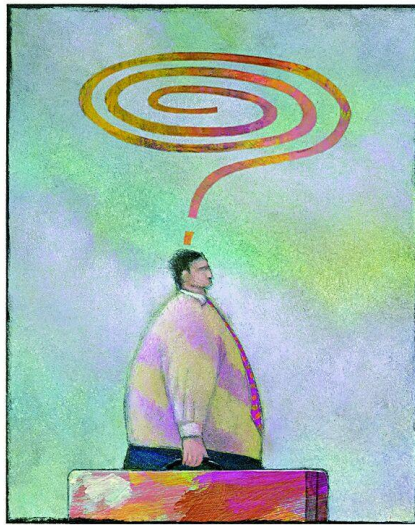


# Utah State Bar



## CIRCLE MENTORING PROGRAM

Resources for  
New Lawyers and Mentors

[www.utahbar.org/nltp](http://www.utahbar.org/nltp)

# NEW LAWYER TRAINING PROGRAM



## INTRODUCTION TO THE CIRCLE MENTORING PROGRAM

The Circle Mentoring Program provides an opportunity for new lawyers either not practicing law or residing in a rural area to meet the requirements of the New Lawyer Training Program. The program provides group mentoring for to 4 – 6 new lawyers working with 1 or 2 Utah Supreme Court approved mentors.

Circle Mentoring groups are established based on geographic region and/or practice interest. During the twelve month mentoring term, participants will follow the Circle Mentoring Plan which consists of three components: (1) attendance at 3 mandatory seminars covering subjects conducive to large group discussions; (2) eight small group meetings led by the individual group mentor and practitioners possessing skills in a particular subject area; and (3) an opportunity to gain practical legal experience through pro bono legal involvement. These three components will allow the new lawyers to work through the Circle Mentoring Plan.

The NLTP Coordinator will organize the following large group seminars during the NLTP mentoring term:

- 1. Introduction to the Bar**
- 2. Introduction to the Courthouse**
- 3. Introduction to Law Office Management**

These seminars will be scheduled quarterly. The NLTP Administrator will notify all Circle Mentoring participants of the time and place of the seminars.

In addition, **ALL** new lawyers **must** attend the **New Lawyer Ethics Program** in their first year of practice. The Program is offered twice a year at the Law and Justice Center and costs \$75. New Lawyers need only attend one of the two programs. New lawyers should go to [utahbar.org/cle/events/](http://utahbar.org/cle/events/) for exact dates and times and to register.

The Circle Mentoring Plan includes core concepts, lawyering skills, activities and experiences which should be used as learning activities for the new lawyers and the mentor and as topics for discussion. The activities and experiences are an introduction to the topics with which lawyers need to be familiar for the successful and professional practice of law. **New lawyers are encouraged to participate in pro bono activities to provide a context for the subjects and activities covered in the mentoring plan.**

The Circle Mentoring Plan provides a checklist of activities which the new lawyers and mentor are required to complete by the end of the twelve-month mentoring term. The plan also includes elective components designed to expose the new lawyers to specific areas of the law. At its initial meeting, the new lawyers and mentor should determine which electives it would like to complete by the end of the mentoring term based on the needs and interests of the new lawyers in the group. Where necessary, mentors will coordinate with the NLTP Administrator to contact other experienced lawyers to discuss elective subjects.

In addition to the activities provided in the Circle Mentoring Plan, new lawyers are encouraged to discuss with their mentor other career issues that arise in their early practice experience.

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## INSTRUCTIONS FOR CREATING THE CIRCLE MENTORING PLAN

The following provides instructions for developing the Circle Mentoring Plan. Although many of the activities are required, there are opportunities for each Circle Mentoring group to modify the plan to reflect the professional interests and goals of the new lawyers in each mentoring group. **Please read these instructions carefully.**

1. Print and bring this Circle Mentoring Plan to the first meeting with your mentor(s).
2. Review Required Sections 1 through 7 contained in the plan. Each “required” activity included under each required section must be completed. However, the Circle Mentoring group may elect to create its own option activities under each required section. For example, under Required Section 1: Introduction to the Legal Community the group may decide to require each new lawyer in the group attend a Bar Section luncheon of their choice at least once during the mentoring term, allowing networking opportunities for the new lawyers.
3. In addition to required Sections 1 through 7, new lawyers should work as a group to select at least 5 electives in their mentoring plan. The electives should reflect the professional interests and goals of the new lawyers in each mentoring group.
4. Indicate which activities and electives will be completed by the new lawyers during the mentoring term by checking the corresponding box next to each activity description in Required Sections 1 through 6 and the relevant electives.
5. Each new lawyer and the mentor should sign the accompanying Mentoring Plan Acknowledgement.
6. Each new lawyer must submit the completed and executed plan to the NLTP Coordinator for approval.
7. A copy of the mentoring plan should be retained by the new lawyers for their reference.

If you have any questions regarding the development of your mentoring plan, contact the NLTP Coordinator at [mentoring@utahbar.org](mailto:mentoring@utahbar.org) or by calling (801)297-7026.

# NEW LAWYER TRAINING PROGRAM



## UTAH STATE BAR NEW LAWYER TRAINING PROGRAM CIRCLE MENTORING PLAN

### REQUIRED ACTIVITIES AND EXPERIENCES

#### Required Section 1.

#### Introduction to the Legal Community

Activity	Check Each Selected Item
The Mentor should contact the New Lawyers as soon as practicable after receipt of the notice of assignment and arrange to meet as a group to get acquainted. Prior to the first group meeting, the Mentor should meet with each new lawyer in the group to discuss professional goals, including practice areas of interest.	<b>Required</b>
The New Lawyer attends the “Introduction to the Bar” seminar, as scheduled by the NLTP Administrator. New Lawyer will discuss with mentor advantages of involvement with local, state and/or national bar or professional associations. Seminar will also include discussion regarding CLE requirements and ways to fulfill such requirements, including Bar CLE programs.	<b>Required</b>
Mentor will introduce, as feasible, the New Lawyers to other lawyers in the community.	<b>Optional</b>
Discuss communities of interest in the practice of law including: Utah State Bar and its Sections and Committees; Office of Professional Conduct; Utah State Courts; and Administrative Office of the Courts.	<b>Required</b>
Discuss the role and importance of listservs and blogs utilized by the Utah legal community.	<b>Optional</b>
Review and discuss the support and counseling available for the new lawyer and family through the Bar’s contract with a professional counseling service and the Lawyers Helping Lawyers Committee.	<b>Required</b>

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## Required Section 2.

### Rules of Professional Conduct and Standards of Professionalism and Civility

Activity	Check Each Selected Item
Attend the mandatory New Lawyer Ethics Program in October or April. Go to <a href="http://utahbar.org/cle/events/">utahbar.org/cle/events/</a> for exact dates and times and to register.	<b>Required</b>
Review and discuss the Rules of Professional Conduct. Review and discuss at least two of the following Rules of Professional Conduct: <ul style="list-style-type: none"> <li>• Rule 1.7 - .8. Conflict of interest: current clients;</li> <li>• 3.3 Candor toward the Tribunal;</li> <li>• 4.2 Communication with persons represented by counsel; or</li> <li>• 4.3 Dealing with unrepresented persons.</li> </ul>	<b>Required</b>
Review and discuss the Utah Standards of Professionalism and Civility. Discuss the Preamble and all twenty standards. Discuss any “unwritten” customary rules of civility or etiquette among lawyers and judges in the community.	<b>Required</b>
Discuss ethical issues that arise with some regularity in the practice setting. Discuss ways to resolve the issues, referring to experience, as well as the Rules of Professional Conduct.	<b>Required</b>
Review and discuss the importance of and methods used to screen for potential conflicts. Discuss the differences between issue conflicts and client conflicts.	<b>Required</b>
Meet with Office of Professional Conduct attorney to discuss pitfalls of the profession and most frequent professional and ethical violations.	<b>Optional</b>

## Required Section 3.

### Introduction to Pro Bono Work and the Community at Large

Activity	Check Each Selected Item
Acquaint new lawyers with pro bono opportunities including: “And Justice for All,” Legal Aid, Utah Legal Services, Disability Law Center, Tuesday Night Bar, and Wills for Hereos.	<b>Required</b>
Complete a pro bono volunteer form at <a href="http://utahbar.org/probono/volunteer_form.html">utahbar.org/probono/volunteer_form.html</a> and participate in at least 6 pro bono activities throughout the mentoring term.	<b>Optional</b>

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New lawyers should visit with someone closely connected to pro bono services.	<b>Required</b>
Mentor should invite the new lawyers to attend a civic club of which the Mentor is a member or some other community service activity in which the Mentor participates.	<b>Optional</b>
Discuss civic, charitable, and service opportunities in the community.	<b>Optional.</b>

## **Required Section 4. Introduction to Law Office Management**

<b>Activity</b>	<b>Check Each Selected Item</b>
Attend meeting with an established solo practitioner to discuss establishing a practice, pitfalls of solo practice and effective habits of solo practitioners.	<b>Optional</b>
Attend “Introduction to the Practice of Law” seminar during which the following subjects will be discussed: Time Records; Records of Client-related expenses; billing system; filing systems; document retention plans; calendar and “tickler” reminder systems; information technology systems; library and research systems; other resources (publications, seminars, equipment, etc) that new lawyers might find particularly helpful.	<b>Required</b>
Discuss the firm environment including: getting along with staff; firm “etiquette” and protocols; 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.	<b>Required</b>
Discuss time management skills and techniques.	<b>Optional</b>
Review escrow and trust account rules for handling of client funds, including importance of clearing checks before funds are drawn and authority needed to pay fees from client funds in trust.	<b>Required</b>
Review and discuss the importance of malpractice insurance and how to obtain malpractice insurance.	<b>Required</b>
Discuss practices to maintain client confidentiality.	<b>Required</b>

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## Required Section 5. Working With Clients

Activity	Check Each Selected Item
Engage in a training discussion about client interaction, including tips for gathering information about a legal matter and appraising the credibility and trust of a potential client.	<b>Required</b>
Participate in a client consultation by volunteering at a legal clinic such as Tuesday Night Bar, Family Law Clinic or the Street Law Clinic.	<b>Optional</b>
Train on using retainer or engagement letters and discuss frequent issues that arise regarding scope of representation.	<b>Required</b>
Draft an engagement letter.	<b>Optional</b>
Train on how to talk about and set the fee for legal services.	<b>Required</b>
Discuss how to deal with a “difficult” client and how to decline representation of the unrealistic or “impossible” client.	<b>Optional</b>
Discuss “Dos and Don’ts” of maintaining good ongoing client relations, such as returning telephone calls and keeping clients informed about matters.	<b>Required</b>
Discuss terminating the lawyer-client relationship and necessary documentation.	<b>Required</b>
Review and understand contingency fee agreements and issues to be included in the agreements.	<b>Optional</b>

## Required Section 6. Introduction to the Courtroom

Activity	Check Each Selected Item
Attend the “Introduction to the Courtroom” seminar where new lawyers will be introduced to members of the judiciary, court personnel and clerks of the court. New lawyers will also tour the courthouse.	<b>Required</b>
Discuss approaches and techniques for working with opposing counsel and judges.	<b>Optional</b>

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Overview of how to take a case from start to finish.	<b>Optional</b>
Review pleadings, discovery, and motions.	<b>Optional</b>
Discuss the mechanics of trial, including where to stand, proper attire, when to stand, courtroom decorum, judges' bench books, etc.	<b>Optional</b>
Discuss frequent issues that arise in litigation concerning specific Rules of Civil Procedure, and the local rules that apply in either state or federal court.	<b>Optional</b>

## **ELECTIVE ACTIVITIES AND EXPERIENCES**

The mentor should work with the new lawyers in the group to select 5 electives to complete during the mentoring term. The electives should reflect the interests of the new lawyers in the group. Under each elective, the activities and experiences may be adjusted and the new lawyer should complete as many activities as feasible.

Where the mentor lacks experience in a particular elective subject, the mentor should contact an experienced lawyer to assist in conducting a discussion on the subject. The mentor will monitor and facilitate the progress of the new lawyers in fulfilling practice experiences by discussing the context and assessing the activity selected.

**NOTE: New lawyers who are not currently practicing law are encouraged to complete elective activities through pro bono involvement. New lawyers interested in pro bono should complete a pro bono volunteer application online at [https://utahbar.org/probono/volunteer\\_form.html](https://utahbar.org/probono/volunteer_form.html). Information regarding pro bono opportunities within Utah is also available at <http://www.utahbar.org/probono/>.**

### **Elective Section A. Advocacy and Litigation.**

<b>Activity</b>	<b>Check Each Selected Item</b>
Discuss the process for filing court documents.	
Attend or participate in a hearing on a motion; discuss.	
Attend or participate in an oral argument; discuss.	
Attend or participate in a trial, including voir dire if a jury trial; discuss.	
Participate in 26(f) conference to discuss settlement, discovery plan and initial disclosures.	

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Participate in drafting discovery requests, including interrogatories, requests for admission and requests for production of documents.	
Participate or observe a trial in a civil or criminal case in either state or federal court.	
Participate in an evidentiary hearing in state or federal court.	
Observe or participate in a mediation or arbitration.	
Prepare a complaint or summons.	
Participate in an administrative hearing.	
Observe an appellate argument in the Utah Supreme Court, Utah Court of Appeals or in a Federal Appellate Court.	
Attend a hearing at Bankruptcy Court.	
Participate in preparing settlement documents, including a discussion of any tax implication in a settlement including a monetary award.	
Participate in drafting a pleading or motion for an administrative body or a state or federal court.	

**Elective Section B.  
ADR.**

Activity	Check Each Selected Item
Meet with mediator and arbitrator and discuss Utah statutes on mediation. Review and discuss AAA rules. Discuss the importance and requirement to screen for potential conflict of interest of mediator.	
Discuss Utah Dispute Resolution and mediation training opportunities.	
Observe, participate in, or prepare for an actual or simulated mediation.	
Observe, participate in, or prepare for, an arbitration and review and discuss AAA rules.	

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Discuss and review examples of arbitration and mediation provisions in contracts. Discuss the pros and cons of including such provisions in various types of contracts (i.e. employment, consumer, etc).	

## Elective Section C. Negotiation.

Activity	Check Each Selected Item
Discuss how to prepare for the negotiation of a legal matter (e.g., release of a personal injury claim, lease agreement, etc.).	
Discuss when and how negotiation should be initiated.	
Discuss when and how to involve the client in negotiation.	
Discuss ethical and professional obligations of negotiators.	
Discuss skills needed to be an effective negotiator and how to acquire them.	
Arrange for the new lawyers to observe an actual or simulated negotiation and explain relevant background context and then evaluate what is observed.	
Discuss CLE programs that may be applicable to this section.	

## Elective Section D. Client Interviewing and Counseling.

Activity	Check Each Selected Item
Discuss and review interview techniques (asking the right questions).	
Discuss and review counseling techniques (providing the hard advice).	
Simulate and discuss the counseling of a client (mentor and new lawyer should alternate being client and lawyer).	

# NEW LAWYER TRAINING PROGRAM



Participate in interviewing a client.	
Participate in counseling a client.	

**Elective Section E.  
Estate Planning.**

Activity	Check Each Selected Item
Meet with experienced attorney who practices Estate Planning to discuss the realities of the practice and the basics of Estate Planning.	
Discuss pro bono opportunities with respect to Estate Planning. This includes Wills for Heroes, Utah State Bar’s Senior Legal Clinic Program and Utah Legal Services, Senior Lawyer Volunteer Project.	
Through involvement in pro bono opportunities, including Wills for Heroes and Elder Law Section, participate in drafting and reviewing any of the following:	
• Wills.	
• Revocable living trusts: tax planning.	
• Revocable living trusts: non-tax planning.	
• Revocable living trusts: generation skipping tax planning.	
• Irrevocable trusts.	
• Durable powers of attorney.	
• Special powers of attorney for health care.	
• Directives to physicians (living wills).	
• Life insurance trusts.	
• Transfer of ownership documents: quit-claim deeds.	
• Transfer of ownership documents: assignments.	

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## Elective Section F. Family Law and Juvenile Law.

Activity	Check Each Selected Item
Meet with experienced Family Law attorney to discuss the realities of a Family Law practice and the basics of Family Law.	
Discuss pro bono opportunities with respect to Family Law. This includes opportunities through Utah Legal Aid, Family Law Clinic and the Guardian Ad Litem's Office.	
Review and discuss the Rules of Civil Procedure specific to Family Law.	
Understand the role of a Domestic Relations Commissioner. Meet as many commissioners as possible.	
Prepare proposed Case Management Order.	
Create a child support worksheet.	
Observe or participate in a hearing on motion for temporary orders.	
Observe or participate in custody evaluation settlement conference if permission is granted.	
Observe or participate in a collaborative law meeting if permission is granted.	
Observe or participate in a mediation if permission is granted.	
Observe or participate in a family law trial.	
Discuss the role of a juvenile Guardian Ad Litem; introduce where possible.	
Discuss the standards for removal with a Department of Child and Family Services (DCFS) worker.	

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## Elective Section G. Real Estate Law.

Activity	Check Each Selected Item
Meet with experienced Real Estate attorney to discuss the realities of the practice and the basics of Real Estate law.	
Review at least four of the following:	
<ul style="list-style-type: none"> <li>• Real estate purchase agreements.</li> </ul>	
<ul style="list-style-type: none"> <li>• Deeds of trust.</li> </ul>	
<ul style="list-style-type: none"> <li>• Mortgages.</li> </ul>	
<ul style="list-style-type: none"> <li>• Commercial leases.</li> </ul>	
<ul style="list-style-type: none"> <li>• Residential leases.</li> </ul>	
<ul style="list-style-type: none"> <li>• Notice of Default on the above.</li> </ul>	

## Elective Section H. Employment Law.

Activity	Check Each Selected Item
Meet with an experienced Employment Law attorney to discuss the realities of the practice and the basics of Employment Law.	
Review and discuss the UALD/EEOC administrative process. Review or participate in drafting a charge or the response to a charge.	
Observe a UALD/EEOC hearing.	
Prepare for and observe or participate in an unemployment benefits insurance appeal hearing.	
Review and discuss an ongoing employment law issue, such as a claim under Title VII, the Family Medical Leave Act, the Americans with Disabilities Act, or other substantive federal law or its state counterpart.	

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**Elective I.  
Realities of Legal Writing.**

Activity	Check Activity Selected
Real Life vs. Law School	
Drafting legal memoranda	
Drafting appellate briefs.	
Drafting transactional documents.	

**Other Possible Electives**

**Section J. (1-17) \_\_\_\_\_.**

There are a number of other substantive areas of the law not included but for the mentor and new lawyers may prepare a plan and customized check-off sheet. Those areas include but are not limited to:

1. Administrative law
2. Securities law
3. Bankruptcy law
4. Environmental law and compliance
5. Antitrust law
6. Water law
7. Oil, gas, and mining law
8. Public utilities law
9. Contract law
10. Personal injury law, including products liability
11. Insurance defense law, including coverage analysis
12. Merger and acquisition law
13. Constitutional law
14. Immigration law
15. Health care law
16. Ethical leadership in corporate practice (audit committees, Sarbanes Oxley, corporate monitors)
17. Lobbying requirements, ethics and state legislative process.

Activity	Check Each Selected Item

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## CIRCLE MENTORING PLAN ACKNOWLEDGMENT

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

\_\_\_\_\_  
Signature of New Lawyer

\_\_\_\_\_  
Print Name and Bar #

\_\_\_\_\_  
Signature of Mentor

\_\_\_\_\_  
Print Name and Bar #

\_\_\_\_\_  
DATE

**\*\*THIS MENTORING PLAN ACKNOWLEDGMENT SHOULD BE SIGNED BY BOTH THE NEW LAWYER AND MENTOR. THE NEW LAWYER SHOULD RETURN THE SIGNED MENTORING PLAN ALONG WITH THIS ACKNOWLEDGMENT TO THE NLTP WITHIN 90 DAYS FROM THE DATE OF YOUR REGISTRATION WITH THE BAR.**

# NEW LAWYER TRAINING PROGRAM



## CONTACT INFORMATION

### Utah Law and Justice Center

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