

HUDSON HALL WHEATON INN OF COURT

MENTORING INFORMATION

Sharing experiences and insights between seasoned practitioners or Judges and less experienced members is a fundamental principle of American Inns of Court. In addition to practical skills-oriented programs, personal interaction in mentoring relationships is a unique benefit of Inn membership.

Mentors and Protégés

A mentor is a trusted counselor or guide, tutor, or coach. A protégé is a person protected or trained, or whose career is furthered by, a person of more experience, prominence, or influence. A mentor is available to answer a protégé's questions about the practice of law. Mentoring continues a practical legal education that law school does not provide. It gives lawyers of all ages and level of experience access to expertise not otherwise available to them.

Goals

The overall goal of the Mentor Program is to provide opportunities for development of attorneys' legal knowledge, skills, and professional relationships. More specific goals include:

- sharing professional values;
- addressing ethical concerns;
- addressing practical concerns and problems;
- assisting with transitions into practice and while in practice;
- teaching;
- promoting bar involvement and positive relationships among bar members;
- improving service to clients; and
- improving the public's perception of the legal profession.

Mentoring and Meeting

Each mentor/protégé should meet at least twice during the fall and twice during the spring to ensure that the mentoring program meets these goals. Feel free to meet more frequently, if you choose to do so. Telephone conversations regarding particular issues or questions are also encouraged. The meetings need not be formal and can take place in virtually any setting and at any time.

Mentors should set a tone of encouragement, emphasizing good work habits, ethical conduct, and concern for clients and litigants. The best mentors are good listeners and are able to develop a climate of acceptance and trust. Mentors should be facilitators who can stimulate participation without controlling the process. Mentors should suggest, rather than proclaim, solutions to problems and always reinforce good practice and conduct. A mentor should emphasize the importance of professionalism and dedication to ethical practice. Judge mentors

are not authorized to give legal advice.

Protégés should act considerately and with discretion when asking for a mentor's time. Protégés should feel free to bring issues and information to a mentor. The mentor should contribute his or her own special knowledge and skills. All mentors and protégés should respect the confidentiality of matters that are discussed.

Assignment of Protégé and Potential Conflicts

One Associate or Barrister member of the Inn will be assigned to each mentor. The Mentor Program is intended to provide general assistance to protégés, but it is not intended to provide protégés with answers to case specific questions. The protégé should take steps to avoid disclosing the identity of the protégé's client and to avoid any potential conflicts of interest. It is also recommended that mentors and protégés ensure that they have no conflicts and periodically confirm that no conflicts have developed. If a conflict is discovered that would prohibit the mentor from effectively mentoring the protégé, the mentor should contact Steven K. Balman (SBalman@SneedLangHerrold.com), Mentoring Committee Chair, and a reassignment will be made.

Confidentiality of Mentor/Protégé Communications

All communications between the mentor and protégé shall be kept strictly confidential, unless disclosure is required by federal or state statute, or the Oklahoma Rules of Professional Conduct.

Suggested Mentoring Topics and Activities

The following represent ideas for consideration by mentors and protégés.

- I. Ethical problems
 - Common malpractice traps: how to recognize and avoid dangerous situations
 - Communications with clients—how to avoid a grievance by returning phone calls and sending copies
 - Client confidences, including communications over e-mail and cellular phones
 - Conflicts of interest—checking for, recognizing, avoiding and dealing with conflicts
 - Leaving a firm—how to protect yourself, including advising clients and withdrawing from cases
 - Client engagement and closing letters
 - Rule 11 and other sanctions
 - Ex parte communications—judges, corporate adversaries, former employees, etc.
 - Opinion letters and audit responses regarding clients
 - Acting as local counsel—what to do when general counsel wants to completely control the litigation and your actions
 - Reconciling duties to clients and to the court, e.g., what to do if your client lies

- Learning the unwritten rules of etiquette and civility between lawyers
- II. Legal analysis and reasoning/legal research and writing
- Legal research tools and techniques, including Internet resources
 - Effective legal writing
- III. Transactional
- Formation of legal entities
 - Negotiating and drafting legal contracts
 - Negotiating and drafting joint venture arrangements
 - Analyzing legal and regulatory issues relevant to contractual and joint venture arrangements
- IV. Client Relations
- Client selection: interviews and case evaluation
 - How to deal with a difficult client
 - How to talk to a client about attorney's fees, including fee agreements, retainers and fee disputes
 - Trust fund accounts, including establishing, accounting/auditing, and use of interest proceeds
- V. Litigation
- Investigating the case
 - Case management
 - Drafting initial pleadings; sharing sample pleadings and forms
 - Drafting and responding to written discovery requests
 - Resolving discovery disputes
 - Preparing for, taking, and defending depositions
 - Selecting and using expert witnesses
 - Trial preparation, including organizing a trial notebook and preparing witnesses for trial
 - Trial practice—voir dire, opening statement, witness examinations, closing argument, evidence rules, expert witnesses
 - Introduction of protégés to courthouse personnel
 - Observing mentors and protégés in court and depositions
 - How to deal with judges, including judicial independence
 - Appellate practice
 - Oral argument
 - Local rules of procedure
- VI. Alternative Dispute Resolution (“ADR”)
- Forms of ADR, including mediation, binding and non-binding arbitration, high-low arbitration, early neutral evaluation, court-annexed arbitration and summary jury trials
 - Preparing for mediation and arbitration
 - Observing mentors and protégés in ADR
 - Negotiation and settlement, including strategies and settlement documentation

- VII. Organization and management of legal work
- Setting up and managing law practice
 - Discussing career opportunities
 - Reconciling job expectations with actual experience
 - Addressing salary and working conditions within your firm
 - Developing time management skills, including maintaining the balance between business and personal life
 - Communicating with other lawyers and staff
 - Marketing/maintaining the balance between business and law
- VIII. Bar Activities
- Discussing lawyer referral and pro bono opportunities
 - Professional organizations, including introducing protégés to colleagues in such organizations

Reports of Mentoring Activities

In December and May, mentors should submit a Mentor Report (attached) which describes mentoring activity that has taken place. Mentors will also have an opportunity to make suggestions that will be used when the Mentor Program is expanded in the future. At the end of the year, protégés will be asked to complete a survey to describe their experiences.



Mentor Report Form

(Return to Steven K. Balman)

Mentor: _____

Protégé: _____

Please take a minute to answer the following questions regarding the nature and degree of mentoring activity that has taken place since your last report. Since your last report:

1. First, state the number of mentoring meetings (formal or informal) in which you participated: _____
2. Next, give specific details about each meeting, including the following information:
 - a. The setting (office, lunch, courthouse, social meeting after work, etc.);
 - b. The topics discussed at the meeting (again, specifics are preferred but topics can be described generally, if necessary); and
 - c. Comments or insights about the meeting (whether it was helpful, solved a problem, solidified relationships, seemed a waste of time, etc.); questions or concerns raised; special techniques or teaching tools used.

3. Please provide any comments or suggestions about the mentoring program, including any suggestions for improvement of the program, or comments regarding your specific meetings.
