

UNIFORM MENTORING PLAN

OBJECTIVE A

To establish a clear understanding as to the expectations of both the mentor and the new lawyer.

ACTION STEPS

The two should meet in person as soon as possible to discuss their expectations as to how often they should communicate, how they will attempt to achieve the nine objectives of this plan including any appropriate revisions to these action steps, and what each hopes to gain from the relationship. They should discuss the extent to which communications will be kept confidential. If the mentor serves in a supervisory role over the new lawyer, they should discuss openly any limitations that might place on their discussions, and the mentor should make clear the extent to which information learned in the mentoring relationship might be considered in the mentor's supervisory capacity. The mentor should also assist and encourage the new lawyer in identifying other persons who may serve as additional informal career and personal mentors. This is especially important if supervisory duties or other factors may limit the mentoring relationship..

OBJECTIVE B

To introduce the new lawyer to other members of the legal profession and to other participants in the legal system.

ACTION STEPS

If the new lawyer works in a different office than the mentor, the mentor should introduce the new lawyer to other lawyers and staff at the mentor's office. If they work in the same office, the mentor should either provide introductions or ensure that they have already occurred.

Throughout the year, the mentor should introduce the new lawyer to other lawyers in the community, especially those with whom the new lawyer is most likely also to have professional contact. At least some of these introductions should be made in a lawyer's office or in a similar environment that permits significant interaction between the new lawyer and the lawyer to whom he or she is introduced. In addition, the mentor and the new lawyer should attend a meeting together of a local bar association or similar lawyer's organization and

discuss opportunities to participate in the work of local, state, or national bar organizations.

The mentor should escort the new lawyer on a tour of the local courts and, to the extent practicable, introduce the new lawyer to judges and court personnel.

If the new lawyer is likely to undertake any criminal defense representation, the mentor should escort or arrange for another lawyer to escort the new lawyer to the local jail and explain procedures for jail visits. The mentor should also introduce the new lawyer to local prosecutors and staff in the prosecutor's office. If the new lawyer is a prosecutor, the mentor should arrange for the new lawyer also to meet the local public defender and staff in the public defender's office.

The mentor should acquaint the new lawyer with the court appointment process, with pro bono expectations, and with various legal services organizations that provide services to indigent persons.

OBJECTIVE C

To ensure that the new lawyer has a thorough understanding of generally accepted professional values and standards of behavior, as well as an understanding of the need to regularly educate oneself throughout a professional career.

ACTION STEPS

The mentor and new lawyer should review together the Lawyer's Oath and the South Carolina Bar Standards of Professionalism and discuss how a lawyer should deal with any the practical challenges the lawyer may encounter in upholding the requirements and expectations of those documents. They should discuss the lawyer's role in the legal system and the lawyer's responsibilities to the client and to persons or institutions other than the client. If the new lawyer is a prosecutor, they should discuss the unique role and responsibilities of the prosecutor and appropriate interaction with victims. If the new lawyer is in-house counsel for a company or staff counsel for an agency, they should discuss the identity of the client and the duties owed to the entity.

The mentor should offer examples of practice situations that may place stress on a lawyer's relationship with other lawyers or with other parties and should discuss with the new lawyer ways to deal with those situations in a professional and civil manner. They should discuss client expectations, how to communicate with and involve a client effectively in a matter, and other steps that a lawyer should take to gain a client's trust and confidence in a manner consistent with the lawyer's professional obligations. They should discuss customs, unwritten rules, and other expectations of etiquette and behavior among lawyers and judges in the community.

The mentor should discuss with the new lawyer the importance of continuing education throughout a lawyer's career and provide the new lawyer with advice as to how best to remain informed of the latest developments in the lawyer's practice areas.

OBJECTIVE D

To ensure that the new lawyer is fully aware of a lawyer's ethical obligations and how to identify and deal with any ethical issues that may arise.

ACTION STEPS

The mentor and new lawyer should discuss the importance of developing a relationship with at least one other lawyer with whom possible ethical issues can be appropriately discussed. The mentor should assist the new lawyer in identifying other resources to resolve complicated ethical issues, including, when applicable, the process for consulting a law firm's ethics committee or the Bar's ethics advisory committee. They should discuss also how and when to address situations in which the new lawyer believes that another lawyer has committed an ethical violation or in which the new lawyer believes that he or she has been instructed to engage in unethical behavior.

OBJECTIVE E

To ensure that the new lawyer is fully aware of the proper practices for avoiding mishandling of other's assets, conflicts of interest, neglect of a matter and other common ethical and civil liability problems.

ACTION STEPS

The mentor should discuss with the new lawyer the most common reasons for which an ethics grievance or civil malpractice complaint is filed, especially the mishandling of funds, conflicts of interest, and negligence, and how to recognize and avoid common problems.

The mentor should discuss or arrange for another lawyer to discuss with the new lawyer all applicable rules regarding trust account management and emphasize the importance of keeping accurate records of property of others held by the lawyer. The discussion should include detailed advice as to when funds generally may be disbursed and a discussion of IOLTA accounts. Because of the possibility that the new lawyer could change jobs, this conversation should take place even if the new lawyer currently has no such responsibility for the funds of others. If the new lawyer works in a different office than the mentor, the mentor should advise the new lawyer to create appropriate trust accounts or to ensure that such accounts exist. If they work in the same office, the mentor should ensure that the new lawyer understands how the firm's trust accounts operate.

The mentor should discuss with the new lawyer practical situations in which unanticipated conflicts may occur and should emphasize the importance of identifying fully all possible interested persons or entities. If the new lawyer works in a different office than the mentor, the mentor should advise the new lawyer to ensure that his or her office has an appropriate system to identify potential conflicts of interest. If they work in the same office, the mentor should ensure that the new lawyer understands how the firm's conflict identification system operates.

The mentor and new lawyer should discuss time management skills and techniques as well as the desirable features of a calendaring or tickler system. They also should discuss timekeeping methods that provide accurate records of time spent on a client's matter.

They should discuss a lawyer's duties to supervise non-lawyer staff and discuss what activities a non-lawyer staff member or employee may engage in without undertaking the unauthorized practice of law.

They should discuss when and how it is appropriate to contact judges, especially to avoid impermissible contacts. They also should discuss the lawyer's duty of confidentiality and common pitfalls regarding protection of the attorney-client privilege.

If the new lawyer is a prosecutor, the mentor should discuss the appropriate considerations in making charging decisions.

OBJECTIVE F

To help the new lawyer create and implement a successful career plan.

ACTION STEPS

The mentor and the new lawyer should discuss the new lawyer's long-term career objectives and how best to achieve them. If appropriate to the practice setting, also discuss the importance of developing a long-term business plan. If the new lawyer is uncertain as to his or her career goals, the mentor should help the new lawyer to identify those goals or guide the new lawyer to others who can provide that assistance.

They should discuss the most effective approaches for handling office politics so as to avoid harm to one's career. They should discuss how to deal most effectively with inappropriate or discriminatory behavior when it is encountered and how to develop appropriate support systems of persons with whom the lawyer can discuss problems when they arise. Toward this purpose, the mentor should assist the new lawyer in identifying other individuals who may provide additional informal mentoring support.

OBJECTIVE G

To assist the new lawyer in improving professional skills necessary for the effective practice of law.

ACTION STEPS

The mentor and new lawyer should discuss appropriate negotiation techniques, focusing on expectations of behavior during negotiations as well as the effectiveness of various approaches.

They also should discuss appropriate techniques for interviewing clients and witnesses to ensure that information is completely and productively obtained without prejudice to the rights of others.

They should discuss how to conduct an effective deposition, consistent with the purposes of the deposition. If a new lawyer participates in a deposition or court proceeding during the mentoring period, the mentor should either observe the new lawyer's performance or discuss the experience with the new lawyer afterwards to the extent permitted by rules of confidentiality and without harm to any applicable attorney-client privilege.

OBJECTIVE H

If the new lawyer is in private practice, to assist the new lawyer in developing a productive and effective law practice.

ACTION STEPS

The mentor and new lawyer should discuss how a lawyer can ethically and professionally make others aware of the availability of his or her professional services.

They should discuss how to evaluate a matter and decide whether to undertake a representation, and, if appropriate to the practice setting, how to set and memorialize a fee and how to talk with the client about the fee for a matter.

They should discuss when and how to retain additional counsel to assist in a matter.

They should discuss how to terminate a representation.

OBJECTIVE I

To help the new lawyer enjoy a healthy personal life while fulfilling his or her professional obligations.

ACTION STEPS

The mentor should provide advice to the new lawyer about the appropriate balance between one's personal and professional responsibilities. They should discuss the warning signs of substance abuse or depression and how to address those problems when they are manifested in oneself or in others. If the new lawyer has substantial educational loans or other debt, they should discuss practical ways to manage long-term debt.