



NEW LAWYER TRAINING PROGRAM: POLICIES AND PROCEDURES

In addition to Supreme Court Rule 14-808, the following NLTP policies are currently implemented as of July 31, 2014.

PARTICIPATION

New lawyers admitted to the Utah Bar after 2008 and maintaining an “active” status license are required to participate in the NLTP unless grounds for exemption of deferment apply.

New lawyers admitted to the Bar prior to 2008 are ineligible to participate in the NLTP.

MENTORING TERMS

New lawyers have a mentor for a twelve (12) month NLTP mentoring term. Mentoring terms occur from January 1 through December 31 or from July 1 through June 30. For administrative efficiency, new lawyers will not be permitted to begin the NLTP at any other point during the year.

NLTP REQUIREMENTS

1. General Requirements

In order to successfully complete the NLTP, new lawyers must meet the following requirements:

- a) Submission of NLTP Enrollment Materials:
 - i. Enrollment Form; and
 - ii. Enrollment Fee of \$150
- b) Attendance at the NLTP Orientation Program (live or online)
- c) Submission of Mentoring Plan;
- d) Approval of Mentoring Plan by the NLTP Coordinator;
- e) Submission of two (2), Mid-Term Progress Reports;
- f) Attendance at monthly meetings as agreed to by mentor and new lawyer throughout the twelve-month mentoring term;
- g) Payment of Completion Fee of \$150; and
- h) Submission of Completion Certification signed by Mentor.

2. Enrollment Procedure

New lawyers must submit all enrollment materials within three (3) months from the date of their registration with the Bar, unless grounds for exemption or deferment apply. Where a new lawyer fails to contact the NLTP administrator requesting an extension of this deadline, the NLTP administrator has discretion to involuntarily defer the new lawyer’s enrollment in the NLTP until the start of the next NLTP mentoring term. *See “Involuntary Deferment,” infra.*

3. Enrollment Policies: Special Classes of New Lawyers

- a) Judicial Clerks
 - i. Judicial Clerks are entitled to a deferment in the NLTP for the duration of their clerkship, in accordance with Rule 14-808(c)(1).
 - ii. New lawyers who served as judicial clerks for two (2) years or more, then subsequently practice law must complete the NLTP when the clerkship ends. Two years of experience as a judicial clerk is not sufficient grounds for an exemption from the NLTP.

- iii. New Lawyers whose judicial clerkships extend beyond the two-year CLE reporting period will receive a 12-month extension to complete the requirements of the NLTP. The NLTP administrator will notify MCLE of these individuals so that the extension is indicated on the new lawyer's MCLE record.
- b) JAG Officers
 - i. JAG officers stationed in Utah are required to enroll in the NLTP and meet all NLTP requirements.
 - ii. JAG officers not stationed in Utah will be exempt from the NLTP in the same manner as new lawyers residing out-of-state. *See* Rule 14-808(d)(1). The officers are required to submit a "Declaration of Exemption or Deferment" form within three (3) months from the date of their registration with the Bar.

4. **Mandatory Orientation Program**

New lawyers participating in the NLTP will be required to attend or view online a mandatory NLTP orientation program offered at least one month prior to the start of the mentoring term. New lawyers who do not attend the live orientation are required to watch the online video and submit the Certificate of Completion to the NLTP Administrator.

5. **Mentoring Plan**

- a) Valid Mentoring Plan
 - i. New lawyers and mentors are required to utilize a valid mentoring plan during the twelve-month mentoring term. A valid mentoring plan is a plan that has been submitted to the NLTP and approved by the NLTP administrator.
 - ii. The plan shall be submitted to the NLTP administrator within sixty (60) days of the start of the mentoring term and shall include the signed Mentoring Plan Acknowledgment form. The submitted plan must include all required sections and activities, as specified in the NLTP Model Mentoring Plan available online at the following address: <http://www.utahbar.org/members/nltp-mentoring-plan/>.
- b) Failure to Submit Mentoring Plan

New lawyers failing to submit their mentoring plan by the deadline will be involuntarily deferred in the NLTP until the start of the next mentoring term. *See* "Involuntary Deferrals" *infra*.
- c) Model Plans Submitted by Firms or Organizations
 - i. Firms and certain select groups such as a Legal Defender's office, District Attorney's office, or law firms may create a mentoring plan to address the training needs of their new lawyers. These plans must be submitted to the NLTP administrator for approval. Where the NLTP administrator is uncertain whether the plan should be approved as submitted, he/she will submit the plan to the USBC on New Lawyer Training for review.
 - ii. Upon approval of a firm or group model plan, the NLTP will maintain the plan on file. New lawyers utilizing a firm or group plan shall contact the NLTP administrator and inform him/her that the new lawyer will be following a firm or group model plan. The NLTP will not consider a firm or group plan as valid until the new lawyer contacts the NLTP administrator and informs him/her that the new lawyer will be using a firm or group plan during the NLTP mentoring term.

- iii. The NLTP administrator will copy the firm plan; place it in the new lawyer's file; and update the new lawyer's record demonstrating the plan has been submitted.
- d) Credit for Other Legal Experience Prior to Bar Admission
 - i. Credit for Law School Experiences
 - a) New lawyers may use law school experiences to meet some of the requirements of the mentoring plan. Under Required Section 3, Litigation and Transaction Handling Experiences, new lawyers may select up to four (4) experiences (of a required 10 experiences) in that section that were accomplished during law school in a credit earning Externship; Law School Clinical program; simulated skills course; or supervised Pro Bono case.
 - b) New lawyers seeking credit for experiences completed in law school must discuss the experiences with the mentor by summarizing the assignment completed and describing what the new lawyer learned from the experience. The mentor will have discretion in deciding whether the experience counts toward the requirements and whether he or she believes the new lawyer substantially complied with those requirements.
 - c) New lawyers may not use law school experiences to reduce the number of electives required to complete the NLTP. New lawyers must complete five (5) electives during the NLTP mentoring term.
 - d) Even if a new lawyer receives credit for required activities outside of the formal structure of the NLTP, the new lawyer and mentor must still participate in the NLTP for twelve months. New lawyers and mentors may take the opportunity to develop a more comprehensive plan offering more advanced activities in the areas in which the new lawyer completed activities during law school.
 - ii. Credit for Summer Clerk Experiences

New lawyers shall not receive credit for work completed during summer internships unless the new lawyer earned credit for the internship. However, new lawyers may modify and enhance requirements contained in the plan to avoid repetition of activities completed as a summer clerk. These modifications shall be included in the mentoring plan as submitted to the NLTP administrator at the outset of the mentoring term.
 - iii. Credit for Legal Work Outside Utah
 - a) New lawyers who practiced in another jurisdiction for less than 2 years and completed some of the required activities contained in the Model Mentoring Plan may receive credit for activities completed.
 - b) New lawyers seeking credit for experiences completed in another jurisdiction must discuss those experiences with the mentor by summarizing the assignment completed and describing the lessons learned from the experiences. The mentor will have discretion in deciding whether the experience counts toward the requirements and whether he or she believes the new lawyer substantially complied with those requirements.

- c) New lawyers may not use experiences completed in another jurisdiction to reduce the number of electives required to complete the NLTP. New lawyers must complete five (5) electives during the NLTP mentoring term.
- d) Even if a new lawyer receives credit for required activities outside of the formal structure of the NLTP, new lawyer and mentor must still participate in the NLTP for twelve-months. New lawyers and mentors should take the opportunity to develop a more comprehensive plan offering more advanced activities in the areas in which the new lawyer completed activities in another jurisdiction.

6. Mentoring Term—Twelve Months

The NLTP mentoring term lasts twelve months. Where a mentor and new lawyer fail to meet for twelve months, the mentor shall not certify the new lawyer’s successful completion of the program. This failure may result in the new lawyer’s inability to renew his/her law license until all program requirements are satisfied.

a) Extension of the Mentoring Term—Good Cause

- i. New lawyers unable to complete the NLTP requirements within twelve (12) months may be entitled to a reasonable extension of the mentoring term where good cause for extension exists. *See* Rule 14-808(f). The NLTP has discretion in determining whether good cause exists and that determination will be made on a case-by-case basis.
- ii. Where a new lawyer requires extension, he/she must contact the NLTP administrator to discuss the circumstances of the extension prior to the deadline for submission of all completion materials.

b) Failure to Seek Extension of Mentoring Term

If a new lawyer fails to meet the requirements of the NLTP by the end of the twelve month term and fails to notify the NLTP regarding need for extension, the NLTP administrator shall determine that good cause for extension does not exist. Thus, in accordance with Rule 14-808(f), new lawyer will be subject to administrative suspension of lawyer’s license for non-compliance until all program requirements are met.

7. Notification for Failure to Meet NLTP Requirements

Where a new lawyer, after the twelve month mentoring term ends, fails to meet all requirements of the NLTP, the new lawyer will be notified of this failure by the NLTP in the following manner:

- a) The NLTP administrator shall send one (1) email to the new lawyer within 14 days of the completion of the NLTP mentoring term informing the new lawyer of their failure to meet the NLTP requirements and request all materials within twenty (20) days of the term deadline. Additionally, the NLTP administrator may phone the new lawyer informing the new lawyer of his/her failure to meet the requirements of the NLTP by the end of the mentoring term.
- b) After twenty (20) days, if the new lawyer fails to meet the NLTP requirements, the NLTP administrator will send a certified letter to the new lawyer notifying the new lawyer that he has thirty (30) days to complete the program or he will be unable to renew his law license during the subsequent license renewal period. The new lawyer’s mentor will be copied on this letter.

- c) After thirty (30) days, if the new lawyer does not complete the NLTP, the NLTP administrator will notify the Bar licensing department that the new lawyer will be unable to renew their law license until they complete the requirements of the NLTP and will send a registered letter to the new lawyer stating the same.

DEFERMENTS-VOLUNTARY

Grounds for voluntary deferments are established in Rule 14-808(c). See also policies regarding Judicial Clerks.

1. Unemployed or Not Practicing Law

a) Duration of Deferment

- i. The duration of the deferment for new lawyers unemployed or not practicing law is (6) months.
- ii. Newly admitted lawyers are eligible for two, six month deferrals.

b) Expiration of Deferment

Where the new lawyer received two, six month deferments, the new lawyer shall either (i) enroll in the NLTP or (ii) switch their license status to “inactive,” unless grounds for exemption apply.

2. Petitioning for Deferment

a) Submit “Declaration of Exemption or Deferment” Form

New lawyers eligible for deferment in the NLTP are required to submit the “Declaration of Exemption or Deferment” form to the NLTP within three (3) months from the date of their registration with the Bar.

b) Failure to Submit Form

Where a new lawyer fails to submit the applicable form within the designated timeframe, the NLTP administrator will involuntarily defer the new lawyer. The new lawyer will be subject to the policies relating to involuntary deferments.

3. Inactive Status

a) Submit “Declaration of Exemption or Deferment” Form

New lawyers admitted to the Utah State Bar who maintain an “inactive” status license are not required to participate in the NLTP. However, the NLTP requests that inactive status attorneys submit a “Declaration of Exemption or Deferment” form for purposes of efficient administration of the NLTP.

b) Status Change from Inactive to Active

When an “inactive” attorney changes to “active” status, the new lawyer shall enroll in the next NLTP mentoring term, provided the new lawyer has not accrued two years of legal practice in another jurisdiction and does not live out of state.

4. Expiration of Voluntary Deferment—Notice

a) Six Month Deferment

i. Method and Content of Notice

The NLTP administrator shall notify new lawyers whose voluntary deferment is scheduled to expire by email no less than thirty (30) days prior to the start of the next mentoring term. The email will outline the following options for the new lawyers upon expiration of their deferment: (i) enroll in the NLTP; (ii) seek another six month deferment; or (iii) change license status to “inactive.”

ii. New Lawyer Exclusively Responsible

The new lawyer is exclusively responsible for completing the appropriate paperwork by the start of the mentoring term. Failure to submit the applicable form by the start of the mentoring term shall result in an involuntary deferment.

iii. Grounds for Exemption May Apply

If the new lawyer is eligible for an exemption in accordance with Rule 14-808(d), the new lawyer shall submit the “Declaration of Exemption or Deferment” form specifying the appropriate grounds for exemption.

b) Twelve Month Deferment

i. Method and Content of Notice

The NLTP administrator will notify new lawyers whose voluntary deferment is scheduled to expire by email no less than thirty (30) days prior to the start of the next mentoring term. The email will outline the following options for the new lawyers upon expiration of their deferment: (i) enroll in the NLTP; or (ii) change license status to “inactive.”

ii. New Lawyer Exclusively Responsible

The new lawyer is exclusively responsible for completing the appropriate paperwork by the start of the mentoring term. Failure to submit the applicable form by the start of the mentoring term may result in the new lawyer’s inability to renew his law license.

iii. Grounds for Exemption May Apply

If the new lawyer is eligible for an exemption in accordance with Rule 14-808(d), the new lawyer shall submit the “Declaration of Exemption or Deferment” form specifying the appropriate grounds for exemption.

DEFERMENTS-INVOLUNTARY

1. Definition

- a) An involuntary deferment occurs when a new lawyer fails to submit (i) enrollment materials; (ii) “Declaration of Exemption or Deferment” form; or (iii) mentoring plan within the timeline specified by the NLTP. In that instance, the NLTP administrator shall involuntarily defer the new lawyer until the subsequent mentoring term.
- b) A new lawyer is entitled to one (1) involuntary deferment after which time the new lawyer is required to participate in the NLTP unless grounds for voluntary deferment or exemption apply. *See* Rule 14-808(c), (d).

2. Notice of Involuntary Deferment

The NLTP administrator shall send an email to the new lawyer notifying her that her NLTP status is “involuntary deferment.” Moreover, the notice will inform the new lawyer of the following: (i) start date of the next NLTP mentoring term; (ii) deadline for enrollment of next mentoring term; and (iii) ramifications if new lawyer fails to enroll in the next mentoring term within the designated timeframe specified on the applicable NLTP Timeline.

3. Expiration of Involuntary Deferment

a) Enrollment Materials Required

Upon expiration of an involuntary deferment, the new lawyer shall submit enrollment materials for the subsequent mentoring term or change licensing status to inactive.

b) Notice for Failure to Enroll

i. Certified Letter

Where the new lawyer fails to submit enrollment materials and/or mentoring plan within the NLTP established timelines, the NLTP will send a certified letter to the new lawyer requesting submission of all relevant NLTP materials within thirty (30) days of receipt of the certified letter.

ii. Failure to Comply

Where the new lawyer fails to meet the thirty (30) day deadline for submission of requested materials, the new lawyer will be prohibited from renewing their law license during the subsequent license renewal period until they complete all NLTP requirements.

EXEMPTIONS

Grounds for exemption are established in Rule 14-808(d).

1. Procedures for Exemption

a) “Declaration of Exemption or Deferment” Form

New lawyers eligible for exemption are required to submit the “Declaration of Exemption or Deferment” form to the NLTP within three (3) months from the date of their registration with the Bar.

b) Failure to Submit Form

Where the new lawyer fails to submit the applicable form within the designated timeframe, the new lawyer will be involuntarily deferred in the NLTP for the applicable mentoring term. The new lawyer will be subject to the policies relating to involuntary deferments.

2. New Lawyers Admitted on Motion

New lawyers admitted on motion are not required to submit a “Declaration of Exemption or Deferment” form.

3. Substantial Compliance with Similar Mentoring Program

a) Where a new lawyer substantially complies with the requirements of a similar mentoring program in another jurisdiction, the new lawyer is exempt from the NLTP despite not meeting the formal grounds for exemption established in Rule 14-808.

b) New lawyers who substantially complied with the requirements of a similar mentoring program must submit the “Declaration of Exemption or Deferment” form. *See* “Procedures for Exemption,” *supra*.

4. Foreign Attorneys

Foreign attorneys are exempt from the NLTP in the same manner that attorneys who practiced in another jurisdiction are exempt, i.e. 2 or more years of practice experience.

5. Mid-Term Moves Out-of-State

a) Exemption Applies

Where a new lawyer participating in the NLTP moves out-of-state in the middle of the NLTP mentoring term, the new lawyer is exempt for the remainder of the term. The new lawyer shall complete and submit a “Declaration of Exemption or Deferment” form to the NLTP.

b) Subsequent Return to Utah

i. If the new lawyer moves out-of-state during the NLTP mentoring term but subsequently returns to Utah without obtaining at least two years of practice experience, the new lawyer shall re-enroll in the NLTP upon their return. The new lawyer is not required to complete the entire mentoring term but only the

months which were remaining in the NLTP at the time the new lawyer initially moved out-of-state.

- ii. The new lawyer has exclusive responsibility to contact the NLTP and inform the NLTP administrator that he is re-enrolling in the NLTP. The new lawyer shall be responsible for his failure to notify the NLTP upon his return to the State.

6. Exempt New Lawyers Ineligible to Participate in the NLTP

Where a new lawyer meets any of the grounds for exemption, the new lawyer is ineligible to participate in the NLTP.

MENTORS

1. Mentor Qualifications

a) NLTP Guidelines for Mentor Qualifications

- i. Hold an active status Utah license to practice law;
- ii. Minimum of 7 years of practice experience in any jurisdiction where the attorney is licensed to practice law;
- iii. Practiced law for at least one year within the last three years.
- iv. No past or pending public or formal discipline proceeding of any time or nature by a court or a state bar; however, the NLTP administrator shall submit applications for individuals with discipline to the USBC on New Lawyer Training. The Committee has authority to further evaluate the nature and history of the disciplinary proceeding to determine whether the applicant, despite the disciplinary history, is eligible to serve as a mentor
- v. Attorney shall carry malpractice insurance in an amount of at least \$100,000/\$300,000 if in private practice; and
- vi. Approval by the USBC on New Lawyer Training. The USBC on New Lawyer Training has broad discretion to approve or not approve mentors.

2. Reapplication for Approved Mentors Unnecessary

Once the USBC on New Lawyer Training reviews and approves a mentor applicant, the applicant does not need to reapply to become a mentor at any point in the future. However, if the mentor voluntarily requests his name removed from the approved mentor list and subsequently decides to participate in the NLTP, the attorney will need to re-submit the NLTP Mentor Volunteer Application and be subject to review by the USBC on New Lawyer Training.

3. Inactive Status Attorneys as Mentors

A court-approved mentor may still act as a mentor although inactive where the mentor changes from active to inactive status during the course of the mentoring relationship. In that instance, the mentor may continue the mentoring relationship for the duration of the NLTP mentoring term.

4. Judges as Mentors

A judge may apply and serve as a mentor although inactive once approved by the USBC on New Lawyer Training.

5. Involuntary Removal of Court-Approved Mentors from Volunteer List

At the request of the NLTP, the USBC on New Lawyer Training may periodically review the names of mentors who have been reported to the NLTP by new lawyers for failing to fulfill their obligations as mentors. The NLTP administrator will provide the Committee with information regarding the mentors and the Committee will determine whether the mentors' names should be removed from the Mentor Volunteer List.

Additionally, at the request of the NLTP, the Office of Professional Conduct will conduct an annual review of all mentors to determine whether any have been subject to discipline since they were approved by the Court. The review may result in removal of mentors from the list of approved mentors.

6. Policies Regarding Mentoring Relationships

a) Confidentiality in Mentoring Relationships

i. General Policy

The NLTP anticipates that all communication designated by the new lawyer as confidential shall be deemed confidential by the mentor.

ii. Confidentiality and Conflicts in Outside Mentoring

See Rule 14-808(h).

b) Limitation on Number of New Lawyers Attorney may Mentor

Mentor shall mentor only one (1) new lawyer completing the requirements of the NLTP at any one time. Upon a new lawyer's completion in the NLTP, the mentor may mentor subsequent new lawyers but no more than 1 new lawyer at a time.

c) Direct Supervisors as Mentors

Direct supervisors shall not mentor new lawyers without the approval of the NLTP administrator. There are many exigent circumstances in which the supervisor is the logical person to serve as mentor. The program will be flexible in recognizing where those circumstances exist. Mentor or new lawyer shall contact the NLTP to determine whether those exigent circumstances exist.

d) Short-term Mentoring Relationships

i. A court-approved mentor, not engaged in mentoring, may assist a new lawyer in meeting the requirements of their mentoring plan by working with the new lawyer on a short-term basis in the mentor's area of expertise.

ii. Upon completion of the applicable mentoring term, short-term mentors shall submit to the NLTP an email certifying they mentored a new lawyer – including the number of hours. CLE credits will not be applied until the NLTP receives the form.

7. Switching Mentors

a) General Policy

Completing the full year of mentoring in the original mentoring relationship is strongly preferred. However, circumstances may warrant a change in the mentoring relationship during the NLTP mentoring term. In those instances, the following policies apply.

b) New Lawyer Requests New Mentor

In the unlikely event that a new lawyer needs to change to a different mentor, the new lawyer shall notify the NLTP administrator as soon as practicable. If the new lawyer is unable to notify the NLTP of the situation, the mentor shall notify the NLTP.

c) Mentor Unavailable to Serve

Where the mentor becomes unavailable or unwilling to serve, the mentor shall inform the NLTP administrator as soon as practicable. If the mentor is unable to notify the NLTP of the situation, the new lawyer shall notify the NLTP.

d) Assignment of New Mentor

i. Inside Mentoring Relationship

Where the new lawyer and mentor engaged in an “inside” mentoring relationship, the firm involved shall assist the new lawyer in locating a new mentor. The new lawyer shall contact the NLTP with the name of the new mentor. If the new mentor has not been previously approved by the USBC on New Lawyer Training, the mentor shall complete and submit an NLTP Mentor Volunteer Application for submission to the Committee.

ii. Outside Mentoring Relationship

Where the new lawyer and mentor engaged in an “outside” mentoring relationship, the new lawyer shall review the “List of Available Mentors” on the NLTP webpage and contact the NLTP administrator. The NLTP administrator shall assist the new lawyer in locating a new mentor.

e) Mentor Migration Form

New lawyers shall complete and submit to the NLTP a “Mentor Migration Form” with the name of their new mentor. The form is available online at the following address: https://www.utahbar.org/wp-content/uploads/2012/07/nltp_migration_form.pdf.

f) Impact on Mentoring Plan

In most cases, the mentoring plan created by the new lawyer and the initial mentor will be followed by the new lawyer and his subsequent mentor. However, the NLTP has discretion to determine whether it is necessary for the new lawyer to create a new mentoring plan, taking into consideration individual circumstances and achievements during the original mentoring relationship.

8. Mentor Training and Orientation

a) Mentor Training and Orientation Requirement

All mentors are required to complete Mentor Training and Orientation. Mentors will have three (3) months from the date of approval by the USBC on New Lawyer Training to complete mentor training. Failure to complete training during that timeframe will result in the removal of the mentor’s name from the list of Court-approved mentors until the mentor completes the training and reports the completion to the NLTP administrator.

b) Training and Orientation Options

Mentors are required to attend Mentor Training and Orientation either live or online through the Bar’s online CLE courses. Mentors receive 2 CLE credit hours in Professionalism and Civility for completing Mentor Training and Orientation. The training course is complimentary to mentors.

c) Submission of Completion Certificate Required

Mentors who view the online training shall submit the Certificate of Completion to the NLTP to receive CLE credits.

d) Requirement Every Two Years

Mentors must attend Mentor Training and Orientation every two years.

CLE CREDITS

1. New Lawyers

New lawyers receive 12 CLE credit hours upon successful completion of the NLTP mentoring term.

2. Mentors

Mentors are entitled to a total of 12 CLE credit hours per NLTP mentoring term. The CLE credit hours consist of 10 regular credit hours, 1 Ethics hour and 1 Professionalism hour.

3. Allocation of CLE Credits

All CLE credits are allocated to the new lawyer and mentor upon completion of the mentoring term, i.e. after the NLTP receives the new lawyer's completion fee and the mentor submits the Completion Certification form.

4. Mentor Credit for Partial Mentoring Term

a) Attorneys mentoring a new lawyer for a partial term and terminating the relationship due to a job change or other reason by either the new lawyer or the mentor, will receive credit for mentoring unless it is established that the mentor failed to meet the responsibilities inherent in mentoring, including failure to regularly meet; failure to provide sufficient guidance in completing the mentoring plan; or inappropriate conduct with a new lawyer.

b) Calculation of Credits for Partial Mentoring

Mentors who do not mentor the duration of the mentoring term will receive the equivalent of 1 credit hour per month of mentoring. To assist the NLTP in determining the number of credits, the new lawyer will submit an email with the partial mentors name, Bar number, and the number of hours mentored.