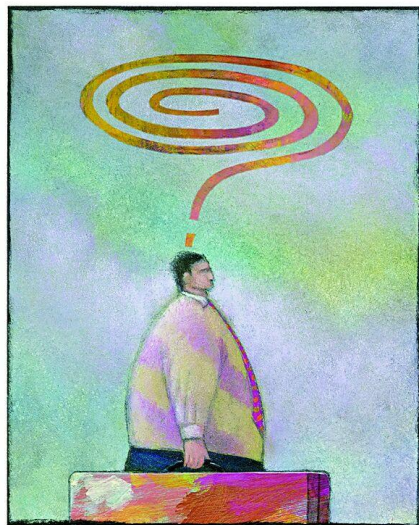


Utah State Bar



MODEL MENTORING PLAN

Resources for
New Lawyers and Mentors
www.utahbar.org/nlp

NEW LAWYER TRAINING PROGRAM



TABLE OF CONTENTS

| | |
|--|-----------|
| MODEL MENTORING PLAN | 3 |
| INTRODUCTION | 3 |
| INSTRUCTIONS | 4 |
| REQUIRED ACTIVITIES AND EXPERIENCES | 5 |
| <i>Introduction to the Legal Community</i> | 5 |
| <i>Rules of Professional Conduct and Standards of Professionalism and Civility</i> | 6 |
| <i>Litigation and Transaction Handling Experiences</i> | 7 |
| <i>Introduction to Law Office Management (Required For Private Practice)</i> | 8 |
| <i>Working With Clients (Required Where Applicable)</i> | 10 |
| <i>Public Service, Bar Programs, and Life Balance</i> | 11 |
| ELECTIVE ACTIVITIES AND EXPERIENCES (5 MANDATORY) | 12 |
| <i>Advocacy and Litigation</i> | 12 |
| <i>ADR</i> | 13 |
| <i>Negotiation</i> | 13 |
| <i>Client Interviewing and Counseling</i> | 14 |
| <i>Civil Procedure</i> | 14 |
| <i>Criminal Procedure</i> | 15 |
| <i>Estate Planning</i> | 16 |
| <i>Probate</i> | 17 |
| <i>Family Law</i> | 17 |
| <i>Juvenile Law</i> | 18 |
| <i>Business Law</i> | 19 |
| <i>Tax Law</i> | 20 |
| <i>Real Estate Law</i> | 20 |
| <i>Employment Law</i> | 21 |
| <i>Patent Law</i> | 21 |
| <i>Trademark Law</i> | 22 |
| <i>Other Possible Electives</i> | 23 |
| MENTORING PLAN ACKNOWLEDGEMENT | 24 |
| CONTACT INFORMATION | 25 |

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INTRODUCTION TO THE MENTORING PLAN

This Model Mentoring Plan includes core concepts, lawyering skills, activities and experiences which should be used as learning activities for the New Lawyer and Mentor and as topics for discussion between them. 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.

The Mentoring Plan should be developed by the Mentor and New Lawyer together during their first meeting and must be submitted, along with the Mentoring Plan Acknowledgment to the NLTP Administrator **within 30 days** of the start of the mentoring term. Consult the NLTP Initial Meeting Guide to prepare for the first meeting and to facilitate discussion about the Mentoring Plan. The Initial Meeting Guide is available on the Bar's website at the following address: <http://www.utahbar.org/nltp/assets/Initial.Meeting.Guide.pdf>.

The Mentoring Plan submitted to the NLTP is a checklist of activities which the New Lawyer and Mentor are required to complete together by the end of the mentoring term. In addition to the activities provided in the Mentoring Plan, New Lawyers are encouraged to discuss with their Mentors other career issues that arise in their early practice experience.

If the mentor does not practice in all the areas selected and agreed upon by the mentor and the new lawyer, the mentor may choose to call on another experienced lawyer who practices in the specific area to assist in mentoring the new lawyer in that area. Multiple mentors are encouraged and may be appropriate in some circumstances. In such a situation, the program allows for shared credit between supervising mentors.

NOTE: Each individualized Mentoring Plan should incorporate the activities and experiences most applicable to the particular practice setting, individual needs, interests and personal goals of the new lawyer.

NEW LAWYER TRAINING PROGRAM



INSTRUCTIONS FOR CREATING YOUR MENTORING PLAN

The following provides the instructions for creating a mentoring plan. **Please read these instructions carefully.**

1. Print and bring this Model Mentoring Plan to the first meeting.
2. Review Required Sections 1 through 6 contained in the Model Mentoring Plan. All six sections must be included in the Mentoring Plan as well as all “required” activities contained in each section. Additionally, select any “optional” activities New Lawyer and Mentor deemed appropriate. **NOTE:** Activities do not need to be completed in any particular order.
3. In addition to required Sections 1 through 6, New Lawyers must select at least 5 electives to include in his/her Mentoring Plan. These electives are included under the heading “**ELECTIVE ACTIVITIES AND EXPERIENCES.**” The electives cover 16 different areas of law along with the option to create an elective in any other area the New Lawyer and Mentor deem appropriate given the New Lawyer’s particular area of practice.
4. Indicate which activities will be completed by the New Lawyer during his/her mentoring term by checking the corresponding box next to each activity description in each Required Section 1 through 6 and relevant Electives.
5. New Lawyer and Mentor must sign the accompanying Mentoring Plan Acknowledgment.
6. Submit the completed and executed Mentoring Plan to the NLTP Administrator, along with the executed Mentoring Plan Acknowledgment within 30 days of the start of the mentoring term.
7. New Lawyer and Mentor should retain a copy of the Mentoring Plan for reference.

If you have any questions regarding the creation of your mentoring plan, contact that NLTP Administrator at mentoring@utahbar.org or by calling (801)297-7026.

NEW LAWYER TRAINING PROGRAM



| | |
|--------------------|-------|
| Print or Type Name | Bar # |
| New Lawyer: | |
| Mentor: | |

Utah State Bar New Lawyer Training Program Mentoring Plan

REQUIRED ACTIVITIES AND EXPERIENCES

Required Section 1.

Introduction to the Legal Community.

| Activity | Check Each Selected Item |
|--|--------------------------|
| (a) The new lawyer should contact the mentor as soon as practicable after receipt of the mentoring match and arrange to meet at the mentor's office to get acquainted and discuss an appropriate mentoring plan. | Required. |
| (b) During the initial meeting, or shortly after the initial meeting, the mentor should introduce the new lawyer to other lawyers and staff members at the mentor's office or ascertain that such introductions have already occurred. (Not necessary for an outside mentor.) | Required. |
| (c) Invite the new lawyer to attend a meeting of the local bar association (CLE, event, pro bono, social) and discuss advantages of involvement with local, state and/or national bar or professional associations. | Required. |
| (d) Introduce, as feasible, the new lawyer to other lawyers in the community through attendance at local bar association meetings or otherwise. | Optional. |
| (e) Escort the new lawyer on a tour of the local courthouse(s) and, to the extent practicable, introduce him or her to members of the judiciary, court personnel, and clerks of court. | Optional. |
| (f) Acquaint the new lawyer with And Justice For All, including Legal Aid, Utah Legal Services, Disability Law Center, and opportunities for lawyers in private practice to engage in pro bono activities or have the new lawyer report on a visit with someone closely connected to these services. | Required. |

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Required Section 2.

Rules of Professional Conduct and Standards of Professionalism and Civility.

| Activity | Check Each Selected Item |
|--|--------------------------|
| <p>(a) Review and discuss the Rules of Professional Conduct. Review and discuss at least two of the following Rules.</p> <ul style="list-style-type: none"> • 1.7-8. Conflict of interest: current clients; • 3.3. Candor toward the tribunal; • 4.2 Communication with persons represented by counsel; or • 4.3 Dealing with unrepresented persons. | <p>Required.</p> |
| <p>(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.</p> | <p>Required.</p> |
| <p>(c) 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. Include in the discussion the importance and use of an in practice or firm conflict resolution committee. Review and discuss the importance of and methods used to screen for potential conflicts. Discuss the differences between issue conflicts and client conflicts.</p> | <p>Required.</p> |

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Required Section 3.

Litigation and Transaction Handling Experiences.

The new lawyer is required to accomplish **at least ten (10) of the following** experiences in Litigation and Transaction Handling. The experiences in this section are intended to give all new lawyers an opportunity to receive cross-training and exposure to areas of practice beyond their usual work.

Up to four (4) of the selected Experiences may be accomplished during law school in a credit-earning Externship, a Law School Clinical program, a simulated skills course, or a supervised Pro Bono case. See pages 19–20 of the Guidelines and FAQs in the New Lawyer Training Program Manual for information about receiving credit for experiences accomplished during law school.

(Select at least 10)

| Activity | Check Each Selected Item |
|---|--------------------------|
| (a) Participate in drafting a fee agreement for a client. | |
| (b) Participate in a deposition of a witness or adverse party in a civil action. | |
| (c) Participate in a trial in a civil or criminal case in either a state or federal court. | |
| (d) Participate in an evidentiary hearing in a state or federal court. | |
| (e) Observe or participate in a mediation or arbitration. | |
| (f) Observe or participate in a negotiation and explain relevant background context. | |
| (g) Participate in the interviewing of a client. | |
| (h) Participate in the counseling of a client. | |
| (i) Prepare a complaint and a summons. | |
| (j) Participate in trial preparation and observe or participate in a trial. | |
| (k) Participate in or observe an appellate argument in the Utah Supreme Court, Utah Court of Appeals or in a Federal Appellate Court. | |

NEW LAWYER TRAINING PROGRAM



| Required Section 3. cont. | |
|---|--|
| (l) Participate in plea negotiations or reviewing a plea agreement. | |
| (m) Participate in drafting and reviewing wills and revocable living trusts. | |
| (n) Participate in drafting and reviewing initial probate documents. | |
| (o) Participate in forming business entities by drafting and reviewing incorporation documents and business agreements. | |
| (p) Participate in preparing settlement documents, including a discussion of any tax implications in a settlement including a monetary award. | |
| (q) Participate in an administrative hearing. | |
| (r) Participate in drafting, amending, or reviewing a contract. | |
| (s) Participate in drafting a pleading or motion for an administrative body or a state or federal court. | |
| (t) Participate in preparing a client's tax return. | |

Required Section 4.

Introduction to Law Office Management (Required For Private Practice).

| Activity | Check Each Selected Item |
|--|---------------------------------|
| (a) Tour the mentor's office to demonstrate and explain how the following items of law practice management are used and handled in the mentor's office, if applicable: | Optional. |
| (b) Time Records. Discuss good time management skills and techniques. | Required. |
| (c) Discuss best practices and current practices regarding records of client-related expenses. | Required. |
| (d) Discuss the billing system. | Required. |

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| | |
|---|------------------|
| Required Section 4. cont. | |
| | |
| (e) 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. | Required. |
| | |
| (f) Introduce the new lawyer to the filing system. | Required |
| | |
| (g) Review and discuss malpractice insurance policy and review the insurance and disclosure forms required annually by the carrier. | Required. |
| | |
| (h) Introduce the new lawyer to the document retention plan. | Optional. |
| | |
| (i) Introduce the calendar and “tickler” or reminder systems. | Required. |
| | |
| (j) Introduce the information technology systems | Optional. |
| | |
| (k) Introduce the library and research systems | Optional. |
| | |
| (l) Introduce other resources (publications, seminars, equipment, etc.) that a new lawyer might find particularly helpful in his or her work | Optional. |
| | |
| (m) Discuss practices to maintain client confidentiality | Required. |
| | |
| (n) Discuss the roles and responsibilities of paralegals, secretaries, and other office personnel, and how to establish good working relationships with others in the office who are support staff, colleagues, or senior partners. | Optional. |
| | |

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Required Section 5.

Working With Clients (Required Where Applicable)

| Activity | Check Each Selected Item |
|---|--------------------------|
| | |
| (a) 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. | Required. |
| | |
| (b) Train, through discussion and client interaction, how to screen for, recognize, and avoid conflicts of interest. | Required. |
| | |
| (c) Train on how to decide whether to accept a proffered representation. | Optional. |
| | |
| (d) Train on using retainer or engagement letters and discuss frequent issues that arise regarding the scope of representation. | Required. |
| | |
| (e) Train on how to talk about and set the fee for legal services. Review and discuss retainer agreements. | Optional. |
| | |
| (f) Discuss how to deal with a “difficult” client and how to decline representation of the unrealistic or “impossible” client. | Optional. |
| | |
| (g) Discuss “DOs and DON’Ts” of maintaining good ongoing client relations, such as returning telephone calls and keeping clients informed about matters. | Required. |
| | |
| (h) Discuss terminating the lawyer-client relationship and necessary documentation. | Required. |
| | |
| (i) Participate in or observe at least one client interview or client counseling session. | Optional. |
| | |
| (j) Review and understand contingency fee agreements and issues to be included. | Optional. |
| | |

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Required Section 6.

Public Service, Bar Programs, and Life Balance.

| | |
|--|------------------|
| (a) Discuss the importance of family and life balance, including any billable hour requirements not previously discussed. | Optional. |
| (b) Discuss internal policy on performing public service, low and pro bono projects, and hours allowed for these programs. | Required. |
| (c) Reach an understanding on how matters designated as confidential by the new lawyer will be handled. | Required. |
| (d) Discuss and explain CLE requirements and ways to fulfill such requirements, including Bar CLE programs. | Optional. |
| (e) Review and discuss Bar sections and committees and the value of getting involved in Bar activities and service, including the Young Lawyers Division. | Optional. |
| (f) 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. | Required. |

END OF REQUIRED SECTIONS

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ELECTIVE ACTIVITIES AND EXPERIENCES

The mentor and the new lawyer should choose five of the Elective Sections identified in Sections A through Q. Within each area, select as many activities as feasible.

Under each area, you are encouraged to adjust the activities and experiences to your particular practice setting and individual needs.

The mentor, or another experienced lawyer approved by the mentor, should monitor and facilitate the progress of the new lawyer in fulfilling practice experiences by discussing the context and assessing the activity selected.

Elective Section A. Advocacy and Litigation.

| Activity | Check Each Selected Item |
|---|--------------------------|
| | |
| (a) Attend an appellate argument in the Utah Supreme Court, the Utah Court of Appeals, or a United States Circuit Court of Appeals; | |
| | |
| (b) Attend or participate in a hearing on a motion; discuss. | |
| | |
| (c) Attend or participate in an oral argument; discuss. | |
| | |
| (d) Attend or participate in a trial, including voir dire if a jury trial; discuss. | |
| | |
| (e) 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. | |
| | |
| (f) Participate in 26(f) conference to discuss settlement, discovery plan and initial disclosures. | |
| | |
| (g) Discuss the mechanics of trial, including where to stand, proper attire, when to stand, courtroom decorum, judges' bench books, etc. | |
| | |
| (h) Participate in drafting discovery requests, including interrogatories, requests for admission and requests for production of documents. | |
| | |
| (i) Participate in preparing for and observing (or taking or defending) depositions. | |

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Elective Section B.

ADR.

| Activity | Check Each Selected Item |
|---|--------------------------|
| | |
| (a) Review and discuss Utah statutes on mediation including requirement to screen for potential conflict of interest of mediator. | |
| (b) Observe, participate in, or prepare for an actual or simulated mediation. | |
| (c) Observe, participate in, or prepare for, an arbitration and review and discuss AAA rules. | |
| (d) Discuss how to prepare a client for mediation or arbitration. | |

Elective Section C.

Negotiation.

| Activity | Check Each Selected Item |
|---|--------------------------|
| | |
| (a) Discuss how to prepare for the negotiation of a legal matter (e.g., release of a personal injury claim, lease agreement, etc.). | |
| | |
| (b) Discuss when and how negotiation should be initiated. | |
| | |
| (c) Discuss when and how to involve the client in negotiation. | |
| | |
| (d) Discuss ethical and professional obligations of negotiators. | |
| | |
| (e) Discuss skills needed to be an effective negotiator and how to acquire them. | |

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**Elective Section D.
Client Interviewing and Counseling.**

| Activity | Check Each Selected Item |
|---|--------------------------|
| | |
| (a) Discuss and review interview techniques (asking the right questions). | |
| | |
| (b) Discuss and review counseling techniques (providing the hard advice). | |
| | |
| (c) Simulate and discuss the counseling of a client (mentor and new lawyer should alternate being client and lawyer). | |
| | |
| (d) Participate in interviewing a client. | |
| | |
| (e) Participate in counseling a client. | |

**Elective Section E.
Civil Procedure.**

| Activity | Check Each Selected Item |
|--|--------------------------|
| | |
| (a) Prepare complaint. | |
| | |
| (b) Prepare summons. | |
| | |
| (c) Cause summons to be served. | |
| | |
| (d) Participate in preparing a Rule 12 motion to dismiss. | |
| | |
| (e) Participate in preparing answer to complaint, counterclaim, cross-claim and third-party complaint. | |
| | |
| (f) Participate in 26(f) conference to discuss settlement, discovery plan and initial disclosures. | |
| | |
| (g) Participate in preparing initial disclosures as required by Rule 26. | |

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| | |
|---|--|
| Elective Section E. cont. | |
| (h) Participate in preparing for and observing, taking, or defending a deposition. | |
| (i) Participate in drafting discovery requests, including interrogatories, requests for admission and requests for production of documents. | |
| (j) Participate in identifying expert witnesses and producing expert witness reports. | |
| (k) Participate in depositions including the deposition of expert witnesses. | |
| (l) Participate in preparing motions and memoranda in support of summary judgment. | |
| (m) Participate in preparing pretrial order and making pretrial disclosures of witnesses and exhibits. | |

Elective Section F. Criminal Procedure.

| Activity | Check Each Selected Item |
|--|--------------------------|
| (a) Participate in client interview. | |
| (b) Participate in charge negotiations with prosecutor's office. | |
| (c) Participate in discovery demands on prosecutor, including request for exculpatory materials. | |
| (d) Participate in engagement of private investigator to interview witnesses. | |
| (e) Review information or indictment for constitutional and/or pleading defects. | |
| (f) Research elements of crime charged or under investigation; discuss. | |
| (g) Review and discuss pretrial diversion requirements. | |

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| | |
|---|--|
| Elective Section F. cont. | |
| (h) Review and discuss plea in abeyance statute in a particular case and study applicable statute. | |
| (i) Review and discuss criteria for a one- or two-level reduction of offense in a particular case and study applicable statute. | |
| (j) Participate in discussions with Pretrial Services (bail). | |
| (k) Participate in editing Statement by Defendant in Advance of Plea. | |
| (l) Observe and/or participate in trial. | |
| (m) Observe and/or participate in entry of plea in court. | |
| (n) Review and discuss Presentence Report; participate in filing objections. | |
| (o) Research and participate in analysis of federal sentencing guidelines in particular federal case. | |

Elective Section G. Estate Planning.

| Activity | Check Each Selected Item |
|--|--------------------------|
| (a) Participate in drafting and reviewing at least six 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. | |

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| | |
|--|--|
| Elective Section G. cont. | |
| • Directives to physicians (living wills). | |
| • Life insurance trusts. | |
| • Transfer of ownership documents: quit-claim deeds. | |
| • Transfer of ownership documents: assignments. | |
| (b) Assist in gathering and organizing client information. | |
| (c) Prepare diagrams of specific estate plans for clients. | |
| (d) Prepare estate planning binders for clients. | |
| (e) Prepare Crummey notices for life insurance trusts. | |

Elective Section H. Probate.

| Activity | Check Each Selected Item |
|--|--------------------------|
| (a) Prepare notice to creditors and arrange for publication. | |
| (b) Prepare inventory of estate. | |

Elective Section I. Family Law.

| Activity | Check Each Selected Item |
|---|--------------------------|
| (a) Review and discuss the Rules of Civil Procedure specific to Family Law. | |
| (b) Understand the role of a Domestic Relations Commissioner. Meet as many commissioners as possible. | |
| (c) Prepare proposed Case Management Order. | |
| (d) Create a child support worksheet. | |

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| | |
|---|--|
| Elective Section I. cont. | |
| (e) Observe hearing on motion for temporary orders. | |
| (f) Observe or participate in custody evaluation settlement conference if permission is granted. | |
| (g) Participate in a collaborative law meeting if permission is granted. | |
| (h) Participate in a mediation if permission is granted. | |
| (i) Observe or participate in a family law trial. | |
| (j) Participate in preparing a premarital agreement or review and discuss statutory requirements, case law, and necessary terms of premarital agreements. | |

Elective Section J. Juvenile Law.

| Activity | Check Each Selected Item |
|--|--------------------------|
| (a) Attend or participate in a shelter hearing. | |
| (b) Attend or participate in a disposition hearing. | |
| (c) Discuss the standards for removal with a Department of Child and Family Services (DCFS) worker. | |
| (d) Discuss the role of a juvenile Guardian ad Litem; introduce where possible. | |
| (e) In a Juvenile delinquency case, observe, participate in, or discuss: <ul style="list-style-type: none"> • A detention hearing • The role of a probation officer in detention cases • An arraignment • A pre-trial • A trial | |

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**Elective Section K.
Business Law.**

| Activity | Check Each Selected Item |
|---|--------------------------|
| | |
| (a) Participate in forming business entities by drafting and reviewing at least three of the following: | |
| <ul style="list-style-type: none"> • Articles of incorporation. | |
| <ul style="list-style-type: none"> • Articles of organization. | |
| <ul style="list-style-type: none"> • Bylaws. | |
| <ul style="list-style-type: none"> • Operating agreements. | |
| <ul style="list-style-type: none"> • Partnership agreements. | |
| <ul style="list-style-type: none"> • Corporate minutes and resolutions. | |
| | |
| (b) Participate in drafting and reviewing at least three of the following: | |
| <ul style="list-style-type: none"> • Shareholders' agreements. | |
| <ul style="list-style-type: none"> • Buy-sell agreements. | |
| <ul style="list-style-type: none"> • Stock purchase agreements. | |
| <ul style="list-style-type: none"> • Asset purchase agreements. | |
| <ul style="list-style-type: none"> • Noncompetition agreements. | |
| <ul style="list-style-type: none"> • Security/collateral agreements. | |
| | |
| <ul style="list-style-type: none"> • Promissory notes. | |
| | |
| (c) Participate in the due diligence process for mergers and acquisitions. | |
| | |
| (d) Prepare UCC filings. | |
| | |

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Elective Section L. Tax Law.

| Activity | Check Each Selected Item |
|--|--------------------------|
| | |
| (a) Prepare and analyze tax calculations. | |
| | |
| (b) Participate in preparing certain IRS tax forms, including the following: | |
| | |
| • Form 2553 (S Corporation Election). | |
| | |
| • Form 709 (Gift Tax Return). | |
| | |
| • Form 706 (Estate Tax Return). | |
| | |
| • Form 1041 (Income Tax for Trusts). | |

Elective Section M. Real Estate Law.

| Activity | Check Each Selected Item |
|---|--------------------------|
| (a) Search a title at Recorder's Office. | |
| | |
| (b) Participate in drafting and reviewing at least four of the following: | |
| | |
| • Real estate purchase agreements. | |
| | |
| • Deeds of trust. | |
| | |
| • Mortgages. | |
| | |
| • Commercial leases. | |
| | |
| • Residential leases. | |
| | |
| • Notice of Default on the above. | |

NEW LAWYER TRAINING PROGRAM



Elective Section N. Employment Law.

| Activity | Check Each Selected Item |
|--|--------------------------|
| (a) Review and discuss the UALD/EEOC administrative process. Review or participate in drafting a charge or the response to a charge. | |
| (b) Prepare for and participate in the UALD/EEOC administrative process, including a resolutions conference or an appeal to the Labor Commission. | |
| (c) Participate in drafting a separation or settlement agreement. | |
| (d) Participate in consultation with management on HR issues. | |
| (e) Prepare for and observe or participate in an unemployment benefits insurance appeal hearing. | |
| (f) 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. | |

Elective Section O. Patent Law.

| Activity | Check Each Selected Item |
|--|--------------------------|
| (a) Observe or participate in a client interview. | |
| (b) Participate in patent search/evaluation. | |
| (c) Participate in drafting and filing a patent application. | |
| (d) Participate in filing an Information Disclosure Statement (IDS). | |
| (e) Participate in drafting an Office Action response. | |
| (f) Participate in a telephone conversation with an Examiner. | |

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| | |
|--|--|
| Elective Section O. cont. | |
| (g) Participate in preparing and drafting an appeal brief. | |
| (h) Discuss and review techniques for successful patent prosecution. | |
| (i) Participate in patent litigation. | |

**Elective Section P.
Trademark Law.**

| Activity | Check Each Selected Item |
|---|---------------------------------|
| (a) Observe or participate in a client interview. | |
| (b) Participate in trademark search/evaluation. | |
| (c) Participate in drafting and filing a trademark application. | |
| (d) Participate in drafting an Office Action response. | |
| (e) Participate in preparing and drafting an appeal brief. | |
| (f) Discuss and review techniques for successful trademark prosecution. | |
| (g) Participate in trademark litigation. | |
| (h) Participate in drafting and filing a copyright application. | |

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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

Signature of Mentor

Print Name

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

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