struggle to keep their heads above water. More interestingly, the *Stanford Social Innovation Review* reports that office culture discourages professionals from mentioning personal values when discussing social responsibility in professional settings. Instead, personal values related to social responsibility are couched in proposals for economic or public relations gains for the corporation. This suggests that personal missions may continue to survive covertly. In the context of traditional mentoring, this may suggest a way for the social, professional, and personal sense of the "mission" of the current generation of young Asian American attorneys to intersect with those of senior Asian American attorneys. If the traditional form of mentoring continues to be desirable for the upcoming generation of Asian American lawyers, perhaps this can inform the discussion of creating new ways to integrate social and personal values with professional development in a mentoring relationship.

**IV. TRADITIONAL MENTORING IS STILL ESSENTIAL**

**A. INADEQUATE LEGAL TRAINING**

As Deresiewicz writes, elite colleges and graduate schools "relentlessly encourage their students to flatter themselves for being there, and for what being there can do for them." Ellen Schrecker notes that "America's colleges and universities risk producing a nation of civic illiterates" with evermore vocationally oriented curricula propelled by economic forces. On the other hand, it is difficult to ignore the professional, social, and intellectual advantages of a legal education. Students learn how to think, "at least in certain ways." Students form the necessary networks for entering or maintaining an elite lifestyle. Yet, as Deresiewicz notes, as new abilities, connections and opportunities are being created, many other

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63. Alana Conner, *From the Bottom Line of Our Hearts: Why Businesspeople Don't Mention Values When They Discuss Social Responsibility*, STAN. SOC. INNOVATION REV. 17, 17 (Summer 2007).

64. *Id.*

65. This Note is about the merits of traditional mentoring in the Asian American legal community and not about the shortcomings of general legal education, except to briefly highlight some apt observations about the limitations of higher education in the context of cultivating social awareness.


68. *Id.*


70. *Id.*
important ones are being crippled, ignored, or lost. As students become more highly specialized in a professional skill, their ability to interact meaningfully with other members of society atrophies. Ironically, though elite schools tend to cultivate liberal attitudes, they leave their students in the paradoxical position of wanting to advocate on behalf of the working class while being unable to hold a simple conversation with anyone in it.

Higher education, therefore, cannot simply consist of the rote instruction of specialized skills. An education that allows for students to work and live meaningfully requires teachers to ask questions that lead students on the way to continuous self-learning and growth. As Schrecker writes, “it must enable them to situate themselves within the world around them not only by providing them with lenses they need for understanding and appreciating its cultural diversity, but also by allowing them to fashion a meaningful sense of identity for themselves.” As the legal community often discusses, this process of ongoing self-reflection is crucial for law students and lawyers to find meaningful work and continue developing meaningful careers.

B. PERSONAL GROWTH AND ACCOUNTABILITY

Socially responsible mentorship advances the legal profession because it fosters the community’s trust in the law, and instills trustworthiness within the lawyers. In such a highly self-regulated profession as the law, self-reflection is crucial to maintaining accountability and developing ethical and professional best practices despite myriad economic, social, cultural, and other pressures. The ABA Model Rules of Professional Conduct and state-adopted rules establish the minimum standard for the ethical conduct of lawyers. The Model Rules also express aspirational standards that “a lawyer should cultivate knowledge of the law beyond its use for clients, employ that knowledge in reform of the law and work to strengthen legal education.”

To exercise ongoing self-reflection and self-betterment requires tremendous effort, courage, and motivation. Unlike rote theoretical analysis and education, inspirational anecdotes can trigger the hopes,

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71. Deresiewicz, supra note 66, at 22.
72. Id.
73. Id.
74. DAISAKU IKEDA ET AL., ON BEING HUMAN: WHERE ETHICS, MEDICINE AND SPIRITUALITY CONVERGE 224 (2002).
75. Schrecker, supra note 48.
76. See HINDI GREENBERG, THE LAWYER’S CAREER CHANGE HANDBOOK (2d ed. 2002).
77. Id. See, e.g., BARBARA JENSEN, ACROSS THE GREAT DIVIDE: CROSSING CLASSES AND CLASHING CULTURES 168, 177–78 (asserting that recognizing differences in class culture is important to “succeed in higher education”).
79. See id. at § 6.
80. Id.
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ideals, and values of young people to recognize the continuous struggle for social justice and to seek relevant responsibilities. In turn, such real life stories often can only be conveyed when fundamental trust and a willingness to listen exist between the teacher and student—or in other words, where there is mentorship. When this bond is forged through a common personal goal, rather than a hierarchical model, both lawyers can invest in and benefit from the mentoring relationship and the project, and the community invests and benefits along with them.

C. THE INTERSECTION OF THE LAW, SOCIAL AWARENESS, AND MENTORING

More than any other mentorship model, social justice mentoring exposes attorneys to attentive, holistic and thorough advocacy. In this manner, it strengthens participants' ability to advocate for clients, as well as create their own professional network. In its general preamble applicable to all lawyers nationwide, the ABA Model Rules of Professional Conduct establish that "all lawyers should devote professional time and resources and use civic influence to ensure equal access to our system of justice for all those who because of economic or social barriers cannot afford or secure adequate legal counsel." In this vein, Professor Bill Ong Hing urges that "those of us who engage in progressive legal work need to be constantly reminded that we...should be collaborators: working with rather than simply on behalf of clients and allies from whom we have much to learn." In summary, all people, even experienced professionals and mentors, have something more to learn. Moreover, Professor Gerald P. López argues that lawyers must learn to "collaborate with other

82. Id.
83. Bill Ong Hing, Coolies, James Yen, and Rebellious Advocacy, 14 Asian Am. L.J. 1, 1 (May 2007). Professor Hing continues:

Though lawyering for social change is arduous work, there is much to gain in these battles against subordination, not simply from the potential outcome but from the collaborative process itself: as our clients gain strength and confidence, we too are renewed. Thus invigorated by the talent, spirit, and innovation that our clients and allies bring to the table, we aspire to bring that same sense of renewal to those with whom we work.

Id. In like manner, lifelong mentors may find a lifelong sense of purpose and renewal by the talent, spirit, and innovation of mentees.
84. Gerald P. López is Professor of Law at the UCLA School of Law. For over two decades, he has been the nation's leading theorist about lawyering as problem solving. For nearly three decades, he has been among the country's leading on-the-ground practitioners of and advocates for comprehensive and coordinated legal and nonlegal problem solving in low-income, of color, and immigrant communities. At Stanford University, he co-founded the Lawyering for Social Change Program and at UCLA the Program in Public Interest Law and Policy, among the nation's first sequenced curricula in public interest work. López has worked with diverse communities and problem solvers and has played central roles in economic initiatives, prisoner programs, reentry programs, policy reforms, civil rights litigation, outreach and education and organizing campaigns, and major empirical research
professional and lay allies rather than ignoring the help that these other problem-solvers may provide in a given situation."85 Regardless of legal specialty, lawyers must learn how to inform the people they work with about the law while staying open to being informed by other people in all such interactions, "particularly about the traditions and experiences of life on the bottom and at the margins."86 This underscores the need for all lawyers to seek interdisciplinary and intergroup interactions in their practice of law.

This type of attentive networking for clients must be experienced. As it cannot be learned in the abstract, mentorship is the perfect vehicle for learning this crucial advocacy skill. In a ground-breaking and still poignant article,87 Professor López observed that traditional law school and post-law school education offers little practical training, "particularly to a practice dedicated to fundamental social change."88 Often, this insufficient access to practical training programs forces law students and new associates to obtain guidance from any available source, including fellow students or lawyers, and generous faculty or lawyers outside of one's firm.89

However, Professor López argues that identifying and accessing meaningful relationships often requires new associates to spend a significant amount of time with lawyers and nonlawyers whose practices and interests do not emphasize social responsibility.90 As a result, law students and young associates with a budding sense of social awareness must derive motivation to navigate these grounds from their own instincts and convictions, "while trying not to overstate the wisdom they currently embody," to the others in their legal practices.91 Unfortunately, this often creates a contentious dynamic with others who do not have similar, socially minded priorities for their legal practice.92 This may still be the case for many new associates.93

86. Id.
88. Id.
89. Id.
90. Id.
91. Id.
92. Id.
93. This is not to diminish, in the slightest, the significant growth and development of clinical legal education programs, such as those offered by Hastings' own Civil Justice Clinic. See Hastings Civil Justice Clinic, UNIV. CAL. HASTINGS, http://www.uchastings.edu/academics/clinical-programs/civil-justice-clinic/index.html (last visited Feb. 1, 2011). Instead, this echoes the call of many commentators for continuing to increase awareness of and access to such programs. Legal clinical programs are unique in training students on the dynamics of working with other people in framing and responding to confl
deep satisfactions and practical lessons derived thereof are deemed by the ABA to be universal aspirations for all lawyers. This underscores the significance of mentoring relationships traditional to the Asian American legal community.

In the modern day, typical professional networking and development offers incentives and expedient means for law students and junior attorneys to initiate mentoring relationships, combating some of the challenges that might otherwise dissuade them. Because it is in the interest of law firms to mold capable successors, many law firms offer some version of mentoring in their business models. However, these relationships are often quite shallow. Incentives are given to lawyers to mentor juniors and for junior lawyers to seek from senior attorneys. Moreover, the impact of the current economic downturn and consequent lack of job security may offer incentives for law students, once again, to seek senior attorneys for advice and to build relationships that will hopefully protect their jobs in a downturn. Yet, to be meaningful for the mentor, mentee, and society, the mentoring relationship must serve a greater function than simply single-minded professional networking or professional grooming.

Dale Minami, and other Asian American attorneys of his generation serve to demonstrate to younger attorneys and law students that multifaceted careers focusing on mentoring and social justice work can be successful, meaningful, and rewarding. Simply put, such mentorship role models show that success reaches beyond prestige and high income. More specifically, their prestige and high income are consequent to a legal practice founded on and sustained by philosophical notions of community lawyering. In the context of mentoring and retention, particularly of minority attorneys, this modeling is crucial and often ignored.

Best and unique situations, the interaction of lay and professional understanding and know-how, the influence of cultural and cognitive forces on problem solving, and the impact of income and other power disparities on perceptions and strategies.

94. See, e.g., Ascanio Piomelli, Appreciating Collaborative Lawyering, 6 CLINICAL L. REV. 427, 512–13 (2000). Professor Piomelli also argues that rather than narrowly focusing on an exclusively inward-looking gaze on the interpersonal and symbolic relations between attorneys and clients, attorneys (and clients) [must] look outward too, to understand fully the larger social and political world and to engage effectively with it. Id.


96. Id.


98. See, e.g., Minami, supra note 37.

99. This can be seen in assumptions that some current social momentum exists to ensure social progress, or alternatively that some social injustices cannot ultimately be changed. See, e.g., BASF Task Force Report, supra note 12, at 40 (an Asian American respondent to
practices for mentoring programs that encourage the inclusion and retention of minority associates generally discuss various pairing structures of minority lawyers. However, these practices are based on the assumption that a minority associate will find meaningful guidance and encouragement simply from being paired with a senior minority associate. In fact, the suggestion by BASF of informal group mentoring models, in which younger associates seek myriad mentors, suggests that something more is needed for a meaningful mentoring relationship than simply sharing minority status. A mentor must be able to impart a keen and fresh sense of social responsibility derived from their identity as a minority—the same philosophical notions from which the mentor herself derived the motivation to persevere.

Social justice mentoring can also build meaningful camaraderie. Commentators often note that for mentoring to be truly effective, mentees must often benefit from a process that is horizontal, i.e., a process that takes place among peers. Yet, they are silent on what actually fosters and sustains such camaraderie. This model contains an unstated but common assumption that minority associates will bond simply by sharing minority status. Something more than the shared experience of being attorneys of color, such as a sense of shared social responsibility, is required for horizontal relationships to be meaningful.

D. A CONCRETE PROPOSITION

For the foregoing reasons, the Asian American bar would benefit from revising its current mentoring programs. Currently, AABA, in San Francisco, has a mentoring program for lawyers and law students in which people are matched to mentors by particular practice areas. In this program, mentoring interactions are typically casual meetings with senior attorneys over meals to discuss common questions about career trajectories and professional advancement. In contrast to work-based mentoring programs, this program, at least in theory, can create a more relaxed environment, fostering more open communication. However, without a more concrete purpose driving these interactions, they tend to not move beyond purely social encounters. Studies suggest that work-based

the Task Force study noted, “Minority attorneys should not be too quick to focus on suspected discrimination. Instead they should move forward with a positive attitude and plan for the things they can control.”.

100. BASF Diversity Report, supra note 10, at 18–19.
101. Id. at 19.
102. Calkins, supra note 43, at 47.
mentoring programs are more effective and lasting than purely social programs. However, even these are not ideal because it is difficult for work-based mentoring relationships to foster fundamental trust and open communication necessary for deeper and more rewarding mentoring relationships to develop due to the professional constraints discussed previously. This limitation of work-based mentoring programs, seen in light of a lawyer’s ethical duty of social responsibility, reveals the virtues of social justice mentoring.

This presents a golden opportunity for the Asian American bar to create mentoring programs centered on pro bono legal clinics. Currently, there is an unmet need for legal services to San Francisco’s underserved communities. Volunteer legal clinics, such as those by the Asian Law Caucus and AABA-APILO, are regularly in need of volunteer lawyers of all practice backgrounds to do pro bono work.

Centering such mentoring programs on these existing clinics would require relatively little time or money. These clinics are held at regular intervals, so little additional outreach effort, if any, is required to encourage participation by mentor attorneys and community members. These regular legal clinics are also often conducted at law school campuses and other locations that are convenient for law students and members of the local community.

If minority mentoring programs relocated their venues from offices or coffee shops to volunteer legal clinics, mentoring relationships could at once be work-based and fill a crucial societal need for increased access to legal services. The result likely would be a mentoring venue framed by purpose and concrete tasks, which would help to foster more open and meaningful interactions between mentor and mentee. Practical guidance and anecdotal encouragement can be shared while the mentor and mentee bond over their work on a discrete but important task for an underserved person. The free time between client interactions gives the mentor and mentee time to discuss career trajectories or have personal conversations outside the office setting, free of traditional workplace inhibitions.

106. Specifically, assessment, advice, counseling, and referral services; “Know Your Rights Clinics”; and pro bono legal representation, that are linguistically and culturally competent. Interview with Hung Chang, AABA-APILO Volunteer Coordinator, in San Francisco, Cal. (Dec. 10, 2010).
Moreover, in Professor Hing’s community lawyering model, the mentor and mentee alike can learn from the client and find encouragement, reinvigoration, and a sense of purpose by using their legal education as a meaningful tool for social good. Developed further, mentoring programs centered on pro bono legal service clinics could provide a venue where law school student organizations, minority bar associations, law firms, and community-based organizations can intersect and help foster more comprehensive leadership training and mentoring experiences. This social justice mentoring, based on the goal of using the law for societal good, would continue the legacy of the first generation of the Asian American bar.

V. A LEGACY TO BE INHERITED AND SURPASSED: THE RESPONSIBILITY OF THE MENTEE

A. SIGNIFICANT STEPS IN SOCIAL JUSTICE WORK

The Asian American bar in San Francisco has inherited a solid foundation, laid for a new generation of attorneys who are ready to meld their personal professional goals with their desire to give back to their community. The racial injustice fought by that first generation is still being remedied, though California has taken great strides recently.

For instance, on December 1, 2008, California State Assemblymember Warren Furutani introduced state Assembly Bill 37: Public postsecondary education, honorary degrees. The state bill mandates that the California State University and the California Community Colleges confer an honorary degree upon individuals who were forced to abandon their post-secondary education per Executive Order 9066 (1942). It further encourages the University of California Regents to follow suit, as they later did on July 16, 2009. Like the reparations of 1988, these honorary degrees do more than simply pay lip-service to historical wrongs. Rather, they give opportunities to learn something about the experiences of people who opposed persecution, hysteria, prejudice, and failures in political leadership. Personal experiences, which give life to discourse, can be an entrée to underlying issues, and will always be critical to informing present societal dialogue.

112. For example, I first saw the word “Jap” in an archived newspaper as a kid. I felt hollow, then nauseated. I remember thinking about my father’s side of the family having been in the U.S. for several generations. I thought of my mother’s side of the family, particularly of Ojiichan, who experienced having his youth stolen by his government to fight in their war and return home to Hiroshima to start a family just before the bomb. The word “Jap” somehow seemed inadequate to describe those human experiences, and I resented it. This sensitized me to accounts of people from diverse backgrounds fighting
Newspapers featured Ms. Aiko Grace Obata Amemiya, an eighty-eight-year-old recipient of the University of California's honorary degree. Despite suffering illegal incarceration like other Japanese-American citizens, Ms. Amemiya made significant efforts to get her nursing degree and contribute to her community. It was a reminder that great community leaders are often individuals awakened by injustice and adversity to take extraordinary efforts to succeed. Such individuals move their peers to do the same through sincere dialogue and leading by example.

Unfortunately, history often deifies great community leaders, reducing them to icons and obscuring the very humanity with which these individuals encouraged others to act. Perhaps their humanity can only be preserved when surviving generations take action and speak out with the same passionate conviction. Therefore, it falls to others, mentees of these community leaders, to inherit the legacy of activism and take action to surpass them. Indeed, courage is necessary to avoid complacency. Taken further, the legacy of activism can give a sense of self-empowerment and meaning.

B. MORE TO DO

While reparations are necessary to recognize past wrongs, they will always be late, be insufficient, and more importantly, do nothing to prevent future injustice. Building a society that protects the civil rights of all cannot be achieved simply by issuing degrees decades past due. The truest justice would be not just to recognize what the first generation endured, but to carry on their work in order to ensure a better future for generations to come. Fostering empathy and awareness is fundamental to this effort. Here, dialogue, the "painstaking and persistent effort to remove all obstacles that obscure our common humanity," is vital. Clearly, to achieve this goal, a larger group of people must be involved, particularly youth. As historian Arnold Toynbee indicated, "in an undecided struggle, each participant counts."

Young Asian American attorneys still battle descriptive and prescriptive stereotypes, and so they still need a strong support network to

against ignorance and inequality to expand understanding and hope, and my resentment progressively changed to determination.

114. Id.
116. See, e.g., GRUENEWALD, supra note 24.
117. Ikeda, supra note 1.
thrive in their profession. The law is an ideal vehicle for advancing civil rights generally, but there should also be a more concerted effort to advance social justice within the legal community. At a 2009 panel hosted by AABA’s Civil Rights Committee, an attorney recalled being mistaken for the translator at court hearings on the basis of her race. Many law students were stunned given the panelist’s substantial legal background. It was another poignant reminder to vigilantly consider ongoing disparities and blatant discrimination.

Although Asian American participation in legal education and practice has risen, and more policies have been enacted by public and private entities to further equality, disparity remains in hiring and financial compensation, opportunities for advancement, perceptions of competency, and so forth. Moreover, as these disparities push some attorneys to resign or relocate, prejudices against Asian America lawyers become further ingrained. Against this underlying cycle, more office policies and government statutes alone cannot fundamentally shift prejudiced thought and behavior. There is an ongoing need to encourage people through dialogue and advocacy to be proactive partners in furthering social justice.

Social justice mentoring can offer law students a doorway to participating in social justice as legal practitioners. To offer a personal example, pro bono work alongside member attorneys of AABA has greatly encouraged my classmates and me to participate in social justice focused efforts. First, we keenly felt AABA’s legacy of community awareness manifested in the attorneys’ determined volunteer work. Second, we received practical legal skills and time management training, trust, friendship, and encouragement. Third, our gratitude for mentoring has itself become a source of empowerment. Most significantly, the community residents who continue to give us the opportunity to share in their struggles have enriched our legal education tremendously. My fellow students have found that the experience of working together with people in the community deepened the meaning of their education and shaped their

120. Recently, the Hastings Women’s Law Journal published an article that described this phenomenon as applied to the movement for women’s rights. The article indicated that “a widespread assumption is that barriers have been coming down, women have been moving up, and it is only a matter of time before full equality becomes an accomplished fact. This widespread but erroneous view . . . is an obstacle to the progress of women in the legal profession.” María Pabón López, The Future of Women in the Legal Profession: Recognizing the Challenges Ahead by Reviewing Current Trends, 19 Hastings Women’s L.J. 53, 67 (Winter 2008).
121. BASF Diversity Report, supra note 10, at 2.
122. Interview with Jay Chen and Yvonne Pham, J.D. Candidates, 2011, at the University of California, Hastings College of the Law, in San Francisco, Cal. (Aug. 14, 2010).
career goals. Yet, as with any other extracurricular opportunity, students must proactively initiate and develop social justice mentoring relationships.

AABA’s legacy of community awareness is an enduring source of empowerment and pride. As law students, we are fortunate to benefit from this community and to have a chance to contribute to it. Some may view the achievements in social progress accomplished thus far as important symbolic victories that will further encourage social change. Others, more cynically, may believe that such accomplishments are all that the establishment will afford. And others, still more cynical, may believe that such accomplishments unfortunately tend to divert progressive agendas and make social actors complacent toward further efforts. Yet, regardless of the view of the effect of past accomplishments, further efforts toward social change must continue to be made. Social justice mentoring will help to ensure that individuals in the next generation of the legal profession will take leadership for this responsibility.
