THE PROMISE AND PITFALLS OF LEGAL MENTORING

THIS PROGRAM MAY QUALIFY FOR 1.5 HOURS OF BOTH CLE AND ETHICS CREDIT! [1]

PROGRAM SUMMARY: Lawyers need mentors. But in an age of instant Internet information and Artificial Intelligence, do millennial lawyers really think so? Legal Mentoring is a process for the informal transmission of knowledge, social capital, and the psychosocial support perceived by the recipient (the "protégé") as relevant to legal work, a legal career, or legal professional development. It entails communication, usually face-to-face and during a sustained period of time, between a person who is perceived to have greater relevant knowledge, wisdom, or experience (the "mentor") and the protégé, who is perceived to have less.

In this "Encore" Continuing Legal Education ("CLE") program (first given to a packed audience at ASU Law School in 2017 and later again in 2021 and 2025), attorney Mark Lassiter explores and explains his experience of Legal Mentoring, from both the perspective of a mentor and a protégé, and offers his observations and insights on what makes for effective and rewarding legal mentoring experiences.

PROGRAM SPEAKER: Attorney Mark E. Lassiter is an Arizona (active) and California (inactive) attorney, arbitrator, and mediator in his 43rd year of practice in the areas of business, real estate, construction, technology, and organizational dispute resolution. He is an Adjunct Professor of Arbitration Law at the Sandra Day O'Connor School of Law at Arizona State University, an *AV Preeminent*® rated attorney, a *Southwest Super Lawyer*®, a Fellow in the *College of Commercial Arbitrators*, a Member of the *National Academy of Distinguished Neutrals*, a Fellow in the *American College of Civil Trial Mediators* ("ACCTM"),and has been an arbitrator with the *American Arbitration Association* ("AAA") and the *International Centre for Dispute Resolution* since 1991. He currently serves on the AAA's Commercial, Construction, Large and Complex Case, Emergency Relief, and Consumer panels. His e-mail address is mlassiter@lassiterlawfirm.com and his telephone is 480-218-4455.

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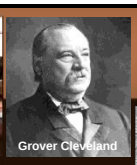
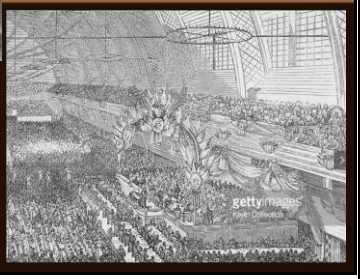
[1] Effective January 1, 2009, Rule 45 of the Rules of the Supreme Court of Arizona (regarding Mandatory Continuing Legal Education) provides, in relevant part:

(a) Continuing Legal Education Requirements.

1. Every active member of the bar, not exempted, shall complete a minimum of fifteen hours of continuing legal education activity in each educational year. An educational year shall begin on July 1 and end on the following June 30.

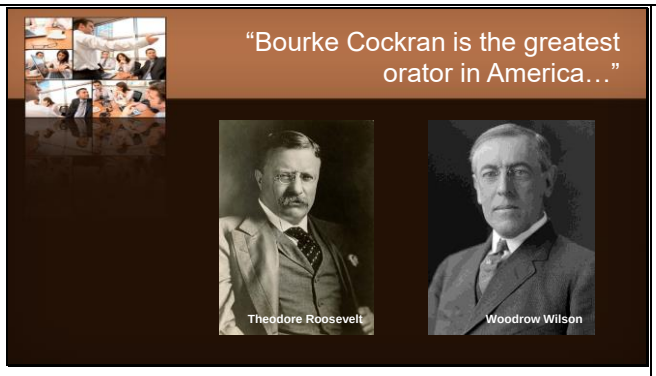
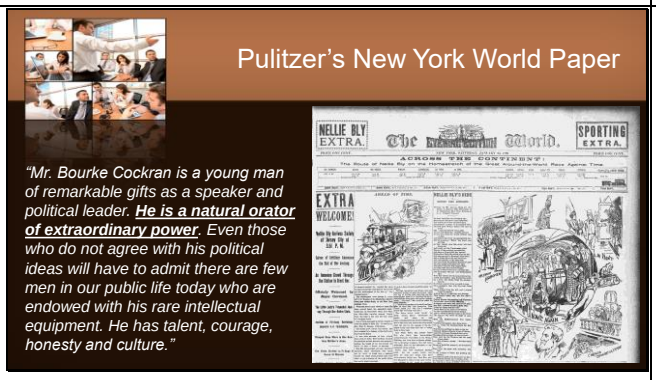
2. A minimum of three hours of continuing legal education activity each educational year shall be in the area of professional responsibility. **Professional responsibility includes instruction in** legal and judicial ethics, **professionalism**, and **malpractice prevention**, and may include such topics as substance abuse, including causes, prevention, detection and treatment alternatives, attorneys' fees, client development, **law office economics and practice**, alternatives to litigation for managing conflict and resolving disputes, stress management, and the particular responsibilities of public lawyers, judges, and in-house counsel, to the extent that professional responsibility is directly addressed in connection with these topics.

THE PROMISE AND PITFALLS OF LEGAL MENTORING

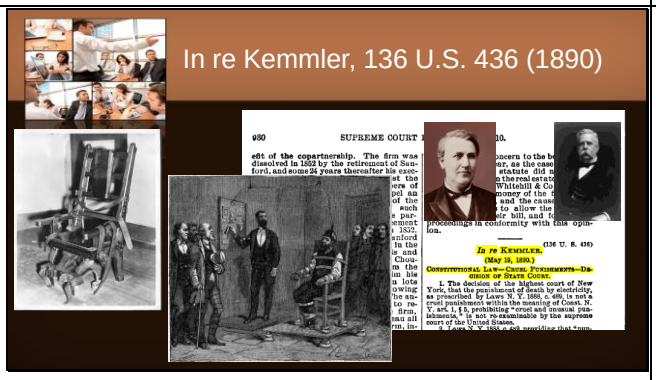
Slide 1	 Lawyers need mentors. But in an age of instant Internet information, do millennial lawyers really think so? Legal Mentoring is a process for the formal or informal transmission of knowledge, social capital, and the psychosocial support perceived by the recipient (the "protégé") as relevant to legal work, a legal career, or legal professional development. It entails communication, usually face-to-face and during a sustained period of time, between a person who is perceived to have greater relevant knowledge, wisdom, or experience (the "mentor") and the protégé, who is perceived to have less. But is such mentoring really relevant today? **THE PROMISE AND PITFALLS OF LEGAL MENTORING** Mark E. Lassiter, Esq. 	
Slide 2	 William Bourke Cockran, Orator, Lawyer, Congressman, Presidential Advisor  (1854 - 1923)	
Slide 3	  Grover Cleveland 1884 Democratic National Convention "Bourke Cockran made **the greatest speech ever delivered in a political convention**. His achievement was nothing short of sensational.." *Atlanta Constitution* "... when he concluded **he received an ovation the like of which was never before accorded to a speaker at a political convention**...." *Toledo Sunday Journal* "Bourke Cockran was the leading, the most admirable, the most imposing and most powerful figure at the Chicago Convention..." *New York Sun* "Cockran's walk back to his seat was attended by **an ovation such as few men could draw from a friendly audience and none probably has ever before forced from one so large and hostile**." *New York Herald*  	

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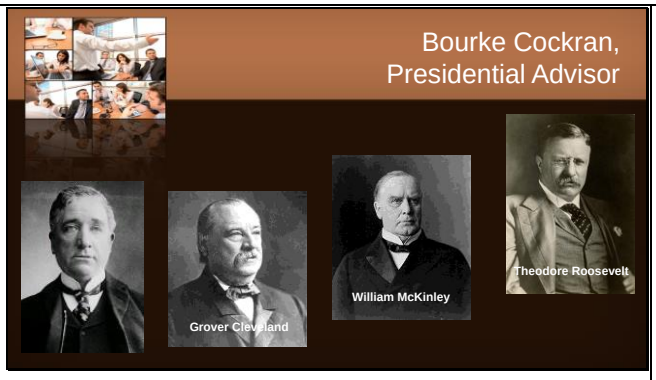
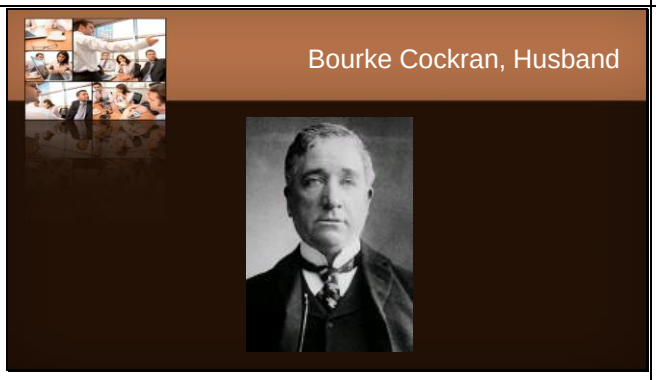
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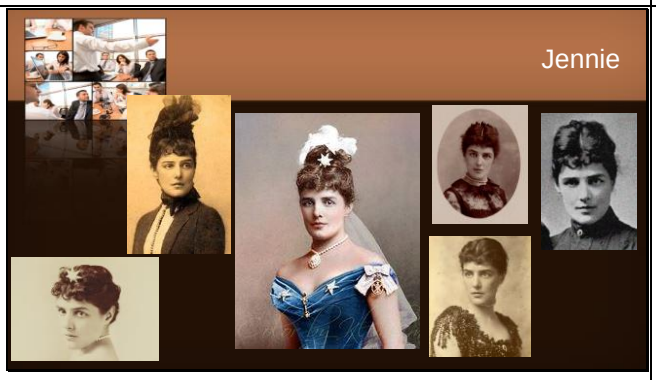
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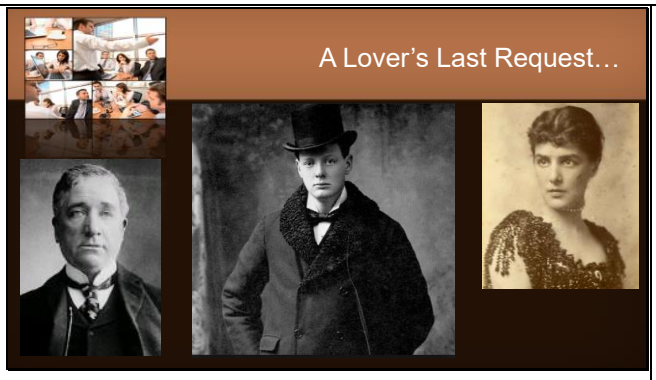
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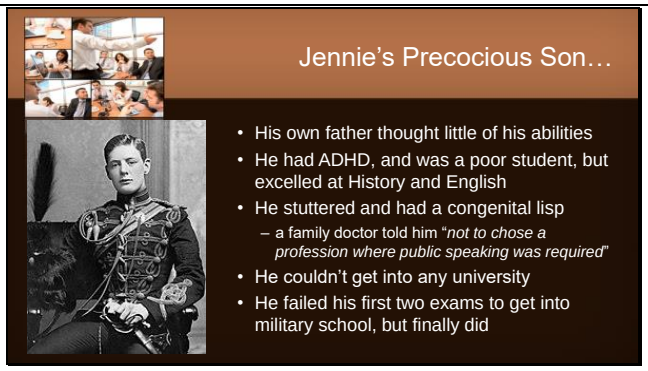
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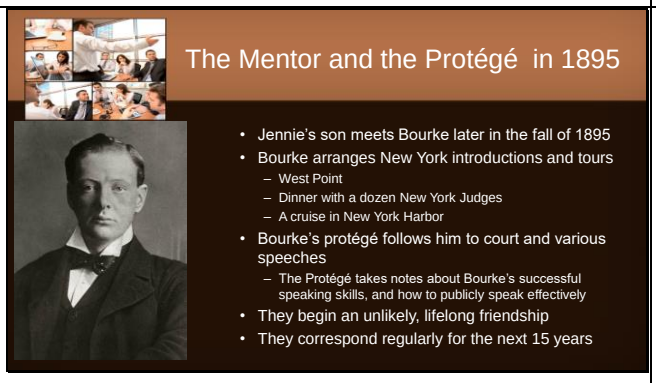
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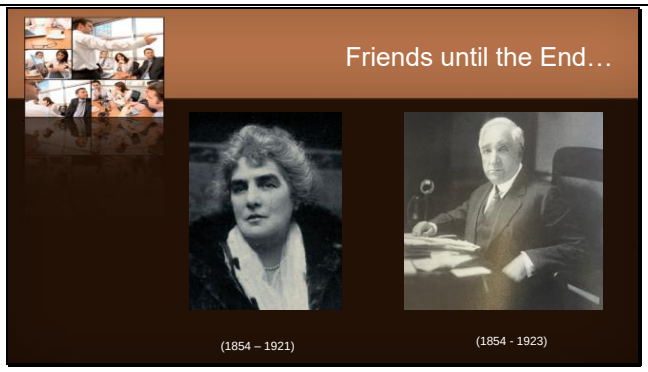
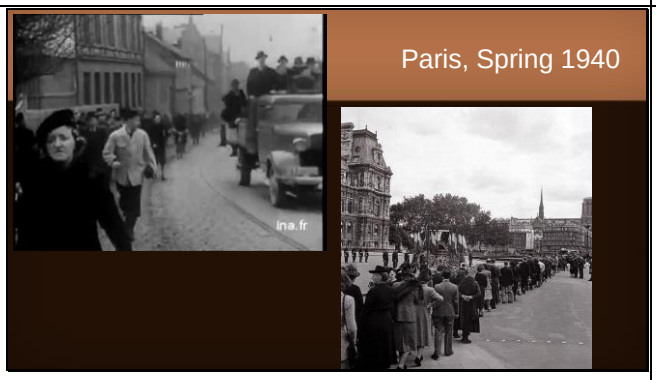
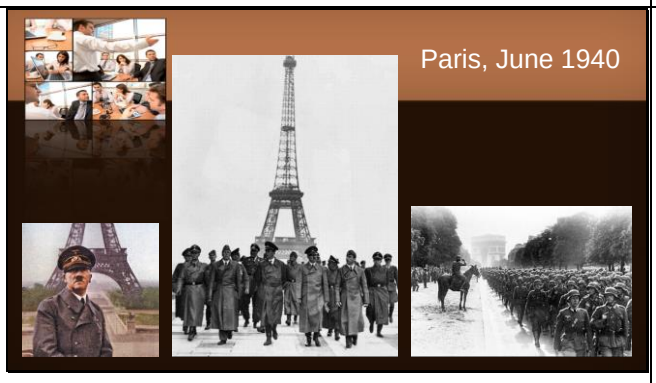
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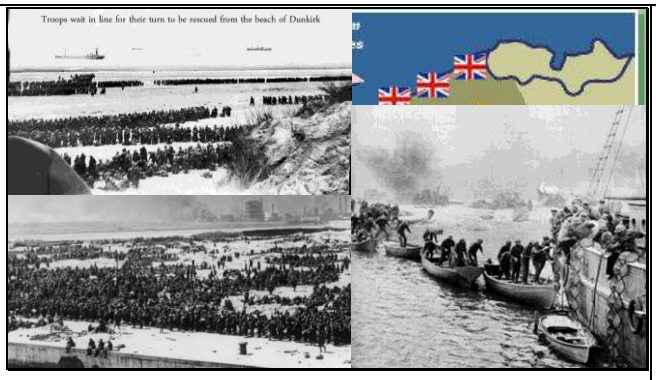
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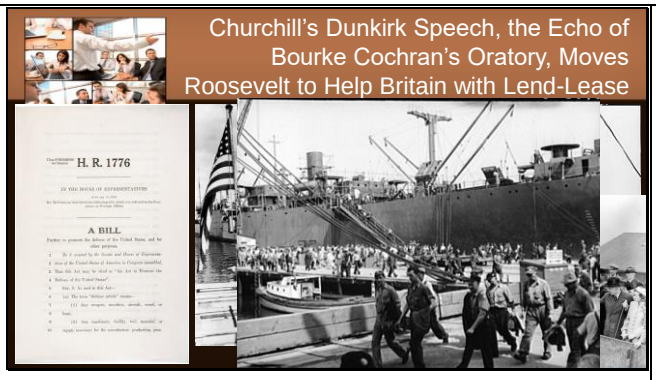
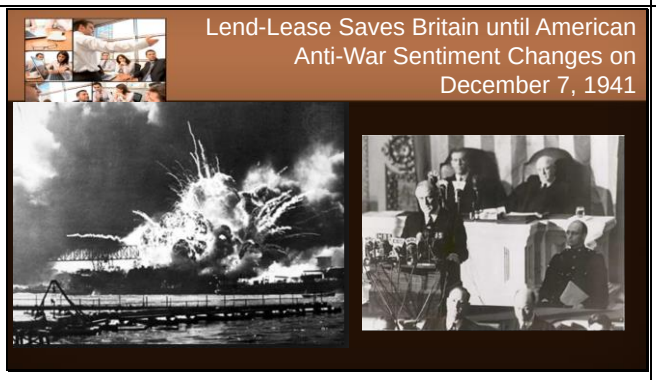
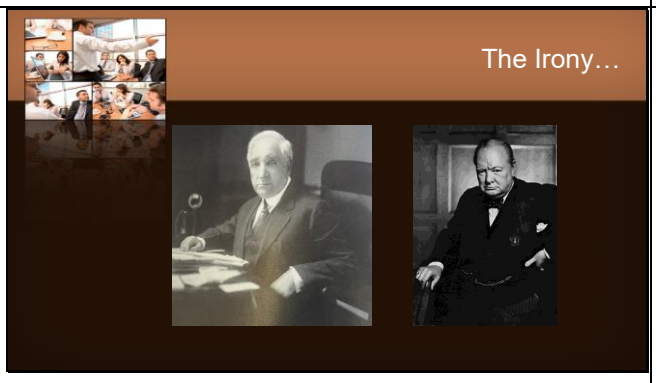
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Slide 28	 ***What is the value of a Mentor?***	
Slide 29	 *And just what **IS** a Mentor?*	
Slide 30	 Legal Mentoring Defined… *Legal Mentoring is a process for the informal transmission of knowledge, social capital, and the psychosocial support perceived by the recipient (the protégé) as relevant to legal work, a legal career, or legal professional development. It entails informal communication, usually face-to-face and during a sustained period of time, between a person who is perceived to have greater relevant knowledge, wisdom, or experience (the "mentor") and the protégé, who is perceived to have less.*	

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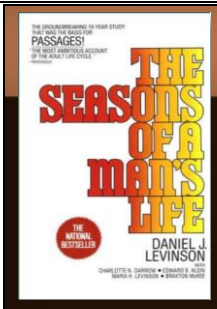


My Definition of Mentorship

"Mentorship is an intentional act of goodwill whereby a mentor imparts the mentor's accumulated wisdom, experience, resources and affection to the protégé, even though the relationship will almost surely end poorly for both. It is, in short, an act of unconditional love."

Mark Lassiter

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1978

A similar conclusion…

"Mentorship is best understood as a form of love relationship. It is difficult to terminate in a reasonable, civil manner. In this respect, as in others, it is like the intense relationship between parents and grown offspring, or between sexual lovers or spouses."

Daniel J. Levinson

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Why Mentor at all? What's in it for ME?

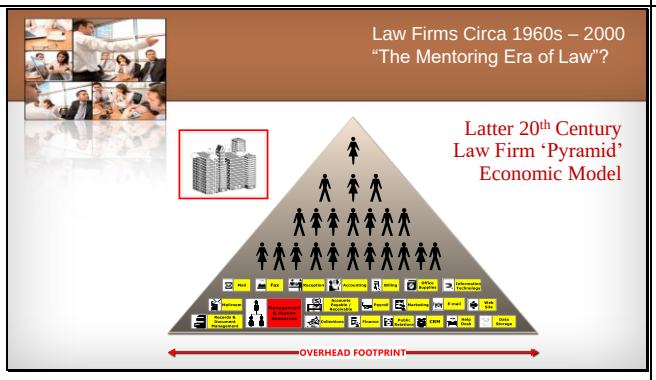
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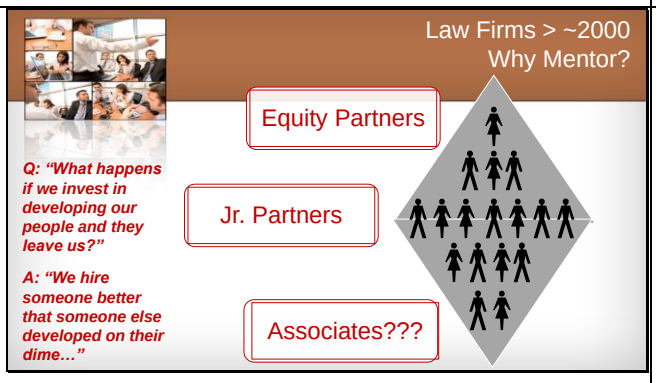
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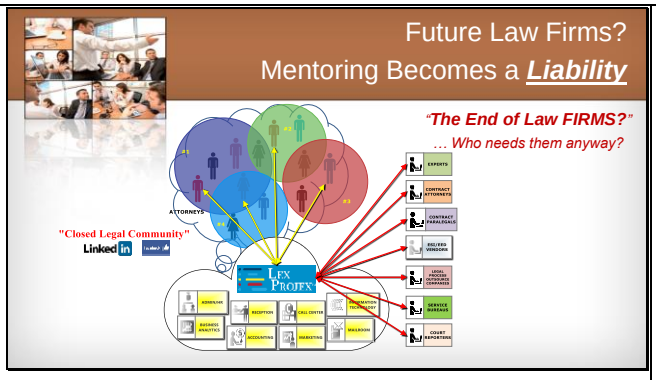
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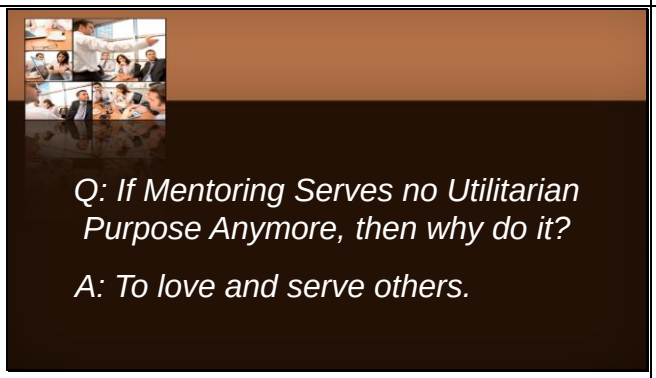
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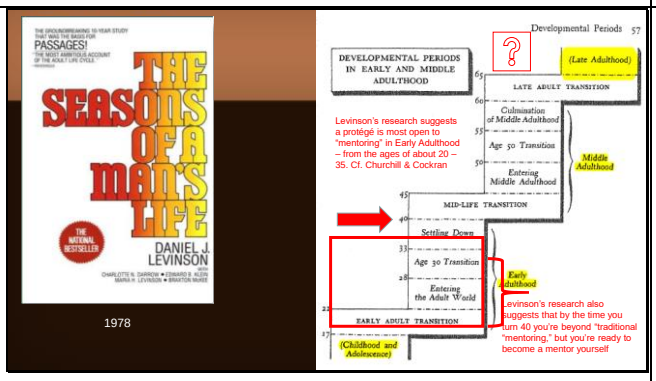
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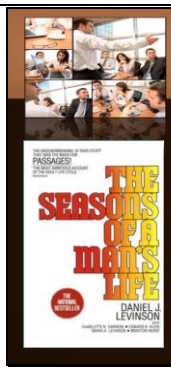
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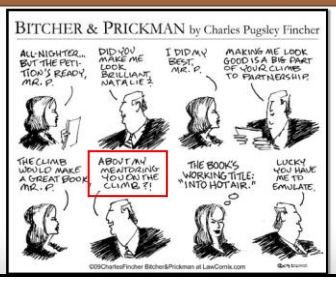
Levinson's research also showed that a Mentor…

- Serves a "transitional," not permanent role
- Is usually older than the protégé by a ½ Generation – typically 8 – 15 years
- Relationship lasts 2-3 years on average, 8-10 years at most
- A "quasi-parent" that doesn't act like one
- "Blesses" and recognizes the protégé's coming of age – a beckoning of the Protégé to equality – to "adulthood"
- Helps Protégé transcend the father-son, man-boy division of his childhood – introduces "adult to adult" interaction
- Often supports the realization of the protégé's "DREAM"
- Relationship usually ends badly – a falling out of sorts

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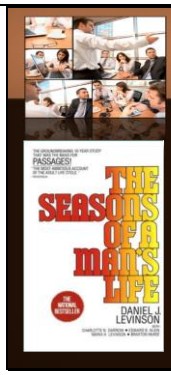


And what about the mentoring of women?



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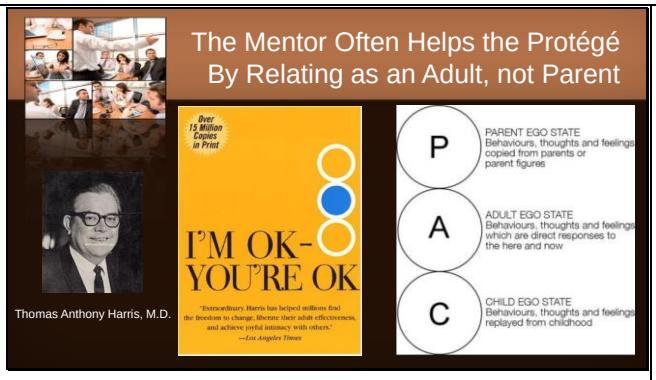
Of Female Mentorship Relations, Levinson's (1978) research observed …

"There is some evidence that women have even less mentoring, male or female, than men. One of the great problems of women is that female mentors are scarce, especially in the world of work. The few women who might serve as mentors are often too best by the stresses of survival in a work world dominated by men to provide good mentoring for younger women." (1978)

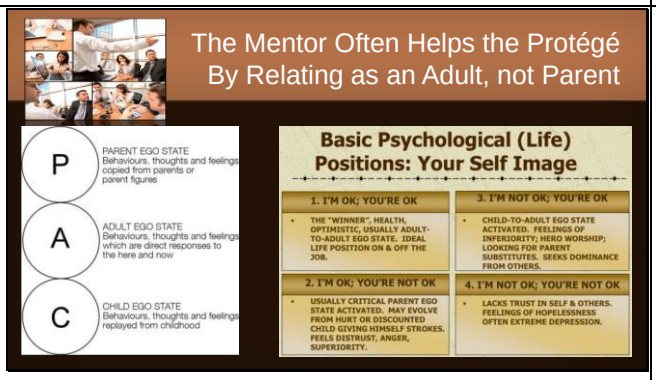
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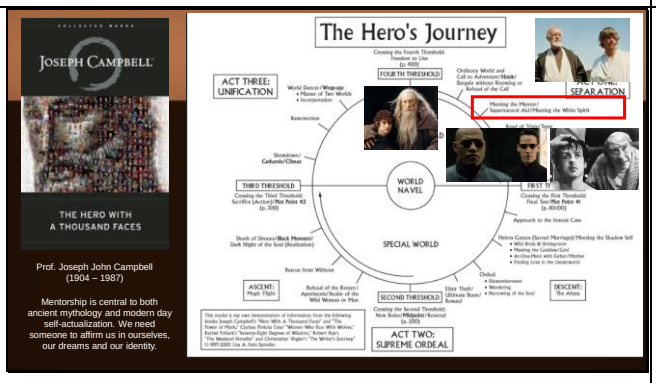
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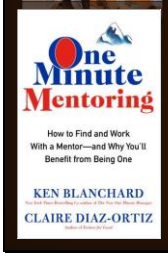


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One Framework for Approaching a Legal Mentoring Relationship…

Ken Blanchard's "MENTOR" mnemonic - acronym

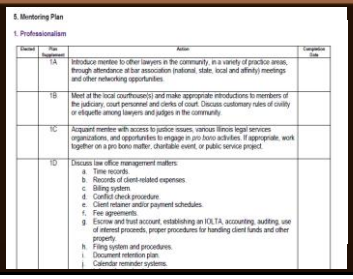
- **M** Mission [& "Movement" – who initiates? Organization? Protégé?]
  - What do we want to accomplish in this relationship/process? What's the goal?
  - Is the mentorship for "practice skills" or "personal growth & development"?
- **E** Engagement
  - How are we going to interact & communicate? Face to face? SKYPE? Email?
  - Frequency of interaction? What if we get busy? Check in?
  - Will our interaction be "Formal" or "Informal"?
- **N** Network
  - Both parties have the ability to connect the other to someone else that's helpful to them
- **T** Trust
  - The most important! I share a network contact with you, will you try to sell them AMWAY?
- **O** Opportunities [& "Opt Out"]
  - What opportunities can you share with each other?
- **R** Review/Renew? ["Resentment" or "Rebellion"?]
  - Have we accomplished what we were supposed to do?

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Is Legal Mentoring a "Formal" or "Informal" Process?

- Generally, the larger the organization, the more formal the process
- "Formal" process focuses more on "**professional skills**" – more is "taught than caught"
- "Informal" focuses more on "**personal growth & development**" – more is "caught than taught"



5. Mentoring Plan

1. Professionalism

Checked	Rule Requirement	Action	Completion Date
	1A	Introduce mentee to other lawyers in the community, in a variety of practice areas, through attendance at bar association (national, state, local and affinity) meetings and other networking opportunities.	
	1B	Meet at the local courthouse(s) and make appropriate introductions to members of the judiciary, court personnel and clerks of court. Discuss customary rules of civility or etiquette among lawyers and judges in the community.	
	1C	Acquaint mentee with access to justice issues, various Illinois legal services organizations, and opportunities to engage in *pro bono* activities. If appropriate, work together on a pro bono matter, charitable event, or public service project.	
	1D	Discuss law office management matters: a. Time records. b. Records of client-related expenses. c. Billing system. d. Conflict check procedure. e. Client retainer and/or payment schedules. f. Fee agreements. g. Escrow and trust account, establishing an IOLTA, accounting, auditing, use of interest proceeds, proper procedures for handling client funds and other property. h. Filing system and procedures. i. Document retention plan. j. Calendar reminder systems.	

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Illinois Supreme Court Commission On Professionalism

2CIVILITY™ Connecting lawyers. Inspiring change.

Is Legal Mentoring a "Formal" or "Informal" Process?

Lawyer-To-Lawyer Mentoring Program

ORIENTATION

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Let's Get Started!

Is Legal Mentoring a "Formal" or "Informal" Process?

MENTORING PAIRS MEET TO:

1. Develop your Mentoring Plan
2. Discuss communication preferences and schedule 2-3 meetings
3. Complete online Mentoring Agreement

https://www.2civility.org/programs/mentoring/mentoring-agreement/

4. Questions?

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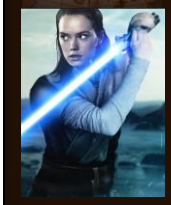
Is Legal Mentoring a "Formal" or "Informal" Process?

Illinois Supreme Court Commission on Professionalism
Two Prudential Plaza, Suite 1950 Chicago, IL 60601

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www.2civility.org
mark.palmer@2civility.org
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Some practical tips for Protégés

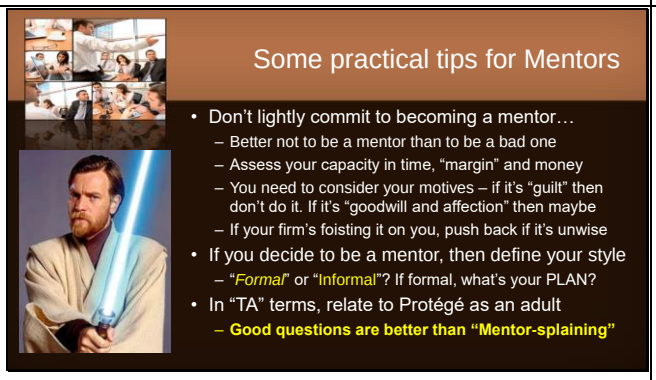
- You need to take the initiative to find a mentor – either inside or outside of your organization
  - "Traditional" outside law firms are shrinking
  - Your "assigned" mentor may not be very good – if so, tactfully ask for a new one. Get the best you can get
  - Various bar organizations and groups have programs
- Don't follow the firm's "list" – focus your mentor on the "most important thing NOW" for you
- A mentorship relationship can be mutual – think of ways you can help your mentor
- Don't be an "ASKHOLE"

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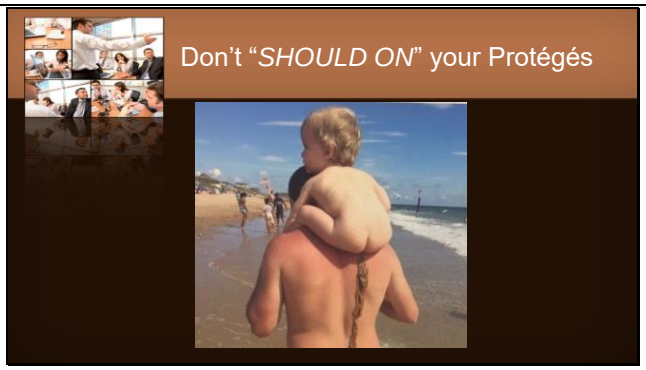
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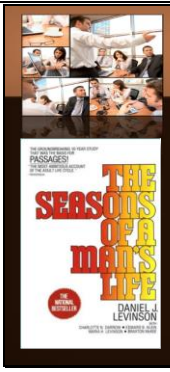
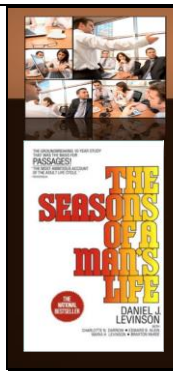
Slide 53



Slide 54

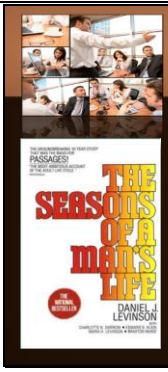


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Slide 55	 7 Strategic Questions to avoid "*SHOULDING*" on your Protégé 1. *"What's on your mind?"* 2. *"And what else?"* 3. *"What's the real challenge here for you?"* 4. *"What do you want?"* 5. *"How can I help?" or "What do you want from me?"* 6. *"If you say yes to this, what must you say no to?"* 7. *"What was most useful or most valuable here for you?"*	
Slide 56	 *"Breaking up is hard to do…"* *"[The mentoring relationship may come] to a natural end and, after a cooling off period, the pair form a warm by modest friendship. It may end totally, with a gradual loss of involvement. Most often, however, an intense mentor relationship ends with strong conflict and bad feelings on both sides."* *Daniel J. Levinson*	
Slide 57	 *"Breaking up is hard to do…"* The Protégé's Experience… *"The [protégé] may have powerful feelings of bitterness, rancor, grief, abandonment, liberation and rejuvenation. The sense of resonance is lost. The mentor [the protégé] formerly loved an admired is now experienced as destructively critical and demanding, or as seeking to make one over in his own image, rather than fostering one's individuality and independence. [Yesterday's mentor…] has become a tyrannical father or smothering mother."* *Daniel J. Levinson*	

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Slide 58



"Breaking up is hard to do…"
The Mentor's Experience…

"The mentor, for the [mentor's] part, finds the [protégé] inexplicably touchy, unreceptive to even the best counsel, irrationally rebellious and ungrateful. By the time they are through, there is generally some validity in each one's criticism of the other.

And so it ends. Much of the value may be realized – as with love relationships – after the termination."

Daniel J. Levinson

Slide 59



"Breaking up is hard to do…"
The Sad Truth…

As with any love relationship, you must be willing to risk rejection, abandonment and heartache for mentorship to work…

Slide 60



A Dedication to my Mentor…

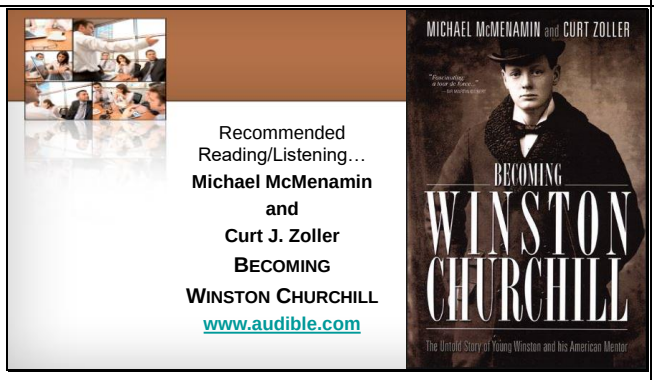
Steven F. Spierer, Esq., Spierer, Woodward, Corbalis & Goldberg

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Slide 61



Slide 62



Slide 63



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Slide 64		_____ _____ _____ _____ _____ _____ _____
	Mark E. Lassiter The LASSITER LAW FIRM 60 E. Rio Salado Parkway, 9th Floor Tempe, Arizona 85281 Direct: 480-218-4455 Mob: 602-692-3050 Email: mlassiter@lassiterlawfirm.com Web: www.nadn.org/mark-lassiter	

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AZBar Mentor Connection

PROGRAM OVERVIEW

Thank you for your interest in the State Bar of Arizona Mentor Program. A lawyer's first few years of practice can be a challenging time as they transition from law school to the practice of law. New lawyers are faced with the pressures of client relations, practice management and the adversarial process. This program has been instituted to assist with this transition. A mentor relationship can help facilitate this transition by providing guidance and counsel in the practice of law.

ACKNOWLEDGEMENTS

The State Bar of Arizona worked closely with the Mentor Advisory Council that was formed in 2019 to develop a comprehensive mentor program. We appreciate the Mentor Advisory Council's continuous effort and participation.

MENTOR ADVISORY COUNCIL 2019-2020

Frederick Aspey
Will Knight
James O'Sullivan
Hannah Speirs
Jacob Jones
Hon. Patricia Norris (Ret.)
Cindy Kay Schmidt
Staff Resource- Lisa Deane
Staff Advisor-Elena Nethers
Staff Liaison- Kendra Owens-Johnson

MENTOR ADVISORY COUNCIL 2020-2021

Chair-Will Knight
Hon. Patricia Norris (Ret.)
James O'Sullivan
Ali Anderson
David Matheson
Staff Resource-Lisa Deane
Staff Liaison-Kendra Owens-Johnson

The Mentor Program was developed through research, exploring mentor principles and practices across the country and experiences of legal mentor work of other states. This program is modeled on programs in Colorado, Florida, Georgia, Illinois and South Carolina. We appreciate the use of their programs as models of effective mentoring.

HISTORY OF THE PROGRAM

In 2018, former State Bar of Arizona President Jeff Willis convened a task force to review the status and develop future programs and services which included mentoring. The Task Force evaluated current State Bar Programs and considered opportunities for encouraging continued engagement of the Bar's more seasoned attorneys. The Task Force recommended a statewide mentoring program to provide newer lawyers with the skills and resources necessary to increase competence and professionalism in their legal practice.

The State Bar of Arizona Board of Governors approved the mentoring program and established a Mentor Advisory Council to develop and then implement a voluntary mentoring pilot program. In April 2020, the State Bar of Arizona Executive Council gave final approval for the mentor program to launch.

HOW THE MENTOR PROGRAM WORKS

The mentor and mentee fill out an application on the State Bar of Arizona website where you will indicate which program interests you, One-to-One or Lawyer Down the Hall. The staff reviews the application to ensure the eligibility qualifications are met. The parties are then matched based on practice area, geographic location and preferences. The parties will receive a confirmation email with contact information regarding their potential mentor/mentee.

One-to-One Mentoring

The One-to-One Program is a one-year commitment. The mentor and mentee are required to attend a one-time training where they are educated about the requirements, goals as well as provided mentoring tips. Immediately following the training, the mentor and mentee will meet and discuss their mentoring plan. The Mentoring Plan is a document which outlines the mentoring activities during the mentoring term. They should also schedule upcoming meetings. The Mentoring Plan will be signed and submitted to the staff.

The Mentor pair is required to meet at least one hour each month. Communication is important. The Mentor pair should discuss which communication style is best. Because of COVID-19 and social distancing orders, in person meetings are discouraged at this time. Parties should communicate via telephone, email or videoconference. It is intended for the mentor/mentee meetings to integrate work environments as well as the ability to attend legal, professional and/or State Bar of Arizona meetings together virtually. The Mentor pair will submit monthly reports briefly explaining their meetings. **The mentor pairs will receive CLE credit upon successfully completing the full year and meeting all requirements**.

Lawyer Down the Hall

Lawyer Down the Hall is a short-term mentoring connection where an experienced lawyer is paired with lawyers who need assistance on an issue, discuss career guidance, practice area or management issues, professionalism resources or attend events. Because of COVID-19 and social distancing orders, in person meetings are discouraged at this time. Parties should communicate via telephone, email or videoconference. Lawyer Down the Hall does not include a curriculum or require monthly meetings. **The mentor pair does not receive CLE at the end of this mentoring relationship.**

CLE

The mentor and mentee may earn up to 8 hours of CLE credit for participation in the One-to-One program. The parties must meet all qualifications of the program which includes attending the mandatory training, meeting monthly, submitting program evaluations and completing mentor plan activities. The mentor pair does not receive CLE credit for the Lawyer Down the Hall program.

MENTEE QUALIFICATIONS AND GUIDELINES

The mentee must be within his or her first three years of practice after admission to the State Bar of Arizona or within his first year of practice in Arizona and have practiced for less than three or less years in another jurisdiction.

The mentee is expected to prepare for meetings with the mentor by reviewing the checklist items from the Mentor Plan and prepare specific questions and issues to be raised and discussed during mentor/mentee meetings. Questions should be regarding substantive, practical and ethical issues which they may encounter. The mentee should recognize that a mentor is not expected to do legal research, nor does the mentor accept professional responsibility for any advice given. The mentee is responsible for making a professional evaluation of all advice received from the mentor and shall advise his/her client based on the mentee's own reasoning.

Mentees are expected to treat mentors with professionalism and respect. Mentees must be considerate of the mentor's time and be punctual and consistent with meetings.
The mentee should be open, eager and ready to receive ideas and guidance on the practice of law.

MENTOR QUALIFICATIONS AND GUIDELINES

Mentors must be an active member and in good standing at the State Bar of Arizona. They must have been in practice a minimum of 5 years (in Arizona or another jurisdiction). The mentor should not have been subject to any disciplinary sanctions within the past five years.

The mentor should schedule meetings, calendar reminders and reach out to their Mentee on a regular basis. Mentors should be considerate of the mentee's time and be punctual and consistent with meetings. The mentor should be dedicated and willing to commit the time to serve as a mentor. They should value guiding and counseling new attorneys regarding developing their professional habits and to improve the legal profession.

MENTORING RESOURCES

The Lawyer's Guide to Mentoring, 2nd Edition by Ida O. Abbott

Mentoring Across Differences: A Guide to Cross-Gender and Cross-Race Mentoring by Ida O. Abbott

Innovative Mentoring Increases Diversity and Inclusion by Ida O Abbott

Does Mentoring Still Matter by Ida O Abbott

PD Insider: Attorneys and Mentorship by Ida O Abbott

AZBAR Connection MENTORING PROGRAM AGREEMENT

The undersigned mentor and mentee agree upon the AZBAR Mentoring Program Mentoring Plan activities and experiences selected and the goals discussed above. We agree that we will use the Mentoring Plan as a guide and may add or substitute activities based on professional needs.

We acknowledge and shall abide by the following rules:

1. The communication between mentor and mentee is for guidance and teaching about the practice of law.

2. The mentor shall not provide legal advice on specific cases to the mentee or the mentee's clients. The mentee shall use any advice given and advise clients only upon his or her professional opinion, research and evaluation.

3. Mentor and mentee do not have a confidential relationship. Avoid revealing confidential client information and be aware of potential conflicts.

4. Communications between the mentor and mentee should not include specific case names or situations. Hypotheticals should be used when discussing substantive legal issues.

5. The mentor will not serve as legal counsel, review documents or pleadings nor do any legal research for the mentee.

6. The mentor accepts no professional liability for any advice given. Any mentor information or advice given or received in the course of the relationship is meant as an educational tool and a guide.

7. The State Bar of Arizona has undertaken no liability to the mentor nor mentee, and by signing this Agreement, the signer expressly waives any claims of any kind whatsoever arising from the mentor/mentee relationship against the State Bar of Arizona, its employees and agents for any actions or inactions associated with the AZBAR Mentor Connection Program.

AZBar Mentor Connection

ONE-TO-ONE PROGRAM MENTORING PLAN

The One-to-One Program Mentoring Plan includes activities and experiences that should be used as guidance for the mentee and mentor during their meetings, whether virtual or in person. This plan consists of topics and activities that are divided into 8 categories. Each category has multiple activities. At least 1 category along with an activity should be discussed during your monthly meeting.

The mentor and mentee will discuss the mentee's professional goals, interests and practice area(s) to develop activities using the Mentoring Plan and indicate which activities will be completed during the mentoring term. This Mentoring Plan is to be used as a guide and may be adjusted throughout the mentoring term based on the mentee's needs and experiences. The mentor and mentee must meet within 14 days after training. This initial meeting is to introduce yourselves, discuss each participants expectations and to set future meetings.

A successful mentoring relationship is grounded on communication, trust, and candor. Whether meeting in person or virtually, please make sure you meet in a "place" that will allow for open, yet private communication. At this time, due to COVID-19, we strongly recommend that you meet virtually using an online video conferencing platform (e.g., Zoom, Go-to-Meeting, or Skype, etc.) so that you can see each other. Keep in mind that communication includes both verbal and non-verbal components.

A monthly submission form is provided on the last page of this document so that you can document your monthly meetings. **This form must be submitted each month by the 15th of the month following your meeting to obtain CLE credit**. For example, if your meeting is June 5, you must submit the form by July 15. **Please email the monthly submission form and cc your mentor partner to Julli.Castaneda@staff.azbar.org**.

Initial Meeting

1) Mentoring Plan- Mentor and mentee meet within 14 days of the AZBar Mentor Connection Virtual Training.
2) Communication- Mentor and mentee to discuss their preferred method of communication i.e., videoconference, phone, email, text. Due to COVID-19, in-person meetings are discouraged at this time.
3) Scheduling- Mentor and mentee to schedule as many future meetings as possible.

Introduction to the Legal Community

1) Mentor should introduce the mentee to lawyers in the community in person or virtually through attendance at local bar associations, sections and committees and discuss advantages to involvement in these organizations.
    a. See State Bar of Arizona website for Partner Bar Organizations **https://www.azbar.org/for-lawyers/communities/partner-bar-organizations/**
2) Discuss a lawyer's duty to provide pro bono services-acquaint mentee with nonprofit legal services and pro bono activities.
    a. See State Bar of Arizona website for Pro Bono and Volunteer Opportunities **https://www.azbar.org/for-lawyers/career-advancement/volunteer-opportunities/**
3) Meet at the courthouse if circumstances permit and make appropriate introductions to members of the judiciary, court personnel and clerks. Or, schedule an appointment with a judicial officer or officers to meet the mentee. AZBAR Mentor Connection can help you schedule such a meeting. Discuss customary rules of civility of the judiciary, court personnel and clerks. Discuss customary rules of civility or etiquette in court and among lawyers and judges.

Professionalism

A. Professionalism in Working with Clients

1) Discuss the role of the lawyer, lawyer's responsibility to their client, court and adhering to the Rules of Professional Conduct.
2) Ensure new lawyer is well versed in the ethical rules and guide in the recognition of and resolution of ethical issues.
3) Discuss a lawyer's initial meeting and interaction with the client.
    a. Decide whether to undertake representation of a client.
    b. Tips for gathering information about a legal matter.
    c. Appraise credibility and trust of potential client.
    d. Discuss how to make and accept referrals.
    e. Discuss the importance of written fee agreements/engagement letters.
    f. How to Discuss legal fees.
    g. Screening for and avoiding conflicts of interest.
    h. How and when to terminate the attorney-client relationship, issues with terminating mid representation, necessary steps and documentation.
    i. Modes of communication-Response time for email or phone call, is text appropriate. Decide at first meeting what is best for both parties.

B. Client Communication

1) Discuss proper legal counseling and duties and responsibilities of advising clients.
2) Discuss appropriate client interview techniques.
3) Importance of not over-selling your expertise or expected outcomes.
4) Importance of communication and maintaining communication (returning phone calls, emails, letters etc.).
    a. Discuss how to deal with a difficult client.
    b. Discuss confidentiality and 3rd party fee payment.
    c. Maintaining client confidentiality.
    d. Explain realistic client expectations.
    e. Responsibility of client and lawyer in decision making and the best ways to involve a client in their case.
    f. Client responsibility and what they need to provide for effective representation.

Consider the following Resource: **(Additional resources are included in the Resource Section)**
Keeping It Practical: Tips on Pricing, Billing, and Client Communications by Mark A. Robertson, 2017
https://www.lawpracticetoday.org/article/keeping-practical-tips-pricing-billing-client-communications/

C. Communication in Working with Others

1) How to communicate within your own firm, with your boss, and with support staff.
2) How to communicate with opposing counsel.
3) How to effectively communicate with judges and judicial staff.
4) Discuss negotiation skills.
    a. Discuss how to prepare for negotiation of a legal matter.
    b. Discuss when and how negotiation should be initiated.
    c. Discuss how to be an effective negotiator.
5) How to write an effective demand letter
6) Practice scripting for specific legal situations (e.g., negotiating a plea agreement).

Consider the following Resource: **(Additional resources are included in the Resource Section)**

Creating a Culture of Civility in the Practice of Law by John "Sean" Doyle, 2019.
https://www.lawpracticetoday.org/article/culture-civility-practice-law/

D. Litigation Issues

1) Discuss professionalism in written documents.
2) Discuss professionalism in the courtroom.
    a. What to do if you offend a judge.
    b. What to do if you have a court calendaring issue or you are late to court.
    c. The importance of courtesy with court staff.
3) How to handle discovery issues with opposing counsel (competency and professionalism during discovery).
4) Discuss how to handle redundant and excessive pleadings.
5) Discuss Types of Alternative Dispute Resolution- (e.g., arbitration, facilitation, mediation).
6) Discuss when it is best to resolve disputes by alternative dispute resolution and how to discuss it with your client.

E. Diversity and Inclusion

1) Develop an awareness of diversity and inclusion issues in the legal profession.
2) Discuss personal experiences involving diversity.
3) Discuss what your employer has done and or could do to increase diversity.
4) Attend a diversity awareness CLE or training and discuss.
5) Take the Harvard's Project Implicit Attitude Assessment.
    https://implicit.harvard.edu/implicit/takeatest.html

Consider the following Resources: **(Additional resources are included in the Resource Section)**

ABA Dispute Resolution Processes
https://www.americanbar.org/groups/dispute_resolution/resources/DisputeResolutionProcesses/

Diversity and Inclusion in the Law: Challenges and Initiatives by Allison E. Laffey and Allison Ng, 2018
https://www.americanbar.org/groups/litigation/committees/jiop/articles/2018/diversity-and-inclusion-in-the-law-challenges-and-initiatives/

Law Office Management

A. Time Management

1) Discuss effective time management skills.
2) How to keep time records.
3) Importance of calendar reminder systems.

B. Case Management

1) Conflict check procedure.
2) Establishing and keeping a filing system along with efficient procedures.
3) Document retention plan.
4) Methods of keeping clients informed about progress of their matters.
5) Discuss how to maintain client confidentiality.
6) Information technology system usage and trends.
7) Library and research systems.
8) Other resources (publications, seminars, equipment).

C. Financial Record Keeping

1) Record of client-related expenses.
2) Billing system.
3) Client retainer and/or payment schedules.
4) Fee agreements.
5) Escrow and trust accounts.
6) Establishing an IOLTA.
7) Accounting, auditing, use of interest proceeds.
8) Proper procedures for handling client funds and other property.

D. Working with Interoffice Personnel

1) Roles and responsibilities of paralegals, legal assistants and other office personnel.
2) How to effectively work with staff and develop good working relationships.

Practice Development

1) How to develop the practice in an effective manner.
2) How to ethically market their practice and services.
3) Discuss availability of State Bar Practice 2.0.
4) How to turn introductions into opportunities.
5) How to identify and create an ideal target client list.
6) How to develop a business development plan.
7) How to leverage your law school network.

MENTOR AND MENTEE ARE ENCOURAGED TO DO A 30 MINUTE CONSULTATION WITH THE STATE BAR OF ARIZONA PRACTICE 2.0

Consider the following Resource: **(Additional resources are included in the Resource Section)**

Balancing on One Foot: Practical Tips for Solos by Roberta Tepper, 2020
https://www.lawpracticetoday.org/article/balancing-one-foot-practical-tips-solos/

Legal Ethics

1) Discuss common malpractice and client grievance issues in your practice and how to avoid these issues.
2) Resources for dealing with complicated ethical issues.
3) Discuss ways to address where new lawyers believe another lawyer has committed an ethical violation and the obligation to report misconduct.
4) Preparation and proper behavior during discovery.
5) Discuss availability of the State Bar of Arizona's Ethics hotline.

Consider the following Resource: **(Additional resources are included in the Resource Section)**

Young Lawyers: Build Good Practice Habits and Avoid Malpractice Claims by Ian Hu, 2017
https://www.lawpracticetoday.org/article/young-lawyers-build-good-practice-habits-and-avoid-malpractice-claims/

Lawyer Well-Being

1) Discuss prominence of abuse issues in the legal profession.
2) Identify substance abuse and depression warning signs.
3) Discuss work life balance.
4) Discuss availability of the State Bar's Member Assistance Program (MAP).

Consider the following Resource: **(Additional resources are included in the Resource Section)**

When a lawyer gets overwhelmed with fear, anxiety and depression in their life by Stan Popovich, 2019
http://attorneyjournaloc.com/blog/2019/08/01/when-a-lawyer-gets-overwhelmed-with-fear-anxiety-and-depression-in-their-life/

Professional Development

1) Expose new lawyer to different areas of practice.
2) Identify areas of law where the mentee is interested and help make connections in that area.
3) Assist in developing long-term goals.
4) Discuss leadership opportunities.
5) How to develop their resume.
6) How to get a promotion.
7) How to put yourself in the best position to get a new job.
8) Working with legal recruiters.
9) How often should you change jobs.

Consider the following Resource: **(Additional resources are included in the Resource Section)**

Effective Self Promotion for Lawyers by Michelle Chui, 2017
https://www.lawpracticetoday.org/article/effective-self-promotion-young-lawyers/

MENTORING RESOURCES

Rule 42 Arizona Rules of Professional Conduct
https://www.azbar.org/for-lawyers/ethics/rules-of-professional-conduct/

State Bar of Arizona Member Assistance Program-Mental Health or Substance Abuse Issues
https://www.azbar.org/for-lawyers/benefits-services/member-assistance-program/

State Bar of Arizona Practice 2.0- Practice Management Assistance
https://www.azbar.org/for-lawyers/practice-tools-management/practice-2-0/

State Bar of Arizona Ethics Hotline-Ethical Conduct Advice
https://www.azbar.org/for-lawyers/ethics/ethics-hotline/

CLE Courses:

Which can be accessed through the State Bar of Arizona On Demand (Online Seminars)
https://www.azbar.org/for-lawyers/cle/about-azcle/cle-program-types/

Ethics Café: Conflicts of Interest and Duties to Former Clients

Candor, Courtesy & Confidence: Courtroom Conundrums

Effective and (Ineffective) Representation in Mediation

Leadership and Communication for Lawyers: How to Succeed as a Lawyer-Leader in Today's Workplace

Dealing with Difficult People

The Fundamentals of Trust Accounting: A Practice Management Perspective

Bad Lawyer Moves to Avoid: Preventing and Managing Legal Malpractice Claims

Stress Management and Wellness a Toolkit for Lawyers

Lawyer Well-Being: The Challenges of Substance Use and Mental Health and Ways to Stay Well

Books:

How to Start & Build a Law Practice (Career Series / American Bar Association) 5th Edition by Jay Foonberg, 2004.

Part of ABA Young Lawyers Division 101 Practice Series: Breaking Down the Basics, 2007.

Representing Clients in Mediation: A guide to optimal results based on insights from counsel, mediators and program administrators By Spencer M. Punnett II, 2019

Articles:

Professionalism

Six Best Practices for Effective Client Communication by Teresa Matich, 2019
https://www.lawpracticetoday.org/article/six-best-practices-for-effective-client-communication/Taming the Beast, How to Manage Difficult Clients by Kara Lowentheil, 2017
https://abovethelaw.com/career-files/taming-the-beast-how-to-manage-difficult-clients/

5 tips for a Successful Initial Consult by Jennifer A. Brandt, 2018
https://familylawyermagazine.com/articles/5-tips-for-a-successful-initial-consult/

Working with Others

6 things opposing counsel can teach you about being a legal professional by Jennifer Anderson, 2018
https://www.onelegal.com/blog/6-things-opposing-counsel-can-teach-you-about-being-a-legal-professional/

Civility in the Practice of Law by Siobhan A. Cullen, 2018
https://www.americanbar.org/groups/litigation/committees/products-liability/practice/2018/civility-in-the-practice-of-law/

Law Office Management

Flat Fee or Hourly? Pros and Cons of Billing Options by Ruth Carter, 2018
https://www.attorneyatwork.com/pros-and-cons-of-lawyer-billing-options/

The ins and outs of law practice management software by Nicole Black, 2019
https://www.abajournal.com/news/article/the-ins-and-outs-of-law-practice-management-software The Solo and Small Firm Resource Center of the ABA has a wealth of information and connections at: **http://www.americanbar.org/portals/solo_home/solo_home.html**

The ins and outs of law practice management software by Nicole Black, 2019
https://www.abajournal.com/news/article/the-ins-and-outs-of-law-practice-management-software

Legal Ethics

When a Third Party Pays the Legal Fees: Attention to these issues at the outset will help you avoid ethical issues and get paid by Paula M. Bagge, 2019
https://www.americanbar.org/groups/litigation/committees/commercial-business/practice/2019/when-a-third-party-pays-legal-fees/

Lawyer Well-Being

Well-Being for Attorneys by Stewart Levine, 2019
https://www.lawpracticetoday.org/article/well-being-for-attorneys/

American Bar Association Wellness, Mindfulness, Work-life Balance has a page listing multiple resources
https://www.americanbar.org/groups/lawyer_assistance/resources/lawyer_wellness/

Professional Development

Changing Legal Practice Areas by A Harrison Barnes, Esq.

https://careers.findlaw.com/how-to-find-a-legal-job/changing-legal-practice-areas.html
Top Legal Skills Competitive and Attractive legal skills for Job Seekers by Sally Kane, 2020
https://www.thebalancecareers.com/top-ten-legal-skills-2164595

AZBar Mentor Connection

Mentoring Plan – Monthly Submission Form

Overall Program Requirements – 12 Total Meetings

- Initial/Planning Meeting
- Practice Management
- Introduction to the Legal Community (Two Meetings)
- Professionalism (Two Meetings)
- Law Office Management (Two Meetings, Practice 2.0 Consultation)
- Ethics
- Well Being (Two Meetings)
- Professional Development

Subjects Covered	Date

Mentoring Plan For Lawyers New to Practice

1. **Initial Planning Meeting, Personal and Professional Development (complete all)**

Action	Mark completed items
Meet at together in person (where practical) to prepare the customized mentoring plan based on the Mentee's needs and interests. Utilize the CAMP Initial Goal Plan & Meeting Guide to assist your mentoring pair in developing goals for the mentoring relationship.	
Discuss best communication methods for each attorney, and consider scheduling all remaining meetings/activities for the mentoring term.	
In tailoring the mentoring plan to the Mentee's interests, discuss long-term professional and career goals and identify ways to achieve them.	
The mentor should introduce the Mentee to the firm's attorneys and staff (if not already done).	
Include in the meeting a day-in-the-life discussion, including discussion about work-life balance, mental health and substance abuse issues facing lawyers, and the services available to attorneys regarding these health issues.	

2. **The Colorado Bar and Legal Community (complete at least one)**

Action	Mark completed items
Attend a meeting of an organized bar association or other attorney networking event together. Introduce the Mentee to other attorneys in attendance. Discuss the advantages of bar association involvement and discuss the many local, state, and national associations available, including any in the Mentees specific practice area.	
Meet at the local courthouse(s), particularly the one in which the Mentee may be appearing, and make introductions to members of the judiciary, court personnel, and clerks of court. Discuss customary rules of civility or etiquette in court and among lawyers and judges in the community.	
Attend a Term Day (or similar activity) which involves a gathering of judges and attorneys of the local bar.	

3. Developing Professional Identity & Lawyer Well-Being (complete at least two)

Action	Mark completed items
It is envisioned that this component of the Mentoring Plan should be creatively tailored for the individual mentee's needs. The discussion should focus on understanding "why" the mentee chose the profession of law and what the mentee seeks to accomplish in their professional role. • How does the mentee define "professional success" and whose input/feedback did they utilize in developing this definition? • What characteristics, skills, and attributes does the mentee have that will allow them to find professional success? • Who are the people in the mentee's personal and professional community who will support them in finding professional success? Assist the mentee in articulating their "Professional Identity" as a lawyer. Utilize John Bliss, The Professional Identity Formation of Lawyers, The Practice (March/April 2016). https://thepractice.law.harvard.edu/article/the-professional-identity-formation-of-lawyers/ to assist your mentoring pair in facilitating this discussion.	
Engage Mentee in a self-reflective exercise to determine whether Mentee believes they are thriving in all dimensions of "well-being" including: **Emotional:** Recognizing the importance of emotions. Developing the ability to identify and manage our own emotions to support mental health, achieve goals, and inform decision-making. Seeking help for mental health when needed. **Occupational:** Cultivating personal satisfaction, growth, and enrichment in work; financial stability. **Intellectual:** Engaging in continuous learning and the pursuit of creative or intellectually challenging activities that foster ongoing development, monitoring cognitive wellness. **Spiritual:** Developing a sense of meaningfulness and purpose in all aspects of life. **Social:** Developing a sense of connection, belonging, and a well-developed support network while also contributing to our groups and communities. **Physical:** Striving for regular physical activity, proper diet and nutrition, sufficient sleep, and recovery; minimizing the use of addictive substances; seeking help for physical health when needed. Assist Mentee in developing well-being objectives and a plan to address Mentee's self-identified deficiencies in these dimensions of well-being. Consider the ABA Well-Being Toolkit for Lawyers and Legal Employers in building a well-being action plan.	
Engage the Mentee in a reflective exercise regarding resilience. How does the Mentee assess their own resiliency? What factors account for the Mentee's measurement of resilience? Assist Mentee in developing a plan to improve their resiliency. Consider the following resources: • Three Ways Lawyers Can Become More Resilient • Survival Skill No. 1 for Lawyers: Emotional Resilience	

4. Colorado Rules of Professional Conduct, Professionalism, and Civility

Action	Mark completed items
Required (to be completed with the activity elected from list below)	
The pair should discuss the distinction between the Colorado RPC and professionalism; the attorney's obligations to the court, the client, and opposing counsel; common ethical issues and resources for how to resolve difficult ethical questions; common grievance and malpractice "traps" and how to avoid them; the benefits of carrying malpractice insurance and the ramifications for failing to do so.	
Engage Mentee in a reflection on "bullying" and "toxicity" in the legal profession. Define what these terms mean to the Mentee and reflect on whether the Mentee has experienced these issues or has contributed to these issues at various points in their legal career. Develop with the Mentee a personal plan for avoiding and responding to bullying or toxic behavior. Consider the following resource: • Dealing with Lawyer Bullies	
Complete at least two of the following:	
Discuss how to screen for, recognize, and avoid conflicts of interest.	
Work with Mentee to develop communication and leadership skills necessary to establish professional working relationships with support staff, associates, and partners. Consider the following resources in your discussion: • Fire & Ice: An Associate's View of Partners • I Don't Feel Your Pain: A Partner's View of Associates • Six Ways to Work Successfully With Support Staff	
Discuss competency and professionalism during discovery.	
Discuss how to prepare for negotiation of a legal matter, when and how negotiation is initiated, how to involve the client, ethical and professionalism obligations of negotiators, skills needed to be an effective negotiator and how to acquire them.	
Discuss appropriate ways to handle situations where a lawyer believes another lawyer has committed an ethical violation or otherwise acted unprofessionally or uncivilly; the obligation to report misconduct; and the appropriate way to handle a situation where the Mentee is asked by a senior member of the firm/organization to do something that is unethical or unprofessional.	
Discuss the grievance process and a lawyer's duty to cooperate with a disciplinary investigation.	
Discuss client development and marketing, appropriate procedures and ethical implications.	

5. Litigation and Transaction Experiences (complete at least two)

Action	Mark completed items
Discuss types of alternative dispute resolution (ADR) such as mediation, arbitration, early neutral evaluation, summary jury trials, collaborative law practice.	
Mentee attends one of the ADR proceedings listed above. The pair discusses and evaluates what was observed.	
Mentee attends or participates in a deposition. The pair discusses and evaluates what was observed.	

Mentee attends or participates in part or all of a trial, whether, civil or criminal, bench or jury, state or federal. The pair discusses and evaluates what was observed.	
Mentee attends or participates in an appellate oral argument before the Colorado Supreme Court, Colorado Court of Appeals, or the Tenth Circuit Court of Appeals. The pair discusses and evaluates what was observed.	
Mentee attends or participates in a hearing conducted by a state or local administrative body (e.g. local zoning board, tax equalization board hearing; state licensing or regulatory body). The pair discusses and evaluates what was observed.	
Mentee observes a real estate closing or other business transaction or financial closing. The pair discusses and evaluates what was observed.	
Mentee attends meeting to execute estate planning documents. The pair discusses and evaluates what was observed.	
Mentee attends or participates in a planning/strategy meeting regarding a business transaction or estate planning. The pair discusses and evaluates what was observed.	
Mentee attends or participates in meeting, hearing, or other proceeding specific to his or her or the mentor's practice area. The pair discusses and evaluates what was observed.	

6. Law Office Management and In-Office Procedures

Action	Mark completed items
Required **(to be completed with the activity elected from list below)**	
Discuss law office management best practices (preferably including a tour of the mentor's office), and the importance of maintaining organized procedures: • Time records. • Records of client-related expenses. • Billing system. • Client retainer and/or payment schedules, types of fee agreements. • Escrow and trust account, establishing an COLTAF, accounting, auditing, use of interest proceeds, proper procedures for handling client funds and other property. • Filing system and procedures. • Document retention plan. • Calendar reminder systems. • Information technology systems. • Library and research systems. • Other resources (publications, seminars, equipment).	
Complete at least two of the following:	
Discuss role and responsibilities of paralegals, secretaries and other office personnel, and how to establish good working relationships with others in the same office who are support staff, colleagues or senior partners. Discuss the "care and feeding" of support staff.	
Discuss practices to maintain client confidentiality.	
Discuss good time management skills and techniques.	
Discuss how to screen for, recognize, and avoid conflicts.	
Discuss how to prevent issues of unauthorized practice of law with staff.	
Discuss office politics, including appropriate networking, socializing, and personal behaviors.	

Discuss the importance of planning ahead for handling the practice in the event of retirement, disability, or death.	
Discuss the issues surrounding leaving a firm, such as how to protect oneself, advising clients, and withdrawing from cases.	
Discuss evaluation and compensation procedures, and professional advancement within a firm.	

7. Professionalism in Working With Clients (Complete at least three)

Action	Mark completed items
Review the Colorado Principles of Professionalism https://www.cobar.org/For-Members/Committees/Professionalism-Coordinating-Council/Principles-of-Professionalism as a pair and select at least three principles for further discussion as to their application to the mentee's practice of law.	
Discuss the initial meeting and interaction with a potential client, tips for gathering information about a legal matter, appraising the credibility and trust of the potential client, evaluating whether to accept the representation, how to decline representation. Discuss making and accepting referrals.	
Discuss importance of client communication and strategies to maintain appropriate ongoing communication (returning telephone calls, email, etc.) to keep clients informed, including use of fee agreements, timeliness, written communication, etc. Evaluate any policies adopted by Mentee's organization or discuss the benefits of adopting a formal communication policy.	
Discuss proper legal counseling, including the duties and responsibilities of advising clients and the respective responsibilities of the client and the lawyer in decision-making.	
Assess best practices for communicating with clients regarding the business aspects of the relationship, including billing and other business procedures. Evaluate Mentee's collections policies and communication mechanisms related to those policies.	

Discuss proper legal counseling, including the duties and responsibilities of advising clients and the respective responsibilities of the client and the lawyer in decision-making.
• Consider the following resources in your discussion:
  ○ Do You Have a Client Centered Law Practice?, Sullivan, 2016
  ○ The Lawyer As the Counselor, Burtch, 2010
  ○ Who is My Client? Client Centered Lawyering With Multiple Clients, Lawton, 2015	

Discuss how to deal with a "difficult" client. Include in this discussion tools for evaluating when it is time to withdraw from representation, avoid ethical pitfalls, and professionally and responsibly terminate a client relationship. • Taming the Beast, How to Manage Difficult Clients, Lowentheil, 2017	
Discuss the termination of the attorney-client relationship, issues with terminating mid-representation, necessary steps and documentation.	

CWBA "LIFT" Track Mentoring Plan Curriculum

(If you wish to do an activity not listed, confirm with your facilitator beforehand that the activity meets the goals of the particular curriculum subject.)

1. **Initial Planning Meeting, Personal and Professional Development (complete all)**

Action	Mark completed items
Meet to prepare the customized mentoring plan based on the Mentee's needs and interests. Discuss best communication methods for each attorney, and consider scheduling all remaining meetings/activities for the mentoring term.	
In tailoring the mentoring plan to the Mentee's interests, discuss long-term career goals and identify ways to achieve them.	
The mentor should introduce the Mentee to the firm's attorneys and staff (if not already done).	
Include in the meeting a day-in-the-life discussion, a professional identity discussion, including discussion about work-life balance, facing lawyers, and the services available to attorneys regarding these health issues.	

2. **The Colorado Women's Bar and Legal Community**

Action	**Mark completed items**
Required	
Attend a meeting of the Colorado Women's Bar Association or other attorney networking event together. Introduce the Mentee to other attorneys in attendance. Discuss the advantages of bar association involvement and discuss the many local, state, and national associations available, including any in the Mentees specific practice	
Complete at least one of the following:	
Meet at the local courthouse(s), particularly the one in which the Mentee may be appearing, and make introductions to members of the judiciary, court personnel, and clerks of court. Discuss customary rules of civility or etiquette in court and among lawyers and judges in the community.	
Attend a Colorado Bar Association "Lawyers with Littles" event. Introduce the Mentee to other attorneys in attendance. Discuss the advantages of bar association involvement as a caregiver- lawyer and discuss the many local, state, and national associations available to the mentee.	
Attend an event hosted by Denver MAMA. Denver MAMA is devoted to furthering the interests of mother attorneys in the Denver metro area. MAMA offers support and encouragement for mother attorneys; opportunities to network, share experiences and solve problems for both career and home; and family-friendly activities.	

Discuss the benefits of the Colorado Lawyer Assistance Program (COLAP) and how it can be a resource to caregiver-parents who may need confidential assistance for any career challenge that interferes with the ability to be a productive member of the legal community; including but not limited to: Practice Management, Work/Life Integration, Stress/Anger Management, Anxiety, Depression, Substance Use, and Relationship Issues.	
Explore a law office of a mentor's peer or colleague together for the first time. Discuss that law office's practices and meet the attorneys who work within the office together as mentor and mentee.	
Attend a CWBA committee meeting and discuss the various CWBA committees the mentee could become involved with.	

3. History of the Legal Profession and Women in the Law

Action	Mark completed
Identify a female leader or trailblazer in the law. Consult the lists of past presidents, judicial nominees, or Mary Lathrop award winners on the CWBA website (www.cwba.org), or reach out to the CAMP program administrators for a list if you need help identifying someone. Research that leader's path. Reach out to the leader to discuss the path OR discuss the path with your mentor to reflect on the leader's experiences and impact. Meet with your mentor to discuss what women's experience historically and currently in the law is like. Discuss women's impact in the legal profession.	

4. Work-Life Integration in the Legal Profession

Action	Mark completed items
Discuss strategies for finding a balance between career and personal life, keeping daily stress in perspective, reconciling job expectations with actual experience and maximizing career satisfaction. Discuss the risk of substance abuse and mental issues while having this conversation. Discuss what work-life integration means to the mentee, including a self-assessment by the mentee as to whether they are effective work-life integrators. Discuss specifically how work-life integration fits in to the overall legal profession and the importance of said field. Examples for discussion topics in this category: mindfulness, law school debt management, raising a family while lawyering, self care and stress management, how to identify when one is neglecting self care, scheduling self care, emotional intelligence and the legal profession.	
Participate in a self care ritual with your mentor. Discuss how the mentor incorporates self care into their lives and why self care is important.	

4. Colorado Rules of Professional Conduct, Professionalism, and Civility

Action	Mark Completed Items
Required (to be completed with the activity elected from list below)	
The pair should discuss the distinction between the Colorado RPC and professionalism; the attorney's obligations to the court, the client, and opposing counsel; common ethical issues and resources for how to resolve difficult ethical questions; common grievance and malpractice "traps" and how to avoid them; the benefits of carrying malpractice insurance and the ramifications for failing to do so.	
Complete at least one of the following:	
Discuss how to screen for, recognize, and avoid conflicts of interest.	
Discuss the responsibilities of the client and the lawyer in decision-making, the best ways to involve a client in their case. Discuss client communications generally, e.g., how to say no to a client, billing issues, etc. Discuss client development and marketing, appropriate procedures and ethical implications.	
Discuss how to prepare for negotiation of a legal matter, when and how negotiation is initiated, how to involve the client, ethical and professionalism obligations of negotiators, skills needed to be an effective negotiator and how to acquire them.	
Discuss appropriate ways to handle situations where a lawyer believes another lawyer has committed an ethical violation or otherwise acted unprofessionally or uncivilly; the obligation to report misconduct; and the appropriate way to handle a situation where the Mentee is asked by a senior member of the firm/organization to do something that is unethical or unprofessional. Discuss the grievance process and a lawyer's duty to cooperate with a disciplinary investigation.	
Discussing creating and managing positive and productive relationships with opposing counsel.	
Discuss how the Colorado RPC and professionalism can present unique issues to female attorneys. Discuss ways to avoid common pitfalls and unprofessional acts by other members of the legal profession.	

5. Public Service (Complete at least one)

Action	Mark completed items
Acquaint the Mentee with legal aid programs, local pro bono programs, and other opportunities for engaging in pro bono activities and civic and charitable work. Discuss the reasons for making time to engage in volunteer legal service to the public and any impediments to undertaking such work.	
Mentee attends a civic club of which the mentor is a member or some other community service activity in which the mentor participates. Discuss the reasons for making time to engage in volunteer legal service to the public.	
The pair participates in a bar-sponsored or other volunteer program aimed at delivering legal services to the public. Discuss the reasons for making time to engage in volunteer legal service to the public.	

For Sections 6 through 12, please identify the section that is the most applicable to the mentor and the mentee and follow the instructions for that section only. The other sections need not be completed unless the mentor and mentee choose to.

6. Litigation and Transaction Experiences (complete at least one)

Action	Mark completed items
Discuss types of alternative dispute resolution (ADR) such as mediation, arbitration, early neutral evaluation, summary jury trials, collaborative law practice.	
Mentee attends one of the ADR proceedings listed above. The pair discusses and evaluates what was observed.	
Mentee attends or participates in a deposition. The pair discusses and evaluates what was observed.	
Mentee attends or participates in part or all of a trial, whether, civil or criminal, bench or jury, state or federal. The pair discusses and evaluates what was observed.	
Mentee attends or participates in an appellate oral argument before the Colorado Supreme Court, Colorado Court of Appeals, or the Tenth Circuit Court of Appeals. The pair discusses and evaluates what was observed.	
Mentee attends or participates in a hearing conducted by a state or local administrative body (e.g. local zoning board, tax equalization board hearing; state licensing or regulatory body). The pair discusses and evaluates what was observed.	
Mentee observes a real estate closing or other business transaction or financial closing. The pair discusses and evaluates what was observed.	
Mentee attends meeting to execute estate planning documents. The pair discusses and evaluates what was observed.	
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Mentee attends or participates in meeting, hearing, or other proceeding specific to his or her or the mentor's practice area. The pair discusses and evaluates what was observed.	

7. Law Office Management and In-Office Procedures

Action	Mark completed items
Required (to be completed with the activity elected from list below)	
Discuss law office management best practices (preferably including a tour of the mentor's office), and the importance of maintaining organized procedures: • Time records. • Records of client-related expenses. • Billing system. • Client retainer and/or payment schedules, types of fee agreements. • Escrow and trust account, establishing an COLTAF, accounting, auditing, use of interest proceeds, proper procedures for handling client funds and other property. • Filing system and procedures. • Document retention plan. • Calendar reminder systems. • Information technology systems. • Library and research systems. • Other resources (publications, seminars, equipment).	
Complete at least one of the following:	
Discuss role and responsibilities of paralegals, secretaries and other office personnel, and how to establish good working relationships with others in the same office who are support staff, colleagues or senior partners. Discuss the "care and feeding" of support staff.	
Discuss practices to maintain client confidentiality.	
Discuss good time management skills and techniques.	
Discuss how to screen for, recognize, and avoid conflicts.	
Discuss how to prevent issues of unauthorized practice of law with staff.	
Discuss office politics, including appropriate networking, socializing, and personal behaviors.	
Discuss the importance of planning ahead for handling the practice in the event of retirement, disability, or death.	
Discuss the issues surrounding leaving a firm, such as how to protect oneself, advising clients, and withdrawing from cases.	
Discuss evaluation and compensation procedures, and professional advancement within a firm.	

8. Working With Clients (Complete at least one)

Action	Mark Completed Items
Discuss importance of client communication, how to maintain appropriate ongoing communication (returning telephone calls, email) to keep clients informed, including use of fee agreements, timeliness, written communication, etc. Discuss how to deal with a "difficult" client. Discuss dealing with clients with respect to the business aspects of the relationship, including billing and other business procedures.	
Discuss proper legal counseling, including the duties and responsibilities of advising clients and the respective responsibilities of the client and the lawyer in decision-making. Discuss how to deal with a "difficult" client.	
Discuss the initial meeting and interaction with a potential client, tips for gathering information about a legal matter, appraising the credibility and trust of the potential client, evaluating whether to accept the representation, how to decline representation. Discuss making and accepting referrals.	
Discuss the termination of the attorney-client relationship, issues with terminating mid-representation, necessary steps and documentation.	
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Discuss the initial meeting and interaction with a potential client, tips for gathering information about a legal matter, appraising the credibility and trust of the potential	
Discuss the termination of the attorney-client relationship, issues with terminating mid-representation, necessary steps and documentation.	

9. When Your Client is the City, State, or Federal Government (complete at least two)

Action	Mark completed items
WHO IS YOUR CLIENT? How is the government attorney to know the identity of their client? The Colorado Rules of Professional Conduct were written based on the attorney-client paradigm of One Lawyer: One Client. While this may work well in the representation of a criminal defendant or a litigant in a domestic issue, it does not apply well to representation by a government lawyer. A variety of courts and authors have considered the issue deciding who the client of the government attorney might be. The general consensus is that there are five possible answers to the question: • Public • Government as a whole • Branch of government in which employed • Particular agency or department • Responsible officers who make decisions with an agency or department The ethical and client identification issues for the government attorney are many.	

Determining the extent of a lawyer's authority or whether a lawyer-client relationship exists may require an external inquiry depending on the circumstances and context of representation. Non-government lawyers are concerned with protecting the interests of their clients, even when those clients may be engaged in wrongdoing. Government attorneys, on the other hand, have a higher, competing duty to act in the public interest In all situations, determination will depend on the context of the representation. Discuss how the government lawyer can put the representation and client identification in context.	
WHAT IS YOUR DUTY OF CONFIDENTIALITY? Examine the two characteristics of governments that bear on the question of confidentiality. The first characteristic concerns the legitimacy of the government's keeping secret its own wrongdoing. The second characteristic concerns the way that the government controls its information. What information are government lawyers required to disclose—either in general or in response to a FOIA request?	
WHAT IS THE SCOPE OF YOUR DUTY AS ATTORNEY? A related strand of debate, unique to the government attorney's counseling role, focuses on the stance the attorney should adopt in formulating an opinion for the client. Some argue for a neutral, adjudicative role, while others argue that the attorney should act as an advocate for his or her client. Discuss the components and benefits the "Neutral Model" and the "Advocate Model" of practice.	
GREATER OBLIGATIONS OF CANDOR Government lawyers enjoy the tremendous goodwill that flows from the common perception that, because they represent the public rather than self-interested private parties, they are more honest and forthcoming in giving courts not just the truth but the whole truth. When the client in a criminal or civil case is the United States of America or the State of Colorado, the attorney has already taken the high ground because the public and the judiciary often expect greater candor from government attorneys. Discuss the greater perception of candor afforded to government attorneys and the obligation to invoke said candor, even when it could potentially harm your case.	
THE SPECIAL RESPONSIBILITIES OF PROSECUTORS Review Colorado Rule of Professional Conduct 3.8 and discuss the special responsibilities of prosecutors and how to best incorporate this rule into the mentee's professional identity as a prosecutor.	
WHAT ARE THE RIGHTS OF GOVERNMENT LAWYERS? Must government lawyers defend laws or legal positions they deem unconstitutional? Discuss how to balance the ethical obligation that an attorney has to zealously represent the client – in these cases, the federal government or the state government with the legal officer's oath to defend the Constitution. What happens when a government attorney cannot do both at the same time?	

10. When Your Client is an Under Represented or Minority Population (complete at least two)

Action	Mark completed items
HOW TO THINK LIKE A PUBLIC INTEREST LAWYER Learning how to think like a public interest lawyer cannot be a value-neutral enterprise. How can one fight for what is good, right, or just if one does not ask what is good, right, or just? Discuss with the mentee their personal approach to analyzing what is "good, right, and just" in society and how that approach impacts their professional identity and practice as a public interest lawyer.	

INTELLECUTAL ACTIVISM Defined as conducting and publishing original research and analysis and then applying that work to the tasks of reforming and improving the law, legal systems, and the legal profession. Discuss the role of the public interest lawyer in engaging in intellectual activism for the betterment of improving the law and legal system for underrepresented populations.	
ACCESS TO JUSTICE – PRO BONO Some public interest attorneys have the belief that pro bono is not the solution to creating greater access to justice for low and no income litigants. Discuss the mentee's perception of pro bono service as a mechanism for addressing the access to justice gap and brainstorm ideas for meeting needs of litigants left unaddressed by traditional legal aid.	
CULTURAL COMPETENCE As the deliverer of services to economically disadvantaged and/or underrepresented populations, the mentee's cultural competence for working with these client populations is routinely tested. Discuss how the mentee intends to practice and improve his or her cultural competence so as to best appreciate and serve these minority populations. How will cultural competence inform the mentee's professional identity?	
SENTENCING BIAS The prison and jail population in the United States has increased from 300,000 in 1972 to 2.3 million today. African Americans are incarcerated at an increasingly disproportionate rate. In America, one out of every three black men born in 2001 will go to jail or prison if current trends continue. Black men are more than six times more likely to be incarcerated than white men. Discuss the mentee's role as public interest attorney in addressing the sentencing bias in this country and improving access to alternative punitive sanctions, especially as it pertains to low level, non-violent crimes.	
CLIENT ENGAGEMENT STRATEGIES Increasing the utilization of adequate, accessible, and low-cost services to ethnic groups is the goal of most public interest legal organizations. The literature identifies two major strategies to promote client engagement: 1) client focused strategies and 2) organization-focused strategies. Client-focused strategies are services that staff provide to better assist clients and encourage them to participate. These strategies include ethnic matching of staff and clients, family-focused services, and outreach services. Organizational strategies are administrative strategies that organizations implement to increase engagement. Organizational strategies used by ethnic organizations include locating the organization in existing ethnic communities, recruiting former clients to serve on agency Boards of Directors, and recruiting staff to provide appropriate, competent, and reliable services. Discuss the ways in which the mentee can contribute to the client focused and organizational focused strategies to improvement engagement in legal services for ethnic and minority populations.	

11. When Your Client is a Special Interest Group (Complete at least two)

Action	Mark completed items
LOBBYING When people think about lobbying, they often imagine corruption and poor policy results. Lobbying does not always have such deleterious effects. But sometimes it does. According to critics, lobbying can lead to poor policymaking because legislators do not consider policies based on their merits but instead based on their political repercussions. For example, food industry lobbyists and healthcare lobbyists recently clashed over the issue of school lunches. A group supported by the United States Department of Agriculture proposed healthier lunches as a way to combat childhood obesity by limiting the number of potatoes served, limiting salty foods, and adding more fresh vegetables. This group was countered by a strong food lobby backed by Coca-Cola, Del Monte, and makers of frozen pizza. The food lobbyists succeeded in blocking the proposed reforms, even writing rules suggesting that the tomato paste on a pizza qualified as a vegetable. According to critics, this case appeared to be an example where business interests won out over health concerns. Discuss how the mentee will help them to balance the interests and positions of the client with their own moral and ethical positions. How does the mentee's professional identity inform their ability to manage society's negative impression of lobbyists and the work they do.	
REVOLVING DOOR Some say there is a "revolving door" between special interest groups, lobbyists, and government employees which allows special interest groups to get new regulations implemented by filing suit against a government agency. The government agency then opts not to fight the case and simply settles — thereby letting the rule be enacted, outside the normal governmental scrutiny that would otherwise be required. Discuss the "revolving door" perception and how the existence of a revolving door in public interest work impacts the development of professional identity for public interest lawyers. Also discuss the ethics of using litigation to create new regulations vs obtaining regulation through legislative initiatives.	
THE ROLE OF SPECIAL INTEREST LAWYERS Many special interest groups see their role as not only defending the interests of their members, but also to protect the public interests in such things as a clean environment and a non-discriminatory workplace. How does the special interest attorney balance the interest of the organizational members with the interest of the public at large? Are the two mutually exclusive? How does the answer to the question "whose interest are you representing" impact your ethical duties and your professional identity?	
ATTORNEY FEE SHARING Attorney fees awarded to prevailing plaintiffs by statute are a significant source of funding for nonprofit special interest groups that sponsor litigation. Nearly all such organizations require staff attorneys to turn over all court-awarded fees to the organization, and many organizations require cooperating attorneys to turn over all or part of any fees resulting from cases sponsored by the organizations. Discuss the ethical implications of utilizing attorney fee awards as a source of funding for the organization represented by the special interest lawyer.	

12. Surviving Transition (complete at least two)

Action	Mark completed items
THE CARROT One of the most important factors to assess is the "carrot." What are your needs? What draws you away from your current practice of law and how deeply does it excite your interest? What does the mentee envision themselves doing other than their current practice, or who is someone who has the job they think they would like to have? Use the "carrots" to help guide the mentee into practice areas or jobs that are better matches for their personalities.	
THE STICK Another important factor is the "stick." The stick is whatever it is you are trying to get away from in your current work world. Your stick might be a difficult partner, the stress of trial work, demanding clients, or a poisonous work environment. But what if you never liked the practice of law at all? What if you became an attorney to please your parents, for example? Many attorneys enter the field because they are urged to do so by well-meaning significant people in their lives. What if you are living out someone else's dream? That is a stick with greater weight. Discuss the mentee's "stick" in an effort to help the mentee make better understand why they are seeking change and whether the transition will truly help them obtain their carrot.	
GRIT Next, there are a group of personality traits that indicate you have the motivation and tenacity to make a career transition. These traits include initiative, creativity, flexibility, endurance, and perseverance. These are the ingredients that compose what we call "grit." Discuss with the mentee how hard they are willing to work to accomplish their goals and what personality traits they will invoke to find success.	
ECONOMIC REALITY Another factor that must be assessed is your economic situation. Help the mentee to explore, evaluate, and rank their priorities. Use those priorities to help the mentee establish short and long term professional goals. Career transitions require a delicate balance of maintaining economic stability and while moving toward achieving professional goals. Discuss with the mentee how the economic realities of their situation inform their career transition.	
EFFECTIVE OPPORTUNITY DEVELOPMENT The last key piece to a successful career transition has to do with understanding and utilizing information about how to effectively develop opportunities and jobs. It is important to be prepared to have well-scripted, small vetting meetings with multiple people in the industry or practice area the mentee is trying to move into. The goal is to become known and trusted by people who are already in the industry or practice area; this is an effective way to become the "insider who gets hired." Such an approach opens doors and develops potential jobs and other opportunities for the job-seeker.	

According to clinical psychologist and resilience researcher George Bonanno, a central element of resilience is perception—how you perceive stress, challenge, and adversity directly influences how you will respond to any stress trigger. When lawyers think that they have the resources to deal with a stressor, they are more likely to view stress or adversity as a challenge; conversely, when lawyers perceive their resources to be lacking under stress, they may view stress as a threat. In fact, having a rigid, inflexible response to stress, change and adversity can lead to the following: ☐ Increased errors and missing information and deadlines ☐ A "protect my turf" mentality ☐ Diminished collaboration and cooperation ☐ More stress ☐ Poorer work quality ☐ Reduced collegiality and even an increase in incivility ☐ Survival-based emotions and reactions like impatience, defensiveness, and hyper-criticality Discuss with the mentee what resources they have to deal with the stress of transition and how they can engage with these resources during times of professional stress. Include in your discussion ways in which the mentee can assess whether they are effectively utilizing their resources.	

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The Mentoring Relationship: How to Make it Work and Why it Matters

by Mark A. Fogg, Richard L. Gabriel, and Margrit Lent Parker

This article identifies the elements of what makes a successful mentoring relationship. It provides tips on what good mentors and mentees do, based on input from those who have enjoyed successful mentoring relationships.

The most prominent and well-respected lawyers share many traits. They are intelligent, quick on their feet, persuasive, able to listen and process information from disparate sources, professional, ethical, and adept at effectively and efficiently solving problems. Most also have had the benefit of excellent mentors, whether through formal mentoring programs or informal relationships that have developed over time.

Experience shows that successful mentoring relationships tend to share common elements. This article aims to identify those elements and to explain why the success of mentoring relationships matters for the long-term success of the legal profession. The article begins by discussing the need for an increased focus on mentoring, particularly in today's highly competitive legal environment. The discussion moves to the renewed focus on mentoring in the profession and introduces some of the mentoring programs that are currently available, including the new Colorado Attorney Mentoring Program (CAMP). Tips are provided on what good mentors and good mentees do, based on input from mentors and mentees who have enjoyed successful mentoring relationships. The article concludes with a discussion of why mentoring is important to the legal profession.

The Need for Mentoring

The concept of mentoring in the legal profession is as old as the profession itself. Indeed, long before bar exams, new lawyers learned their trade by serving as apprentices for practicing attorneys.[1] As legal education moved away from this kind of on-the-job training, the institution of the law school evolved into the academic endeavor it is today.[2]

With the focus of legal education on academics, more formal mentoring programs in the practicing bar attempted to fill the need for practical training. For example, many firms developed programs in which a new lawyer would be paired with a more senior lawyer in the firm. Such programs tended to provide a good start, because they gave new lawyers an initial place to turn when they had questions. Sometimes, these formal relationships blossomed into long-term professional relationships. When this did not happen, the newer lawyers often were fortunate enough to develop informal but more long-term mentoring relationships with other lawyers with whom they were working. Regardless of the path newer lawyers took, those who desired successful mentoring relationships seemed to be able to find them fairly readily.

In recent years, however, the legal world has changed dramatically. The focus in law firms on economics and "law as a business" has tended to diminish the focus on mentoring. Partners and associates alike have become more concerned with billing hours and generating revenue, which too often has left little time to work on building successful mentoring relationships.[3] Moreover, the competitive legal market has adversely affected such relationships. In the not too distant past, experienced lawyers did not think twice about bringing a younger lawyer to watch a deposition, court proceeding, or closing argument; now, the experienced lawyers must be concerned about how a client might react to seeing two lawyers at the same proceeding (even if the junior lawyer was not billing time for being there).[4]

These effects have not been limited to lawyers in the private sector.[5] Attorneys in the public sector, too, have seen a decline in their ability to mentor newer lawyers. In this age of budget-cutting and larger caseloads per attorney, the time and resources available to lawyers in the public sector to mentor new attorneys has dwindled dramatically.

Perhaps ironically, these economic and competitive realities highlight the critical need for good mentoring relationships.[6] Numerous recent law school graduates have had difficulty finding jobs in the

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legal profession, and they are increasingly hanging their own shingles, often without any mentor down the hall to whom they might turn for advice. Likewise, the competitive legal environment has tended to result in a decline in professionalism and civility among lawyers,[7] and the practice of law has become exceedingly specialized and more complex—all of which calls for more, not less, mentoring.

Although law schools have become increasingly focused on experiential learning and professionalism, they simply do not have the time or resources to devote to teaching soon-to-be lawyers how to deal with the day-to-day issues that lawyers face in practice—for example, how to deal with an unprofessional opposing counsel (or a difficult partner); how to handle an impatient or angry judge or client; how to perform a conflicts check; and how to properly bill time. Also, the law schools do not have the resources to teach the business aspects of the practice of law, including how to think like an owner of a business; how to recognize, develop, and mine referral sources; and, in an environment in which alternative billing arrangements are becoming more prominent, how to make such arrangements work effectively and economically (for instance, by working efficiently in a team setting).

All of these issues cry out for the development of good mentoring relationships. Fortunately, the practicing bar has responded.

The Rebirth of Mentoring in Colorado

Practicing lawyers around the country and throughout Colorado have recognized the vital importance of mentoring in today's legal profession, and law firms, specialty bars, and bar associations generally have responded. Here in Colorado, perhaps the most visible and successful of the formal mentoring programs (outside the law firm setting) may be the Denver Bar Association's (DBA) Mentoring Program.[8] Numerous local and specialty bars throughout Colorado also have developed mentoring programs, with varying degrees of success and staying power.[9]

In 2011, Colorado Supreme Court Chief Justice Michael L. Bender convened the Chief Justice's Commission on the Legal Profession. One of the Commission's working groups was tasked with researching and evaluating the possibility of developing a statewide mentoring program similar to what has been adopted in other states.[10]

CAMP was the brainchild of the mentoring working group. CAMP Director John Baker is steering this new platform, through which the legal community can develop and grow the culture of mentoring in Colorado. Designed to complement and bolster programs already in existence and to incentivize the formation of new mentoring programs, CAMP will provide centralized resources and support that local bars and other lawyer-based organizations can use to provide greater service and value to their members through lasting mentoring programs.[11] CAMP also provides a mentoring program outline with suggestions and tips for entering into and developing the mentoring relationship.

Every mentoring program is important; however, mere existence does not ensure it will lead to successful mentoring relationships. So, the question arises as to what the best mentors and mentees do to ensure the success of the mentoring relationship.

What Good Mentors Do

In the medical profession, it often is easy to recognize a physician who trained under the supervision of a particular mentor. A specific surgical technique or use of a particular medical protocol easily identifies a talented group of doctors who learned from an expert in the medical field.

Although it is not as easy to recognize traits and skills taught by a particular mentor in the legal profession, lawyers who are the products of great legal mentors are recognizable because they have internalized the values of devotion to clients, honor and commitment in the profession, and integrity and civility. They also tend to be skillful and thoughtful in the practice of their craft.

What is it that the great legal mentors do? When considering this question, the authors looked at their own experiences and interviewed several lawyers and judges who have developed well-earned reputations for being great mentors—namely, Judge Bruce Campbell, David Furgason, Dale Harris, Patricia Jarzobski, Judge Alan Loeb, Judge Elizabeth Starrs, Mariana Vielma, and Brooke Wunnicke. Perhaps not surprisingly, several common themes emerged from these interviews. Following are several comments about the qualities, styles, and methods of successful mentors that are worth noting.

- Successful mentors recognize the importance of conveying to their mentees values such as service to clients, honor, integrity, commitment, and civility, and they tend to do so by modeling the values they seek to teach. For example, as Brooke Wunnicke points out, the mentee must "witness your caring for the client and caring about the client's problem, whether the client is the CEO of a national corporation or a grieving widow."
- Successful mentors recognize that the mentoring relationship itself serves as a model for the relationships that mentees will

develop in the future with clients and opposing counsel, and these mentors act accordingly.

- Successful mentors truly care about their mentees, both personally and in terms of their growth as attorneys. These mentors take the time to learn about their mentees' interests outside the law. They encourage leadership and community service among their mentees. They invest time and energy in the mentees' development and well-being. As a result, as Judge Campbell noted, great mentors may not remember all of the transactions or cases on which they worked throughout their careers, but they remember their mentees.
- Successful mentors recognize that trust is a cornerstone of the successful mentoring relationship. In this regard, the confidentiality of the mentoring relationship is critically important. The mentee must feel comfortable approaching the mentor with problems and concerns, secure in the knowledge that the mentor will not judge adversely if he or she asks a simple or naïve question and will not use such an exchange in the context of a review or evaluation.
- Successful mentors recognize that their mentees may find them intimidating, at least at first. The mentors actively help their mentees overcome that feeling by reaching out and conveying that communications from the mentees are always welcome. Judge Loeb tells a story about when he was a young lawyer at Davis Graham & Stubbs. Dick Davis, one of the firm's founders, offered to give him a ride home. In fact, it later became a routine for Loeb to hitch a ride with Davis. The fact that a legal legend like Davis would reach out like this to a young associate made a lasting impression on Loeb.
- Successful mentors make themselves available to their mentees and give freely of their time and experience. This is not to say, however, that every mentoring relationship requires a lifetime commitment and an inordinate amount of time. In fact, some very successful mentoring relationships involve only occasional and very brief (though still invaluable) communications. Successful mentoring relationships are what the mentors and mentees mutually want them to be. Regardless of the scope of such relationships, however, all successful mentors instinctively recognize a call for help—as in, "Would you have a minute to discuss this?" They respond promptly. They also understand that teaching involves not only black letter rules and procedures, but also the wisdom and judgment that come from experience, and they generously share the lessons learned in the school of hard knocks.
- Successful mentors impart to their mentees the mandate found in the first sentence of Rule 1.1 of the Colorado Rules of Professional Conduct: "A lawyer shall provide competent representation to a client."[12] These mentors also help to provide the mentees the tools they need to comply with this mandate. In this regard, one-on-one meetings to hone communication skills and discuss legal analyses are essential.
- Successful mentors who have worked with a mentee to achieve a good result for a client are quick to tell the mentee that the excellent result could not have been achieved without the mentee's help. Conversely, successful mentors give prompt constructive feedback and offer suggestions for improvement when warranted, and do so in person. In this regard, successful mentors recognize that in the practice of law, there is an abundance of teachable moments of which to take advantage. In these moments, great mentors take the time to explain why they did what they did, the alternatives they considered, and the benefits and risks presented by each alternative. From such interactions, mentees learn what their mentors do best (and perhaps what they do not do as well), and the mentees develop their own approaches to similar problems. In doing so, the mentees learn that one size does not fit all in how a lawyer might respond to a particular problem, just like one size does not fit all in how a lawyer might deal with clients or other participants in the justice system. Mariana Vielma refers to the ability to recognize such distinctions as "adaptability"—a skill that all successful lawyers must possess.
- Successful mentors encourage their mentees to come to them with proposed solutions to problems, not just with the problems. By then helping the mentees evaluate the problems and potential solutions, mentors teach their mentees how to think critically and how to solve problems for themselves, which makes for a more fulfilling—and productive—experience for the mentee.
- Successful mentors are good listeners. They recognize a young lawyer's natural insecurities and doubts, and they acknowledge such feelings as perfectly normal and rational. They also offer suggestions for how to overcome these insecurities.
- Successful mentors welcome discussion and disagreement from their mentees. The mentoring relationship is, in many ways, an ongoing dialogue, as opposed to a lecture, and the ensuing discussions tend to make the relationship more fulfilling for both the mentor and the mentee.
- Successful mentors, when working with their mentees, ensure that the mentees understand how their work fits into the big picture and how the work is contributing to the client's cause. One of the most common complaints among younger lawyers is that they are given only "pieces" of a case or transaction without being given an understanding of how the pieces fit into the overall matter. It is in everyone's interest for younger lawyers to be privy to the big picture; only then can they contribute materially to discussions of case strategy. Moreover, allowing access to the big picture teaches the younger lawyers how a case or transaction is managed from start to finish, which is a skill that the younger lawyers will need when they become the "first-chair" lawyers. Conversely, when younger lawyers are denied access to the big picture, they become far less invested in the client's cause and tend to feel like fungible employees, as opposed to the professionals and important team members they are.
- Successful mentors teach their mentees how to delegate effectively. This is another skill that lawyers must have as their careers progress.
- Successful mentors recognize that even in the current competitive legal market, where billing hours and generating revenue receive so much attention in the firm setting, mentoring not only is a professional obligation but also makes good business sense. Among other things, good mentoring teaches the mentees how to practice law effectively and efficiently, which is in every organization's economic interest. Moreover, successful mentors often report that attorneys whom they once mentored later became excellent referral sources for new business.
- Successful mentors involve mentees more fully in cases and transactions, including bringing them to initial client meetings.

These mentors also take the time to explain to their clients the roles that the mentees will play, the different billing rates that will be charged, and the fact that the mentoring lawyers will ensure that the clients will not be double-billed. Such conversations affirm the mentees' importance and role in the matters at issue, as well as the mentors' trust and confidence in the mentees. Importantly, the conversations introduce the mentees into the client relationship.

- Successful mentors understand the concept of sponsorship, which involves advocating for those in whom the mentors recognize promise and talent to other lawyers, existing clients, and prospective clients. Such sponsorship reflects the mentors' investment in their mentees, and it conveys a sense of trust, confidence, and respect that is invaluable in cementing the mentoring relationships and in making younger lawyers feel valued as professionals. Moreover, such sponsorship provides a unique opportunity to promote inclusiveness and diversity in the legal profession, particularly when established lawyers are able to promote women, lawyers of color, and others who historically have confronted the glass ceiling in the legal profession and the business world.[13]

What Good Mentees Do

The authors also interviewed a number of mentees who have enjoyed successful mentoring relationships through one or more formal mentoring programs, including programs now under the auspices of CAMP. Perhaps not surprisingly, these mentees, like the successful mentors, have identified a number of common themes that underlie their mentoring relationships.

- At the beginning of the mentoring relationship, successful mentees seek to establish an understanding of how the mentor and mentee best operate. For example, some pairs prefer a more structured approach and closely follow CAMP's mentoring program outline. This approach allows the mentor and mentee to track their conversations and facilitates discussions about topics of interest that the pair might not otherwise have considered exploring. Other mentors and mentees prefer a more informal approach, developing their relationship as they go along. Either approach can be successful, as long as the mentor and mentee are on the same page as to how their mentoring relationship should function.
- Successful mentees tend to clarify early in the relationship who will be responsible for scheduling meetings between the two, thus ensuring the continuing progress of the relationship. In general, mentees tend to take on this role, and the mentors, who frequently have the more challenging demands on their time, welcome the mentees' assistance and diligence in keeping the relationship on track.
- Successful mentees tend to think about the particular areas in which they would like guidance, and share their goals for the relationship with their mentors. This tends to structure the relationship, and it also ensures that mentees will get what they need and want out of the relationship. Successful mentees report that their mentors welcome the mentees' input on how best to focus the mentoring relationship. Absent such input, a mentoring relationship can become haphazard and unproductive.
- Successful mentees are willing to share their experiences and concerns but also are good listeners, even when the message is difficult to hear. More than one mentee whom the authors interviewed emphasized how valuable it was to have a dedicated mentor with whom he or she could share not only hopes and aspirations, but also vulnerabilities. In this regard, successful mentees value a mentor's candor, especially when, after listening to the mentee's concerns about a professional challenge, the mentor advises the mentee (in a professional way) as to why the mentee's approach to the situation is not necessarily the best one.[14]
- Although formal mentoring programs that match mentors and mentees cannot guarantee ideal matches, successful mentees in these programs recognize that they and their assigned mentors likely have in common something besides their law degrees and the practice of law. These mentees actively identify such commonalities, which tends to facilitate the building of a successful relationship, even among lawyers who were strangers to one another before the mentoring program paired them.
- Successful mentees are respectful of their mentors' time. Although mentors have an obligation to their mentees, particularly in the more formal programs, the reality is that mentors, as more senior lawyers, tend to have more commitments to juggle. Although mentees are right to expect that their mentors will devote an appropriate amount of time to the mentoring relationship, successful mentees are willing to be flexible—and patient—and accommodate their mentors' time constraints.
- Successful mentees recognize that they can learn as much from watching what their mentors do as they can from sitting down and having more formal conversations in which the mentors instruct and explain what they do. New lawyers tend to emulate those whom they admire. There is much to be learned simply by watching a top-notch lawyer at work.
- Finally, successful mentees come to the mentoring relationship with a desire and enthusiasm to learn from their mentors. These mentees frequently report that their enthusiasm is contagious and that it fosters enthusiasm in return from their mentors.

Print and Online Resources

The tips from successful mentors and mentees can serve as a useful starting point in any mentoring relationship. There are, however, many other resources available. Indeed, the universe of mentoring resources online is boundless. The following are examples of some of these resources:

- the CBA's Five-Minute Mentor Series: five-minute videos on topics such as trust account basics, effective appellate advocacy, professionalism, and lawyer website marketing[15]
- Colorado's Mentoring Resources: an online guide providing detailed suggestions for each aspect of the CAMP program[16]
- Ida O. Abbott, "Being an Effective Mentor: 101 Practical Strategies for Success" (2d ed., 2006)
- Ida O. Abbott, "Working with a Mentor: 50 Practical Strategies for Success" (2d ed., 2006)
- Maya Eckstein, "If I Knew Then What I Know Now . . ." *The Bencher* 13 (Jan./Feb. 2005)
- Gary Seiser, "Mentoring: A Partnership in Growth," *The Bencher* 14 (Jan./Feb. 2005).

Why All of This Matters

Why should lawyers care about whether mentoring relationships succeed or fail? Experience suggests a number of reasons.

First, good mentoring relationships yield better lawyers, and as any experienced lawyer knows, the legal system functions best when there are competent attorneys on both sides of a case or transaction. A successful mentoring relationship does not make only the mentee a better lawyer. Mentors routinely report that they also learn from their mentees and are better lawyers for it.

Second, good mentoring relationships tend to increase professionalism in the practice of law, which, in turn, makes the practice more enjoyable and tends to be good for business.[17] Professionalism also tends to elevate the legal profession in the eyes of the public, which can only help to ensure the long-term success of the profession.

Third, good mentoring plays a significant role in achieving an inclusive and diverse legal profession by providing unique sponsorship opportunities for women, lawyers of color, and others who historically have been denied access to professional opportunities and client development networks.[18]

Finally, good mentoring relationships are highly beneficial in and of themselves. Good mentors and mentees often describe how rewarding their mutual relationship has been, and some of these relationships last a lifetime.

Conclusion

In today's competitive legal environment, the importance of good mentoring relationships cannot be overstated. Such relationships do not always readily develop on their own but instead take effort and commitment on the part of both mentors and mentees. Fortunately, new mentors and mentees need not reinvent the wheel. They can learn valuable lessons from those who have enjoyed, and who continue to enjoy, successful mentoring relationships. The development of such relationships in the future is not simply a luxury. It is an indispensable part of creating and maintaining a profession of which all attorneys can be justifiably proud.

Notes

1. *See* Scalia *et al.*, "A Brief Comparison of the Training and Accreditation of Lawyers in the United States and the United Kingdom," 2 Discussion Paper, Anglo-American Legal Exchange (Sept. 2005) (on file with the authors) (explaining that in the late 18th-century United States, legal education comprised an informal apprenticeship system in law offices and that law schools sprang from this system and ultimately evolved from practical training to an academic endeavor).

2. *Id.*

3. *See* Campbell, "Mentoring—An Unmet Challenge," 40 *The Colorado Lawyer* 99 (July 2011). *See also* Derocher, "Mentoring, Changing Programs for Challenging Times," *Bar Leader* 6, 8 (Winter 2011):

> [M]any bar associations are involved in mentoring to try and fill a growing gap at many law firms throughout the country, places where mentoring was a long-standing tradition. . . . That feeling [of law firms failing in mentoring] is part of a continuing cultural shift in the legal profession that is impacting mentoring at a time when it may be most needed. Some of those mentoring gaps start appearing at law schools . . . where many schools no longer teach the "nuts and bolts" of solo and small-firm practice at a time when more attorneys—many out of necessity—are turning to that practice.

See also Scalia, *supra* note 1 at 2:

Yet the quality of mentoring, whether at law firms or government agencies, is neither regulated nor coordinated by either the profession or law schools, and some new lawyers are not mentored at all. Even those new lawyers lucky enough to work at law firms with formalized mentoring programs are likely to receive less training where, as is often the case, law firms are driven to focus more upon the bottom line. Associates who must work harder to satisfy increasing billable-hour requirements are less likely to receive thoughtful mentoring from seasoned lawyers.

4. Gallagher and Sienko, Jr., "Put Me In Coach! Mentoring and Coaching at Today's Law Firm," 18 *The Professional Lawyer* 1, 24 (2008):

> As lawyers are increasingly being challenged to produce greater billable hours, opportunities for young practitioners to "learn by doing" are being eliminated. In past years, it was not uncommon for a senior attorney to include junior attorneys when handling client matters. Taking depositions could be used to train several younger lawyers who all had an opportunity to reflect, learn, and develop on a daily basis. Today, there is such pressure from clients to control costs that junior attorneys are losing out on these one-on-one training opportunities.

5. *See* Campbell, *supra* note 3 at 99.

6. *See* Derocher, *supra* note 3 at 8.

7. *See generally* Gabriel, "Professionalism in Today's Competitive Legal Market," 39 *The Colorado Lawyer* 65 (June 2010).

8. See denbar.org/index.cfm/ID/21197/DBA/Mentoring-Program.

9. For example, informal research by the authors in 2011 identified several groups that have varying kinds of mentoring programs, activities, or other means to link new lawyers with mentors, including the University of Colorado School of Law, the University of Denver Sturm College of Law, the CBA Family Law Section, the Colorado Criminal Defense Bar Association, the Larimer County Bar Association, local chapters of the Asian Pacific American Bar Association and the South Asian Bar Association working jointly, the Colorado Women's Bar Association, and the Colorado Trial Lawyers Association.

10. *See, e.g.*, State Bar of Georgia Transition into Law Practice Program, www.gabar.org/membership/tilpp/index.cfm; Illinois Supreme Court Commission on Professionalism Mentoring Program, ilsccp.org/mentoring/mentoring_index.htm; Supreme Court of Ohio Lawyer-to-Lawyer Mentoring Program, www.supremecourt.ohio.gov/AttySvcs/mentoring; Utah State Bar New Lawyer Training Program, utahbar.org/nltp.

11. Organizations that currently are participating in mentoring programs under the auspices of the Colorado Attorney Mentoring Program (CAMP) include the Denver Bar Association, the 17th Judicial District's District Attorney's Office, the Minoru Yasui Inn of Court, the Larimer County Bar Association, and the Colorado Defense Lawyer's Association. Nearly a dozen other local bar associations, inns of court, law offices, and other legal organizations across the state are considering and/or planning to participate in CAMP starting in 2014.

12. Colo. RPC 1.1.

13. Reeves, "Five Principles for Creating Diversity in Law Firms," *The Practical Lawyer* 46 (Oct. 2002) (noting that mentoring has been proven to provide greater access to professional opportunities and client development networks to which minority attorneys historically have not had access).

14. With respect to these types of conversations, one mentee whom the authors interviewed suggested that in her view, the better mentoring relationships are those with attorneys who are not the mentee's immediate supervisors. Although great mentoring relationships can and frequently do form within a mentee's office, a mentor who is from outside one's own office can be a valuable resource and can provide a safe place for a mentee to speak perhaps more candidly about practice- and career-related issues.

15. *See* www.cobar.org/index.cfm/ID/22036.

16. www.cobar.org/repository/mentoring/MentoringResources_March2012.pdf?ID=21965. This document was prepared as part of the pilot phase of CAMP and was adapted from materials developed for Illinois' analogous program, ilsccp.org/mentoring/mentoring_index.htm. The authors thank the Illinois Supreme Court Commission on Professionalism for permitting this adaptation.

17. Gabriel, *supra* note 7 at 65.

18. Reeves, *supra* note 13 at 46. ■

QUESTIONS

1. What has been a major factor in the diminished focus on mentoring in the legal profession?
   a. too many lawyers
   b. current law school graduates are more sophisticated and educated
   c. an emphasis on economics and law as a business

2. Which of the following have made mentoring even more important in the legal profession?
   a. a decline in professionalism and civility
   b. the law has become more specialized and complex
   c. the importance of inclusiveness and diversity
   d. all of the above

3. What is critically important in developing trust between a mentor and mentee?
   a. socializing together
   b. confidentiality
   c. working in the same legal specialty

4. What is the most effective preparation tool for a mentee to learn in preparing to discuss a client's legal problem with a mentor?
   a. formulate the problem and prepare questions to ask the mentor for alternative answers
   b. write the problem down
   c. develop and propose a solution to the problem

5. What is one of the most common complaints of new lawyers?
   a. not having enough technology support
   b. assigned pieces of cases without an understanding of how the work fits into the overall matter
   c. having to take on too much responsibility

6. What is one of the most important keys to a successful mentoring relationship?
   a. committing to a long-term mentor relationship
   b. working on as many diverse matters with a new lawyer as possible
   c. understanding how best to focus the mentoring relationship

Answers on page 74.

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Test Answers
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Special Issue: Professionalism

Below are the answers to the test questions for the corresponding Professionalism articles. The questions appear at the end of the respective article.

To receive six CLE credits, including two ethics credits, readers must complete the Affidavit of Accreditation and Certification and submit it to the Colorado Supreme Court Board of Continuing Legal and Judicial Education.

Credit for reading the October 2013 articles will be granted for two years (through December 31, 2015).

Teaching Professional Identity in Law School

by Martin J. Katz

ANSWERS

1. d: There are several ways to define professional identity. It includes both ethics and professionalism, but also goes beyond these two issues. Professional identity includes the lawyer's role relative to the various stakeholders in the legal system, including roles as an officer of the court and as a member of society.

2. f: Courses that focus on the rules are helpful. However, incorporating professional identity throughout the law school curricula allows students an effective way to understand and learn this very important facet of legal education in the context of substantive areas of the law.

3. b: Although professional identity can be taught through standard rules and in doctrinal courses, creating situations that confront ethical questions is often the most effective way. As the article points out:

> [T]he key is creating situations where students will be confronted with, and pushed to reflect on, questions of professional identity. The best questions are those that go beyond a particular ethical rule or a particular behavior associated with professionalism. The best questions for teaching

fastcase
Smarter legal research.

address the complex interplay of our various roles and duties as lawyers.

4. d: The University of Denver Sturm College of Law has created the Experiential Advantage Curriculum™ to include all of the above. This provides students deep exposure to doctrine, skills, and professional identity development in the context of real or simulated legal practice. The goal is to encourage practice-ready lawyers and allow students to develop their professional identity under the supervision of faculty and clinicians.

5. Cost, special expertise of faculty, and assessment. First, experiential learning is effective when done in small group settings with low student–faculty ratios, which is far more costly than putting large numbers of students in front of one professor in a lecture. Second, few classroom faculty members come with expertise for developing and managing course simulations; clinicians and externship faculty are trained to create course simulations and experiential learning opportunities. Specialized training is needed for traditional faculty members that want to develop new course simulations. Finally, grading the development of professional identity is complicated and certainly not as simple as grading a test at the end of a semester. As the article points out, "it is not obvious how to grade a student's reflections on how to balance the duty of candor to a court with his or her duty to zealously represent the client."

6. d: Through anecdotal reports from employers, it appears that law schools can help students develop strong professional identities as lawyers. Employers often note that students with experiential learning experience are thoughtful, flexible, and able to adapt to the complexities of law practice.

Professionalism and the New Normal

by Philip J. Weiser

ANSWERS

1. Compared to students who went through law school in the "Old Normal, " today's students (1) carry much higher debt loads, and (2) have a lower probability of acquiring employment in a large law firm setting.

2. b: Every law student should be an entrepreneur. Colorado Law operates under the belief that each student should be responsible for acquiring skills that will enable him or her to add immediate value to employers, institutions, and communities through creative problem-solving.

3. b: The New Normal discourages the entitlement mentality and rewards lawyers who adopt an entrepreneurial attitude. Entrepreneurial

lawyers are more creative about where they search for employment, are more flexible, and work harder than those who expect things to be handed to them.

4. d: Accounting skills. The article gave five specific examples of competencies required to thrive in the New Normal: analytical and critical thinking skills; writing abilities; domain-specific skills; practical skills; and professional skills.

5. "Give before you get." Brad Feld used this phrase to convey the idea that serving others is something that should be done, both as an end in itself and because it will end up coming back to help you.

The Mentoring Relationship: How to Make it Work and Why it Matters

Mark A. Fogg, Richard L. Gabriel, and Margrit Lent Parker

ANSWERS

1. c: Partners and associates alike often have become more concerned with billing hours and generating revenue than taking the time to build successful mentoring relationships.

2. d: There are many reasons mentoring is even more important in today's legal profession. A competitive legal environment has tended to result in a decrease in professionalism and civility. These values are difficult to teach in law school. There is no question that law is becoming even more specialized and the learning curve is becoming ever higher. The legal profession is improved overall when we value diversity and inclusiveness. Diverse mentoring relationships can help lawyers get outside their comfort zones and increase their adaptability skill sets to better serve their clients and the legal system.

3. b: A mentee must be able to tell a mentor in confidence the hopes, aspirations, and vulnerabilities he or she experiences in the legal practice. A mentee must feel secure in the knowledge that the mentor will not judge him or her, that all questions are welcome, and that any disclosures or questions will not be used in the context of a formal review or evaluation.

4. c: Certainly writing a problem down and asking the mentor for alternative strategies is appropriate, but it is key in the development of critical thinking for the mentee to prepare a proposed solution to the problem before coming to the mentor versus simply approaching and stating the problem. A mentor can discuss why it is a good solution or why it may not work, and discuss alternative potential solutions. A mentor also may be

pleasantly surprised that the mentee's suggested solution is one the mentor did not think of.

5. b: One of the strongest motivators in the legal profession is understanding how one's efforts impact the overall case and assist the client. Because of the increasing complexity of the law, many times, new lawyers are given pieces of cases in isolation, with no idea of what benefit their work provided. As a result, they also have little client contact.

6. c: Successful mentees reflect on the particular areas in which they would like guidance and propose goals to the mentor. This helps to structure the relationship and ensures the mentee will get what he or she believes is needed from the relationship. This also acknowledges that a new lawyer can have several mentors at one time in different areas and that teachable moments always exist.

How to Manage Conflict and Increase Civility:

The Skills Not Taught

by Russell Carparelli

ANSWERS

1. e: Incivility is a manifestation of a lack of respect and consideration. Rudeness, reneging on commitments, causing unnecessary inconvenience, and making personal attacks are all uncivil.

2. c: The key variables are the extent to which each party is committed to the relationship and the extent to which each is committed to a particular outcome.

3. b: When a person avoids the other person, the issues, or the tasks, he or she is manifesting a lack of commitment to both the relationship and a particular outcome.

4. e: Uncertainty and perceptions of danger can trigger a stress response. Disappointed expectations, unfulfilled commitments, personal attacks, and surprise often trigger stress responses.

5. c: The release of the hormones epinephrine, norepinephrine, and cortisol is part of a stress response. Thyrotropin is a hormone, but it is not a stress hormone. It stimulates the thyroid gland and regulates its endocrine function.

6. b: Assuming the worst will intensify a stress response and makes the stress response more difficult to control.

7. e: Active listening includes listening, efforts to clearly understand, and demonstrating understanding.

8. d: Efforts to solve a problem are more likely to result in collaboration. Efforts to identify the cause of a problem are effective when the purpose is to find a solution, but not when the purpose is to lay blame.

Keeping it Human: A (Rather) New Lawyer's

Perspective on Professionalism

by R. Livingston Keithley, with Chris Ricci

ANSWERS

1. c: The Code of Professional Responsibility was replaced by the Rules of Professional Conduct in 1993. The Rules of Professional Conduct identify precepts for minimum ethical behavior; however, what is ethical may be considered unprofessional depending on the circumstances. Thus, in 2011, the CBA/DBA Professionalism Coordinating Council substantially revised the Colorado Principles of Professionalism, which set forth twenty-three core principles and sixty-one practical considerations of professional behavior by attorneys.

2. e: There are many schools of thought concerning the root causes of the widely held belief that there has been a decline in professionalism among attorneys. Whether attributable to numbers, to law school training, to pleasing clients, or to a lack of mentoring, it is clear that some improvement in each of these areas can likely bring about marked improvement among lawyers.

3. c: Each circumstance and set of facts in a case will direct what the probable correct result should be; however, in most common circumstances, it would be best to have a face-to-face meeting with counsel to discuss counsel's accusation and to determine whether there is a more satisfactory way of resolving the situation.

4. a: There is no written Rule of Professional Conduct, statute, or case that imposes a "duty to mentor." A new attorney on the other side of a dispute is learning from you how to act appropriately in a professional situation. It should be incumbent on even seasoned attorneys to set an example for the next generation of attorneys.

5. a: In the past eight years, Colorado has admitted more than 10, 000 attorneys to practice law in this jurisdiction (the current highest bar number in Colorado is 46, 030 as of the date of this writing, according to the Colorado Supreme Court website). Not all of these attorneys are new or young, and not all will actively practice law; however, this exponential growth of the profession only underscores how important it is for new attorneys to reach out beyond the bounds of their own practice for mentoring and guidance, and how important it is for the profession to embrace that duty and to guide these new attorneys.

6. e: When it comes to mentoring new attorneys, it is important to create a connection between new attorneys and seasoned attorneys. Maintaining diverse memberships in an organization is important for networking purposes and for the camaraderie that is created by contact between attorneys of different ages and with different levels of practical experience and knowledge. Telling a basic story from an old case about "turning the other cheek, " for example, may end up being a prime mentoring opportunity for the new attorney who is listening.

fastcase
Smarter legal research.

8. Public Service (Complete at least one)

Action	Mark completed items
Acquaint the Mentee with legal aid programs, local pro bono programs, and other opportunities for engaging in pro bono activities and civic and charitable work. Discuss the reasons for making time to engage in volunteer legal service to the public and any impediments to undertaking such work.	
Mentee attends a civic club of which the mentor is a member or some other community service activity in which the mentor participates. Discuss the reasons for making time to engage in volunteer legal service to the public.	
The pair participates in a bar-sponsored or other volunteer program aimed at delivering legal services to the public. Discuss the reasons for making time to engage in volunteer legal service to the public.	

MENTORSHIP PROGRAM TOOLKIT

A Programming Guide for the Legal Profession



WSBA mpt-v7 122818

WASHINGTON STATE
BAR ASSOCIATION

Mentorship Program Toolkit

Created by the
Washington State Bar Association
Mentorship Program

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Seattle, WA 98101
(800) 945-9722
mentorlink@wsba.org

The Washington State Bar Association (WSBA) provides this Toolkit, related materials, links, and resources for informative purposes only—The WSBA does not warrant the information provided with regard to accuracy or any other purpose. No endorsement is intended, nor does the information contained herein constitute legal advice or legal opinions. You are responsible for ensuring your own legal and ethical compliance. Any use of the materials herein is not a defense against discipline, a malpractice claim, or other legal proceeding. This Toolkit does not modify the rules, statutes, and regulations set by the federal government, state legislature, Washington Supreme Court, or the Bylaws and policies of the WSBA, or confer any additional rights.

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Mentorship Program Toolkit

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Program Toolkit

This Toolkit aids organizations in creating mentor/mentee relationships, whose purpose is to share professional guidance, practical knowledge, and essential skills. By furthering mentor/mentee relationships, this guide strives to:

1. Foster professionalism, civility, and collegiality in the legal community;
2. Bridge the gap for new and transitioning attorneys;
3. Promote inclusion and eliminate bias with respect to the practice of law;
4. Encourage professional development, including insights into the practice of law;
5. Encourage personal development, including the need for healthy work-life balance and awareness of mental health, addiction, and stress issues; and
6. Support the legal community through public service.

This icon represents relevant worksheets or tools that are available for download or can be viewed in the back of this toolkit.



This Toolkit is divided into five segments that include best practices templates, and checklists. The Toolkit and accompanying worksheets are based on programs throughout the country with varying mentorship opportunities. This is a best practice tool for your organization to use and modify based on the needs of your unique programming.

A Commitment to Diversity, Equity, and Inclusion

The Washington State Bar Association is committed to advancing diversity, equity, and inclusion within the legal profession. Over time, we have seen the legal profession and the world around us change. One of these changes is that the communities we live and work in have become more diverse. The business interests of attorneys, employers, and clients call for more diversity in legal representation across the state. WSBA recognizes the need to enhance opportunity for individuals from historically marginalized or underrepresented backgrounds in the legal profession. One goal of a mentorship program is to promote equitable conditions for these to enter, stay, and thrive in the profession.

Recognizing the differences and similarities among mentors and mentees is essential to a successful program. This Toolkit integrates best practices for developing an inclusive program. See Section I. Program Design for more information.

1 PROGRAM DESIGN

For the purposes of this Toolkit, we will cover the most important elements as they pertain to mentorship programming: scope, time, and resources. There is also a list of resources at the end of this *Toolkit* that provide further instructions on how to design and manage a program. When designing your program consider the following questions:

Program Design

- What is the need for a mentorship program in your organization?
- What is the scope of the program? (Are you looking for a full long-term matching design or creating one-time mentorship experiences? If so, review the mentor/mentee application templates for guidance.)
- How does this program fit within your mission, vision, and strategic goals?
- Who is the main audience for this program? Mentor, mentee or both?

Diversity, Equity, and Inclusion Considerations

- How do you create a program that is inclusive for members of underrepresented populations (i.e. racial and sexual minorities, disabilities etc.)?
- Will the program include cross-cultural and/or cross-gender mentoring?
- Will you be providing training, coaching, or guidance in crucial conversations?

Analysis of Cost/Staffing and Impact

- What are the parameters, risks, and dependencies associated with this program?
- What type of time/capacity will be needed to operate this program (who is staffing this program)?
- What is the projected staffing cost to develop this type of programming?
- How will you know if the program is making an impact? How are you defining impact/success?



Mentorship Program Project Plan documents will help you think through these questions, and design a timeline for implementation.

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Diversity, Equity, and Inclusion

Diversity is an important element of any mentoring program. WSBA defines diversity as meaningful representation of and equal opportunities for individuals who self identify with those groups that are underrepresented in the legal profession based upon, but not limited to disability, gender, age, familial status, race, ethnicity, religion, economic class, sexual orientation, gender identity and gender expression. Social conditioning informs our ideas, perceptions, stereotypes, and assumptions of these various groups, especially those that are different from our own. It is important to take into consideration the challenges of communicating across difference. A strong mentoring program ensures that participants understand the influence of social-constructs related to race, gender, disability, etc. Understanding the influence of these constructs on the development of stereotypes, implicit bias, and negative perceptions can be critical to building healthy and sustainable mentoring relationships. Moreover, a mentoring program should seek to understand and address the issues related to power and privilege across lines of difference and the effects that may have on the mentoring relationship.

For steps to facilitate this discussion refer to this worksheet:



Three Steps to Deepening the Dialogue and Building Healthy Relationships

2 MARKETING AND RECRUITMENT

How you recruit will depend on the type of mentors and mentees you want and the type of commitment each is looking for, or the requirements you design for your program.

Example: If your organization supports immigrant issues, you could email flyers to organizations that work directly with the immigrant community and use list serves that address immigration issues. We also recommend advertising to new legal professionals and those who have a solo or small firm practice. These legal professionals could be great mentors and mentees.

Recruiting and retaining mentors is a challenge that organizations across the country experience. Therefore, recruitment needs to heavily center on mentors. Creating a pathway for mentees to become future mentors is essential. To aid with recruitment refer to these flyers:



Am I Ready to Be A Mentor



Quick Tips for Seeking Mentors and Advisors

Both flyers provide questions for mentors/mentees to consider before participating.

3 SCREENING AND PLACEMENT

Matching a mentor and mentee is critical to a successful relationship. Creating a good application and using an application process are best practices. You should include in the placement process someone who had been in your organization for a while and knows the mentors and who could help with suggesting placement options. The process informs the matching and screening of your volunteers, giving you the information you need to make a good match. Sample templates for:



Mentor Application and



Mentee Application are included in this packet.

Remember, these are templates that you may want to modify by deleting and adding certain questions.

Clearly defining the roles of the mentors and mentees is very important in the screening and placement process. This ensures that everyone understands their part in the match and there is no confusion or miscommunication. For example:

- The mentor can be available for professional development or substantive law coaching.
- The mentor is not a professional counselor or a co-counsel on a case.
- The mentee needs to clearly express what they are expecting in a mentor.
- The mentee should not expect the mentor to find the mentee employment.

4 ORIENTATION AND TRAINING

An introductory orientation is strongly recommended for all mentors and mentees and required for MCLE accredited programs. The orientation would consist of an initial meeting so that the mentor and mentee can be clear about the mentoring relationship, purpose, and expectations.

In-person orientations are strongly encouraged since the orientation serves as a starting point in developing the mentoring relationship. In-person orientations also allow the mentor and mentee to ensure they are a good match. We recommend creating written materials that supplement the information presented.

Additional Materials for Orientation



Mentorship Curriculum Guide—includes worksheets to help mentors and mentees identify their goals.



Mentoring Agreement—defines the parameters of the mentoring relationship.



Mentoring Plan—serve as a guide for all subsequent meetings.

For those interested in pursuing MCLE credit, reference the *Self-Directed Structured Program Mentoring Guide* at **www.wsba.org/docs/default-source/licensing/mcle/self-directed-structured-mentoring-program-guide.pdf?sfvrsn=73e73af1_8**.

5 ONGOING SUPPORT AND MANAGEMENT

Not all matches work out. Your program may need to consider how to manage when a mentor or a mentee aren't good for one another. Below are some points to consider when managing this type of volunteer relationship.

Prevent Over-Involvement in the Match

Create a list serve for easy communication between you and the matches, as well as the matches with each other. Promoting resources, meet-ups, CLEs, or events where matches would find opportunities to engage and connect are appropriate uses of the list serve. Registering for a CLE, however, is the match's responsibility.

Managing Volunteer Relationships

As noted in this *Toolkit*, working with volunteers when either the match isn't working or the volunteer may not be a fit for your program is probably the hardest part of running a mentorship program. Below are best practices for when you need to reassign matches or encourage a mentor/mentee to revisit their motivations and availability.

What Happens When A Match Doesn't Work Out?

Supporting the mentorship match when either the mentor/mentee stops communicating or just isn't working is the most difficult part of running a mentorship program. The right policy, communication, and procedures will help you manage the process and not the volunteers.

Mentorship Match Best Practices

Dissolving a Match

The match needs to know what to do and what support you will give if issues arise with their mentor/mentee. Best practices include:

- **Flag:** The mentor/mentee should approach you right away to avoid an irreparable relationship between the pair itself and between the mentor/mentee and you, as the organization.
- **Coach:** Encourage the mentor/mentee to talk with their match to respectfully discuss the challenges.
- **Facilitate:** If the discussion doesn't resolve the issues, work with the match to try and reconcile problems.
- **Reassign:** If it is still not working, the mentor/mentee should contact you and ask for a new match.
- **Exit Evaluation:** Ask the match to complete the evaluation giving the reason what did/did not work (confidentially) to have a stronger chance that the next partnership will be successful. This will also give you feedback on how to make the program better.
- **New Connections:** Work with the mentor/mentee to find a new match.

A Mentor Withdraws

If a mentor, due to unforeseen circumstances, needs to withdraw their involvement completely, the following steps are suggested:

- **Thank:** The mentor dedicated time and resources to your program. Be sure to thank them for their participation.
- **Exit Evaluation:** The evaluation will provide valuable information on how to improve your program.
- **Ask:** Inquire if the mentor knows of any other potential attorneys who would be willing to volunteer.
- **Remove:** Once a mentor asks to withdraw from the program, remember to remove them from your active list.
- **Reassign:** Connect with the mentee to understand what was working and what they may need in a mentor.

Ending a Relationship With a Mentor or Mentee

Remember that a low-performing volunteer can be just as detrimental to an organization as an employee. The unsuitable relationship can cause mistrust, low morale, and a dissatisfying experience overall for everyone. A volunteer may not work out for a wide variety of reasons such as:

- Having different goals
- Having different opinions
- Misunderstanding of the policies/expectations

Prevention Is Key: The first step is to clearly outline the requirements and expectations in the *Mentoring Agreement*. This allows you to have their signature indicating that they understand and will abide by these requirements and expectations.

You may have additional program requirements that could include:

- A certain number of meetings
- Regular communication, which should be defined by the matches, instead of you
- Attendance at a particular training/CLE/event
- Trial observation with post-discussion (remember, the trial cannot be affiliated with the mentor or mentee)

Mentorship Match Best Practices

You also want to lay out expectations:

- The mentor/mentee must follow all of the policies, rules, and guidelines for mentorship;
- The mentor/mentee should respectfully remind the other if they are not adhering to policies, rules, or guidelines, (i.e., not speaking in hypotheticals, etc.);
- Professionalism, respect, and willingness to learn are essential. This includes working with your program and with each other;
- Following through with commitments to your organization and their match;
- Both individuals need to keep confidentiality with what is shared (remember, any client/case information must be hypotheticals);
- Harassment and discrimination are not tolerable.

Address: If someone breaks policies or expectations, talk to them respectfully. Assume the best in that person and be willing to give a second chance. It will be a difficult conversation. You owe it to the individual and your organization to find out why they broke with policy.

Decide: Do you need to dissolve the relationship or give a gentle reminder of policy and next steps if they continue to break policy and expectations?

Act: If you decide it is time to dissolve the relationship, act quickly, professionally, and firmly. Give the volunteer the choice to tell the match or have you pass on the news.

Additional Mentorship Programs and Resources

Please note: These resources are provided for reference purposes only.

501 Commons

www.501commons.org/resources/tools-and-best-practices/volunteer-management
Their Volunteer Management Guide contains articles, examples and templates that can help with volunteer management.

Colorado Attorney Mentoring Program

http://coloradomentoring.org
The CAMP website has a lot of helpful information geared towards matches and can be used to help run your program.

Energize, Inc.

www.energizeinc.com
Energize, Inc. provides training and consultation on volunteerism. Their website has a wealth of information on how to manage volunteers.

Leadership Council on Legal Diversity

www.lcldnet.org/programs/law-school-mentoring/mentoring-toolkit
The LCLD website contains a template that could be useful for the match to fill out at the Orientation and additional helpful tips for the mentor and mentee.

Management Mentors

www.management-mentors.com/products/online-mentoring-certifications
Management Mentors has information and courses to assist you in creating and running a program. They also have helpful material for mentors and mentees. Information is mainly geared towards corporate programs, but it is applicable to all programs.

Oregon State Bar

www.osbar.org/nlmp/resources.html#4
Tips on creating effective mentoring relationships.

Washington State Bar Association Mentorship Resources

www.wsba.org/connect-serve/mentorship
WSBA provides information on mentoring opportunities that currently exist across our state's legal community, in addition to other mentoring resources to support WSBA members. The mentorship webpage also contains articles and links to programs in other states.

Mentorship Program Toolkit

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TEMPLATE

MENTORSHIP PROGRAM PROJECT PLAN

Available as a 2-page WORD.DOC download at: www.wsba.org/docs/default-source/resources-services/mentorship/mentorship-curriculum/mentorship-program-project-plan.docx?sfvrsn=4c1d00f1_4

Start	
Due	
Budget/Cost	
Who	
Stakeholders	
Dependencies	
Risks	

PROGRAM DESIGN

- What is the need for a mentorship program in your organization?
- What is the scope of the program? (Are you looking for a full long-term matching design or creating one-time mentorship experiences? If so, review the mentor/mentee application templates for guidance.)
- How does this program fit within your mission, vision, and strategic goals?
- Who is the main audience for this program? Mentor, mentee or both?

DIVERSITY AND INCLUSION CONSIDERATIONS

- How do you create a program that is inclusive for members of underrepresented populations (i.e. racial and sexual minorities, disabilities etc.)?
- Will the program include cross-cultural and/or cross-gender mentoring?

ANALYSIS OF COST/STAFFING AND IMPACT

- What are the parameters, risks, and dependencies associated with this program?
- What type of time/capacity will be needed to operate this program?
- What is the projected cost to develop this type of programming?
- How will you know if the program is making an impact? How are you defining impact/success?

PROJECT AND GOAL

IMPLEMENTATION

A RACIS matrix is a table used to show roles and responsibilities in a process. The acronym RACIS stands for:

R - *Responsible for the step*
A - *Accountable for the step*
C - *Consulted with before the step*
I - *Informed when the step is completed*
S - *Support helps Responsible complete the step*

Example of RACIS matrix	Jack	Jill	Jane	Joe	John
Phase 1 Research/Need Assessment/Design	R	S	C	I	A
Phase 2 Program Implementation	R	S	C	I	A
Phase 3 Evaluation	S	S	R	A	I

RACIS matrix							
Phase	Description	Add names and assign RACIS roles					
1	Research/Need Assessment/Design						
2	Program Implementation						
3	Evaluation						

Phase 1 Research/Need Assessment/Design

COMPLETED	TASK	PERSON	START	DUE	NOTES
	Research other similar programs				
	Survey member needs				
	Stakeholder Feedback				
	Develop Marketing/Branding Campaign				
	Design Evaluation Plan				

Phase 2 Program Implementation

COMPLETED	TASK	PERSON	START	DUE	NOTES
	Create Volunteer Descriptions				
	Design Website				
	Recruit Mentors				
	Recruit Mentees				
	Hold Orientation				
	Workshop				
	CLE				
	Networking Event				

Phase 3 Evaluation

COMPLETED	TASK	PERSON	START	DUE	NOTES
	Create Survey				
	Administer Survey				
	Data Analysis				
	Report out				

TEMPLATE

MENTOR APPLICATION

Available as a 2-page WORD.DOC download at:
www.wsba.org/docs/default-source/resources-services/mentorship/mentorship-curriculum/mentor-application.docx?sfvrsn=1d00f1_7

CONTACT INFORMATION

Name _____ **License Number** _____

Employer _____ ***Email** _____

*Email will be the primary means of contact

MENTOR ACKNOWLEDGMENT

☐ I am an active Washington attorney and in good standing for five or more years.

☐ I understand that no client information may be discussed with my Mentee in accordance with RPC 1.6.

☐ I understand that if I am matched with someone in my firm, I must notify the organization immediately.

☐ I will not co-counsel with my Mentee.

☐ I understand that I can claim only "other" or "ethics" credits.

☐ I agree to attend an orientation specific to this program.

☐ I agree to dedicate the time necessary to the mentoring relationship. If for any reason, I cannot continue my mentoring relationship, I will notify the organization right away.

ABOUT YOU

Undergraduate School _____

Major _____

Law School _____

Year of Graduation _____

Year Admitted to WSBA _____

Practice Area(s) _____

Other Legal Jurisdictions _____

Other Professional Organizations _____

WSBA or other professional activities _____

Volunteer Activities _____

Hobbies and Interests _____

Why do you seek a Mentee?

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TEMPLATE

MENTOR APPLICATION

Check any or all of the following skills/areas you would like to mentor in:

- ☐ Practice area –specific issues (based on the practice areas I listed previously)
- ☐ Law Office Management (may include technology)
- ☐ Court Appearance
- ☐ Research
- ☐ Substance abuse/mental health issues
- ☐ Resource for assessing career paths
- ☐ Resource for work-life balance
- ☐ Other:

Type of Practice:

- ☐ Of Counsel
- ☐ Emeritus Pro Bono
- ☐ Law Firm
- ☐ Government Office
- ☐ In-House corporate counsel
- ☐ Non-legal job
- ☐ Nonprofit Organization
- ☐ Solo
- ☐ Do not currently practice
- ☐ Other:

Size of Firm:

- ☐ 1 lawyer
- ☐ 2-9 lawyers
- ☐ 10-39 lawyers
- ☐ 40+ lawyers
- ☐ Do not currently practice

Location of Practice:

- ☐ Large urban area
- ☐ Medium-sized city
- ☐ Small city/rural area
- ☐ Do not currently practice

Additional relevant information:

BEING MATCHED

- ☐ Please match me with a mentee as needed
- ☐ Please match me to: _____ (Name of Mentee) _____ (Mentee's Bar Number (if Known))

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TEMPLATE

MENTEE APPLICATION

Available as a 2-page WORD.DOC download at:
www.wsba.org/docs/default-source/resources-services/mentorship/mentorship-curriculum/mentee-application.docx?sfvrsn=111d00f1_7

CONTACT INFORMATION

Name _____ **License Number** _____

Employer _____ ***Email** _____

*Email will be the primary means of contact

MENTEE ACKNOWLEDGMENT

☐ I am an active Washington attorney and in good standing for five or more years.

☐ I understand that no client information may be discussed with my Mentor in accordance with RPC 1.6.

☐ I understand that if I am matched with someone in my firm, I must notify the organization immediately.

☐ I will not co-counsel with my Mentee.

☐ I understand that I can claim only "other" or "ethics" credits.

☐ I agree to attend an orientation specific to this program.

☐ I agree to dedicate the time necessary to the mentoring relationship. If for any reason, I cannot continue my mentoring relationship, I will notify the organization right away.

ABOUT YOU

Undergraduate School _____

Major _____

Law School _____

Year of Graduation _____

Year Admitted to WSBA _____

Practice Area(s) _____

Other Legal Jurisdictions _____

Other Professional Organizations _____

WSBA or other professional activities _____

Volunteer Activities _____

Hobbies and Interests _____

Why do you seek a Mentor?

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TEMPLATE

MENTEE APPLICATION

Check any or all of the following skills/areas you would like to mentor in:

- ☐ Practice area –specific issues (based on the practice areas I listed previously)
- ☐ Law Office Management (may include technology)
- ☐ Court Appearance
- ☐ Research
- ☐ Substance abuse/mental health issues
- ☐ Resource for assessing career paths
- ☐ Resource for work-life balance
- ☐ Other:

Type of Practice:

- ☐ Of Counsel
- ☐ Emeritus Pro Bono
- ☐ Law Firm
- ☐ Government Office
- ☐ In-House corporate counsel
- ☐ Non-legal job
- ☐ Nonprofit Organization
- ☐ Solo
- ☐ Do not currently practice
- ☐ Other:

Size of Firm:

- ☐ 1 lawyer
- ☐ 2-9 lawyers
- ☐ 10-39 lawyers
- ☐ 40+ lawyers
- ☐ Do not currently practice

Location of Practice:

- ☐ Large urban area
- ☐ Medium-sized city
- ☐ Small city/rural area
- ☐ Do not currently practice

Additional relevant information:

BEING MATCHED

- ☐ Please match me with a mentor as needed
- ☐ Please match me to: _____

Name of Mentor | Mentor's Bar Number (if Known)

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TEMPLATE

MENTORING AGREEMENT

Available as a 1-page WORD.DOC download at: www.wsba.org/docs/default-source/resources-services/mentorship/mentorship-curriculum/mentoring-agreement.docx?sfvrsn=6a1d00f1_7

We, _____Mentor, and, _____ Mentee, agree to participate in the Self-Directed Structured Mentoring Program in accordance with the terms of this agreement. We understand the goals of mentoring include:

- Foster professionalism, civility and collegiality in the legal community;
- Bridge the gap for new and transitioning attorneys;
- Promote inclusion and eliminate bias with respect to the practice of law;
- Encourage professional development, including insights into the practice of law;
- Encourage personal development, including the need for healthy work-life balance and awareness of mental health, addiction, and stress issues; and
- Support the community through public service.

We acknowledge and will abide by the following rules:

- Any communication between Mentor and the Mentee is not intended to be the rendering of legal or professional advice to the Mentee or his or her clients, and the Mentee will not rely upon such communications or cause any client to rely upon them.
- No confidential or attorney-client relationship is formed between Mentor and the Mentee as a result of participation in mentoring. Neither the Mentee nor Mentor will identify any client or reveal any client confidence to the other, nor will either seek professional or legal advice from the other about specific legal matters or clients. Instead all discussions about substantive legal matters between the Mentee and Mentor will be limited to hypothetical situations.
- Mentor is not assuming any liability or responsibility with respect to any legal matter of the Mentee's clients, nor will the Mentor render professional services to, or take any responsibility either directly or indirectly for any aspect of representation of the Mentee's clients.
- Mentor will not co-counsel any matter with the Mentee, nor will Mentor make referrals to or accept referrals from the Mentee during the term of their mentoring term.
- The Mentor and Mentee will not be employed by the same employer.

We hereby certify that we have read the above *Mentoring Agreement* and agree to its terms.

Mentor Signature: Date:

Mentee Signature: Date:

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TEMPLATE

MENTORING PLAN

Available as a 3-page WORD.DOC download at:
www.wsba.org/docs/default-source/resources-services/mentorship/mentorship-curriculum/mentoring-plan.docx?sfvrsn=5d1d00f1_7

The Mentoring Plan defines the learning curriculum to be carried out during the mentoring relationship. The approved Mentoring Plan template outlines core concepts and skills that the Mentor and Mentee can choose to incorporate when developing their own Mentoring Plan.
Within each category, the learning subjects may be customized to the particular practice setting, individual needs, and personal development. All categories of the Mentoring Plan contain blank lines to allow the Mentor and Mentee to substitute or add other topics of interest from among the APR 11(f) approved subjects. To the extent interests or needs change during the course of the mentoring relationship, additions, deletions or substitutions may be made to the original Mentoring Plan.
The Mentoring Plan will guide the activities and meetings between the Mentor and Mentee. Although interactions may occur through a variety of means, face-to-face meetings, whether in person or via electronic media, are strongly encouraged.

A) SUBSTANTIVE LAW

Elected	Action	Completion Date
	Discuss the following substantive law subjects:	
	Discuss practice skills such as taking depositions, trial techniques, and interviewing clients.	
	Other:	
	Other:	

B) ETHICS AND PROFESSIONAL RESPONSIBILITY

Elected	Action	Completion Date
	Discuss practices to maintain client confidentiality.	
	Discuss how to screen for, recognize, and avoid conflicts of interest.	
	Discuss the responsibilities of the client and the attorney in decision-making, and the best ways to involve a client in their case.	
	Discuss preparation and proper behavior during discovery.	
	Discuss how to prepare for negotiation of a legal matter, when and how negotiation is initiated, how to involve the client, ethical and professionalism obligations of negotiators, skills needed to be an effective negotiator and how to acquire them.	
	Discuss common malpractice and grievance traps in your practice area or setting, and how to recognize and avoid common pitfalls.	
	Discuss potential resources and procedures for dealing with complicated ethical issues, including conflict of interests.	
	Discuss appropriate ways to handle situations where an attorney believes another attorney has committed an ethical violation; the obligation to report misconduct; and the appropriate way to handle a situation where a Mentee is asked by a senior member of the firm/organization to do something that is unethical or unprofessional.	
	Discuss the grievance process and an attorney's duty to cooperate with a disciplinary investigation.	
	Other:	
	Other:	

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C) PROFESSIONAL

Elected	Action	Completion Date
	Discuss professional skills including effective lawyering, leadership, career development, communication and presentation skills.	
	Discuss various career paths such as large firm, small firm, government and non-profit practice, corporate counsel, and nontraditional legal positions and identify resources for exploring options.	
	Discuss long term and short-term career objectives and identify ways to achieve them.	
	Other:	
	Other:	

D) PERSONAL DEVELOPMENT AND MENTAL HEALTH

Elected	Action	Completion Date
	Discuss strategies for finding a balance between career and personal life, keeping daily stress in perspective, reconciling job expectations with actual experience, and maximizing career satisfaction.	
	Discuss prominence of substance abuse and mental health issues in the legal profession; review warning signs of substance abuse or mental health problems; what to do if the Mentor, Mentee a colleague, or a superior is faced with a substance abuse or mental health problem; and the resources for assistance.	
	Other:	
	Other:	

E) OFFICE MANAGEMENT

Elected	Action	Completion Date
	Discuss the following office management matters:	
	Discuss practice development and marketing, client relations, employee relations and responsibilities when opening or closing an office.	
	Other:	
	Other:	

F) IMPROVING THE LEGAL SYSTEM

Elected	Action	Completion Date
	Discuss types of alternative dispute resolution such as mediation, arbitration, early neutral evaluation, summary jury trials, and collaborative representation.	
	Acquaint Mentee with access to justice issues, various Washington legal services organizations, and opportunities to engage in pro bono activities.	
	Develop an awareness of diversity and inclusion issues in the legal profession by reading recent published studies and articles, and discussing them.	
	Other:	
	Other:	

MENTORING PLAN PLEDGE

We, _____, Mentor, and _____, Mentee, agree upon this Mentoring Plan of activities elected above. We pledge that we will devote the time and effort necessary to carry out this Mentoring Plan.

WSBA MCLE Requirements Checklist

For organizations with mentorship programs seeking MCLE accreditation, follow these instructions and send application and materials to **mcle@wsba.org**. It is your responsibility to inform MCLE of any changes in your program or if the program is terminated.

Overview of MCLE requirements:

Organization's Application Requirements:

☐ Application Form

☐ Description of the Program

☐ Mentoring Agreement

☐ Mentoring Plan

☐ Evaluation Form

Please note: Send the application & materials to **mcle@wsba.org**. It is your responsibility to inform MCLE (**mcle@wsba.org**) of any changes in your program or if the program is terminated.

Mentor/Mentee Eligibility

☐ Active members of the WSBA

☐ Match must not work for the same employer

☐ Mentor must be a WSBA member in good standing for at least 5 years. Mentors cannot charge or be paid.

Mentors and Mentees Responsibilities:

☐ Attend an orientation meeting (not available for CLE credit)

☐ Sign a mentoring agreement

☐ Create a personalized mentoring plan

☐ Have face-to-face mentoring meetings (in person or electronic, i.e., Skype)

☐ Provide an evaluation to the Organization

☐ Report MCLE Credits (see page 9 of the included MCLE Portal Member Guide)

MCLE Credit Information (APR 11)

☐ Credits are earned at the rate of one credit per each 60 minutes of mentoring.

☐ Credits can only be applied as "Other" or "Ethics" credits.

☐ Approved **Structured Mentoring Program** or the **Self-Directed Structured Mentoring Program** must be followed.

A Sample Orientation and Training Agenda

1. **Share The Following Information (15 Minutes):**
   - Organization's goals, mission, vision (as an organization and of mentoring program)
   - How were mentors/mentees paired?
   - How does the program work? What are the policies of your particular program?
   - How does the pair receive credit?
   - Organization's resources and other outside programs
2. **Address (15 Minutes):**
   - The fear of difference and finding common ground
   - Cultural, i.e. able-bodiness, geographic location, etc.—and gender-based assumptions
   - How to openly discuss differences for mutual learning
   - Managing and recovering from **micro-inequities** (mentors and mentees)
3. **Allow the matched pairing time to work on the Mentoring Plan and sign the Mentoring Agreement. (45 minutes)**

Micro-inequities are messages of prejudice that are often unconscious and subtle. These messages can be verbal or non-verbal.

Three Steps to Deepening the Dialogue and Building Healthy Relationships

Gender binary is the classification of all people into one of two distinct and separate forms of masculine and feminine. The binary model is viewed as rigid and is grounded in a person's physical anatomy.

Implicit Bias includes the beliefs we carry without conscious awareness.

1. **Finding common ground:** We refer to common ground as the space two or more individuals are able to occupy through a shared experience. This is where we build on our similarities. For instance, both the mentee and mentor may discover they are both parents. This is a great opportunity to discuss the joys and challenges of parenting while actively practicing law. Each time similarities are discovered, the common ground shared expands its space to include both participants. As this space expands, the relationship organically strengthens and the connection deepens. This provides fertile ground for continued mutual learning and a more sustainable relationship.

2. **Overcoming the fear of difference:** Often, individuals are afraid of cross-cultural conversations because they worry about making a social faux pas. Openly discussing this and creating the opportunity to learn from one another can serve to greatly reduce this fear. Some topics to openly discuss are:

   a. Implicit bias (we all have them regardless of race, economic status, gender, etc.)
   b. Systemic oppression
   c. Cultural competence
   d. Micro-inequities
   e. Conflict resolution through in-person dialogue

3. **Mutual learning through differences:** The mentoring relationship can become the space for mutual learning by openly and freely discussing the natural differences that exist for both mentor and mentee such as (but not limited to):

   a. Professional experience
   b. Cultural background
   c. Generation
   d. Racial stereotypes
   e. Gender perceptions
   f. Disability/impairment
   g. Economic status



Evaluation Checklist

You can evaluate at any time to ensure your goals are being met and to change aspects of the program to further its success. The type of evaluation you design determines how often you will analyze your program. Best practices suggest that when piloting a program, administering an annual evaluation allows for course correction early enough to improve the success of your program. A good evaluation has four key elements and most of it is defined during program design. This allows you to know what impact your program has on your matches.

1. **Focus:** What type of evaluation are you trying to conduct? The most common types of questions asked fall under one of the categories below. You determine if you want to design evaluations that address all four categories or if you want to focus on just a few.

   ☐ Program theory: Questions about program conceptualization and design.
   ☐ Program process: Questions about program operations, implementation, and service delivery.
   ☐ Impact: Questions about program outcomes and impact.
   ☐ Efficiency: Questions about program cost and cost-effectiveness.

2. **Design & Collect Data:** An evaluation design must identify the methods that will be used to answer each of the questions identified.

   ☐ Will it mainly be a qualitative or quantitative design, or mixed methods?
   ☐ How will you develop the right questions? Coming up with questions to ask is an art form, take time to consider what information you are trying to pull from your participants.
   ☐ Will you need to use surveys, questionnaires, snowball sampling, focus groups, or one-on-one interviews?
   ☐ Who will be doing the evaluations?
   ☐ When should you be conducting these?

3. **Analyze & Interpret:** Now that you have the data, you need to analyze and interpret it. Who will do this? Best practice is to have multiple people working on understanding the data. Some questions to help you think through this are:

   ☐ Will you hire a consultant?
   ☐ If not, who will be your team to analyze that data?
   ☐ Should it include volunteers, staff, and/or other stakeholders?

4. **Report:** You have conducted the survey, collected and interpreted the data. What's next? Reporting results to your stakeholders, whether positive or negative, is often a missed step and opportunity. Informing your stakeholders indicates that you are willing to be transparent and accountable for the program.

TEMPLATE

MENTORING EVALUATION

Available as a 2-page WORD.DOC download at:
www.wsba.org/docs/default-source/resources-services/mentorship/mentorship-curriculum/mentoring-evaluation.docx?sfvrsn=7b1d00f1_11

Name:_____ Date:_____

1. Are you the Mentor or Mentee?
   - ☐ Mentor
   - ☐ Mentee
2. Was the orientation helpful in beginning your mentoring relationship? Explain.
3. How many in-person meetings have occurred to date?
4. Does your mentoring relationship support open communication and learning? Explain.
5. Did you encounter any difficulties completing the selected activities in your mentoring plan? Explain, and describe how you resolved these difficulties.
6. Are you benefiting from this mentoring relationship? Explain.
7. Is there anything else you would like to share?

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TEMPLATE

MENTORING EVALUATION

Name:_____ Date:_____

1. Are you the Mentor or Mentee?
   - ☐ Mentor
   - ☐ Mentee
2. Was the orientation helpful in beginning your mentoring relationship? Explain.
3. How many in-person meetings have occurred to date?
4. Does your mentoring relationship support open communication and learning? Explain.
5. Did you encounter any difficulties completing the selected activities in your mentoring plan? Explain, and describe how you resolved these difficulties.
6. Are you benefiting from this mentoring relationship? Explain.
7. Is there anything else you would like to share?

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TEMPLATE

MENTOR EVALUATION

Available as a 2-page WORD.DOC download at: www.wsba.org/docs/default-source/resources-services/mentorship/mentorship-curriculum/mentor-evaluation-v120cd65f2f6d9654cb471ff1f00003f4f.docx?sfvrsn=2e1d00f1_13

Name:_____ License #:_____Date: _____

ABOUT **YOU**

1. How did you find out about the Program?

2. What made you want to sign-up for the Program?

3. How long have you been practicing (in any jurisdiction)?
   - ☐ 0-5 years
   - ☐ 6-10 years
   - ☐ 11-15 years
   - ☐ 16-20 years
   - ☐ 21-30 years
   - ☐ 31+ years, please specify _____
4. Have you participated in another mentorship program as a mentor before?
   - ☐ Yes
   - ☐ No
5. How did this experience compare?
   - ☐ Better
   - ☐ Same
   - ☐ Worse

   Comments:

ABOUT THE PROGRAM

6. Was the orientation helpful in beginning your mentoring relationship?
   - ☐ Yes
   - ☐ No
7. What can this Program do to help to make your match more successful?

8. How would you describe the quality of your experience as a participant in the program?

9. Were the mentor program coordinators accessible, easy to talk to and seek advice from when necessary?
   - ☐ Yes
   - ☐ No

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MENTOR EVALUATION

ABOUT THE MATCH

10. How would you describe your relationship with your mentee?

11. Did you gain personally from this relationship?
    - ☐ Yes
    - ☐ No

12. Did you feel adequately prepared to mentor?
    - ☐ Yes
    - ☐ No

13. How did you meet?
    - ☐ Video Conferencing (Skype etc.)
    - ☐ In-person
    - ☐ Email
    - ☐ Phone
    - ☐ Other, please specify _____

14. Did you follow the original Mentoring Agreement? If not, please explain why.
    - ☐ Yes
    - ☐ No

15. How often did you meet?
    - ☐ Once a month
    - ☐ Every two months
    - ☐ Every two weeks
    - ☐ When necessary
    - ☐ Other, please specify _____

16. Are/were there any factors that made it difficult to participate?
    - ☐ Yes
    - ☐ No
    - a. If so what are/were those factors?
    - b. How did you overcome those factors?

17. Did you plan on maintaining a relationship with your mentee?
    - ☐ Yes
    - ☐ No

18. Is there anything else you would like to share?

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TEMPLATE

MENTEE EVALUATION

Available as a 2-page WORD.DOC download at:
www.wsba.org/docs/default-source/resources-services/mentorship/mentorship-curriculum/mentee-evaluation-v130cd65f2f6d9654cb471ff1f00003f4f.docx?sfvrsn=3f1d00f1_11

Name:_____License #:_____Date: _____

ABOUT YOU

1. How did you find out about the Program?

2. What made you want to sign-up for the Program?

3. How long have you been practicing (in any jurisdiction)?
   - ☐ 0-5 years
   - ☐ 6-10 years
   - ☐ 11-15 years
   - ☐ 16-20 years
   - ☐ 21-30 years
   - ☐ 31+ years, please specify _____
4. Have you participated in another mentorship program as a mentor before?
   - ☐ Yes
   - ☐ No
5. How did this experience compare?
   - ☐ Better
   - ☐ Same
   - ☐ Worse

   Comments:

ABOUT THE PROGRAM

6. Was the orientation helpful in beginning your mentoring relationship?
   - ☐ Yes
   - ☐ No
7. What can this Program do to help to make your match more successful?

8. How would you describe the quality of your experience as a participant in the program?

9. Were the mentor program coordinators accessible, easy to talk to and seek advice from when necessary?
   - ☐ Yes
   - ☐ No

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MENTEE EVALUATION

ABOUT THE MATCH

10. How would you describe your relationship with your mentor?

11. Did you gain personally from this relationship?
    - ☐ Yes
    - ☐ No

12. Do you feel your mentor was adequately prepared to be one?
    - ☐ Yes
    - ☐ No

13. How did you meet?
    - ☐ Video Conferencing (Skype etc.)
    - ☐ In-person
    - ☐ Email
    - ☐ Phone
    - ☐ Other, please specify _____

14. Did you follow the original Mentoring Agreement? If not, please explain why.
    - ☐ Yes
    - ☐ No

15. How often did you meet?
    - ☐ Once a month
    - ☐ Every two months
    - ☐ Every two weeks
    - ☐ When necessary
    - ☐ Other, please specify _____

16. Are/were there any factors that made it difficult to participate?
    - ☐ Yes
    - ☐ No
    - a. If so what are/were those factors?
    - b. How did you overcome those factors?

17. Did you plan on maintaining a relationship with your mentor?
    - ☐ Yes
    - ☐ No

18. Is there anything else you would like to share?

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AM I READY TO BE A MENTOR?

CONSIDER...

- Do I have the actual time to commit to my mentee? How much time?
- Am I willing to share my challenges, as well as my successes?
- What do I hope to gain from this experience? What do I hope to teach?
- What aspect(s) of my career path puts me in a unique position to mentor?

HOW CAN I BE A GOOD *MENTOR?*

- Come on time to appointments; respond within 48 hours to emails.
- Show personal interest in your mentee.
- Give positive and constructive feedback.
- Create a welcoming & inclusive environment.
- Consider barriers mentee faces in his/her career, and provide advice and support accordingly

HOW CAN I BE A GREAT *MENTOR?*

- Come early to appointments; respond within 24 hours to emails.
- Read about the mentee's interests prior to your next meeting.
- Ask for feedback on being a mentor.
- Initiate dialogue regarding barriers and facilitators to creating an inclusive and supportive environment.
- Ask the mentee what kind of proactive support he/she needs to overcome barriers.

HOW DO I FIND A MENTEE?

The WSBA MentorLink webpage
www.wsba.org/connect-serve/mentorship/be-a-mentor
is a great source of information on how to be matched.

Please contact us at **mentorlink@wsba.org** or **800-945-9722**.

WASHINGTON STATE
BAR ASSOCIATION

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QUICK TIPS *FOR SEEKING MENTORS AND ADVISORS*

MAKE A PLAN

Before you start researching or contacting potential mentors and advisors, assess your goals and most critical needs. Ask yourself:

1. What are my three most pressing questions or concerns? For example:
   - *Communicating with clients and opposing counsel?*
   - *Managing a solo practice?*
   - *Understanding court rules & procedures?*
   - *Questions about a specific area of law?*
2. What would be most helpful to discuss with a more experienced attorney vs. doing research to find some answers?
3. What am I going to ask for? For example:
   - *Ongoing email contact?*
   - *Coffee date(s)?*
   - *Skype phone call to bridge the miles?*
   - *One day of shadowing at office or court?*
4. Is my resume and short bio updated and ready to send?

FIND A MENTOR

Once you have a clear idea of your goals, you can take the next step to researching potential mentors based on such criteria such as: geography, practice setting and area of law. In addition to reviewing the **WSBA Legal Directory** for updated information, strategies for locating potential mentors and advisors might include:

- Asking around! Someone in your current network might know someone and be able to make an introduction.
- Attending events put on by sections, minority bar associations, local bar associations, specialty bar associations, and/or law school alumni programs.
- Reviewing legal publications for article authors or references to specific individuals in your practice area.
- Attend a **MentorLink Mixer**.
- Sign up and create a profile on **ALPS Attorney Match**.

TAKE ACTION

Many potential mentors and advisors are happy to help, and just need to be asked! However, it's important that the mentee take the lead in reaching out and following-up, while being respectful of the mentor's time and schedule. Strategies might include:

- *Sending an initial letter or email:* who you are, what you want, why you're asking them, and how soon you're hoping to meet.
- *During meeting:* be specific on how they can help and find out what works for them.
- Clarify expectations about ongoing contact.
- Send thank you notes and stay in touch!

IMPORTANT GUIDELINES TO REMEMBER

Mentoring sessions may involve only generalized questions that do not involve the disclosure of details from a specific case or client. A mentor-mentee relationship does not create an attorney client relationship, and the discussions are not privileged or confidential. In other words, assume your conversations are completely public.

Consistent with R.P.C. 1.6, the mentee will not identify any client to the mentor or reveal to the mentor any information related to the representation of the client, nor will the mentee seek professional or legal advice from the mentor about specific legal matters or clients such that protected communications are revealed. Subject to the limits of the previous paragraph and pursuant to R.P.C. 1.6 (b)(4), a lawyer may reveal information relating to the representation of a client to the extent the lawyer reasonably believes necessary to secure legal advice about the lawyer's compliance with the Rules of Professional Conduct. Discussions, if any, about substantive legal matters between the mentee and mentor will be limited to hypothetical situations.

ADDITIONAL RESOURCES:

- **WSBA Mentorship Resources**
  Information on mentoring opportunities that currently exist across our state's legal community, in addition to other mentoring resources to support WSBA members at **www.wsba.org/connect-serve/mentorship**
- **WSBA Ethics Line 800-945-WSBA, ext. 8284**
  Informal guidance as to an attorney's own prospective ethical conduct. Common ethical issues are: conflicts of interest, client communication, handling client money, fee arrangements, confidential information, and how to withdraw from a matter in an ethical manner. For more ethics-related resources visit the WSBA website at **www.wsba.org/for-legal-professionals/ethics**
- **WSBA Practice Management Assistance Program**
  Low-cost and confidential professional assistance with office administration, as well as print and web resources to assist with opening, closing, and managing your practice. For more practice management resources visit the WSBA website at **www.wsba.org/resources-and-services/lomap**

Questions? mentorlink@wsba.org | 1-800-945-9722

WASHINGTON STATE BAR ASSOCIATION



1325 4th Ave, Suite 600, Seattle, WA 98101 | (800) 945-9722 | **mentorlink@wsba.org**



Illinois Supreme Court
Commission on Professionalism

Lawyer to Lawyer Mentoring Guide

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Acknowledgements

The Commission on Professionalism began its exploration of Lawyer to Lawyer mentoring by gathering information and evaluating mentoring programs nationwide. This *Guide* represents the results of our learning about the craft of mentoring. It is a melding of ideas and experiences acquired from examining current research, exploring mentoring principles and practices, and the mentoring work of other state Commissions. Adapting the Georgia and Ohio Commission on Professionalism mentoring resources, the Commission developed this *Guide* to help local court and bar organizations implement Lawyer to Lawyer mentoring programs.

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Circuit-Wide Professionalism Programs

The Commission assists local courts and bar organizations in creating mentoring programs in which experienced lawyers formally support the professional learning and development of New Lawyers. Commission recognized mentoring programs are designed to teach skills, professional values and judgments necessary to practice law in accordance with the highest ideals of the profession.

Our goal is to advance professionalism through learning focused mentoring. By building relationships between beginning and experienced lawyers, we pass on fundamental skills and core values of professionalism essential to the aspirational practice of law.

Introduction

The term "mentor" originated from Greek mythology with the character of Mentor in Homer's *Odyssey*. Mentor, a friend of Odysseus, was entrusted with the education of Odysseus' son Telemachus. Mentor was a guardian, teacher and counselor to the young boy. Today mentor is defined (Merriam-Webster 4th Edition) as a wise, trusted counselor and teacher. Within the legal profession, mentoring relationships between experienced and New Lawyers facilitate the transfer of valuable information and insight into the practice of law. While legal theory and application can be learned during law school, the practice of law is learned in the workplace, whether in private practice, government service, or public interest work.

Skillful mentoring takes time and attention. This *Guide* offers a process, specific strategies and resources for skillful Lawyer to Lawyer mentoring. How we introduce young lawyers to the profession forms a foundation for their continued growth and development as practitioners. Skillful lawyer mentors stretch and expand their protégés' abilities and capacities for professional thinking and problem solving. Skillful mentors facilitate the development of civility and ethics through consulting, collaborating and coaching their protégés. Lawyer to Lawyer mentoring honors the rich knowledge base and expertise that continues to accumulate through the years of practice. As a mentor, the experienced lawyer offers both the wisdom of practice and the practice of wisdom while preserving core values of our profession.

This Lawyer to Lawyer Mentoring initiative is designed to be a one-year voluntary experience to support New Lawyers through the transition from law school to the practice of law. Through the collaborative development and implementation of a mentoring agreement and action plan, the experienced attorney mentor counsels and teaches the New Lawyers. The mentoring action plan offers discussion topics and learning experiences to be completed over the course of the one-year mentoring term.

While the present Rules do not authorize mentoring as qualifying for continuing legal education, the Commission envisions establishing a program that will recognize the meaningful learning experience offered to both the New Lawyer and lawyer Mentor. For the future, we look to examining options and assessing possibilities for developing continuing legal education credit for both the mentors and new attorneys who participate in the Lawyer to Lawyer Mentoring programs.

The relationship between the Mentor and New Lawyer is intended to be an on-going relationship for the sole purpose of guiding and teaching the New Lawyer about the practice of law and the issues the New

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Lawyer is likely to face in the practice of law. The Mentor shares professional experiences, provides guidance and resources, and engages in dialogue with the New Lawyer in completion of the activities in the Mentoring Plan.

Pairing New Lawyers and Mentors

Thought should be given to the administrative resources and time commitment available on the part of the local circuit/bar association responsible for administering and managing the mentor program**.**

New Lawyers and Mentors could be paired in the following ways:

1. Based on both Mentor and New Lawyer completing an application indicating interests and background;
2. Based on a completed mentor application from which New Lawyers would rank the top 5-10 Mentors with whom they would like to be paired.

Other considerations include the advantages and disadvantages particular to internal pairings. For example, while a pairing made between a New Lawyer and Mentor within the same department has the advantage of enabling questions specific to the department, a New Lawyer may feel more comfortable asking truly honest or "dumb" questions to someone outside his/her department given the lower likelihood that the Mentor would later be in a position to evaluate the new attorney. However, this potential concern may be outweighed by the additional benefit of enabling the new attorney to form a mentoring relationship with someone senior in his/her department.

New Lawyer Responsibility and Orientation

New Lawyers may elect to be mentored by experienced lawyers in their law firm or office or by lawyers who work outside their law firm. Internal mentoring participants are able to discuss many different matters relating to clients because of the shared responsibility of liability and the confidentiality that extends to office employees. However, a lawyer-client relationship is not established between Mentors and New Lawyers in external mentoring relationships. Accordingly, communications between the Mentor and the New Lawyer are not confidential. All Mentors and New Lawyers will be required to sign an agreement that defines the parameters of the mentoring relationship and limits potential liability. The Mentoring Agreement (Internal Lawyer version or External Lawyer version) must be signed by the Mentor and the New Lawyer at the start of the mentoring term.

The purpose of the mentoring program is to elevate the competence, professionalism and success of New Lawyers. Specifically, the mentoring relationship should foster the development of the New Lawyer's practical skills and increase knowledge of legal customs; should create a sense of pride and integrity in the legal profession; should promote collegial relationships among legal professionals and involvement in the organized bar; should improve legal ability and professional judgment; and should encourage the use of best practices and highest ideals in the practice of law.

An orientation meeting for New Lawyers will be offered by the local circuit or local bar organization implementing the Lawyer to Lawyer mentoring program. The purpose of this orientation is to provide

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New Lawyers with an overview of the mentoring program, including its purpose and goals, and to provide useful information about effective mentoring.

Mentor Responsibility and Orientation

The success of this educational program depends upon experienced and reputable lawyers who are willing to commit the time to volunteer as Mentors so that they may convey the core values and best practices of the profession to New Lawyers. Effective lawyer mentors value teaching and counseling new attorneys in the practice of law and personally strive to improve the legal profession through their mentorship.

Mentors must have superior interpersonal skills and the ability to facilitate quality lessons about the best practices and highest values of the legal profession. Before agreeing to serve as a Mentor, a lawyer should honestly evaluate if they possess the skills needed to guide and teach a New Lawyer, if they can devote the requisite time to the activities and experiences with the New Lawyer as required by the Mentoring Plan, if they can demonstrates clear and highly professional habits in the practice of law and management of the lawyer's law practice. Moreover, the qualifications set forth below are minimum standards that must be met to serve as a Mentor. The Mentor must:

1. Be an attorney in Illinois registered active and in good standing;
2. Be admitted to practice law in Illinois for not less than six years;
3. Be respected among judges and peers in the local legal community for ethical and professional conduct; and
4. Never been sanctioned, suspended or disbarred from the practice of law in any state or jurisdiction.

An orientation meeting for lawyers recruited to be Mentors shall be offered by the local circuit or local bar organization administering the Lawyer to Lawyer mentoring program. The purpose of this meeting will be to provide Mentors with an overview of the program, including its purpose and goals, and to provide information and strategies about effective mentoring for New Lawyers.

Mentoring Plan

The Mentoring Plan includes core concepts, skills, activities and experiences framed as actions for the New Lawyer and Mentor. This action plan is designed to facilitate ongoing professional learning and development. Actions are grouped by area of focus. Worksheets with discussion questions accompany each action listed. Focus areas include:

1. Legal Community & Community at Large
2. Law Office Management
3. Personal & Professional Development
4. Ethics
5. Client Communication, Advocacy and Negotiation

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While addressing the focus areas, the actions may be customized to the particular practice setting, individual needs and personal goals of the New Lawyer. Alternative actions may be included to take the place of an action listed. Once the New Lawyer and the Mentor determine their plan of action, both sign the Mentoring Plan and the appropriate Mentoring Agreement form.

At the end of the mentoring year, the Mentoring Plan will serve as an evaluative tool to assess the mentoring program process and learning. New Lawyers and Mentors shall engage in a minimum of six one-hour in-person meetings and complete the selected list of actions in Mentoring Plan. Participating in more than the minimum number of meetings is encouraged. Engaging in additional meetings fosters a more meaningful relationship between the New Lawyer and the Mentor and produces a more valuable learning experience for the New Lawyer. The Certificate of Completion may be signed by the New Lawyer and Mentor to verify Mentoring Plan completion.

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Responsibility Summary

Mentors
- Participate in Mentor Orientation
- Execute Mentoring Agreement & Plan
- Engage in Six 1-hour Meetings with New Lawyer
- Assess and Certify Completion

New Lawyers
- Participate in New Lawyer Orientation
- Execute Mentoring Agreement & Plan Engage in Six 1-hour Meetings with Mentor
- Receive Certificate of Completion

Local Circuit/Bar Association
- Recruit Mentors
- Sponsor Mentor Orientation
- Sponsor New Lawyer Orientation
- Match Mentors with New Lawyers

Commission
- Facilitate Orientation for Circuit Court
- Provide Mentorship Resources
- Recognize Participant Professionalism
- Disseminate Process and Outcomes

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Mentoring Plan

Legal Community & Community at Large

Discussion Worksheet	Action	Completion Date
1	Meet at Mentor's office to develop and sign mentoring plan and agreement. Also meet members of the Mentor's firm/office.	
2	Introduce New Lawyer to other lawyers in the community through ongoing attendance at local bar or specialty association meetings. Discuss local, state, national, specialty and affinity bar association opportunities.	
3	Escort New Lawyer to the local courthouse(s) make appropriate introductions to members of the judiciary, court personnel and clerks of court. Discuss customary rules of civility or etiquette among lawyers and judges in the community.	
4	Introduce New Lawyer to an experienced/senior lawyer working in the New Lawyer's area of interest (potentially outside the New Lawyer's department, such as a pro bono interest), preferably someone outside of the Mentor's firm/office. Organize coffee or lunch outside of the office to facilitate the introduction.	
5	Acquaint New Lawyer with Illinois' various legal services organization and opportunities for lawyers in private practice to engage in pro bono activities.	
Alternative Action		

Law Office Management

Discussion Worksheet	Action	Date Completed
6	Mentor demonstrates how law practice management systems are implemented: a. Time records. b. Records of client-related expenses. c. Billing system. d. Client retainer and/or payment schedules. e. Escrow and trust account, establishing an IOLTA, accounting, auditing, use of interest proceeds, proper procedures for handling client funds and other property. f. Filing system and procedures. g. Document retention plan. h. Calendar reminder systems.	

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	i. Information technology system. j. Library and research systems. k. Other resources (publications, seminars, equipment, etc.).	
7	Discuss effective time management skills and techniques.	
8	Discuss practices to maintain client confidentiality.	
9	Discuss how to screen for, recognize and avoid conflicts of interest.	
10	Discuss role and responsibilities of paralegals, secretaries and other office personnel, and how to establish good working relationships with others in same office that are support staff, colleagues or senior partners.	
Alternative Action		
Alternative Action		

Personal & Professional Development

Discussion Worksheet	Action	Date Completed
11	Discuss different career paths and identify resources for exploring options. Discuss differences between large firm, small firm, government and non-profit practice and non-traditional legal positions.	
12	Discuss long term career objectives and identify ways to meet those goals. Discuss short term career objectives and identify skills needed to meet those objectives.	
13	Discuss strategies for finding a balance between career and personal life, keeping daily stress in perspective, reconciling job expectations with actual experience and maximizing career satisfaction.	
14	Discuss substance abuse and mental health issues, including warning signs of substance abuse or mental health issues; what to do if the New Lawyer, a colleague or a superior is faced with a substance abuse or mental health problem; and the resources for assistance.	
Alternative Action		

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Ethics

Discussion Worksheet	Action	Date Completed
15	Discuss common malpractice and grievance traps and how to recognize and avoid common pitfalls.	
16	Discuss potential resources and procedures for dealing with complicated ethical issues, including conflict of interests.	
17	Discuss appropriate ways to handle situations where the New Lawyer believes another lawyer has committed an ethical violation; the obligation to report misconduct; and the appropriate way to handle a situation where the New Lawyer is asked by a senior member of the firm/organization to do something that is unethical or unprofessional.	
18	Discuss the grievance process and a lawyer's duty to cooperate with a disciplinary investigation.	
Alternative Action		
Alternative Action		

Client Communication, Advocacy and Negotiation

Discussion Worksheet	Action	Date Completed
19	Discuss how to deal with a "difficult" client.	
20	Discuss importance of client communication, how to maintain appropriate ongoing communication (returning telephone calls, email) to keep clients informed.	
21	Discuss proper legal counseling strategies and the duties and responsibilities of advising clients.	
22	Discuss the responsibilities of the client and the lawyer in decision-making, and the best ways to involve a client in their case.	
23	Discuss preparation and proper behavior during depositions and observe deposition.	
24	Discuss how to prepare for negotiation of a legal matter, when and how	

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	negotiation is initiated, how to involve the client, ethical and professionalism obligations of negotiators, skills needed to be an effective negotiator and how to acquire them.	
25	Discuss types of alternative dispute resolution such as mediation, arbitration, early neutral evaluation, summary jury trials, etc.	
26	Observe an actual or simulated arbitration. Discuss and evaluate what is observed.	
27	Observe an actual or simulated mediation. Discuss and evaluate what is observed.	
28	Observe actual or webcast of appellate argument in the Supreme Court of Illinois, the Court of Appeals of Illinois, or United States Circuit Court of Appeals.	
Alternative Action		
Alternative Action		

The undersigned Mentor and New Lawyer agree upon the Mentoring Plan of activities and experiences elected above. We pledge that we will devote the time and effort necessary to carry out this Mentoring Plan.

New Lawyer Signature _____ Date _____

Mentor Lawyer Signature _____ Date _____

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Administrative Forms

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Internal Lawyer Mentoring Agreement

I agree to participate in Lawyer to Lawyer mentoring in accordance with the terms of this agreement. I understand lawyer to lawyer mentoring is one component of New Lawyer training in the practice of law within our firm and is intended to include coaching, sharing experiences, learning and ongoing guidance and support. I understand the goals of mentoring include:

1. Fostering the development of the New Lawyer's practical skills;
2. Increase knowledge of legal customs;
3. Creating a sense of pride and integrity in the legal profession;
4. Promoting collegial relationships among legal professionals;
5. Involvement in the organized bar activities;
6. Improving legal ability and professional judgment; and
7. Encouraging the use of best practices and highest ideals in the practice of law.

The New Lawyer agrees to waive all claims against, and to hold harmless, the Mentor for any actions or inactions associated with Lawyer to Lawyer mentoring or with the New Lawyer's participation.

I herby certify that I have read the above Mentoring Agreement and agree to its terms.

New Lawyer Signature _____ Date _____

Mentor Lawyer Signature _____ Date _____

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External Lawyer Mentoring Agreement

I agree to participate in Lawyer to Lawyer mentoring in accordance with the terms of this agreement. I understand Lawyer to Lawyer mentoring is one component of New Lawyer training in the practice of law. I recognize that mentoring is intended to include coaching, sharing experiences, learning and ongoing guidance and support. I understand the goals of mentoring include:

1. Fostering the development of the New Lawyer's practical skills;
2. Increase knowledge of legal customs;
3. Creating a sense of pride and integrity in the legal profession;
4. Promoting collegial relationships among legal professionals;
5. Involvement in the organized bar activities;
6. Improving legal ability and professional judgment; and
7. Encouraging the use of best practices and highest ideals in the practice of law.

I acknowledge and will abide by the following rules:

* Any communication between Mentor and the New Lawyer arising out of participation in the mentoring plan is for the sole purpose of guiding and teaching the New Lawyer about the practice of law and the issues that the New Lawyer is likely to face in the practice of law.

* Any communication between Mentor and the New Lawyer is not intended to be the rendering of legal or professional advice to the New Lawyer or his or her clients, and the New Lawyer will not rely upon such communications or cause any client to rely upon them. The New Lawyer will rely solely upon his or her own judgment, legal opinions, or independent research.

* No confidential relationship is formed between Mentor and the New Lawyer as a result of participation in mentoring. The New Lawyer will not identify any client to the Mentor or reveal to the Mentor any client confidence, nor will the New Lawyer seek professional or legal advice from the Mentor about specific legal matters or clients. Instead all discussions about substantive legal matters between the New Lawyer and Mentor will be limited to hypothetical situations.

* Mentor is not assuming any liability or responsibility with respect to any legal matter of the New Lawyer's clients, nor will Mentor render professional services to or take any responsibility for any aspect of representation of the New Lawyer's clients.

* Mentor will not co-counsel any matter with the New Lawyer, nor will Mentor make referrals to or accept referrals from the New Lawyer during the term of their mentoring term.

The New Lawyer agrees to waive all claims against, and to hold harmless, the Mentor for any actions or inactions associated with the lawyer to lawyer mentoring or with the New Lawyer's participation.

I herby certify that I have read the above Mentoring Agreement and agree to its terms.

New Lawyer Signature _____ Date _____

Mentor Lawyer Signature _____ Date _____

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Completion Certification Sample

New Lawyer Name has participated in and completed all of the actions elected in the Mentoring Plan during this mentoring term. We met and discussed core concepts, necessary skills for effective and ethical practice of the law, and a lawyer's aspirational ideas as applied to each action in the plan.

I hereby certify that the above information is true and accurate to the best of my knowledge.

New Lawyer Signature _____ Date _____

Mentor Lawyer Signature _____ Date _____

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Discussion Worksheets

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Worksheet #1 Mentoring Goals, Expectations, Agreement, Plan

The following goals and expectations are intended to facilitate the discussion between the New Lawyer and Mentor during their first meeting and to prepare them for the joint development of the Mentoring Plan. The Mentoring Plan includes more specific core concepts, lawyering skills, and actions which will address the New Lawyer's goals and expectations.

Mentoring Goals

The New Lawyer should articulate his or her specific goals for the mentoring relationship to assist in the development of a meaningful personalized Mentoring Plan. Discuss together three or more goals the New Lawyer has for the mentoring relationship.

Keep in mind that a goal is something that one wants to achieve. To assist you in reflecting on the goals for the mentoring program, think about how you might complete the following statements:

1. I am most interested in the following topics which are listed in the Actions section of this Mentoring Plan…
2. I have the following personal development plans that I want to achieve in the next year…
3. I need to know more about...
4. I want to strengthen the following skills…
5. In five to ten years, I see myself doing…

Mentoring Expectations

The New Lawyer and Mentor should discuss their individual expectations and resolve any concerns over expectations. Keep in mind that expectations are confident beliefs, strong hopes or presumed notions that a particular result or event will occur. The exercise of listing expectations of the mentoring relationship is intended to help the New Lawyer and Mentor understand one another's perspectives so that neither feels disappointed or betrayed when they do not conform to some expectation that was never made explicit. This discussion is intended to resolve from the outset any unrealistic expectations of each other or of the results expected.

To assist in reflecting on the expectations of the mentoring relationship, think about how you might complete the following statements:

1. I expect that we will meet (how often) for (how long).
2. I expect that you will be otherwise accessible to me (how often and in what capacity).
3. I expect that we will do the following types of activities together…
4. I expect that you will help me to …
5. I expect that you will treat me…
6. I think you need to know this about me…

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Internal Mentoring Relationships

1. The New Lawyer should be introduced to other lawyers and personnel in the firm/office. If the office/firm is large and it is not feasible to introduce the New Lawyer to everyone, the New Lawyer should be introduced to at least the partners or supervising attorneys, associates and staff in the division(s) in which s/he will work.

2. Explain from whom the New Lawyer should expect to get work. Do all assignments come through one person? Is the New Lawyer responsible for checking in with a group of people to obtain assignments? To whom does the New Lawyer report?

3. To the extent possible, discuss with the New Lawyer the working styles and preferences of those lawyers in the firm/office for whom the New Lawyer will likely be working. If the Mentor does not have this information, introduce the New Lawyer to other lawyers in the firm who can share this information.

4. Discuss office culture and administrative details, such as the following:

    a. What time new associates are expected to arrive at the office and leave it and how flexible are work hours;
    b. What type of social climate exists among staff; and
    c. What type of office dress is appropriate?

5. Discuss the types of tasks new associates should expect in their first three months, first year, and first three years. Explain how the New Lawyer will obtain practical experience while employed in the firm/office. If there is a formal program for new associates with training over a period of time, explain the structure of that training.

6. Discuss the relationship the Mentor has to the New Lawyer within their office. Make it clear if the Mentor is responsible in whole or part for reviewing the New Lawyer's performance. Discuss whether the Mentor is the New Lawyer's supervisor and if so, what that relationship entails.

7. Distribute to the New Lawyer the firm's policy manual and use it as a resource for issues to be discussed.

External Mentoring Relationships

1. Introduce the New Lawyer to members of the Mentor's firm, including non-lawyer staff.

2. Explain to the New Lawyer each employee's role in the firm and each lawyer's area of practice.

3. Share that which co-workers have accomplished which the Mentor recommends emulating.

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4. Discuss activities in which the New Lawyer can engage to obtain practical skills (such as litigation skills) that the Mentor is prohibited from teaching the New Lawyer while in an outside mentoring relationship. For example, the New Lawyer could volunteer at a bar association to act as counsel for disciplinary cases, could get on a Guardian ad Litem list at the local court, or could sign up for probate appointments, etc. Additionally, the Mentor may be able to introduce the New Lawyer to a colleague with whom the New Lawyer could co-counsel a criminal case, or the Mentor may be able to introduce the New Lawyer to a judge who would appoint the New Lawyer to second-chair a case with a competent, professional and experienced first Chair.

5. Share the activities in which the Mentor and/or his or her colleagues participated to obtain their practical experience at the beginning of their career.

6. If possible, distribute to the New Lawyer the Mentor's office policy manual and use it as a resource for general issues to be discussed.

Completing the Mentoring Plan

The New Lawyer and Mentor should discuss the specific activities and experiences in the Mentoring Plan to develop a personalized plan which they will complete together by the end of the mentoring term. Both the New Lawyer and Mentor must pledge to complete the Mentoring Plan by signing it. Both must also sign the separate Mentoring Agreement.

Mentoring Plan should incorporate as many of these activities and experiences as feasible, while being customized to the particular practice setting, individual needs and personal goals of the New Lawyer.

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Worksheet #2 Introduction to Bar Association

The following points are suggested for a discussion about the organized bar, including local, state, national, specialty, and affinity bar association opportunities and the advantages of being involved in bar association activities.

1. Attend any meeting/event of an organized bar association together, and introduce the New Lawyer to other lawyers in attendance at the event.

2. Give the New Lawyer examples of local, state, specialty, and national bar associations and discuss the differences between them. Examples:

    a. Local associations: your county/city bar association;
    b. State associations: Illinois State Bar Association;
    c. National associations: American Bar Association; and
    d. Specialty associations: National Organization of Bar Counsel, Federal Bar Association, Illinois Trial Lawyers Association, American Intellectual Property Law Association, American Immigration Lawyers Association, Association of Corporate Counsel, and American Inns of Court, etc.; and
    e. Affinity associations: Chicago Bar Association Alliance for Women, Hispanic National Bar Association, etc.

3. Provide to the New Lawyer brochures or website links to local, specialty or national associations so that the New Lawyer can review information about each in his or her spare time. See attached Appendix for association website links which may be shared with the New Lawyer.

4. Share with the New Lawyer the association(s), in which the Mentor is a member, the reasons the Mentor chose to be involved in the association(s), the activities the Mentor is involved in at the association(s) and how involvement in the association(s) has benefited the Mentor.

5. Discuss with the New Lawyer what Section(s) or Committee(s) s/he may be interested in joining of particular associations. Is a particular association more well regarded in a substantive area over others (i.e., would the local bar association or state bar association be more helpful to further the New Lawyer's particular interests)?

6. Provide to the New Lawyer examples of activities one can get involved in as a member of an association. Discuss specific reasons why one would want to be involved in those activities.

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Bar Association Websites

This list is not meant to be a comprehensive guide to available local, state, national, and specialty bar associations within the state of Illinois, but rather a starting point to facilitate discussion of the benefits of joining such associations.

Local, State, and National Bar Associations

American Bar Association
Bar Association of Metropolitan St. Louis
Chicago Bar Association
Cook County Bar Association
DuPage County Bar Association
Illinois State Bar Association
Kane County Bar Association
Lake County Bar Association
Northwest Suburban Bar Association
South Suburban Bar Association
Southwest Suburban Bar Association
West Suburban Bar Association
Will County Bar Association
Winnebago County Bar Association

Specialty Bar Associations

American Immigration Lawyers Association
American Inns of Court
American Intellectual Property Law Association
Appellate Lawyers Association
Association of Corporate Counsel
Chicago Council of Lawyers
Federal Bar Association
Illinois Association of Defense Trial Counsel
Illinois Judges Association
Illinois Trial Lawyers Association
National Organization of Bar Counsel

Affinity Bar Associations

Advocates Society
Asian American Bar Association of the Greater Chicago Area
Asian American Bar Association
Black Women Lawyers' Association of Greater Chicago, Inc.
Chicago Bar Association Alliance for Women
Chicago Committee on Minorities in Large Law Firms
Cook County Bar Association
African American Bar Association

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Decalogue Society of Lawyers
East Central Illinois Women Attorneys Association
Hispanic Lawyers Association of Illinois
Hispanic National Bar Association
Justinian Society of Lawyers
Lesbian and Gay Bar Association of Chicago
National Asian Pacific Bar Association
National Bar Association
National Conference of Women's Bar Associations
National Lesbian and Gay Bar Association
Women's Bar Association of Illinois

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Worksheet #3 Introduction to the Courthouse

The following points are suggested to facilitate a discussion about the local courthouse(s) and court personnel.

1. Go to the local courthouse(s), particularly those courts where the New Lawyer will primarily be appearing, and, to the extent possible; introduce the New Lawyer to members of the judiciary, court personnel, and clerks of court.

2. Ask the clerk to provide to the New Lawyer his or her perspective on filing protocols such as cover sheets, number of copies, walking copies through to the judge, etc.

3. Ask the bailiff and/or court clerk to share with the New Lawyers protocols such as whether lawyers are required to check in before a hearing, whether simple or uncontested matters are called ahead of the regular docket, how a lawyer should handle a situation where s/he is covering two cases scheduled at the same time, whether courtesy copies are expected and when, whether draft orders should be proposed with courtesy copies, how far in advance of an appearance the judges receive the files, etc.

4. Introduce the New Lawyer to the court's reporters and discuss the procedure for obtaining a transcript from them.

5. Ask the Judges to whom you introduce the New Lawyer to share any pointers they have for handling a case in front of them.

6. Show the New Lawyer where the clerk's office is, explaining where to go to file pleadings, obtain certified copies of case documents, get journal entries, search the docket, etc. If the Mentor has errands at court (which are non-privileged), invite the New Lawyer to participate in those errands with the Mentor.

7. Explain the roles of different court staff, including the clerks, the bailiffs, and the Judge's assistants. Discuss the appropriate demeanor with court personnel.

8. Explain the protocol for meeting with a Judge, such as how to get to a judge's chambers, how a meeting should be required, who should be contacted to set up a meeting, etc. Discuss examples of *ex parte* contact and how to avoid it.

9. Discuss when it is appropriate to enter a courtroom that is in session.

10. Discuss how a Judge is customarily addressed in court, at formal functions and events, in social settings, or at the grocery store. Does this custom change depending upon how often you appear before the Judge or the capacity in which you know the Judge? For example, if you are a prosecutor and appear before the same Judge/magistrate every day? Or, if you don't appear before the Judge in court, but you are on a bar association taskforce with him or her resulting in frequent meetings together?

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11. Discuss the appropriate attire for lawyers in your local court(s). Discuss how you should advise your client to dress. Does your client's dress depend upon the type of case being litigated? What if your client does not have the proper attire to appear in court?

12. Discuss the local court rules and how they impact your conduct. Discuss how different Judges have different views and interpretations of the local rules, as well as different courtroom practices. To the extent possible, share information in this regard about the preferences of the judges before whom the New Lawyer is likely to appear.

13. Discuss the importance of punctuality in court and the expectations of individual Judges in this regard.

14. Discuss the appropriate demeanor with opposing counsel. How should you address opposing counsel? What if you know opposing counsel well because you often oppose each other in cases? Because you went to law school together? Because you are good friends? How should you react if opposing counsel has been underhanded or dishonest during your case? What types of recourse are there? Discuss tips that the Mentor has for keeping calm during conversations with an opposing counsel who is conducting him or her-self unprofessionally, such as yelling at you, attacking you personally, threatening you, etc.

15. Discuss courtroom technology that is available to litigators such as overhead projectors, VCR/DVD players, microphones, etc. Provide contact information for or introduce the New Lawyer to the court personnel who should be contacted when the New Lawyer is interested.

16. Discuss protocols and advice for e-filing documents with various courts.

17. What is the appropriate demeanor with your clients – in and out of court? Discuss the importance of sensitivity towards your clients.

18. Discuss the importance of associating with local counsel if you are handling a case outside your community. What are the benefits and disadvantages to doing so? How do you go about finding local counsel in another community with which to associate yourself?

19. If you are acting as local counsel with an out-of-state/town lawyer, what is your relationship to each other and to the case? What do you do when the other counsel wants to completely control the litigation and your actions?

20. Discuss etiquette for speaking on and off the record.

21. Discuss court procedure for handling exhibits, examining witnesses, and using the podium in the courts before which the New Lawyer is likely to appear.

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Worksheet #4 Networking

The following points are suggested to facilitate a discussion about networking within the legal community and in particular, introducing the New Lawyer to one or more attorneys outside his/her firm/organization with similar interests.

1. Discuss the New Lawyer's interests, including legal and recreational interests. What type of contact(s) would be appropriate and helpful for the New Lawyer to have?

2. Select at least one attorney colleague sharing interests with the New Lawyer, preferably outside the firm if the New Lawyer also practices in the same firm, and arrange for a coffee or lunch meeting to introduce the new attorney to your colleague/friend. What shared interests do they have? What advice would your colleague have for the New Lawyer to open opportunities for the New Lawyer in the shared area(s) of interest?

3. Discuss with the New Lawyer how your own networking experiences and way in which networking has helped you professionally and personally.

   See excerpts and a review of *A Lawyer's Guide to Networking*, sponsored in part by the ABA, http://www.abanet.org/abastore/index.cfm?section=main&fm=Product.AddToCart&pid=CEV06LGNB.

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Worksheet #5 Legal Service Organizations and Pro Bono Service

The following points are suggested to facilitate a discussion about pro bono opportunities.

1. Discuss any pro bono activities in which you are involved. What led you to become involved in these matters? What have you gained from these experiences?

2. Discuss ways in which you have developed your skills through pro bono service, or ways in which you have seen colleagues sharpen their skills by taking advantage of pro bono opportunities.

3. If the New Lawyer works in the same firm/organization, discuss the firm's pro bono policy. What hours count toward minimum billables, if applicable? Are there limits to what the firm will "count" toward an attorney's annual hours? Who is the appropriate contact person to express interest in pro bono matters?

4. Discuss ABA/local/state aspirations for levels of pro bono service. Which would be applicable to the New Lawyer?

5. Discuss how the new attorney might bring in a new pro bono matter as a new client for his/her organization. How would the attorney ensure a new client and matter were acceptable to the firm? What are the procedures for opening a new client? What is the conflicts procedure to ensure there are no conflicts in representing the new client?

6. Provide the new attorney with resources from which the new attorney may discover an organization whose work interests him/her. Local and state bar association foundations often list organizations funded on their websites or in their annual reports, which may also provide helpful information.

   See the Illinois Pro Bono Volunteer Opportunity Search website: www.illinoisprobono.org/index.cfm?fuseaction=volunteer.showVolunteerOpportunities,

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Worksheet #6 Law Office Management

1. The following points are intended to facilitate a discussion about the Mentor's law office, how it is managed, and where to locate resources for learning more information about law office management issues.

2. Take the New Lawyer on a tour of the Mentor's office, explaining how client files in Mentor's office are managed and discussing the best practices for at least the following related issues:

    a. Time records.
    b. Records of client-related expenses.
    c. Billing system.
    d. Client retainer and/or payment schedules
    e. Fee agreements, including setting a fee and common fee agreements, the advantages and disadvantages to each, ethical considerations surrounding each, examples of improper provisions in fee agreements, and the importance of using engagement, non-engagement and disengagement letters.
    f. Escrow and trust accounts, including establishing an IOLTA, the how-to's of account/auditing, use of interest proceeds, and proper procedures for handling funds and other property belonging to client.
    g. Filing system, including procedures for opening and closing files, procedures for conflict checking, creating a checklist for new files, the importance of preparing a case memorandum and case plan, how to document the progress on cases, organizing both the file contents and the office filing system, and file inventory and review procedures.
    h. Document retention plan.
    i. Calendar and "tickler" or reminder system.
    j. Information Technology Systems, including docketing software.
    k. Methods of keeping clients informed about the progress of their matters.

3. Discuss staff, equipment and other administrative issues in Mentor's office, including the best practices for at least the following matters:

    a. Mail distribution procedures.
    b. Procedures for handling telephone calls, including when they should be returned.
    c. Considerations in purchasing office furniture and where it can be purchased.
    d. Library and research systems.
    e. Considerations in purchasing office equipment and the types which are essential and/or most helpful.
    f. Other resources (publications, seminars, equipment, etc.) that a New Lawyer might find particularly helpful in his or her work.
    g. Personnel, including identifying employees who are needed to run the office efficiently and the benefits and disadvantages to hiring different types of employees (*i.e.,* traditional, independent contractor, temporary).
    h. Employee selection, including interviewing techniques, background investigations, extending offers, and maintaining personnel files.
    i. Employment and discrimination laws of which an employer must be aware.

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j. Supervising staff, handling employee discipline and preventing the unauthorized practice of law and the unethical practice by associates.
k. Considerations in purchasing liability insurance.

4. Share with the New Lawyer ethical and professional marketing and business development techniques, effective rainmaking tools, and how to create a marketing plan for a firm.

5. Review and discuss the following articles: (list to be expanded/updated and permission to copy into this document)

   a. Dan Pinnington & David Bilinsky, *Implement Appropriate Internal Controls*, LAW PRACTICE TODAY, April 2006.
   b. Reid F. Trautz, *Practice Management Systems and Procedures: What They Don't Teach You in Law School.*
   c. Allison C. Shields, *How to Take Control of Your Practice by Creating Vision and Mission Statements,* GP/SOLO LAW TRENDS & NEWS BUSINESS LAW, Feb. 2006.

Other helpful resources may include:

American Bar Association Law Practice Management Section
http://www.abanet.org/lpm/home.shtml

American Bar Association Young Lawyers Division E-Library
http://www.abanet.org/yld/elibrary/home.html

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Worksheet #7 Time Management

The following points are intended to facilitate a discussion about effective time management skills and techniques.

1. Discuss ways to handle situations where the New Lawyer becomes overloaded with work. If in an in-house relationship, discuss realistic expectations about the workload of New Lawyers in your office and ways to cope with those expectations.

2. Share with the New Lawyer techniques you use which have proven successful in the management of your time.

3. Share stress management techniques. Discuss article. Pat McHenry Sullivan, *You Can Find Time to De-Stress,* LAW PRACTICE TODAY, Feb. 2006.

4. Together, work on a practical plan for managing the New Lawyer's time, including how to prioritize work, ways to refuse work without jeopardizing the New Lawyer's reputation or treatment by others, and ways to stay organized.

5. Discuss strategies to achieve the following components to balancing personal and professional life. (For specific strategies, see *Life in the Balance: Achieving Equilibrium in Professional and Personal Life* cited in the Resources Section below.)

    a. How to create expectations from your employer and clients that are compatible with a healthy and balanced lifestyle.
    b. How to give your all at work while saving energy and emotion for family and other interests/activities.
    c. How to maintain physical health with a busy schedule and how doing so contributes to your productivity and success.
    d. How to develop and maintain friendships or other relationships when time seems to be in critically short supply.
    e. How to be efficient and productive at work, as well as how to prioritize and delegate tasks.

Life in the Balance: Achieving Equilibrium in Professional and Personal Life, American Bar Association Young Lawyers Division 2002-2003 Members Service Project, http://www.abanet.org/yld/about/writtenguide03.pdf.

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Worksheet #8 Client Confidentiality

The following points are intended to facilitate a discussion about practices for maintaining client confidentiality.

1. Discuss the importance of client confidentiality.

2. Discuss common mistakes which inadvertently cause violations of client confidentiality and share practical pointers in and outside one's office for safeguarding confidential information. Among other things, examples for discussion could include:

    a. Discuss proper procedures for file keeping and ensuring that clients who visit your office do not see information about other client matters;
    b. Discuss the propriety of discussing your client's case in public (even at the courthouse);
    c. Discuss the consequence of discussing confidential information with your client when a third party is present by invitation of your client (like their spouse);
    d. Discuss office procedures for maintaining and destroying client files which impacts client confidentiality; and
    e. Discuss the potential hazards of using email and fax to communicate confidential information about a case.

3. Give specific examples of client information which is confidential and when such information should or should not be revealed, including, among others, the propriety of disclosing that you have been retained by someone, disclosing the name of your client to a third party, sharing information about your client's case to opposing counsel during negotiations, etc.

4. Discuss the appropriate ways to obtain waiver of privilege and the circumstances in which it is likely to be obtained in the New Lawyer's area of practice. Discuss the differences between implied and express waiver and identify conduct which effectuates waiver.

5. Discuss a lawyer's obligations with regard to revealing client fraud.

6. Discuss a lawyer's obligation to maintain confidentiality of clients who consult with the lawyer but who do not hire him or her or who the lawyer ultimately refuses to represent.

7. Discuss a lawyer's obligation to maintain client confidences after the termination of the attorney-client relationship.

8. Discuss the practical concerns that arise when a third party pays for a client's representation and wants to communicate to the client's lawyer about the representation. Discuss the duties owed to the client.

9. Discuss client confidentiality issues likely to arise in the New Lawyer's practice area. For example:

a. When the New Lawyer's client is a corporation, which communications are confidential and with whom at the corporation can the New Lawyer discuss confidential information?

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b. When the New Lawyer's client is the government (or a government entity), with whom can the New Lawyer discuss confidential information? What obligation does the New Lawyer have to inform the public about the matters being prosecuted? What obligation does the New Lawyer have to inform the victim of a crime about an investigation or prosecution of a suspect?

10. Discuss practical issues that must be resolved when sharing office space with lawyers not in the same firm regarding safeguarding confidential information of clients. What if the lawyers share staff like a receptionist, secretary or a paralegal?

11. Discuss how to handle a situation where a lawyer inadvertently receives a document containing what appears to be privileged information about an opposing party in pending litigation.

12. Discuss the exceptions that exist in Disciplinary Rule 1.6 (http://www.iardc.org/rulesprofconduct.html#Rule%201.6), allowing disclosure of confidential information, and provide examples of situations where such exceptions would apply.

Share with the New Lawyer your firm's procedures to ensure that the law firm staff does not inadvertently disclose client confidences. Discuss the tips in the article: Kirk R. Hall, *No So Well-Kept Secrets,* http://www.abanet.org/legalservices/lpl/downnloads/secrets.pdf.

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Worksheet #9 Conflicts of Interest

The following points are intended to facilitate a discussion about how to screen for, recognize and avoid conflicts of interest.

1. Discuss the importance of adequately screening for conflicts of interest. Share with the New Lawyer the firm's procedure for screening for conflicts (if in an internal mentoring relationship) or the Mentor's office procedure for screening for conflicts (if in an external mentoring relationship).

2. Explain the importance of including prospective clients and declined clients in a conflicts database. Are these clients treated like former clients in terms of conflicts? What does this mean if another client comes along with interests adverse to the prospective client that never hired the lawyer?

3. Discuss different types of conflicts of interest that can arise – particularly in the New Lawyer's practice area(s) or office setting.

4. Give examples of conflicts which can be waived with informed consent. Explain how to document your clients' consent to conflicts.

5. Discuss the substantial relationship test which, when met, prohibits a lawyer from representing a client against a former client. Discuss whether informed consent by the former client can cure the conflict.

6. Discuss the article: Todd C. Scott, *Conflict-Checking Systems: Three Great Ways to Effectively Manage Conflict Checking,* GP/SOLO LAW TRENDS & NEWS Vol. 2, No. 2.

7. Discuss screening walls, when they apply and practically speaking, how a law office manages them. What may the New Lawyer share with others within the same firm if a screening wall exists? What is the office protocol for such matters?

8. Discuss how conflicts are handled when a lawyer changes firms. Should a lawyer be concerned about the same issues when hiring non-lawyer personnel who come from another firm.

9. Discuss the propriety of working on a case where opposing counsel is a spouse, close relative, or any person with whom the lawyer shares a close personal relationship. Does client consent cure the potential problem?

Margaret Graham Tebo, *Make a List, Check It Twice: A Good Conflicts-Checking System Helps Protect You From Ethics Violations,* ABA JOURNAL, Feb 2006.

Harry H. Schneider Jr., *An Invitation to Malpractice: Ignoring Conflict-of-Interest Rules Can Open Pandora's Box,* ABA Standing Committee on Lawyers' Professional Liability On-Line Resources. http://www.abanet.org/legalservices/lpl/downloads/invitation1.pdf

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Harry H. Schneider Jr., *An Invitation to Malpractice (Part II): Once a Conflict of Interest Is Spotted, Take Action Promptly,* ABA Standing Committee on Lawyers' Professional Liability On-Line Resources. http://www.abanet.org/legalservices/lpl/downloads/invitation2.pdf

Lawyers' Professional Indemnity Company, *Managing a Conflict of Interest Situation,* On-line Practice Aids, http://www.practicepro.ca/practice/conflict.pdf.

Lawyers' Professional Indemnity Company PracticePRO Practice Aids: http://www.practicepro.ca/practice

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Worksheet #10 Office Personnel Role, Responsibility, Working Relationship

The following points are intended to facilitate a discussion about the roles and responsibilities of paralegals, secretaries, and other office personnel and how to establish good working relationships with others in the same office who are support staff, colleagues, or senior.

1. Explain to the New Lawyer each non-lawyer employee's role in the Mentor's office/firm, including the employee's title, job duties, and relationship to the New Lawyer (if any) if in an in-house mentoring relationship.

2. Discuss the importance of having support staff on your team and treating them with respect.

3. Share suggested "do's and don'ts" of dealing with support staff, colleagues, and those more senior than the New Lawyer. Discuss when it may be appropriate (or not) to discuss potentially controversial issues such as politics or religion.

4. If the New Lawyer has an assistant, secretary and/or paralegal, explain the types of task that are appropriate (and inappropriate) to ask each of them to do.

5. If in an internal mentoring relationship, discuss other support resources, such as reference librarians or a Word Processing department, and when it would be appropriate to assign work to them.

6. If in an in-house mentoring relationship, discuss the office culture in terms of the types of tasks New Lawyers are expected (although perhaps not told) to do rather than support staff. For example, if in an office where many lawyers share one secretary, do the newer lawyers make their own changes to documents, make their own copies, etc. so that the secretary can focus on doing those tasks for the more senior lawyers? Are New Lawyers expected to type their own documents on their own computer and assistants expected to "format" them, or are New Lawyers expected to dictate their documents for transcription by their assistants?

7. If in an in-house mentoring relationship, discuss any considerations or prohibitions in asking support staff to put in time outside of normal office hours, including whether requests for overtime must be approved, whether overtime requests must only be made on a limited basis, how much advance notice is typically expected when asking staff to stay later than normal office hours, etc.

8. If in an in-house mentoring relationship, discuss the specific skills and knowledge each support staff member has from which the New Lawyer can learn or benefit.

9. Make suggestions about how to handle difficult situations where the New Lawyer's assistant/secretary is not performing as expected. If mentoring in-house, explain any procedures that are in place to address this type of problem.

10. Discuss the types of behavior that constitute the unauthorized practice of law in Illinois and to the extent possible, define the "practice of law." Discuss an attorney's ethical obligation to

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prevent the unauthorized practice of law and provide specific tips on how to prevent non-lawyer personnel from inadvertently (or intentionally) engaging in it.

11. Discuss the office policies that are in place to prevent the unauthorized practice of law by non-lawyer staff.

12. Share with the New Lawyer appropriate ways to monitor the work product of support staff for which the New Lawyer is ultimately responsible as an attorney.

13. Suggest appropriate ways for the New Lawyer to socialize and get to know other attorneys and judges in the community.

14. Discuss the types of social or office behaviors that could be perceived as detrimental for a New Lawyer's career, both with colleagues inside and outside of the New Lawyer's office.

15. If mentoring in-house, discuss the office culture with regard to decision-making and the New Lawyer's authority to do so.

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Worksheet #11 Career Paths

The following points are provided to facilitate a discussion about different career paths for lawyers, the environments in different types of practice settings, and the resources for exploring career options.

1. Discuss the different types of law practice. For example, government or public office, private practice, large firm vs. small firm vs. solo practice, corporate, environmental, the judiciary, non-traditional legal positions, legal aid.

2. Share with the New Lawyer your experiences and the environments in the different practice settings in which you have worked. Invite another experienced lawyer to discuss with you and the New Lawyer his or her experiences in different practice settings.

3. If the Mentor specializes in an area of practice, share with the New Lawyer how you acquired the expertise in that area. Why did you choose to practice in that concentration? Discuss how to secure a position in your practice concentration.

4. Describe to the New Lawyer your typical day with respect to things such as court appearances, trial work, research and writing, client contact, discovery, mediation/dispute resolution, hours/vacation/benefits/quality of life, etc.

5. Share with the New Lawyer what you enjoy most and least about your practice area. What or who was most instrumental in developing your practice expertise? What has been your greatest achievement?

6. If the New Lawyer is not in the type of practice s/he would like to be in long-term, the Mentor should try to introduce the New Lawyer to lawyers in the field s/he would like to explore.

7. Discuss networking opportunities that would coincide with the New Lawyer's objectives.

8. Share with the New Lawyer tips for succeeding in the practice of law, especially in the practice setting in which the New Lawyer works.

For more information on potential resources, see:

ABA-CLE Career Counsel, www.abanet.org/careercounsel

NALP Career Paths, www.nalp.org/careerpaths/index.php

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Worksheet #12 Long Term Career Objectives

The following points are suggested to facilitate a discussion about the New Lawyer's long-term career objectives and ways to achieve them.

1. Discuss the attached article Kathleen Brady, *Navigating Detours on the Road to Success*, LAW PRACTICE TODAY, March 2005.

2. Discuss the different types of law practice. For example, government or public office, private practice, large firm vs. small firm vs. solo practice, corporate, environmental, judicial clerkships, non-traditional legal positions, legal aid.

3. Share with the New Lawyer the long-term goals you had as a New Lawyer. Discuss how and why those goals changed and/or the successes and failures you had in reaching those goals. Discuss what you have achieved and what career goals you have now.

4. Share with the New Lawyer how you would do things differently in pursuing your career objectives if you had a chance to start over.

5. If the New Lawyer is not in the type of practice s/he would like to be in long-term, the Mentor should try to introduce the New Lawyer to lawyers in the field s/he would like to explore.

6. Discuss networking opportunities that would coincide with the New Lawyer's objectives.

7. Discuss how bar association involvement can enhance career exploration and opportunities.

8. Discuss the New Lawyer's resume and suggest activities in which s/he should engage to strengthen it toward meeting his or her career goals. Suggest ways for the New Lawyer to develop professionally and to distinguish him or her self from others.

9. Assist the New Lawyer in creating a five-year plan stating career objectives and strategies for meeting them.

For other potential resources, see:

ABA Career Counsel www.abanet.org/careercounsel/home

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Worksheet #13 Balance between Career and Personal Life

The following points are intended to facilitate a discussion about balancing career and personal life, putting daily pressures into perspective, reconciling job expectations with actual experience, and maximizing career satisfaction.

1. Share with the New Lawyer techniques to create and maintain balance between personal and professional life. Share your own experiences, including successes and failures, in finding balance between your personal life and career.

2. Discuss strategies to achieve the following components to balancing personal and professional life. (For specific strategies, see *Life in the Balance: Achieving Equilibrium in Professional and Personal Life* cited below.)

    a. How to create expectations for your employer and clients that are compatible with a healthy and balanced lifestyle.
    b. How to give your all at work while saving energy and emotion for family.
    c. How to maintain physical health with a busy schedule and how doing so contributes to your productivity and success.
    d. How to make nutritious choices at home, at work or on the road and how doing so maximizes performance and energy levels.
    e. How to plan ahead for the challenges of caring for children or aging parents.
    f. How to develop and maintain friendships or other relationships when time seems to be in critically short supply.
    g. How to foster professional relationships.
    h. How to be efficient and productive at work, as well as how to prioritize and delegate tasks.

3. Share stress management techniques. Discuss the article: Pat McHenry Sullivan, *You Can Find Time to De-Stress*. LAW PRACTICE TODAY, Feb. 2006.

4. Discuss how to reconcile job expectations with the actual experience at work. Discuss the New Lawyer's expectations for his or her job, identify the aspects of his or her job which do not meet those expectations, determine together whether the expectations are realistic, and discuss ways to make changes which will positively affect the work experience.

5. Discuss ways to maintain a positive attitude at work and create a positive work environment to maximize enjoyment of work.

6. Discuss the importance of identifying an individual in the work setting who can help answer questions about the culture of the office and how to balance your career and personal life. If mentoring in-house, help the New Lawyer identify that person (if it is not the Mentor).

7. Discuss ways to positively deal with the criticism of employers and clients.

8. Discuss the "do's" and "don'ts" of leaving a job because of job dissatisfaction, including the following tips:

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a. Do work hard until you leave. If you are in the process of looking for another job, it will be easier to find one while you still have one.
b. Don't burn bridges by leaving on bad terms. You never know when and how you will have to interact with a member of your old firm in the future, or whether you will want to come back to your old firm.
c. Do be careful about the reasons you say you are leaving. To keep the relationships you have built intact, keep your reasons for leaving focused on the positive growth you expect by moving on rather than the negative experience you had which caused you to want to leave.
d. Don't forget to mend difficult relationships before you go. Find something nice to say and shake hands with those you had problems with at your old employer so that you will be remembered as pleasantly as possible.
e. Do stay in touch with your old employer. Maintain the good relationships you built because an old employer always has influence over your career and your reputation.

Life in the Balance: Achieving Equilibrium in Professional and Personal Life, American Bar Association Young Lawyers Division 2002-2003 Members Service Project
http://www.abanet.org/yld/about/writtenguide03.pdf

Sharon Meit Abrahams, *100 Plus Pointers for New Lawyers on Adjusting to Your Job,* A.B.A. Publishing (August, 2004)

Kathy Morris et al., *Ask the Career Counselors…Answers for Lawyers on Their Lives and Life's Work,* A.B.A. Publishing (2003)

M. Diane Vogt et al., *Keeping Good Lawyers: Best Practices to Create Career Satisfaction,* A.B.A. Publishing (Nov. 2000)

George W. Kaufman, *Lawyers Guide to Balancing Life and Work: Taking Stress Out of Success,* A.B.A. Publishing (July 1999)

Julie M. Tamminen, *Living with the Law: Strategies to Avoid Burnout and Create Balance,* A.B.A. Publishing (Aug. 1997)

Worksheet #14 Substance Abuse and Mental Health Issues

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The following points are provided to facilitate a discussion about substance abuse and mental health issues in the legal profession, including possible warning signs, what to do if the New Lawyer is faced with a substance abuse or mental health issue, and resources for assistance.

1. Objectively discuss the legitimate goals of mandatory substance abuse instruction which include raising the attorney population's consciousness regarding the problems of chemical dependency, informing all attorneys of how to detect, prevent and assist impaired attorneys, and increasing awareness of available assistance programs.

2. Review the Illinois Lawyers Assistance Program (http://www.illinoislap.org/) and discuss the statistics regarding substance abuse and mental health problems among lawyers.

3. Share with the New Lawyer experiences, if any, that you have had dealing with an impaired lawyer or judge and how you handled (or should have handled) the situation(s).

4. Discuss the signs and symptoms of chemical dependency.

5. Discuss with the New Lawyer your experience (if any) with noticing the signs and symptoms of chemical dependency in someone with whom you worked. Talk about how to professionally address that type of situation.

6. Discuss the most professional ways for dealing with the following situations:

    a. The judge before whom you appear seems to be impaired.
    b. The opposing counsel in your case attempts to negotiate with you while s/he appears to be impaired.
    c. The opposing counsel in your case appears with his or her client at a deposition or hearing and you suspect s/he is impaired.
    d. Your client appears for a hearing impaired.

7. Discuss a lawyer's personal and professional duties to assist their colleagues if they suspect impairment.

8. Discuss a lawyer's heightened responsibility to a client who is mentally impaired.

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Worksheet #15 Common Malpractice and Grievance Traps

The following points are intended to facilitate a discussion about common malpractice and grievance traps and how to recognize and avoid common pitfalls.

1. Discuss common malpractice mistakes, particularly in the New Lawyer's practice area(s), and share ways to avoid them. Discuss the malpractice traps and tips suggested in the article: ABA Standing Committee on Lawyers' Professional Liability, *Top Ten Malpractice Traps and How to Avoid Them,* http://www.abanet.org/legalservices/lpl/downloads/ten.pdf

2. Discuss common grievance problems that arise, particularly in the New Lawyer's practice area(s), and ways to avoid them.

3. Give the New Lawyer practical pointers on the types of practices in which s/he should engage to minimize client dissatisfaction and client complaints, including the best ways to communicate with your client and to involve your client in their representation.

4. Share with the New Lawyer your firm's procedures to ensure that the law firm staff does not inadvertently disclose client confidences. Discuss the tips in the article: Kirk R. Hall, *Not So Well-Kept Secrets,* http://www.abanet.org/legalservices/lpl/downloads/secrets.pdf.

5. Suggest resources that the New Lawyer can consult for making important ethical decisions, including the following:

    a. Provide suggestions for finding ethics counsel and when such action is recommended.
    b. Identify other helpful ethics materials, where they can be found, and the importance of supplementing general ethics resources with independent research on Illinois' disciplinary case law.
    c. Identify ethics inquiry services of bar associations.
    d. Discuss procedures for requesting or researching ethics advisory opinions of bar associations.

6. Discuss the reasons for maintaining malpractice insurance and considerations for choosing the right policy. Discuss the attached *Checklist for Purchasers of Professional Liability Insurance* of the ABA Standing Committee on Lawyers' Professional Liability, http://www.abanet.org/legalservices/lpl/insurancechecklist.html.

7. Discuss the best time to involve a malpractice carrier into a claim against you for malpractice liability or ethical misconduct.

8. Discuss the impropriety of settling claims for malpractice with your client.

9. Discuss the impropriety of asking your client to sign a fee agreement which provides for arbitration in the event of a fee dispute, malpractice claim or ethical misconduct allegation.

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Worksheet #16 Dealing with Others and Ethical Issues

The following points are intended to facilitate a discussion about appropriate ways (including ethical concerns, etiquette, etc.) for dealing with others on behalf of your client.

1. Discuss a lawyer's ethical obligation to be honest with other parties and the court in all dealings with them.

2. Discuss the importance of dignified, honest, and considerate transactions.

3. Discuss the importance of reputation and how a lawyer's conduct dealing with others in a case is pivotal to his or her reputation.

4. Share "best practices" with the New Lawyer on how to appropriately deal with others on behalf of your client.

5. Share with the New Lawyer stories of attorneys who have ultimately harmed their client because of their incivility and lack of consideration in dealing with opposing counsel, the judge or the jury, or because they failed to properly and fully represent their clients.

6. Share with the New Lawyer stories of attorneys who have encountered ethical difficulties due to a failure to adequately communicate with their clients, colleagues within their organization, opposing counsel, and the court.

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Worksheet #17 Unethical and Unprofessional Misconduct by Another Lawyer

The following points are provided to facilitate a discussion about a lawyer's obligation to report lawyer misconduct, including the appropriate way to handle situations where the New Lawyer believes another lawyer has committed an ethical violation and where the New Lawyer has been asked by a senior member of the firm to do something that is unethical or unprofessional.

1. Review Disciplinary Rule 8.3 (http://www.iardc.org/rulesprofconduct.html#Rule%208.3) and discuss a lawyer's obligation to report lawyer/judge misconduct, including the reasons why lawyers should report other lawyers' misconduct and to whom such misconduct should be reported.

2. Discuss the concept of "unprotected knowledge" in the context of the misconduct .

3. Discuss the types of factors which should be considered in determining whether misconduct should be reported to a tribunal, disciplinary agency, prosecutor's office, or other authority.

4. Discuss the following situations and suggest the most appropriate authority (if any) to whom the conduct should be reported and the reasons therefore:

    a. Continuous discovery abuse by opposing counsel;
    b. Opposing counsel filing frivolous lawsuits or lawsuits merely to harass your client;
    c. Egregiously unprofessional conduct during litigation;
    d. Suspected theft by a attorney of a former client's funds;
    e. Suspected financial misconduct by a lawyer who is guardian for an incompetent person;
    f. An attorney's failure to pay expert fees or other costs of litigation;
    g. Theft of IOLTA monies by a lawyer in your firm;
    h. Abusive and disrespectful behavior toward counsel and/or witnesses by a judge;
    i. Client neglect because of suspected substance abuse or mental health issues of another attorney;
    j. Erratic and unfair behavior by a judge because of suspected substance abuse or mental health issues;
    k. Opposing counsel representing a party with whom there is a conflict of interest; and
    l. Unauthorized practice of law by an attorney licensed in a jurisdiction other than Illinois.

5. Discuss a lawyer's obligation to assist in and provide information about a lawyer or judge's conduct in an inquiry by a tribunal or other authority investigating that lawyer or judge.

6. Discuss the appropriate action for a New Lawyer who suspects that a partner in the firm has committed misconduct. Discuss the procedure when an associate in the firm is suspected of misconduct.

7. Discuss what the New Lawyer should do if s/he does not know whether a partner or associate's conduct is inappropriate, but s/he suspects that it might be.

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8. Discuss what the New Lawyer should do if a superior in the New Lawyer's firm instructs the New Lawyer to do something that the New Lawyer believes to be unethical, such as under/over-reporting billable hours. If the pairing is internal, what internal resources exist, if any?

9. Suggest resources that the New Lawyer can consult for making important ethical decisions, including the following:

    a. Identify the procedure for obtaining in-house ethics advice (if you are in an in-house mentoring relationship).
    b. Provide suggestions for finding outside ethics counsel and when such action is recommended.
    c. Identify other helpful ethics materials, where they can be found, and the importance of supplementing general ethics resources with independent research on Illinois disciplinary case law when the ethics resources reviewed are not based on Illinois' Code of Professional Responsibility.
    d. Identify ethics inquiry services of bar association(s).

10. Discuss procedures for requesting or researching ethics advisory opinions of bar associations or the Illinois Supreme Court Attorney Registration and Disciplinary Commission.

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Worksheet #18 Grievance Process and Disciplinary Investigation

The following points are provided to facilitate a discussion about the grievance process and disciplinary investigation procedures in Illinois, and the role of the Attorney Registration and Disciplinary Commission ("ARDC").

1. Explain the role of the ARDC to the New Lawyer, and each attorney's responsibility to register annually with the ARDC and to remain in good standing. See http://www.iardc.org/ for more information.

2. Discuss any situations in which you have had involvement with the ARDC, such as filing a complaint regarding another attorney with the ARDC. How was the issue handled?

3. Discuss the types of conduct that would merit a disciplinary investigation. Have you witnessed any such conduct?

4. If the New Lawyer works in the same firm/organization, is there an internal process of which he/she should be aware?

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Worksheet #19 Dealing with Difficult Clients

The following points are intended to facilitate a discussion about how to deal with "difficult" clients.

1. Discuss why lawyers should be concerned about difficult clients.

2. Share with the New Lawyer an example of a difficult client you had, how you handled him or her, how the difficult relationship affected the representation, what you might have done differently, etc.

3. Identify characteristics of difficult clients of which the New Lawyer should be aware at the earliest contacts with the potential client, as well as how to factor that into accepting the potential representation.

4. Identify client behaviors that occur during representation which indicate your client is angry or dissatisfied. Provide suggestions of the best and most professional ways to address the client and handle their anger.

5. Review and discuss the following:

   a. NOELLE C. NELSON, CONNECTING WITH YOUR CLIENT at 69-87 (1996); Carole Curtis, *Dealing with the Difficult Client,* http://practicepro.ca/practice/pdf/DealingDifficultClientCaroleCurtis.pdf

   b. Illinois State Bar Association and ISBA Mutual Insurance Company, *New Lawyer Survival Guide: Advice from the Trenches on How to Live Your Life in the Law,* 2003.

6. Discuss the importance of talking to a client as early as possible about realistic expectations of the representation, the scope of the representation, and the fee arrangement. Explain how discussing these (and other) issues can help to prevent misunderstandings and disagreement in your attorney-client relationship.

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Worksheet #20 Client Communication

The following points are intended to facilitate a discussion about the importance of client communication and how to maintain good on-going communication, including the use of retention and fee agreements, keeping clients informed about matters, confirming things in writing, being on time, etc.

1. Share with the New Lawyer a personal example of how failing to communicate clearly with your client caused problems in the relationship. Conversely, share with the New Lawyer a personal example of how communication with your client prevented or resolved problems that could have ended the attorney-client relationship.

2. Provide tips to the New Lawyer on effective communication. Read and discuss the article: Stewart Levine, *Essentials of Effective Communication,* LAW PRACTICE TODAY, Feb. 2006.

3. Share best practices for communicating with clients, including practices like the following:

    a. Sending copies of pleadings and correspondence to your clients.
    b. Keeping clients involved in making decisions in their cases.
    c. Returning calls personally and promptly.
    d. Utilizing staff to provide exceptional customer service.
    e. Confirming instructions and/or advice in writing.
    f. Clarifying reasonable expectations about the representation.
    g. Clarifying your role and scope of the representation from the outset and as it changes.
    h. Explaining clearly the fee arrangement.
    i. Promptly providing detailed billing records to your clients.
    j. Being respectful to your clients in all communications.
    k. Respecting clients' time.
    l. Making sure your client understands the steps of the process, including what will happen next and the appropriate way to respond.

4. Discuss ways that a New Lawyer can improve his or her client relations skills.

5. Discuss professional and ethical ways to thank a client and receive thanks/gifts from a client. Review and discuss the attached article. Wendy Werner, *How to Thank a Client,* LAW PRACTICE TODAY, June 2005.

6. Discuss different types of client relationships (*i.e.*, people clients, government clients, corporate clients, etc.) and provide tips for the best and most professional communication practices with the type of clients that the New Lawyer will have.

7. Discuss how a lawyer clearly defines the scope of representation in a retainer or engagement letter.

8. Discuss how to talk about fees with your client.

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9. Discuss how to set a fee with your client.

10. Share with the New Lawyer samples of fee agreements and engagement letters that you use in your practice. Or, if mentoring in-house, share with the New Lawyer the fee agreements and engagement letters which are used in your firm.

11. Explain to the New Lawyer why certain provisions are either included in your fee agreement or excluded from your fee agreement.

12. Discuss when terminating the lawyer-client relationship is appropriate and suggest the best ways to proceed and document doing so.

The following may also be a helpful resource to share with the New Lawyer: *Managing the Lawyer/Client Relationship*, PRACTICEPRO (Provides suggestions and checklists for communicating with your client.) http://www.practicepro.ca/practice/Lawyer_Client.pdf.

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Worksheet #21 Proper Legal Counseling Techniques

The following points are provided to facilitate a discussion about proper legal counseling techniques, and duties and responsibilities of advising clients.

1. Discuss the different roles a lawyer plays with clients in advising them. Discuss the aspirational goals which encourage sharing with clients non-legal considerations for their informed decision-making. Discuss the importance of not delving into areas which are outside a lawyer's expertise. Discuss how a lawyer balances these considerations.

2. Provide examples of the types of decisions in the Mentor's practice in which s/he involves the client. Share tips on counseling the client for each of those decisions.

3. Discuss the importance of being sensitive to emotional aspect of clients' cases but not becoming emotionally involved in their matters. Discuss what you should do if you do become emotionally invested in your clients' cases.

4. Discuss the ethical obligations a lawyer has in advising his or her clients. What does it mean to make sure clients are informed in their decision-making? What should you do if your client elects a course of action against your advice?

5. Discuss the basic elements and techniques for counseling a client, including the following:

    a. Talking to the client about time. How long the case will take, what could delay it, what the opposition could do to prolong it, etc.
    b. Considering cost. What types of expenses should be expected, how much the case could end up costing.
    c. Discussing the upsides and downsides of the case.
    d. Focusing the interview. How to outline what will happen during the meeting with the client and keep on track.
    e. Being a good listener.
    f. Advising fully on all relevant considerations or consequences to a course of action.
    g. Following up.
    h. Informing the client of privilege issues when the client wants a third party involved during meetings.

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Worksheet #22 How to Involve Clients in Their Case

The following points are intended to facilitate a discussion about the responsibilities of the client and the lawyer in decision-making and the best ways to involve a client in their case.

1. Discuss the ethical importance and necessity of involving clients in decision-making in their cases.

2. Provide examples of the types of decisions in the Mentor's practice in which s/he involves the client, including among other things the way, in which the client is involved, the reasons for involving the client in those instances, and the reasons for not involving the client in certain decisions which the Mentor makes.

3. Discuss the difficulty in knowing what instructions are given (or not given) by a client and some traps that a lawyer (particularly in the New Lawyer's practice area) can fall into regarding identifying the client instructions.

4. Share best practices that the Mentor has adopted in his/her practice to document client instructions for his/her files, including confirming in writing to the client the instructions which were given and the steps which were or were not taken.

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Worksheet #23 Depositions

The following points are intended to facilitate a discussion about tips for preparation for and proper behavior during depositions.

1. Share with the New Lawyer examples of ways *not* to behave in depositions. Discuss the potential consequences for improper behavior. To the extent that you have experienced a lawyer acting improperly in depositions, share those experiences with the New Lawyer.

2. Discuss how to properly advise and prepare your client or witness for a deposition. What constitutes improper advice and/or preparation?

3. Discuss professional ways to handle a situation where opposing counsel is acting improperly or unprofessionally during a deposition.

4. Discuss the types of disputes which would warrant calling a judge for resolution during a deposition.

5. Review the civil and local rules regarding depositions.

6. Review and discuss the following articles from the ABA Young Lawyer Division e-Library.

   Amanda G. Main, *Litigation 101: Deposition Dos and Don'ts,* http://www.abanet.org/yld/elibrary/fall05/13DepositionDosandDonts.pdf;

   John A. West, *Deposition Practice: A Personal Perspective*, http://www.abanet.org/yld/elibrary/fall05/14DepositionPractice.pdf;

   Scott Palmer Mason, *Litigation 101: An Overview for Preparing to Take Your First Deposition* http://meetings.abanet.org/webupload/commupload/YL406000/relatedresources/OverviewForTakingYourFirstDeposition.pdf;

   Joseph Siprut, *Litigation 101: Defending Your First Deposition*, http://meetings.abanet.org/webupload/commupload/YL406000/relatedresources/DefendingYourFirstDeposition.pdf

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Worksheet #24 Negotiations

The following are intended to facilitate a discussion about the most important points about negotiating with another lawyer and potential issues associated with negotiations.

1. Discuss how a lawyer should prepare for negotiation of a legal matter, including when and how negotiation should be initiated, particularly in the New Lawyer's area of practice.

2. Discuss ways to involve the client in negotiation.

3. Share with the New Lawyer tips for negotiating with an attorney with years of experience, a friend, someone with whom you do not get along, etc.

4. Discuss the ethics and professionalism issues in negotiating on behalf of your client. In particular, discuss the duty to disclose facts which have a material impact on the negotiation as stated in Rule 4.1.

5. Talk about the skills that are needed to be an effective negotiator and how to acquire them.

6. Share "best practices" with the New Lawyer on how to appropriately deal with others on behalf of your client. Review the tips in the attached article. Jeffrey D. Diener, *When Negotiating, Shed Your Armor,* THE YOUNG LAWYER, Vol. 10, No. 7, May 2006.

7. Share with the New Lawyer stories of attorneys who have ultimately harmed their client because of their incivility and lack of consideration in dealing with opposing counsel, the judge or the jury.

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Worksheet #25 Alternative Dispute Resolution

The following points are provided to facilitate a discussion about the types of alternative dispute resolution (such as mediation, binding and non-binding arbitration, high-low arbitration, early neutral evaluation, court-annexed arbitration, summary jury trials, etc.) and the benefits and disadvantages of each.

1. Discuss the aspiration to counsel clients on how to resolve disputes by alternative methods. Should an attorney try to influence his or her clients to pursue a method of alternative dispute resolution? Read and discuss the attached article. Arnie Herz, *Lawyers as Everyday Peacemakers: Reframing the Attorney-Client Relationship for Optimal Conflict Resolution in the 21st Century and Beyond,* www.legalsanity.com/articles-19-.html.

2. Describe situations where a client may be better served by avoiding litigation. Discuss the principles in the article: Stewart Levine, *Developing the Attitude of Resolution,* LAW PRACTICE TODAY, Sept. 2005.

3. Discuss the following types of alternative dispute resolution (among others you think of), the types of cases for which those forms of ADR are typically used, and the benefits and disadvantages of each:

   a. Mediation
   b. Binding and non-binding arbitration
   c. High-low arbitration
   d. Early neutral evaluation
   e. Court-annexed arbitration
   f. Summary jury trials
   g. Private judges

4. Share with the New Lawyer stories of your successes with ADR.

5. Discuss when to consider ADR as a possible means for resolving a case (particularly in the New Lawyer's practice area) and how to talk to your client about it.

6. Identify local resources for attorneys who would like to use ADR for resolving cases, including local ADR programs, court programs, mediation or arbitration services, etc. Are any of the courts in which the New Lawyer practices requiring mediation or arbitration before proceeding to court? Discuss training opportunities and other resources for lawyers who are interested in becoming mediators or arbitrators.

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Worksheet #26 Arbitration Observation And Discussion

The following points are provided to facilitate a discussion about the process of arbitration and how arbitration compares to litigation.

1. Describe situations where a client may be better served by opting for arbitration, as opposed to mediation or litigation.

2. Discuss when it would be appropriate to advise a client to include a mandatory arbitration clause in agreements. What are the benefits? Disadvantages? What are considerations in drafting such clauses?

3. Discuss your personal experiences with arbitration or find a colleague with whom the New Lawyer may discuss his/her experience. For more information on arbitration, see the American Arbitration Association, http://www.adr.org/ or JAMS, http://www.jamsadr.com/

4. Invite the New Lawyer to observe arbitration, either one of your own or arrange for the New Lawyer to observe a colleague's arbitration.

5. Contact the administering local circuit/bar association to see if any judges or other attorneys would be willing to have the New Lawyer observe arbitration and discuss the experience briefly with the New Lawyer. What aspects of the arbitration made an impression on the New Lawyer?

6. If you have represented a client in arbitration, discuss your preparation and strategy with the New Lawyer. How did you prepare your client for the arbitration? How did you prepare for arbitration, and in what ways, if any, did it differ from your preparation strategy for litigation?

7. Share your reflections on previous arbitrations with your New Lawyer. What might you do differently for your next arbitration?

8. Discuss your process for selecting an arbitrator. What qualities do you and your colleagues look for in determining the best fit for a mediator? As a reference, it may be helpful to consult the JAMS or AAA websites provided above to review and discuss arbitrator biographies with the New Lawyer.

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Worksheet # 27 Mediation Observation and Discussion

The following points are provided to facilitate a discussion about the process of mediation and the different approaches to mediation.

1. Describe situations where a client may be better served by avoiding litigation, and in which mediation in particular (as opposed to arbitration) may be the preferred option.

2. Discuss when it would be appropriate to advise a client to include a mediation clause in agreements, requiring parties to try mediation before litigating. What are the benefits? Disadvantages? What are considerations in drafting such clauses?

3. Discuss what different types of mediation you have experienced (namely, facilitative, evaluative, or transformative) and the benefits or disadvantages of each.

4. Invite the New Lawyer to observe a mediation, either one of your own or arrange for the New Lawyer to observe a colleague's mediation.

5. If you have represented a client in mediation, discuss your preparation and mediation strategy with the New Lawyer. How did you prepare your client for the mediation? How did you prepare for mediation, and in what ways, if any, did it differ from your preparation strategy for litigation?

6. Share your reflections on previous mediations with your New Lawyer. What might you do differently for your next mediation?

7. Discuss your process for selecting a mediator. What qualities do you and your colleagues look for in determining the best fit for a mediator? As a reference, it may be helpful to consult the JAMS (http://www.jamsadr.com/) or other websites to review mediator biographies with the New Lawyer.

8. If the New Lawyer is interested in learning more about the mediation process or becoming trained as a mediator, contact the Center for Conflict Resolution, www.ccrchicago.org, to inquire about upcoming mediation skills trainings or CLE offerings on mediation and related topics in Chicago. In addition, area law schools and continuing education programs may be good resources for mediation introductory programs and skills training.

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Worksheet #28 Appellate Courts

The following points are provided to facilitate a discussion about appellate courts and techniques and tips for effective oral argument.

1. Observe together several appellate arguments in the Supreme Court of Illinois, Illinois appellate district court, or United States Circuit Court. Observe the different styles of argument and discuss what was effective and ineffective. If you cannot attend oral arguments in person and together, watch Illinois Supreme Court arguments via streaming video on-line or have the New Lawyer attend arguments without you and discuss them later.

2. Provide suggestions for preparing for oral argument. Share with the New Lawyer exercises that you or members of your firm engage in to prepare for oral argument.

3. Discuss techniques for being effective during your argument, including such things as choosing the most important issues to raise during argument, avoiding misstating or overstating the facts or law in a case, being honest in response to questions, re-focusing on the issue you were addressing before being interrupted with questions, excluding emotion from argument, having a conversation with the justices (as opposed to reading from a script), managing your time, etc.

4. Review the suggestions and tips provided in articles: Hon. Danny J. Boggs, *Appellate Advocacy from a Judge's Perspective,* ABA Young Lawyer Division e-Library; John M. McCoy III, *Litigation 101: Handling Your First Appeal.*

5. Discuss unwritten guidelines for oral arguments such as proper attire, how to address the Court, when and where to check in before arguments, who may sit at Counsel's table, etc.

6. If you can arrange it, designate a time for the New Lawyer to check in with the bailiff and meet one of the Justices.

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Illinois Supreme Court Commission on Professionalism
Lawyer-to-Lawyer Mentoring Program

Mentoring Program Guide
For Program Administrators

Revised Edition 2017

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Welcome and Introduction

Thank you for your interest in the statewide Illinois Supreme Court Commission on Professionalism Lawyer-to-Lawyer Mentoring Program. You are joining over 80 organizations across the state offering this valuable Program to their employees, members or alumni. Bar associations, law firms, law schools and government agencies all have somewhat different objectives in sponsoring the Program, but all share a common goal: *to promote integrity, professionalism and civility among the newest members of our profession through the passing on of the wisdom and experience of more experienced attorneys*. At the same time, experience has shown that reverse mentoring occurs. As a result of the year long mentoring relationship, mentors also gain perspectives and a renewed sense of pride in the profession from their mentees.

The Illinois Supreme Court Commission on Professionalism ("Commission") developed this *Lawyer-to-Lawyer Mentoring Program Guide* to assist and support organizations in developing mentoring programs that meet the requirements and intent of Illinois Supreme Court Rule 795(d)(11), making those who complete the program eligible for professional responsibility CLE credits. We are confident that you and your colleagues will find the program both enjoyable and beneficial.

Acknowledgements

The Commission worked closely with a statewide Mentoring Advisory Committee to develop the content of the Program Guide. The Program Guide was developed from an examination of current research, an exploration of mentoring principles and practices across the country, feedback from the Circuit-Wide Professionalism Initiative of the 17th Judicial Circuit of Illinois, and from the experiences and the legal mentoring work of other states. The Commission gratefully acknowledges in particular the Georgia Chief Justice's Commission on Professionalism, the Ohio Commission on Professionalism, and the 17th Judicial Circuit of Illinois for their contributions.

After five years of implementation, the Commission formed another statewide advisory committee to consider feedback and the feasibility of expanding the mentoring program to additional participants. This Mentoring Expansion Advisory Committee recommended that Supreme Court Rule 795 be amended to allow more lawyers to participate as both mentors and mentees. The recommendation was approved by the Commission, recommended to the Court, and adopted by the Court in late 2016. The Mentoring Expansion Advisory Committee continues to explore expanding the availability of mentoring in two areas: 1) to attorneys in career transition; and 2) in order to promote the retention and advancement of women and under-represented minorities.

Mentoring Expansion Advisory Committee

Lewis Check
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Provisions of Illinois Supreme Court Rule 795(d)(11)

Lawyers completing a comprehensive year-long structured mentoring program, as either a mentor or mentee, may earn credit equal to the minimum professional responsibility credit during the two-year reporting period of completion, provided that the mentoring plan is preapproved by the Commission on Professionalism, the completion is attested to by both mentor and mentee, and completion occurs during the first five (5) years of the mentee's practice in Illinois.

Goals of the Commission in Implementing Rule 795(d)(11)

Mentoring creates an opportunity for an experienced lawyer mentor ("mentor") to provide professional guidance and share practical knowledge and skills with a new lawyer mentee ("mentee") during the critical transition from law student to legal practitioner. Although legal theory and application can be learned during law school, the practice of law is learned in the workplace, whether in private or corporate practice, government service, or public interest work. An effective and successful mentoring program elevates the competence, professionalism and success of new lawyers.

Skillful mentoring takes time and attention. How the mentors introduce mentees to the profession forms a foundation for their continued growth and development as practitioners. Strong mentors stretch and expand the mentee's abilities and capacities for professional thinking and problem solving. These mentors also facilitate the development of civility and ethics through consulting, collaborating, and coaching their mentees. By building relationships between new and experienced lawyers, the fundamental skills and core values of professionalism essential to the practice of law are passed on to a new generation of attorneys.

Illinois Supreme Court Rule 795(d)(11) added Lawyer-to-Lawyer Mentoring as an activity that may satisfy the professional responsibility CLE credit in order to:

1. Promote integrity, professionalism, and civility;
2. Advance the commitment to eliminate bias and divisiveness within the legal system;
3. Raise awareness of professional responsibility issues; and
4. Spread best practices and the highest ideals in the practice of law.

To advance these goals, the Commission has developed a process, specific strategies, and resources for skillful Lawyer-to-Lawyer Mentoring, described in this *Mentoring Program Guide*, the accompanying *Mentoring Plan* and the *Mentoring Plan Supplement* for program participants.

Program Development and Implementation

In creating the Program, the Commission and Advisory Committee determined that sponsoring organizations can provide more successful pairings of mentors and mentees than could the Commission or its staff. Additionally, such organizations are better equipped to assist and guide the mentoring process, for example, by providing venues for team gatherings of the mentoring pairs, opportunities for networking, and education around one or more of the *Mentoring Plan* activities. Thus, the Commission invites any law firm, law school, bar group, corporation, court judicial district, or state, county or local government agency in Illinois to submit an application to offer their mentoring program as part of the Lawyer-to-Lawyer Mentoring Program.

The Commission encourages organizations applying to offer a mentoring program to utilize this *Mentoring Program Guide* and the related *Mentoring Plan* to guide their program development. The *Program Guide* sets forth the required program minimum standards to meet Commission approval, and the *Mentoring Plan* provides a template of discussion topics and learning experiences for the mentor and mentee to complete over the one-year mentoring term.

The *Program Guide* and *Mentoring Plan* may be adopted in whole, or may be modified as needed to provide flexibility and address the interests of the organization developing the Program. The Commission is available to assist organizations in tailoring mentoring programs that will meet approval standards.

Organizations may submit their mentoring programs for approval by completing the Commission's Organization Application.The mentoring programs submitted to the Commission for approval shall include descriptions of the following components according to the standards delineated in this *Program Guide*:

1. Program Administration
2. Mentee Qualifications
3. Mentor Qualifications
4. Orientation for Mentor and Mentee
5. Mentoring Relationship and Term
6. Mentor and Mentee Responsibilities
7. Mentoring Plan

1. Program Administration

The first steps in running your organization's mentoring program are completing the Commission's online application form and designating a Program Administrator. The job of the Program Administrator is not difficult, but does take about eight to ten hours in the first year, depending on the number of participants in the particular program.

The Program Administrator is responsible for collecting mentee and mentor applications and confirming that each potential participant satisfies the eligibility requirements, found herein. The Program Administrator is also responsible for matching mentors with mentees, organizing an orientation session for the mentoring pairs, and monitoring the mentoring pairs' progress throughout the mentoring term of one year. They should ensure that each participant completes an online *Mentoring Agreement* at the onset of the Program and, at the end of the mentoring term, an online *Plan Completion Attestation* and *Survey*. **All participating lawyers are required to complete a brief survey evaluating their experience with the Program which accompanies the online Attestation form.**

Following their completed *Attestations* at the conclusion of the year-long term, the Program Administrator should instruct the lawyers to complete the Commission's online application for their professional responsibility CLE certificates. Alternatively, the Program Administrator may submit the applications on behalf of the attorneys. Program Administrators should maintain copies of the executed *Mentoring Agreements* and *Plan Completion Attestation* forms for a period of three years after their program completion dates as required under Illinois CLE rules. All files may be retained in hardcopy or electronic formats.

During the menroing term, we recommend that Program Administrator contact mentoring participants quarterly by phone or email to answer any questions and to make sure each pair is making progress on their Mentoring Plan.

Finally, to the extent extenuating circumstances prevent either lawyer from completing the Program, or if the mentoring relationship is not working, the Program Administrator should use their best efforts to reassign mentors and mentees so that as many participants as possible can have success in the Program.

Administration Checklist:

- ✓ Submit Organization Application to Commission for approval
- ✓ Collect mentee and mentor applications
- ✓ Confirm participant eligibility
- ✓ Facilitate the matching of mentors with mentees in accordance with preferences
- ✓ Organize the Program orientation session
- ✓ At or shortly after the orientation session, confirm with all participants that they have submitted their online *Mentoring Agreements*
- ✓ Conduct quarterly *Progress Surveys* (highly recommended)
- ✓ At the end of the one-year Program term, instruct lawyers to complete the online *Plan Completion Attestation* and **required** *Survey*
- ✓ Instruct lawyers to complete the Attorney Application for CLE credits, or complete the applications on their behalf
- ✓ Maintain a record of participants and program completion dates for three years

2. Mentee Qualifications

Rule 795(d)(11) requires that a mentee complete the Program "within the first five years of his or her practice." As a practical matter, this means that in order to complete a one-year long program within the first five (5) years of practice in Illinois, the mentee **must begin the program no later than four (4) years after being admitted to the Illinois bar.**

A mentee seeking to participate in the mentoring program and earn the professional responsibility credit must meet the following minimum standards:

- Be registered on the Illinois ARDC Master Roll of Attorneys as active, or has sat for the Illinois Bar exam and is awaiting admission to the bar, or has submitted an application for admission by motion under Rule 705;
- Practices law in Illinois or intends to practice law in Illinois; and
- Begins the mentoring program prior to a date four (4) years after the mentee's admission date in Illinois.

Mentees who meet these eligibility requirements and choose to participate in the Lawyer-to-Lawyer Mentoring Program may complete and submit the *Mentee Application,* or an application of the Program Administrator's design, to the Program Administrator.

3. Mentor Qualifications

The success of any Lawyer-to-Lawyer Mentoring Program depends upon experienced and dedicated lawyers who are willing to commit the time to serve as mentors, and to personally convey the core values and best practices of

the profession to new lawyers. In order to be effective, lawyer mentors should a) value teaching and counseling new attorneys in the development of professional habits, b) strive to improve the legal profession through their mentorship, and c) possess superior interpersonal skills and the ability to facilitate quality discussions about the best practices and highest values of the legal profession.

Rule 795(d)(11) requires that a mentor be "in practice for a minimum of five years." A lawyer seeking to serve as a mentor shall meet the following minimum standards:

- Be registered on the Illinois ARDC Master Roll of Attorneys as active and in good standing;
- Has been licensed to practice in the highest court of law in any USA state, territory, or the District of Columbia for no fewer than a combined five (5) years; and
- Never have been suspended or disbarred from the practice of law in any state or jurisdiction, and have no formal disciplinary complaints pending.

Lawyers meeting these eligibility requirements and choosing to participate in a Lawyer-to-Lawyer Mentoring Program may complete and submit a *Mentor Application,* or an application of the Program Administrator's design, to the Program Administrator.

Finally, with respect to judges serving as mentors, although the Commission recognizes the invaluable insight and experience that a currently sitting judge could share with a new lawyer mentee, eligibility of judges to serve as a mentor, within the context of an approved mentoring program under Rule 795(d)(11), is limited to retired judges only.

4. Program Orientation

After participants have been identified and matched by the Program Administrator or his or her designees, each Sponsoring Organization shall present an orientation session designed to provide mentors and mentees with an overview of the Program, including its purpose and goals. Orientation participation is **mandatory** for all mentors and mentees participating in the program, and does **not** count as one of the minimum eight required in-person meetings.

As described below, the orientation should include an explanation and review of the activities and documentation that must be completed in order to satisfy the Program requirements. In addition, the orientation session should address effective communication, problem-solving strategies, and the resources that are available to assist participants in building a successful mentoring relationship.

The orientation program may be offered live or via a distance learning method. Live orientation programs are strongly encouraged because they can serve as a starting point in developing not only the relationship between the mentor and mentee, but also relationships with the other program participants and individuals in the legal community. Further, live orientation programs have the advantages of being able to ensure that all necessary materials and documentation are received and understood by the mentoring participants.

While organizations are free to tailor orientation content to the needs of their particular mentoring program, there are certain elements required to advance the effective implementation of Rule 795(d)(11). With the input of organizations, law firms, and others, the Commission developed an orientation PowerPoint presentation which presents these required elements for use in conjunction with Commission-approved mentoring programs. This Orientation presentation may be used and adapted by organizations.

Topics to be addressed in the orientation include:

1. Program goals, including the objectives of your organization
2. Mentoring relationship and term
3. Mentoring agreement, mentoring plan & resources
4. CLE credit process
5. Generational communication
6. Problem-solving

5. Mentoring Relationship and Term

The mentor may be either internal or external to the mentee's place of work. There are decided advantages to both internal and external pairings which should be considered in matching the mentees with mentors. Internal mentoring participants are able to discuss many different matters relating to clients because of the shared responsibility of liability and the confidentiality that extends to office employees. External mentoring participants may feel a greater sense of comfort in discussing sensitive workplace matters with someone who is not a co-worker. When possible, the desires of both the mentor and mentee should be taken into account.

At the start of the mentoring term, the participants must complete an online *Mentoring Agreement* which defines the parameters of the mentoring relationship and limits potential liability for external mentoring pairs, if applicable.

To earn professional responsibility credit for participation in a Lawyer-to-Lawyer Mentoring Program under Rule 795(d)(11), participants must complete the Program within the one-year mentoring term. (The Program Administrator may grant reasonable extensions at his or her discretion.) Although the structured mentoring period is only one year, it is hoped that participants will choose to continue the relationship after the term is over.

Mentoring CLE credit is available only for completion of one mentoring program by a mentor–mentee pair at a time. Multiple pairings may occur, but CLE may only be earned under one qualifying pair for the term. Nevertheless, participants, both mentors and mentees, may repeat the Program and earn additional CLE credit. Consult the MCLE rules for carryover allowances and other considerations.

6. Mentor and Mentee Responsibilities

The first activity that the mentoring pair will participate in together is the required orientation, although, as noted above, this does not count as one of the minimum eight required in-person meetings. As part of the orientation (or shortly thereafter), the mentor and mentee will complete the online *Mentoring Agreement*, and together create a *Mentoring Plan.* Specifically, the mentee and the mentor will discuss and determine their planned topics of discussion and shared professional experiences and formalize the content of their own individual *Mentoring Plan*.

This *Mentoring Plan* will guide the activities of the mentoring pair over the term of the Program. It is the shared responsibility of the individual mentee and mentor to complete their *Mentoring Plan* during the one-year mentoring term.

The mentoring that will qualify for professional responsibility CLE involves the development of a specialized professional relationship within which learning occurs. Frequent interaction between the mentor and mentee is encouraged. While communication will likely occur through a variety of means, including e-mail, telephone, and text messaging, at least eight (8) in-person meetings during the course of the year are required, unless the pair has been granted the Distance Mentoring Excpetion (see Section 6.1. below).

At the end of the one-year Program term, the Program Administrator should instruct lawyers to complete the online *Plan Completion Attestation* and **required** *Survey*. Then, the lawyers may complete the Attorney Application for CLE credits, or it may be completed on behalf of the applicants.

Mentor and Mentee Checklist

- ✓ Participate in program orientation
- ✓ Develop *Mentoring Plan* and provide signed copy to Program Administrator if requested
- ✓ Submit your online *Mentoring Agreement* at or soon after your orientation
- ✓ Participate in a minimum of eight (8) face-to–face meetings over the one-year term
- ✓ Participate in discussions and activities as a pair
- ✓ Attest to completion by completing the online *Plan Completion Attestation* and **required** Mentoring Survey
- ✓ Complete the online CLE application to obtain professional responsibility CLE credit

6.1 Distance Mentoring Exception

In certain circumstances, a mentor and mentee who do not live or work near each other would make an ideal mentoring pair. Further, members of a matched mentoring pair may encounter changes to their circumstances that make regular in-person meetings prohibitive. As a way to enable such pairs to benefit from participation in the program, at the Program Administrator's discretion, an exception to the requirement that at least eight meetings must be held in person may be granted.

To qualify for the exception:

1. The mentoring pair must demonstrate a compelling need to use distance mentoring to participate in the program (not just convenience).
2. At least three of the minimum eight required meetings must be held in-person, preferably at the beginning of the program term.
3. Up to five of the minimum eight meetings may be held virtually, with the use of a video-assisted communication channel, such as Skype, FaceTime or videoconferencing.
4. Initial and continued qualification for the exception is at the sole discretion of the Program Administrator.

7. Mentoring Plan

The *Mentoring Plan* defines the learning experiences or curriculum for each mentoring pair. Each Sponsoring Organization provides mentees and mentors an approved template *Mentoring Plan* that outlines core concepts, skills, activities and experiences framed as actions. As noted above, a Sponsoring Organization may use the Commission's *Mentoring Plan*, or adapt it to meet its objectives.

In developing their individualized *Mentoring Plan,* each mentoring pair must select and complete at least one specific action item in each of the following five categories of the professional responsibility CLE requirements (see Rule 794(d)(1)):

1. Professionalism
2. Legal Ethics
3. Civility
4. Diversity and Inclusion
5. Wellness, Mental Health and Addiction

The actions may be customized within each category to the particular practice setting, individual needs or goals, and the experience of the mentor. All categories of the *Mentoring Plan* form contain blank "alternative action" lines to allow participants to agree upon substitute or additional action items. The Program is designed to be very flexible: to the extent interests or needs change during the course of the mentoring relationship, the mentoring pair may agree to add, delete or substitute an activity from their original Plan.

The mentor and mentee may engage in as many of the actions as are of mutual interest, taking the mentee's interests, and the mentor's experience, into account. Action items may be addressed via social networking and other technology supports, so long as the minimum eight required in-person meetings are held (see exception under Section 6.1 above). Finally, mentoring pairs are encouraged to supplement the *Mentoring Plan* with other mutually interesting actions they discover over the mentoring term, as well as to discuss concepts that are introduced in the new lawyer's Basic Skills course. Engaging in additional meetings will not result in receiving more CLE credit.

Mentoring pairs also may decide to group into mentoring teams in order to foster collaboration, broaden exposure to diverse practice areas, and extend additional resources and support to program participants. Program Administrators can facilitate these group meetings by sharing contact information among all mentoring pairs, and organizing group events.

The Commission has developed a companion document to support the implementation of the *Mentoring Plan.* This *Mentoring Plan Supplement* provides activities, discussion items and references for each action item in the *Mentoring Plan* template. The Program Administrator should distribute the *Mentoring Plan Supplement* to the mentoring pairs at or shortly after the orientation session to guide and supplement their learning and discussion.

Professional Responsibility CLE Credit

As the one-year term comes to an end, the Program Administrator should send each mentor and mentee an online link to have them complete the *Plan Completion Attestation* and brief survey. They may then apply for CLE credit using the online Mentoring CLE application form.

Alternatively, the Program Administrator may complete the applications on each attorney's behalf. Upon review of each application, the Commission will issue a Professional Responsibility CLE Certificate via email directly to the lawyer with a copy to the Program Administrator for retention for the required three years under MCLE rules.

Upon successful completion of the Program and application for credit, each lawyer will receive a total of six (6) hours of professional responsibility CLE credit. For mentors, the total credit hours will be granted for the year in which the mentoring term concludes, or can be carried over to the next reporting period. For new lawyers, credits

may be applied to meet the first-year Basic Skills CLE requirements, even before completing the Program, or can be carried over into the first two-year reporting period. **Partial credit is not available**. Consult the MCLE rules for carryover allowances and other considerations.

Thank you again for your greatly appreciated assistance and participation in the Program, and for your contributions to professionalism in Illinois. We at the Commission thank you!



Mark C. Palmer
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Appendix

Sample Forms for Program Implementation
(online forms use is **required**; hardcopy versions may be supplemented at your discretion)

1. Mentee Application (see online form)
2. Mentor Application (see online form)
3. Internal Lawyer Mentoring Agreement (if mentor and mentee work for same employer; see online form)
4. External Lawyer Mentoring Agreement (if mentor and mentee work for different employers; see online form)
5. Mentoring Plan
6. Progress Survey
7. Plan Completion Attestation (see online form)

1. Mentee Application

Name: Attorney Registration No.:
Address: Date of Admission to Illinois bar:
Phone: E-mail:
Undergraduate School: Major:
Law School:

Are you currently employed in a legal position? ☐ Yes ☐ No

Employer:

Your Practice Type:
- ☐ Solo practice
- ☐ Of counsel
- ☐ Law firm
- ☐ Government office/court
- ☐ In-House corporate counsel
- ☐ Non-legal job
- ☐ Other:_____

Size of firm/organization:
- ☐ 1 lawyer
- ☐ 2-9 lawyers
- ☐ 10-39 lawyers
- ☐ 40 + lawyers

Location of your practice:
- ☐ Large urban area
- ☐ Medium-sized city
- ☐ Small city/Rural area

If necessary to match you to a mentor other than the one(s) you request, the following preferences will be considered:

I prefer a mentor that practices in the following area(s) of law: ☐ No Preference

- ☐ Admin/governmental
- ☐ Antitrust litigation
- ☐ Arbitration/mediation
- ☐ Bankruptcy
- ☐ Business/commercial
- ☐ Criminal
- ☐ Elder
- ☐ Employment/labor law
- ☐ Environmental
- ☐ Family/Domestic
- ☐ Federal practice
- ☐ General practice
- ☐ General litigation
- ☐ Health
- ☐ Immigration
- ☐ Intellectual property
- ☐ International
- ☐ Juvenile
- ☐ Practice management
- ☐ Personal injury/property damage
- ☐ Probate/trust/estate
- ☐ Real estate/landlord tenant
- ☐ Social security
- ☐ Sports/entertainment
- ☐ Tort and insurance
- ☐ Taxation
- ☐ Traffic
- ☐ Trial work
- ☐ Workers comp
- ☐ Other:_____

I prefer a mentor with the following: (Check all that apply): ☐ No Preference

Type of Practice:
- ☐ Solo practice
- ☐ Of counsel
- ☐ Law firm
- ☐ Government office/Judge
- ☐ In-House corporate counsel
- ☐ Non-legal job
- ☐ Other: _____

Size of firm/organization:
- ☐ 1 lawyer
- ☐ 2-9 lawyers
- ☐ 10-39 lawyers
- ☐ 40+ lawyers

Location of practice:
- ☐ Large urban area
- ☐ Medium-sized city
- ☐ Small city/Rural area

I prefer a mentor with skills in the following area(s): (Check all that apply)

☐ Appeals
☐ Computer/technology
☐ Law practice management
☐ Regulatory board appearances
☐ Research
☐ Ability to discuss substance abuse and mental health issues
☐ Ability to be a resource for involvement in bar activities
☐ Ability to be a resource for involvement in pro bono activities
☐ Ability to assist with assessing career paths
☐ Ability to advise on balancing career and home life
☐ Ability to advise on running a successful solo practice
☐ Other:_____

Please check the manner by which you would like to be matched to a mentor:

☐ Match me to any qualified mentor.

☐ Match me to any mentor who matches the specified preferences above.

☐ Match me to a mentor that I request. I would like to request one of the following mentors.

Name of Mentor: Contact Information:

Name of Mentor: Contact Information:

☐ Match me to a specific mentor as recommended by my employer.

Name of Mentor: Contact Information:

Please provide any additional information that you want the Program Administrator to take into consideration for matching a mentor.

My signature below confirms that I wish to participate in the Lawyer-to-Lawyer Mentoring Program and I acknowledge that I will be awarded professional responsibility continuing legal education credit only when all program requirements are completed.

Mentee Signature: Date:

2. Mentor Application

Name: Attorney Registration No.:
Law Firm Name/Court/Employer:
Address
Phone: E-mail:
Undergraduate School: Major:
Law school:

Please check all of the following that apply:
☐ I am an attorney on the Illinois ARDC Master Roll of Attorneys as active and in good standing.
☐ I have been admitted to practice law in the highest court of law in any USA state, territory, or the District of Columbia for no fewer than a combined five (5) years.
☐ I have never been suspended or disbarred from the practice of law in any state or jurisdiction and have no formal disciplinary complaint pending.

Please indicate what prompted you to become a mentor (check all that apply to you):
☐ I believe that mentoring is a way of "giving back" to the profession.
☐ I have participated in a mentoring program before and am renewing my commitment.
☐ I was encouraged to be a mentor by a judge, court, or bar association.
☐ My employer encouraged or asked me to participate.
☐ A mentee asked me to be his/her mentor.
☐ I heard about the program and decided to apply on my own initiative.
☐ Other:

Please selected up to three areas which best describe your practice:

☐ Admin/governmental	☐ Federal practice	☐ Probate/trust/estate
☐ Antitrust litigation	☐ General practice	☐ Real estate/landlord tenant
☐ Arbitration/mediation	☐ General litigation	☐ Social security
☐ Bankruptcy	☐ Health	☐ Sports/entertainment
☐ Business/commercial	☐ Immigration	☐ Tort and insurance
☐ Criminal	☐ Intellectual property	☐ Taxation
☐ Elder	☐ International	☐ Traffic
☐ Employment/labor law	☐ Juvenile	☐ Trial work
☐ Environmental	☐ Practice management	☐ Workers comp
☐ Family/Domestic	☐ Personal injury/property damage	☐ Other

Check those which apply to your employment:

Type of Practice:	Size of firm/organization:	Location of practice:
☐ Solo practice	☐ 1 lawyer	☐ Large urban area
☐ Of counsel	☐ 2-9 lawyers	☐ Medium-sized city
☐ Law firm	☐ 10-39 lawyers	☐ Small city/Rural area
☐ Government office/Judge	☐ 40+ lawyers	
☐ In-House corporate counsel		
☐ Non-legal job		
☐ Other:		

Check any or all of the following skills which you possess:

☐ Appeals
☐ Computer/technology
☐ Law practice management
☐ Regulatory board appearances
☐ Research
☐ Ability to discuss substance abuse and mental health issues
☐ Ability to be a resource for involvement in bar activities
☐ Ability to be a resource for involvement in pro bono activities
☐ Ability to assist with assessing career paths
☐ Ability to advise on balancing career and home life
☐ Ability to advise on running a successful solo practice
☐ Ability to discuss handling law school debt
☐ Other:

Please check the way that you would like to be matched to a mentee:

☐ Match me to any mentee that you deem appropriate.

☐ Match me to any mentee whose specified preferences are a match to my practice and interests.

☐ There is a particular mentee who would like me to be his or her mentor, and we have agreed to participate in this program together:

Name of Mentee: Contact Information:

☐ My employer has a Lawyer-to-Lawyer mentoring program for our firm or legal organization and requests that I be paired with the following mentee in our firm or legal organization:

Name of Mentee: Contact Information:

Please provide any additional information that you want the Program Administrator to take into consideration for matching a mentee.

My signature below confirms that I wish to participate in the Lawyer- to- Lawyer Mentoring Program and I acknowledge that I will be awarded professional responsibility continuing legal education credit only when all program requirements are completed.

Mentor Signature: Date:

3. Internal Lawyer Mentoring Agreement

(Complete if Mentor and Mentee work for the same employer)

We, _____, Mentor, and _____, Mentee, agree to participate in the Mentoring Program in accordance with the terms of this agreement. We understand lawyer-to-lawyer mentoring is one component of new-lawyer training within our firm and is intended to include coaching, sharing experiences, learning and ongoing guidance and support. We understand the goals of mentoring include:

1. Fostering the development of practical skills;
2. Increasing knowledge of legal customs;
3. Creating a sense of pride and integrity in the legal profession;
4. Promoting collegial relationships among legal professionals;
5. Involvement in organized bar activities;
6. Improving legal ability and professional judgment; and
7. Encouraging the use of best practices and highest ideals in the practice of law.

We hereby certify that we have read the above *Mentoring Agreement* and agree to its terms.

Mentee Signature: Date:

Mentor Signature: Date:

4. External Lawyer Mentoring Agreement

(Complete if Mentor and Mentee work for different employers)

We, _____, Mentor, and _____, Mentee, agree to participate in the Mentoring Program in accordance with the terms of this agreement. We understand lawyer-to-lawyer mentoring is one component of new-lawyer training in the practice of law. We recognize that mentoring is intended to include coaching, sharing experiences, learning and ongoing guidance and support. We understand the goals of mentoring include:

1. Fostering the development of practical skills;
2. Increasing knowledge of legal customs;
3. Creating a sense of pride and integrity in the legal profession;
4. Promoting collegial relationships among legal professionals;
5. Involvement in organized bar activities;
6. Improving legal ability and professional judgment; and
7. Encouraging the use of best practices and highest ideals in the practice of law.

We acknowledge and shall abide by the following rules:

* Any communication between Mentor and the Mentee arising out of participation in the Mentoring Plan is for the sole purpose of guiding and teaching the Mentee about the practice of law and the issues that the Mentee is likely to face in the practice of law.

* Any communication between Mentor and the Mentee is not intended to be the rendering of legal or professional advice to the Mentee or his or her clients, and the Mentee shall not rely upon such communications or cause any client to rely upon them. The Mentee shall rely solely upon his or her own judgment, legal opinions, or independent research.

* No confidential or lawyer-client relationship is formed between Mentor and the Mentee as a result of participation in the Mentoring Program. The Mentee shall not identify any client to the Mentor or reveal to the Mentor any client confidence, nor shall the Mentee seek professional or legal advice from the Mentor about specific legal matters or clients. Likewise, the Mentor shall not identify any client to the Mentee or reveal to the Mentee any client confidence, nor shall the Mentor seek professional or legal advice from the Mentee about specific legal matters or clients. Instead, all discussions about substantive legal matters between the Mentee and Mentor shall be limited to hypothetical situations.

* Mentor is not assuming any liability or responsibility with respect to any legal matter of the Mentee's clients, nor shall Mentor render professional services to, or take any responsibility either directly or indirectly for any aspect of representation of the Mentee's clients.

* Mentor shall not co-counsel any matter with the Mentee, nor shall Mentor make referrals to or accept referrals from the Mentee during the term of their mentoring term.

We hereby certify that we have read the above *Mentoring Agreement* and agree to its terms.

Mentee Signature: Date:

Mentor Signature: Date:

5. Mentoring Plan

1. Professionalism

Elected	Plan Supplement	Action	Completion Date
	1A	Introduce mentee to other lawyers in the community, in a variety of practice areas, through attendance at bar association (national, state, local and affinity) meetings and other networking opportunities.	
	1B	Meet at the local courthouse(s) and make appropriate introductions to members of the judiciary, court personnel and clerks of court. Discuss customary rules of civility or etiquette among lawyers and judges in the community.	
	1C	Acquaint mentee with access to justice issues, various Illinois legal services organizations, and opportunities to engage in *pro bono* activities. If appropriate, work together on a pro bono matter, charitable event, or public service project.	
	1D	Discuss law office management matters: a. Time records. b. Records of client-related expenses. c. Billing system. d. Conflict check procedure. e. Client retainer and/or payment schedules. f. Fee agreements. g. Escrow and trust account, establishing an IOLTA, accounting, auditing, use of interest proceeds, proper procedures for handling client funds and other property. h. Filing system and procedures. i. Document retention plan. j. Calendar reminder systems. k. Information technology system. l. Methods of keeping clients informed about progress of their matters. m. Library and research systems. n. Other resources (publications, seminars, equipment).	
	1E	Discuss effective time management skills and techniques.	
	1F	Discuss how to staff a large litigation or transactional matter, including what is involved in effectively allocating firm and client resources.	
	1G	Discuss importance of client communication, how to maintain appropriate ongoing communication (returning telephone calls, email) to keep clients informed.	
	1H	Discuss proper legal counseling and the duties and responsibilities of advising clients.	
	1I	If applicable, discuss how to develop business in an effective and professional manner.	

	1J	Discuss types of alternative dispute resolution such as mediation, arbitration, early neutral evaluation, summary jury trials, and collaborative representation.	
	1K	Observe one of the proceedings referred in 1L. Discuss and evaluate what was observed.	
	1L	If you work in a government setting, introduce the mentee to respective roles of other agencies, and to representatives thereof.	
	Alternative Action		
	Alternative Action		

2. Legal Ethics

Elected	Plan Supplement	Action	Completion Date
	2A	Discuss practices to maintain client confidentiality.	
	2B	Discuss how to screen for, recognize, and avoid conflicts of interest.	
	2C	Discuss roles and responsibilities of paralegals, secretaries and other office personnel, and how to establish good working relationships with support staff and colleagues.	
	2D	Discuss the responsibilities of the client and the lawyer in decision-making, and the best ways to involve a client in their case.	
	2E	Discuss preparation and proper behavior during discovery.	
	2F	Discuss how to prepare for negotiation of a legal matter, when and how negotiation is initiated, how to involve the client, ethical and professionalism obligations of negotiators, skills needed to be an effective negotiator and how to acquire them.	
	2G	Discuss common malpractice and grievance traps in your practice area or setting, and how to recognize and avoid common pitfalls.	
	2H	Discuss potential resources and procedures for dealing with complicated ethical issues, including conflict of interests.	
	2I	Discuss appropriate ways to handle situations where lawyer believes another lawyer has committed an ethical violation; the obligation to report misconduct; and the appropriate way to handle a situation where a mentee is asked by a senior member of the firm/organization to do something that is unethical or unprofessional.	

	2J	Discuss the grievance process and a lawyer's duty to cooperate with a disciplinary investigation.	
	2K	Attend a public hearing at the ARDC's Chicago or Springfield office (see ILARDC hearings schedule) and discuss the proceedings.	
	Alternative Action		
	Alternative Action		

3. Civility

Elected	Plan Supplement	Action	Completion Date
	3A	Discuss the Commission's Survey on Professionalism and how issues of incivility impact the legal profession and the administration of justice.	
	3B	Discuss the professional conduct duties of the lawyer to the client and to the administration of justice.	
	3C	Discuss strategies for managing incivility and highly charged situations.	
	3D	Discuss how to deal with a "difficult" client.	
	Alternative Action		
	Alternative Action		

4. Diversity and Inclusion

Elected	Plan Supplement	Action	Completion Date
	4A	Develop an awareness of diversity and inclusion issues in the legal profession by reading recent published studies and articles, and discussing them.	
	4B	Discuss personal experiences involving diversity and inclusion in your academic or work setting/s.	
	4C	Discuss what your organization or employer has done, or could do, to increase diversity and inclusion.	
	4D	Attend a diversity awareness or training workshop or CLE, and discuss.	
	Alternative Action		

5. Wellness, Mental Health and Addiction

Elected	Plan Supplement	Action	Completion Date
	5A	Discuss various career paths such as large firm, small firm, government and non-profit practice, corporate counsel, and nontraditional legal positions and identify resources for exploring options.	
	5B	Discuss long term and short-term career objectives and identify ways to achieve them.	
	5C	Discuss strategies for finding a balance between career and personal life, keeping daily stress in perspective, reconciling job expectations with actual experience and maximizing career satisfaction.	
	5D	Discuss prominence of substance abuse and mental health issues in the legal profession; review warning signs of substance abuse or mental health problems; what to do if the mentor, mentee, a colleague, or a superior is faced with a substance abuse or mental health problem; and the resources for assistance.	
	Alternative Action		
	Alternative Action		

6. Progress Survey

Name: Date:

A. Are you are the mentee or mentor?

- ❍ Mentee
- ❍ Mentor

B. Are you in an in-house or outside mentoring relationship?

- ❍ In-house relationship
- ❍ Outside relationship

C. Did your orientation provide sufficient guidance for you to begin your mentoring relationship?

- ❍ Yes
- ❍ No

If no, what would have been helpful?

D. How many of the minimum eight required in-person meetings have occurred to date?

- ❍ One
- ❍ Two
- ❍ Three
- ❍ Four or more

E. Have you developed a mentoring relationship that supports open communication and learning?

- ❍ Yes
- ❍ No

F. Have you had any difficulties completing the selected activities in your mentoring plan?

- ❍ Yes
- ❍ No

If yes, please explain.

G. Are you using the Mentoring Plan Supplement to facilitate some or all of your discussions?

- ❍ Yes
- ❍ No

H. Are you benefiting from your participation in mentoring?

- ❍ Yes
- ❍ No

J. Anything else you want to share?

7. Plan Completion Attestation

We, _____Mentor, and _____, Mentee, completed our *Mentoring Plan* on or before _____ (date) and met the minimum eight in-person meeting requirement. During our meetings, we focused on the skills for professional and ethical practice of law and examined the lawyer's aspirational ideals as applied to action items elected in our *Mentoring Plan*.

I hereby attest that the above information is true and accurate to the best of my knowledge.

Mentee Signature: Date:

I hereby attest that the above information is true and accurate to the best of my knowledge.

Mentor Signature: Date:

In order to receive professional responsibility CLE credit, lawyers must submit a completed copy of this form to your Program Administrator. You may then apply for your CLE credits via the Commission's Attorney Application.



Illinois Supreme Court Commission on Professionalism
Lawyer-to-Lawyer Mentoring Program

Mentoring Plan
For Mentors and Mentees

Revised Edition 2017

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SUPREME COURT OF ILLINOIS

CHAMBERS OF
CHIEF JUSTICE LLOYD A. KARMEIER

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PO BOX 266
NASHVILLE, IL 62263
(618) 327 9751
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Dear Colleague:

On behalf of the Justices of the Illinois Supreme Court, I thank you for your participation in the Lawyer-to-Lawyer Mentoring Program.

This program creates an opportunity for an experienced lawyer to provide professional guidance and share practical knowledge and skills with a new lawyer during the critical transition period from law student to legal practitioner. Mentoring programs serve two important goals: (1) the development of relationships between new and more experienced lawyers; and (2) providing education on professional responsibility topics. Completion of this program also qualifies for 6.0 Professional Responsibility CLE credits.

Your commitment to this year-long undertaking should benefit not only you but also the profession at large. Good mentoring is extremely valuable for building and maintaining an identity and common purpose in our profession.

Please accept our gratitude for your time and effort in this worthy endeavor.

Very truly yours,

Lloyd A. Karmeier

Hon. Lloyd A. Karmeier, Chief Justice
Illinois Supreme Court

Welcome to the Illinois Supreme Court Commission on Professionalism's Lawyer-to-Lawyer Mentoring Program

This document contains all the information you will need to successfully complete the Lawyer-to-Lawyer Mentoring Program. Please contact your Program Administrator when questions arise.

Mentor and Mentee Program Requirements and Checklist

☐ **1. Participate in the Program Orientation.**

Chances are that you are reading this while sitting at your program orientation session. Today, you will be asked to do three things:

a. **WATCH** a brief Program Orientation presentation on the history and logistics of the Program;
b. **COMPLETE** the *Internal or External Lawyer Mentoring Agreement* at 2civility.org/programs/mentoring/ (your Program Administrator may want a hard copy as well); and
c. **DEVELOP** your Mentoring Plan with your mentoring partner (see pages 4-6).

The *Mentoring Plan* is intended to serve as a guide or roadmap for the mentor and mentee relationship. It lists action items grouped by the five areas of the professional responsibility requirements in Illinois Supreme Court Rule 794(d): Professionalism, Legal Ethics, Civility, Diversity & Inclusion, and Wellness, Mental Health & Addiction.

As a pair, you should incorporate as many of the action items as feasible into your *Mentoring Plan* and customize your plan to the particular practice setting, individual needs, and personal goals of the mentee. To satisfy the requirements of the mentoring program and receive CLE credit, your completed Plan must include at least one activity from each of the five categories. Note that there are blank lines in each category where you can designate your own activity.

Together, you and your mentoring partner should develop a personalized plan for the one-year mentoring term by discussing the specific action items in the attached Plan, deciding upon the concepts, skills, topics, and shared professional experiences you'd like to address during the one-year mentoring term.

☐ **2. Participate in a minimum of eight (8) face-to-face mentoring sessions.**

Once you have agreed upon your Plan, you will hold a minimum of eight (8) in-person meetings over the course of the one-year mentoring term. Again, you must complete at least one activity from each of the five areas of professional responsibility requirements over the course of these meetings.

Some suggestions to enhance your mentoring experience:

a. The particular action items or activities you select are not set in stone. To the extent interests, needs, or opportunities change during the course of the mentoring relationship, you can agree to add or substitute an activity you may not have initially selected.
b. Consider putting your first few meetings on your calendars today; this will get you off to a strong start.
c. To facilitate the dual purpose of education and relationship-building, we recommend neither rushing to complete the action items in a shorter time period, nor waiting until the end of the one-year term.

d. See the corresponding section of the Mentoring Plan Supplement for additional information on a particular action item. The Supplement suggests activities, discussion topics and references for each action item in the *Mentoring Plan*.

☐ **3. Complete the online requirements at the end of your year-long mentoring term.**

As your mentoring year comes to a close, on or after the anniversary date of your Orientation, all mentors and mentees must:

a. **COMPLETE** the *Plan Completion Attestation* at 2civility.org/programs/mentoring/ (your Program Administrator may want a hard copy as well); and
b. **COMPLETE** the brief year-end Mentoring Survey required by the Commission that accompanies the Attestation.

Thereafter, mentors and mentees may complete the *Mentoring CLE Application* at 2civility.org/programs/mentoring/ to obtain **six (6) hours of Professional Responsibility CLE credit** under Supreme Court Rule 795(d)(11). Please note that no partial credit will be given. You should receive a certificate of completion via email within 1-5 business days of submission.

Thank you again for participating, and for your contributions to professionalism in Illinois.
We at the Commission hope that you will find the Program rewarding!

Mark C. Palmer
Professionalism Counsel
Illinois Supreme Court Commission on Professionalism
mark.palmer@2civility.org

1. Professionalism

Elected	Plan Supplement	Action	Completion Date
	1A	Introduce mentee to other lawyers in the community, in a variety of practice areas, through attendance at bar association (national, state, local and affinity) meetings and other networking opportunities.	
	1B	Meet at the local courthouse(s) and make appropriate introductions to members of the judiciary, court personnel and clerks of court. Discuss customary rules of civility or etiquette among lawyers and judges in the community.	
	1C	Acquaint mentee with access to justice issues, various Illinois legal services organizations, and opportunities to engage in *pro bono* activities. If appropriate, work together on a pro bono matter, charitable event, or public service project.	
	1D	Discuss law office management matters: a. Time records. b. Records of client-related expenses. c. Billing system. d. Conflict check procedure. e. Client retainer and/or payment schedules. f. Fee agreements. g. Escrow and trust account, establishing an IOLTA, accounting, auditing, use of interest proceeds, proper procedures for handling client funds and other property. h. Filing system and procedures. i. Document retention plan. j. Calendar reminder systems. k. Information technology system. l. Methods of keeping clients informed about progress of their matters. m. Library and research systems. n. Other resources (publications, seminars, equipment).	
	1E	Discuss effective time management skills and techniques.	
	1F	Discuss how to staff a large litigation or transactional matter, including what is involved in effectively allocating firm and client resources.	
	1G	Discuss importance of client communication, how to maintain appropriate ongoing communication (returning telephone calls, email) to keep clients informed.	
	1H	Discuss proper legal counseling and the duties and responsibilities of advising clients.	
	1I	If applicable, discuss how to develop business in an effective and professional manner.	
	1J	Discuss types of alternative dispute resolution such as mediation, arbitration, early neutral evaluation, summary jury trials, and collaborative representation.	
	1K	Observe one of the proceedings referred in 1J. Discuss and evaluate what was observed.	
	1L	If you work in a government setting, introduce the mentee to respective roles of other agencies, and to representatives thereof.	
	Alternative Action		
	Alternative Action		

2. Legal Ethics

Elected	Plan Supplement	Action	Completion Date
	2A	Discuss practices to maintain client confidentiality.	
	2B	Discuss how to screen for, recognize, and avoid conflicts of interest.	
	2C	Discuss roles and responsibilities of paralegals, secretaries and other office personnel, and how to establish good working relationships with support staff and colleagues.	
	2D	Discuss the responsibilities of the client and the lawyer in decision-making, and the best ways to involve a client in their case.	
	2E	Discuss preparation and proper behavior during discovery.	
	2F	Discuss how to prepare for negotiation of a legal matter, when and how negotiation is initiated, how to involve the client, ethical and professionalism obligations of negotiators, skills needed to be an effective negotiator and how to acquire them.	
	2G	Discuss common malpractice and grievance traps in your practice area or setting, and how to recognize and avoid common pitfalls.	
	2H	Discuss potential resources and procedures for dealing with complicated ethical issues, including conflict of interests.	
	2I	Discuss appropriate ways to handle situations where lawyer believes another lawyer has committed an ethical violation; the obligation to report misconduct; and the appropriate way to handle a situation where a new lawyer is asked by a senior member of the firm/organization to do something that is unethical or unprofessional.	
	2J	Discuss the grievance process and a lawyer's duty to cooperate with a disciplinary investigation.	
	2K	Attend a public hearing at the ARDC's Chicago or Springfield office (see ILARDC hearings schedule) and discuss the proceedings.	
	Alternative Action		
	Alternative Action		

3. Civility

Elected	Plan Supplement	Action	Completion Date
	3A	Discuss the Commission's Survey on Professionalism and how issues of incivility impact the legal profession and the administration of justice.	
	3B	Discuss the professional conduct duties of the lawyer to the client and to the administration of justice.	
	3C	Discuss strategies for managing incivility and highly charged situations.	
	3D	Discuss how to deal with a "difficult" client.	
	Alternative Action		

4. Diversity and Inclusion

Elected	Plan Supplement	Action	Completion Date
	4A	Develop an awareness of diversity and inclusion issues in the legal profession by reading recent published studies and articles, and discussing them.	
	4B	Discuss personal experiences involving diversity and inclusion in your academic or work setting/s.	
	4C	Discuss what your organization or employer has done, or could do, to increase diversity and inclusion.	
	4D	Attend a diversity awareness or training workshop or CLE, and discuss.	
	Alternative Action		
	Alternative Action		

5. Wellness, Mental Health and Addiction

Elected	Plan Supplement	Action	Completion Date
	5A	Discuss various career paths such as large firm, small firm, government and non-profit practice, corporate counsel, and nontraditional legal positions and identify resources for exploring options.	
	5B	Discuss long term and short-term career objectives and identify ways to achieve them.	
	5C	Discuss strategies for finding a balance between career and personal life, keeping daily stress in perspective, reconciling job expectations with actual experience and maximizing career satisfaction.	
	5D	Discuss prominence of substance abuse and mental health issues in the legal profession; review warning signs of substance abuse or mental health problems; what to do if the mentor, mentee, a colleague, or a superior is faced with a substance abuse or mental health problem; and the resources for assistance.	
	Alternative Action		
	Alternative Action		