

Utah State Bar New Lawyer Training Program-- Mentoring Plan

Participate in— Hands-on experiences with the activities you choose. While the Plan is intended to be flexible regarding practice areas, the emphasis should be on obtaining practical experience.

Observe—If you are unable to participate in an activity, then observe your mentor or another attorney. Observing court proceedings can teach you a lot about the practice of law.

Discuss—In some cases, you can discuss principles and practices. Use examples as much as possible in these discussions.

If you are unable to participate in or observe activities involving forms, pleadings, or other documents, use mock examples. Client interactions and other activities can be hypothetically created if needed.

Pursuant to Utah Supreme Court Rule of Professional Practice 14-808 (New Lawyer Training Program), the mentor may provide short-term, limited guidance or counsel, within the mentoring relationship, without expectation by either lawyer or the new lawyer's client that a lawyer-client relationship has been formed. Accordingly, the new lawyer is not required to run a conflict check and the Utah Rules of Professional Conduct regarding conflicts or confidentiality of information will not apply when guidance or counsel is being provided on a short-term limited basis to a new lawyer regarding a new lawyer's client. The mentor may exercise his or her judgment as to whether a conflict check is advisable. If the mentor and the new lawyer are engaged in on-going or regular guidance/counsel related to a specific client or clients, the mentor must comply with the relevant Utah Rules of Professional Conduct, which may require obtaining an informed consent/waiver from the client and/or to formally enter into a lawyer-client relationship through the execution of an appropriate engagement letter and fee agreement. The new lawyer and the mentor should refer to Rule 14-808 with any questions.

Focus on professionalism and civility principles in all aspects of the plan. If the new lawyer has experience in areas of the plan already, develop a deeper understanding of potential ethical or professionalism issues that may arise. (See Mentoring Guide on Professionalism)

REQUIRED EXPERIENCES

Mentoring Relationship – Required Initial Meeting

- During the first month of the mentoring term, the new lawyer should contact the mentor and arrange to meet at the mentor's office to get acquainted and develop a mentoring plan.
- Reach an understanding on how matters designated as confidential by the new lawyer will be handled.

[Initial Meeting Guide](#)

Required Section 1: Introduction to the Legal Community.

Required Experiences

- 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. Discuss a lawyer's obligation to provide pro bono service. Encourage the new lawyer to take a pro bono case as a way to provide service and gain legal experience. Encourage the new lawyer to fill out a pro bono volunteer sign-up form.
- Acquaint the new lawyer with And Justice For All, including Legal Aid, Utah Legal Services, Disability Law Center and other free clinics. The new lawyer and mentee are strongly encouraged to volunteer together at one of the free clinics such as Tuesday Night Bar, Family Law Clinic or Debtor's Clinic.
- If applicable, discuss internal policy on performing public service, low and pro bono projects, and hours allowed for these programs.
- Discuss and explain CLE requirements and ways to fulfill such requirements, including Bar CLE programs.

Optional Experiences

- Introduce the new lawyer to other lawyers in the community through attendance at local bar association meetings or other legal community meetings.
- Review and discuss Bar sections and committees and the value of getting involved in Bar activities and service, including the Young Lawyers Division.
- 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.
- Provide four (4) forms to the new lawyer based on the new lawyer's need or request or provide the most-used sample pleadings utilized by the mentor . (Identifying and confidential information should be redacted or otherwise removed from the documents.)

Month/Project/Case/Ongoing _____

Required Section 2: Rules of Professional Conduct and Standards of Professionalism and Civility.

Required Experiences

- Attend the required CLE, New Lawyer Ethics Program, offered either in the fall or spring. Review the CLE calendar on the Utah State Bar website for seminar dates and to register.**
- Review and discuss the Rules of Professional Conduct. Review and discuss the following Rules.
 - o 1.7-8. Conflict of interest: current clients;
 - o 3.3. Candor toward the tribunal;
 - o 4.2 Communication with persons represented by counsel; or
 - o 4.3 Dealing with unrepresented persons.
 - o 6.1 Voluntary pro bono legal system
- 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.
- 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.
- Discuss the process and importance of responding to Bar complaints and requests for information from the Office of Professional Conduct.

Month/Project/Case/Ongoing _____

Required Section 3: Litigation and Transaction Handling Experiences. (Select at least 10)

The new lawyer is required to accomplish at least ten (10) of the following experiences in Litigation and Transaction Handling. At least four (4) of the ten (10) experiences must satisfy the Required Practice Experience section detailed below. 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; a mock trial course or competition; 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.

Required Practical Experience—Choose Four (4)

During the year, the new lawyer must have at least four (4) practical experiences that are observed/checked by the mentor or another member of the Utah State Bar. The new lawyer should be in an active, not observational, role for these specific experiences. The mentor should provide feedback based on the new lawyer's performance. The new lawyer should choose four (4) separate practical experiences from the following list:

- Participate in a clinic held by the Utah State Bar, such as the Family Law Clinic, Expungement Clinic, Tuesday/Thursday Night Bar, Wills for Heroes, Pro Se Calendar, etc.
- Take on a pro bono case with the mentor as co-counsel or in an advisory role through the Utah State Bar. If the mentor is not counsel of record with a proper engagement letter and fee agreement in place, then the new lawyer should either (1) obtain informed consent/waiver from the client that allows the mentor to be involved in the case, or (2) ensure that all information learned during the representation remains confidential and privileged. If the latter, the new lawyer should speak in generalities or hypothetical terms, or redact or otherwise remove identifying, confidential information. Please refer to Utah Rule 14-808.
- Have the mentor review and provide feedback on three (3) written products drafted by the new lawyer, such as motions, proposed orders, letters to opposing counsel, in-depth email correspondence to opposing counsel, in-depth letters to clients, etc. If possible, the new lawyer should redact or otherwise remove identifying, confidential information. Please refer to Utah Rule 14-808.
- With the client's permission and signed waiver, have the mentor sit in on an in-office meeting that is run by the new lawyer.
- With the client's permission and signed waiver, have the mentor sit in on a mediation that is run by the new lawyer.
- With the client's permission and signed waiver, have the mentor sit in on a hearing that is run by the new lawyer.
- Participate in a CLE that provides practical experience, such as Young Lawyer Division's Litigation 101 series or the Litigation Section's Trial Skills Academy.

The new lawyer and mentor can create other practical experiences for the new lawyer that satisfies this requirement, so long as the activity is presented to the New Lawyer Training Program Director and approved; the activity is run by the new lawyer; and the mentor is present and able to provide feedback afterwards.

The new lawyer can turn one of the experiences listed below ("Additional Experience" Section) into a practical experience that would satisfy this "Required Practical Experience" Section so long as the activity is run by the new lawyer and the mentor is present and able to provide feedback afterwards.

Additional Experience—Choose Six (6)

- Participate in drafting a fee agreement for a client.
- Participate in a deposition of a witness or adverse party in a civil action.
- Participate in a trial in a civil or criminal case in either a state or federal court. (Cross-reference with Elective Section A)
- Participate in an evidentiary hearing in a state or federal court.
- Observe or participate in a mediation or arbitration.
- Observe or participate in a negotiation and explain relevant background context.
- Participate in the interviewing of a client.
- Participate in the counseling of a client.
- Prepare a complaint and a summons. (Cross-reference with Elective Section E)
- Participate in trial preparation and observe or participate in a trial.
- Participate in or observe an appellate argument in the Utah Supreme Court, Utah Court of Appeals or in a Federal Appellate Court. (Cross-reference with Elective Section A)
- Participate in plea negotiations or reviewing a plea agreement.
- Participate in drafting and reviewing wills and revocable living trusts.

- Participate in drafting and reviewing initial probate documents.
- Participate in forming business entities by drafting and reviewing incorporation documents and business agreements.
- Participate in preparing settlement documents, including a discussion of any tax implications in a settlement including a monetary award.
- Participate in an administrative hearing.
- Participate in drafting, amending, or reviewing a contract.
- Participate in drafting a pleading or motion for an administrative body or a state or federal court.
- Participate in preparing a client's tax return.

Month/Project/Case/Ongoing _____

Required Section 4: Intro to Law Office Management

Required Experiences

- 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: (discuss these practices if a tour is not feasible)
 - Time Records. Discuss how to write a time entry that is meaningful to clients, billing partners and, if necessary, a court in a case involving fee awards. Explain realization.
 - Discuss best practices and current practices regarding records of client-related expenses.
 - Discuss the billing system.
 - 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.
 - Introduce the new lawyer to the filing system.
 - Review and discuss malpractice insurance policy and review the insurance and disclosure forms required annually by the carrier.
 - Introduce the new lawyer to the document retention plan.
 - Introduce the calendar and "tickler" or reminder systems.
 - Introduce the information technology systems.
 - Introduce the library and research systems.
- Discuss practices to maintain client confidentiality.
- Discuss office conflict of interest procedures.

Optional Experiences

- Introduce other resources (publications, seminars, equipment, etc.) that a new lawyer might find particularly helpful in his or her work.
- 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 Focused Product - For solo practitioners, outside mentoring, or non-private practitioners

- Create a business plan
- Draft policies and procedures for a law office

Month/Project/Case/Ongoing _____

Required Section 5: Working With Clients (Required Where Applicable)**Required Experiences**

- 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.
- Train, through discussion and client interaction, how to screen for, recognize, and avoid conflicts of interest.
- Train on using retainer or engagement letters and discuss frequent issues that arise regarding the scope of representation.
- Discuss “DOs and DON’Ts” of maintaining good ongoing client relations, such as returning telephone calls and keeping clients informed about matters.
- Discuss terminating the lawyer-client relationship and necessary documentation.

Optional Experiences

- Train on how to decide whether to accept a proffered representation.
- Train on how to talk about and set the fee for legal services. Review and discuss retainer agreements.
- Discuss how to deal with a “difficult” client and how to decline representation of the unrealistic or “impossible” client.
- Participate in or observe at least one client interview or client counseling session.
- Review and understand contingency fee agreements and issues to be included.

Optional Focused Product

- Draft or evaluate a client intake form

Month/Project/Case/Ongoing _____

Required Section 6: Implicit Bias and Well-Being.

- Discuss the importance of family and life balance, including any billable hour requirements not previously discussed.
- 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.
- Take two of the tests that Harvard has created to test for implicit bias. Discuss the results.

Mentoring Guides

- Work/Life Design and Well-Being
- Diversity and Inclusion

Month/Project/Case/Ongoing _____

END OF REQUIRED SECTIONS

ELECTIVE ACTIVITIES AND EXPERIENCES

The mentor and the new lawyer should choose four 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.

- Attend an appellate argument in the Utah Supreme Court, the Utah Court of Appeals, or a United States Circuit Court of Appeals;
- 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.
- 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.
- Participate in 26(f) conference to discuss settlement, discovery plan and initial disclosures.
- Discuss the mechanics of trial, including where to stand, proper attire, when to stand, courtroom decorum, judges' bench books, etc.
- Participate in drafting discovery requests, including interrogatories, requests for admission and requests for production of documents.
- Participate in preparing for and observing (or taking or defending) depositions.

Month/Project/Case/Ongoing _____

Elective Section B: ADR.

- Review and discuss Utah statutes on mediation including requirement to screen for potential conflict of interest of mediator.
- 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.
- Discuss how to prepare a client for mediation or arbitration.

Month/Project/Case/Ongoing _____

Elective Section C: Negotiation.

- 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.

Month/Project/Case/Ongoing _____

Elective Section D: Client Interviewing and Counseling. (Cross-reference with Required Section 5)

- 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).
- Participate in interviewing a client.
- Participate in counseling a client.

Month/Project/Case/Ongoing _____

Elective Section E: Civil Procedure.

- Prepare complaint.
- Prepare summons.
- Cause summons to be served.
- Participate in preparing a Rule 12 motion to dismiss.
- Participate in preparing answer to complaint, counterclaim, cross-claim and third-party complaint.
- Participate in 26(f) conference to discuss settlement, discovery plan and initial disclosures.
- Participate in preparing initial disclosures as required by Rule 26.
- Participate in preparing for and observing, taking, or defending a deposition.
- Participate in drafting discovery requests, including interrogatories, requests for admission and requests for production of documents.
- Participate in identifying expert witnesses and producing expert witness reports.
- Participate in depositions including the deposition of expert witnesses.
- Participate in preparing motions and memoranda in support of summary judgment.
- Participate in preparing pretrial order and making pretrial disclosures of witnesses and exhibits.

Month/Project/Case/Ongoing

Elective Section F: Criminal Procedure.

- Participate in client or witness interview.
- Participate in charge negotiations with prosecutor's office.
- Participate in discovery demands on prosecutor, including request for exculpatory materials.
- Participate in engagement of private investigator to interview witnesses.
- Review information or indictment for constitutional and/or pleading defects.
- Research elements of crime charged or under investigation; discuss.
- Review and discuss pretrial diversion requirements.
- Review and discuss plea in abeyance statute in a particular case and study applicable statute.
- Review and discuss criteria for a one- or two-level reduction of offense in a particular case and study applicable statute.
- Participate in discussions with Pretrial Services (bail).
- Participate in editing Statement by Defendant in Advance of Plea.
- Observe and/or participate in trial.
- Observe and/or participate in entry of plea in court.
- Review and discuss Presentence Report; participate in filing objections.
- Research and participate in analysis of federal sentencing guidelines in particular federal case.

Month/Project/Case/Ongoing

Elective Section G: Estate Planning.

- 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.
 - Directives to physicians (living wills).
 - Life insurance trusts.
 - Transfer of ownership documents: quit-claim deeds.
 - Transfer of ownership documents: assignments.
- Assist in gathering and organizing client information.
- Prepare diagrams of specific estate plans for clients.

- Prepare estate planning binders for clients.
- Prepare Crummey notices for life insurance trusts.

Month/Project/Case/Ongoing_____

Elective Section H: Probate.

- Prepare notice to creditors and arrange for publication.
- Prepare inventory of estate.

Month/Project/Case/Ongoing_____

Elective Section I: Family Law.

- 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.
- Review Rule 26.
- Create a child support worksheet.
- Observe hearing on motion for temporary orders.
- Observe or participate in custody evaluation settlement conference if permission is granted.
- Participate in a collaborative law meeting if permission is granted. (For a definition of “collaborative law,” see Utah Code of Judicial Administration.)
- Participate in a mediation if permission is granted.
- Observe or participate in a family law trial.
- Participate in preparing a premarital agreement or review and discuss statutory requirements, case law, and necessary terms of premarital agreements.
- Family Law

Month/Project/Case/Ongoing_____

Elective Section J: Juvenile Law.

- Attend or participate in a shelter hearing.
- Attend or participate in a disposition hearing.
- Discuss the standards for removal with a Department of Child and Family Services (DCFS) worker.
- Discuss the role of a juvenile Guardian ad Litem; introduce where possible.
- In a Juvenile delinquency case, observe, participate in, or discuss:
 - A detention hearing
 - The role of a probation officer in detention cases
 - An arraignment
 - A pre-trial
 - A trial

Month/Project/Case/Ongoing_____

Elective Section K: Business Law.

- Participate in forming business entities by drafting and reviewing at least three of the following:
 - Bylaws.
 - Articles of incorporation.
 - Articles of organization.
 - Operating agreements.
 - Partnership agreements.
 - Corporate minutes and resolutions.

- Participate in drafting and reviewing at least three of the following:
 - Shareholders' agreements.
 - Buy-sell agreements.
 - Stock purchase agreements.
 - Asset purchase agreements.
 - Noncompetition agreements.
 - Security/collateral agreements.
 - Promissory notes.
- Participate in the due diligence process for mergers and acquisitions.
- Prepare UCC filings.

Month/Project/Case/Ongoing _____

Elective Section L: Tax Law.

- Prepare and analyze tax calculations.
- 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).

Month/Project/Case/Ongoing _____

Elective Section M: Real Estate Law.

- Search a title at Recorder's Office.
- 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.

Month/Project/Case/Ongoing _____

Elective Section N: Employment Law

- Review and discuss the UALD/EEOC administrative process. Review or participate in drafting a charge or the response to a charge.
- Prepare for and participate in the UALD/EEOC administrative process, including a resolutions conference or an appeal to the Labor Commission.
- Participate in drafting a separation or settlement agreement.
- Participate in consultation with management on HR issues.
- 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.

Month/Project/Case/Ongoing _____

Elective Section O: Patent Law

- Observe or participate in a client interview.
- Participate in patent search/evaluation.
- Participate in drafting and filing a patent application.

- Participate in filing an Information Disclosure Statement (IDS).
- Participate in drafting an Office Action response.
- Participate in a telephone conversation with an Examiner.
- Participate in preparing and drafting an appeal brief.
- Discuss and review techniques for successful patent prosecution.
- Participate in patent litigation.

Month/Project/Case/Ongoing _____

Elective Section P: Trademark Law

- Observe or participate in a client interview.
- Participate in trademark search/evaluation.
- Participate in drafting and filing a trademark application.
- Participate in drafting an Office Action response.
- Participate in preparing and drafting an appeal brief.
- Discuss and review techniques for successful trademark prosecution.
- Participate in trademark litigation.
- Participate in drafting and filing a copyright application.

Month/Project/Case/Ongoing _____

Other Possible Electives

Section Q (1-17) _____.

There are a number of other substantive areas of the law not included but for which you may prepare a plan and your own check-off sheet. Those areas include but are not limited to:

1. Administrative law
2. Securities law - [Sample Electives](#)
3. Bankruptcy law - [Sample Electives](#)
4. Environmental law and compliance
5. Antitrust law
6. Water law
7. Oil, gas, and mining law - [Sample Electives](#)
8. Public utilities law
9. Contract law - [Sample Electives](#)
10. Personal injury law, including products liability - [Sample Electives](#)
11. Insurance defense law, including coverage analysis
12. Merger and acquisition law - [Sample Electives](#)
13. Constitutional law
14. Immigration law - [Sample Electives](#)
15. Health care law
16. Ethical leadership in corporate practice (audit committees, Sarbanes Oxley, corporate monitors) - [Sample Electives](#)
17. Lobbying requirements, ethics and state legislative process.
18. Construction Law - [Sample Electives](#)
19. Criminal Defense - [Sample Electives](#)
20. Municipal Law - [Sample Electives](#) – Additional resources on file with NLTP

END OF ELECTIVE SECTIONS

