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## Winter Leadership Conference

# Unlocking Potential: The Art of Effective Workplace Mentorship

*Hosted by Diversity, Equity and Inclusion  
& Young and New Members Committees*

**Kimberly A. Posin, Moderator**

Latham & Watkins | Los Angeles

**Hon. Daniel P. Collins**

U.S. Bankruptcy Court (D. Ariz.) | Phoenix

**Amalia Y. Sax-Bolder**

Brownstein Hyatt Farber Schreck LLP | Denver

**Christopher A. Ward**

Polsinelli | Wilmington, Del.

# Unlocking Potential: The Art of Effective Workplace Mentorship

*Presented by:* Hon. Daniel P. Collins, Kimberly A. Posin,  
Christopher A. Ward & Amalia Sax-Bolder

*Hosted by:* Diversity, Equity and Inclusion & Young and New  
Members Committees

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## Overview

- I. Defining Mentorship
- II. Finding Mentors/Mentees
- III. Mentorship as a Two-Way Street
- IV. Overcoming Challenges in Mentorship
- V. Mentorship as a Tool in Promoting DEI and Eliminating Bias
- VI. Resources
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## I. Defining Mentorship

### Key Attributes of Mentorship

- Mentors invest in their mentee in hopes of assuring the growth and development and success of the mentee. They provide guidance and advice based on their own experiences, acting as a counselor and sharing insights to help mentees develop skills.
- Key attributes of mentorship include: active listening, empathy, constructive feedback, relevant knowledge, ability to challenge and guide, open communication, mutual respect, accountability, flexibility, and the capacity to identify individual needs and tailor support accordingly.
- Mentorship differs in some ways from coaching, sponsorship and allyship.
  - As a mentor, it is important to know what kind of support one wants to provide and is being asked to provide to others.
  - As a mentee, it is important to understand this distinction so one sets realistic expectations and understands the guidance being sought from the mentor.

# Sponsorship / Allyship / Coaching

A coach talks to you, a mentor talks with you, and a sponsor talks about you.

Sponsors	Allies	Coaches
<ul style="list-style-type: none"> <li>• Uses their influence or leadership status to advocate for someone's career advancement.</li> <li>• Example: a manager recommending someone for new opportunities, projects or advocating for their promotion to leadership roles.</li> <li>• "Sponsoring" someone's progress within an organization, particularly highlighting strengths and contributions when that person might not be in the room to speak for themselves.</li> </ul>	<ul style="list-style-type: none"> <li>• Proactively supports someone and helps them achieve their goals. Often a co-worker or colleague with a similar job title.</li> <li>• Sponsorship is one tool an ally uses to proactively advance the interests of others.</li> <li>• Often a long-term commitment to creating systemic change for a particular group.</li> <li>• Example: a coworker who speaks up against discriminatory behavior or actively includes someone in important discussions to promote diversity.</li> </ul>	<ul style="list-style-type: none"> <li>• Helps someone achieve a specific goal or overcome a challenge.</li> <li>• Actively guides and facilitates personal development through focused instruction.</li> <li>• Example: a professional development consultant who helps you develop specific leadership skills through targeted exercises and feedback.</li> </ul>

## Importance of Mentorship

- Helps lawyers and other professionals develop legal and professional skills and build expertise
- Unlocks potential
- Boosts employee retention and satisfaction
- Fosters loyalty
- Aids in deliberate succession planning
- Helps cultivate a cohesive and collaborative organizational culture
- Can bridge the gap between theoretical knowledge and practical application
- Useful in navigating ethical dilemmas inherent in practice

## II. Building Mentorship Relationships

### Finding a Mentor / Mentee

- Key strategies to finding mentors and mentees include:
  - Networking within existing connections
  - Attending industry events and conferences
  - Joining mentorship programs (e.g. through work, Bar associations, professional associations, alumni networks)
  - Using social media, such as LinkedIn, or online mentorship platforms (e.g. MentorCruise)
  - Joining relevant associations or groups within your field (like ABI) to network and potentially connect with potential mentors or mentees
  - Participating in volunteer work
- When seeking a mentee, consider factors like experience level, career goals, and compatibility with your expertise.
- When seeking a mentor, engage in self-reflection to understand why you want a mentor, your career aspirations, your strengths and weaknesses, and the specific areas where you need guidance.

# Structuring the Relationship

There are many ways to structure a mentorship relationship to make it productive. Consider the following when deciding what kind of mentorship relationship will be most effective for you:

- Mentor v. mentee led;
- Structured v. unstructured;
- Similar personal attributes v. different personal attributes;
- Same work group v. different work group;
- Level of seniority of mentor;
- Direct v. indirect reports;
- Formal v. informal mentors; and
- Length (ongoing v. set period).

## III. Mentorship as a Two-Way Street

# Effective Mentors / Mentees

It is important for both mentors and mentees to actively participate in fostering a mentoring relationship. Key attributes that can help both mentors and mentees be effective include:

MENTORS	MENTEES
Leading by example	Being proactive and committed to own personal and professional growth
Commitment to Process	Respecting mentor's time
Openness in sharing experiences	Asking good questions
Interpersonal skills	Being engaged
Relevant experience / knowledge (of role, industry, company, etc.)	Open to learning
Desire to help others grow / succeed	Be honest about needs and communicate them
Willingness to make connections	Actively seeking feedback

## Tools for Effective Mentorship Relationships

Mentorship relationships are a two-way street. The following are examples of how to create a strong mentorship dynamic:

1. **Setting Goals:** Both the mentor and mentee should be upfront and honest about the goals of the mentorship relationship and continue to revisit goals to ensure that the mentorship relationship is effective and productive in meeting these goals
2. **Fostering Open Communication:** Mentors should make mentees comfortable in the relationship so that they feel empowered to bring up challenges or ask questions. Mentees should be open about needs. One way to encourage open communication is to schedule regular check-ins with or without a set agenda.
3. **Providing Support and Feedback:** Mentors should ask questions to learn more about how they can best support mentees. Mentees should seek targeted and specific feedback from mentors.
4. **Building Trust:** By demonstrating integrity and commitment, mentors and mentees earn the trust of one another, fostering a stronger relationship.

# Leading by Example

- Mentors demonstrate behaviors, values and work ethic that they expect from their mentee through their own actions.
- A mentor should showcase desired behaviors, such as strong communication, time management, ethical decision-making, and positive attitude.
- To be effective, a mentor should strive to be genuine and consistent, aligning words with actions.
- Mentees should pay attention to the behaviors of their mentors and look for ways to adopt similar approaches.

*"The mediocre teacher tells. The good teacher explains. The superior teacher demonstrates.*

*The great teacher inspires."* – William Arthur Ward

## IV. Navigating Challenges in Mentorship



## Tips for Navigating Common Challenges



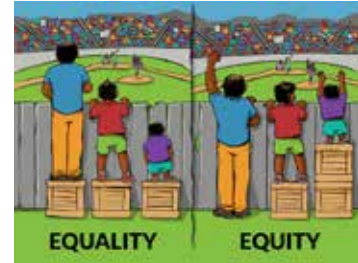
## V. Mentorship as a Tool in Promoting DEI and Eliminating Bias

# Diversity / Equity / Inclusion

**Diversity**: Acknowledging and embracing the many ways people differ, including race, gender, sexual orientation, age, disability, and more.

**Equity**: Recognizing that talent is distributed equally across communities, but opportunity is not, and working to ensure everyone has an equal opportunity to succeed.

**Inclusion**: Creating environments where people feel valued and supported, and can share and debate different perspectives.



## Unconscious Bias

- Unconscious biases are social stereotypes about certain groups of people that individuals form outside their own conscious awareness.
- Unconscious bias may influence interactions between mentors and mentees.
  - A mentor's unconscious bias could potentially limit the mentee's growth and development by favoring certain individuals based on factors like gender, race, or background, without the mentor even realizing it; this can lead to unequal opportunities and treatment within a mentoring relationship.
  - A mentee might also unknowingly judge or perceive their mentor based on stereotypes or assumptions related to factors like gender, race, ethnicity, or background, without realizing they are doing so, potentially impacting the mentoring relationship and the mentee's development.

# Importance of Mentorship to DEI

- Mentorship programs cultivate DEI by creating opportunities for individuals of diverse backgrounds to connect, learn and grow within an organization or profession.
- Mentorship programs can help with breaking down unconscious biases, providing access to networks and support systems, and ultimately promoting a more inclusive workplace culture where everyone feels valued and empowered to succeed.
- A study by Heidrick & Struggles found that minorities were more likely to say that mentoring was extremely important to their careers; 30% of women said their mentoring relationship was extremely important compared to 23% of men, and 32% of minorities found it extremely important, compared with 27% of the overall sample. Further, minorities were more likely to say they found a mentor on their own at 25% compared to 18% of the overall sample, suggesting their organizations could benefit from establishing tools and forums to help them succeed in finding a mentor.

Cites: <https://www.forbes.com/sites/janicegassam/2019/09/26/the-key-to-diversity-and-inclusion-is-mentorship/>; <https://www.prnewswire.com/news-releases/study-women-and-minorities-value-mentoring-programs-but-findings-reveal-opportunities-for-improved-effectiveness-300575517.html>

## Importance of Mentorship to DEI (cont.)

- Key ways that mentorship programs cultivate DEI:
  - Breaking down barriers and unconscious biases by pairing mentors and mentees from different backgrounds, encouraging an understanding of diverse perspectives and challenging one's own biases.
  - Providing access to networks and opportunities, opening doors to career advancement that might not have otherwise existed.
  - Building a sense of belonging by helping individuals from marginalized groups feel more connected to a company or organization.
  - Providing tailored guidance and support to help individuals from diverse backgrounds develop the skills necessary to advance their careers.
  - Elevating diverse voices (e.g. reverse mentoring, where a more junior person acts as a mentor to a more senior person, which can reverse the traditional mentoring dynamic and bring insights from different perspectives into decision-making process)
- Trainings on topics like unconscious bias, cultural competency and inclusive communication is a valuable tool when implementing a DEI-focused mentorship program.

## VI. Resources

# Example Bar Mentoring Programs

### **Nevada “Transition Into Practice” (TIP) Mentoring Program**

- Model mentoring plan that has both required and optional components. Mandatory elements include the mentor and mentee discussing the rules of professional conduct, client confidentiality, civility and etiquette, pro bono opportunities, bar resources when faced with ethical quandaries, bar disciplinary processes, mandatory CLE, malpractice and grievance traps, mental health and substance abuse assistance, law practice and client fund management. There is also a very extensive checklist aimed towards skills development. Things like running client interviews, drafting pleadings, engaging in ADR and negotiations, drafting agreements and even exposure to key concepts in gaming law. The program calls for a minimum one-year commitment.
- Information attached or see <https://nvbar.org/for-lawyers/new-members/tip/>

### **South Carolina New Lawyer Mentoring Program**

- Mentoring program requires creation of a written mentor/mentee plan that addresses 9 objectives including introducing the mentee around the legal community, addressing professional values, norms and behaviors, proper practices for asset and trust fund management and practice management, developing a plan to develop a successful career and addressing ways to build a healthy personal life while balancing work responsibilities. Like Nevada, South Carolina requires a 1-year commitment to their mandatory mentoring program.
- Information attached or see <https://mybar.scbar.org/home>

# ABI's Diversity and Inclusion Mentoring Program

- Guided by the Diversity Equity and Inclusion Committee's Mentoring Subcommittee, this program holds bi-monthly meetings or programming to address a variety of topics, with resources from ABI and members of the restructuring community, including judges, trustees, attorneys and financial professionals. These structured events provide an opportunity to interact with other experienced insolvency professionals while providing an educational program and fostering opportunities to discuss important topics in the mentees' professional development. The mentors meet regularly with the mentees to provide substantive feedback and support relating to professional development and growth, as well as subject-matter experience. The mentees meet regularly with the mentors and solicit substantive feedback and support relating to professional development and growth, as well as subject-matter experience, and any other topics that the mentees choose. The goal of the Mentoring Program is to expose the mentees to the many aspects of the restructuring profession, including becoming involved in ABI, and interacting with mentors' colleagues, peers and networks.
- Information and application available here: <https://diversity.abi.org/mentoring/apply>

## Books and Articles

- Darryl Dymock, "Blind Date Mentoring" (attached)
- "Modern Mentoring" by Randy Emelo
- "Radical Candor" by Kim Scott
- "The Art of Coaching" by Elena Aguilar
- "The Mentoring Manual" by Julie Starr
- "Mentoring 101" by John C. Maxwell
- "One Minute Mentoring" by Ken Blanchard and Claire Diaz-Ortiz
- "Mentoring Matters" by Tom Osborne
- "The Elements of Mentoring" by W. Brad Johnson and Charles R. Ridley
- "Mentorship Must-Haves: The Secrets to Mentor-Mentee Relationships That Last," Law.com Young Lawyer Editorial Board, available at <https://www.law.com/thelegalintelligencer/2024/03/28/mentorship-must-haves-the-secrets-to-mentor-mentee-relationships-that-last/?slreturn=20241201193118>
- "The Key To Diversity And Inclusion Is Mentorship, Janice Gassam Asare, available at <https://www.forbes.com/sites/janicegassam/2019/09/26/the-key-to-diversity-and-inclusion-is-mentorship/>



## VII. Speaker Bios

# Blind date: a case study of mentoring as workplace learning

Dymock, Darryl

[ProQuest document link](#)

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## ABSTRACT

This paper reports on a research project undertaken by the author within a major Australian company which utilised mentoring as part of a leadership training program for potential supervisors. Six pairs of mentors and mentees were asked individually about their perceptions of the mentoring process and of the value of their involvement, personally and professionally. Those responsible for the supervision and conduct of the program were also interviewed. Overall it was clear that the mentees believed they were learning from the mentoring process, in terms of improving their general understanding of the company's operations and in dealing with practical management issues. The extent of that learning appeared to be influenced by the degree to which the relationship had developed on the basis of openness and trust. The mentors indicated they were also learning from the mentoring process - outcomes which they tended to see in work-related terms, but with some personal benefits as well. Concludes with a discussion of the place of mentoring in a learning organisation, and suggests some key factors in developing effective mentor-mentee relationships in a business environment.

## FULL TEXT

Darryl Dymock: Senior Lecturer of an Adult Education Program at the School of Administration and Training, University of New England, Armidale, NSW, Australia.

### Introduction

One of the ways in which some organisations have attempted to encourage learning in the workplace is through the use of "mentors". The term itself stems from Greek mythology, but the modern practice of mentoring has been utilised in business particularly since the 1970s. Parsloe (1992, p. 73) suggested that mentoring is "concerned with the longer-term acquisition and application of skills in a developing career by a form of advising and counselling", while Caldwell and Carter (1993, p. 11) claimed that "most mentor interpretations fall into one of two categories: those which emphasise professional development only, and those which include both personal and professional development". In general, the definitions of mentor encompass the concept of a person who is a guide, adviser and counsellor.

This paper reports on a research project undertaken by the author within an Australian company and suggests some key factors in developing effective mentor-mentee relationships in a business environment.

### Selecting mentors and mentees

The company's training staff introduced mentoring as part of a program to prepare selected staff for leadership positions in the company, which had a workforce of around 4,500 at the time of the research. The leadership course is a ten-month, part-time, in-house program which incorporates formal course modules, planned on-the-job experience, and "structured mentoring". There is a maximum of 12 participants in each leadership course, and



competition for places is keen. The participants, who are relatively junior in the organisation (and who tend to be in their mid-20s to early-30s), are either acting team leaders or have been identified as potential leaders in the company's "call-centres", the first point of public telephone contact for potential customers. The leadership program is the responsibility of a senior trainer and has a full-time coordinator.

The stated benefits for the company of structured mentoring are:

- increased productivity;
- increased organisational communication and understanding;
- keeping staff and maintaining their effectiveness - retention of the right people;
- encouraging the development of a learning organisation culture by allowing people to gain from each other by sharing experience, skills and knowledge;
- helping to bridge the gap between training and real world application.

Mentors and mentees are matched solely on being "nicely removed" from each other in their work areas. The senior trainer responsible for the leadership program described her understanding of the mentor role: "I see it as a person who works for the same company in a more senior role than the mentee, who is not in the reporting line, whose role is to help develop this person, not by coaching them in how to do their job, but by exposing them to other areas of the business, giving them a greater understanding of the business as a whole, and ... lifting them up out of their seats and getting them to see it from a helicopter view."

The briefing notes for mentors tell them they are expected to assist mentees with their leadership course assignments, help them in areas where both parties agree or where the mentor recognises they need to develop, and expose them to other areas and wider issues in the company. The characteristics sought of a mentor are:

- commitment to mentoring;
- minimum of three years people management experience, broad management experience;
- formal management development (including in-house programs);
- good record for, and interest in developing others
- willingness to help set development goals, coach and give feedback;
- strong interpersonal skills;
- awareness of leadership role of mentees;
- role model/professional/upholds company values;
- awareness of resources available within company;



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- knowledge about company's strategic direction, goals, policies and communications channels;
- willingness to share experiences relevant to needs of mentee;
- wide range of current skills and knowledge to pass on.

Similarly, the mentees receive a list of characteristics expected of them, but since they had already been selected for the leadership program, the list might be seen as a guide to why they were chosen and how they might benefit from the mentoring aspect of the course. Probably the most significant characteristics expected are a willingness to assume responsibility for their own growth and development, and to be receptive to feedback and coaching.

### First contact

The leadership program began in February 1997, and all of the pairs of mentors and mentees said that they did not know each other before the orientation session, except perhaps as "a face I had seen somewhere". After being introduced, each pair sat down for about half an hour to discuss how the process might work, and there was then an informal dinner for the whole group.

At the first meeting there was a variety of approaches. One mentor mentioned "a whole series of paperwork and you sit down and go through what the objectives are and the strengths the mentoree believes they have", but the other mentors appeared to have used the first meeting in a relatively unstructured way. Most of the 12 respondents described the first meeting as a "blind date", and indicated some initial nervousness and sometimes anxiety, but the idea of a dinner as a less formal way of meeting was generally supported.

After the initial meeting, it was up to the mentors and mentees to plan future meetings and develop the relationship, without any formal support of that aspect from the trainers. The senior trainer explained the rationale for this "hands-off" approach: "We do try to put the ownership back on them because I don't think a mentoring relationship is going to work if somebody has to run it for you". Nevertheless, she and the leadership course coordinator indicated there was informal monitoring of the process.

### The research process

The first round of semi-structured interviews was undertaken in May, about ten weeks after the leadership course began, and each pair had met only two or three times at that stage. The first interview averaged 30 to 45 minutes, including time for each interviewee to describe his or her job; the second interview, in November the same year, just before the end of the leadership program, averaged about 30 minutes, with the questions restricted to the participants' experiences of the mentoring process. All interviews were audio-taped and transcribed, with the written permission of each participant, under guidelines established by the University of New England Ethics Committee.

All interviews were conducted individually, and all interviewees were volunteers. The researcher nominated the number of respondents, believing interviews with half of the mentors and the mentees, as well as with those immediately responsible for the program, would provide sufficient data from which to identify the important issues and outcomes of the mentoring relationship. At the time of the second interview, one of the original mentors had left the company, and his successor as mentor was interviewed in his place. The leadership supervisor and coordinator were also interviewed twice and their own training manager once.

The course coordinator arranged the schedule of interviews, the venue and "release time" for the staff. Ten of the 12

mentors were male, and the mentees comprised five women and seven men. For the research project, all of the six mentors interviewed were male, and five of the six mentees interviewed were female. It would have been preferable for the research if the gender mix had been closer to the profile of the whole group, but the reason for the selections was practical one: the leadership course coordinator selected the interviewees on the basis of their availability at the time the researcher was on a visit to the city where the company had its head office.

## Perceptions of the mentoring process

At the time of the first round of interviews, in May 1997, each pair had held between two to four meetings, including the introductory one. Each partner was asked separately to rate how successful they thought the mentoring relationship was at that point, i.e. how well they thought it was working, on a scale of 1-10.

At the second interview, in November 1997, the mentors and mentees were asked approximately how often they had met. The responses included "at least once a month and maybe twice a month", "infrequently", "about monthly", "six weekishly". The average seems to have been about monthly since the beginning of the program nine months previously. As in the first round, each partner was asked separately to rate the success of the mentoring relationship at that time on a scale of 1-10. Both ratings are displayed in Table I.

The ratings after nine months of mentoring were higher than after ten weeks from both mentors and mentees except for one mentor. There was only one "10", with most in the 8-9 range and "3" the lowest rating on the 1-10 scale. Overall, the means for mentors' and mentees' ratings are very similar.

Some of the reasons given for the second-interview ratings give some insight into the mentoring process:

Mentor 1: "We did discuss at our last meeting that the expectations that we brought to the relationship were that when we saw that there was reason to talk, we would talk. ... We were both quite comfortable with that arrangement and I think we are over that fear factor ... because I don't have fear of calling [the mentee], but I think [the mentee] had some fear of calling me. I think [the mentee] is over that now" (Rating: 3).

Mentee 1: "I would say definitely above five or six because I think that was when I was feeling uncomfortable with it and I was feeling guilty with it. I think I have got something out of it and that's what was meant to happen, that I have got something out of it..." (Rating: 7).

Mentor 2: "We did manage to work well, were compatible. Some people just don't seem to have the same thing. We could sit there and have a difference of opinion and just talk it through, understanding, and I shared a lot about me and what I was trying to do with my personal development so my mentee understood what I was trying to do and what I was trying to get out of this as well" (Rating: 8-9).

Mentee 2: "... I have met someone and we have had a few good chats and talked about a couple of different things but I don't see that I really ever had an outcome in mind when I went into it and I think for mentoring to be more successful ... you need to state a few guidelines as to what you want the overall outcome to be" (Rating: 7.5+).

Mentor 3: "We talk and sometimes we disagree but it's fine. I don't walk off in a huff saying she doesn't know what she is doing. It's nothing like that. It's all very healthy - the relationship is very positive and I am getting development out of it as well" (Rating: 8-9).

Mentee 3: "I have got other sources of information to help me out with any managerial questions. He is very good,

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very helpful and we have talked a lot about things but I just think because I had other sources of information - that prevented it being a ten" (Rating: 8).

Mentor 4: "It [the mentoring relationship] slowed down towards the end in that she was becoming a lot more confident. She didn't have that many issues and we didn't meet as often towards the end for any other reason than my schedule, trying to fit her in as well as the fact that she was pretty much under control..." (Rating: 7).

Mentee 4: "I would give it a ten rating because I have learned so much and it's been such a valuable tool and its been like really something that I would like to keep going..." (Rating: 10).

Mentor 5: "I would say it's good, pretty good. A few tweakings round the edges... Perhaps the need for discipline to make the meetings a little more frequent but on the whole I would still give it an eight rating" (Rating: 8).

Mentee 5: "I have learned a bit more about myself and my mentor, so I think there are some things that need to be fixed, but the mentoring process itself is sound ..."

Mentor 6: "...we have got together frequently. Maybe in retrospect [we] should've got together more frequently. I have found it beneficial, I have enjoyed it and hopefully got something out of it. I think it is really positive when both sides can say they really got something out of it ..." (Rating: 8-9).

Mentee 6: "It's going really well. It's good to have someone out of the reporting structure, good to have someone from a different area. I don't see this as a disadvantage because management skills are generic" (Rating: 8).

Mentors and mentees were asked what changes they might make if they were responsible for the mentoring program. In general, the mentees saw the need for greater structuring of the mentoring program, i.e. with the trainers taking a more significant part in establishing the parameters. The mentors' responses echoed those of the mentees, particularly in relation to structure. There were suggestions for "a little bit more discipline so that we meet a bit more frequently", and more socialising "to open up those communication channels".

### Perceived outcomes

Each of the mentors and mentees was asked what they perceived the outcomes to be for themselves, as distinct from the company objectives listed earlier in this paper. Overall, the mentees perceived the outcomes of the mentoring in terms of general management principles: "the human factor", "time management", taking a "calm and logical" approach. Two of the mentees were able to apply specific advice to their work areas, while others saw the benefits mostly in very general "big picture" terms. In at least two instances there was evidence of personal as well as professional development, in terms of self-confidence and self-organisation.

The mentors were also asked to identify any outcomes for themselves as individuals. Overall, the outcomes for the mentors related particularly to developing links with other parts of the organisation which increased their understanding and networking opportunities. Several also mentioned outcomes related to their personal development, e.g. listening skills, and clarifying thinking, as well as a sense of personal satisfaction.

Overall it is clear that mentees believed they were learning from the mentoring process, in terms of improving their general understanding of the company's operations and in dealing with practical management issues. The extent of that learning appeared to be influenced by the degree to which the relationship had developed on the basis of openness and trust. The mentors indicated they were also learning from the mentoring process - outcomes which

they tended to see in work-related terms, but with some personal benefits as well.

What emerged from the research is that at least three of the five stated benefits to the company, listed at the beginning of this paper, were being achieved, based on the mentoring participants' perceptions: increasing organisational understanding, encouraging the development of a learning organisation, and helping bridge the gap between training and real world application. Whether mentoring resulted in "increased productivity" or the more long-term outcome of "keeping staff and maintaining their effectiveness" could not be determined within the limitations of this research project.

### Mentoring as workplace learning

Following Senge (1990), Marsick (1997, p. 2), one of the leaders with Watkins in research into the learning organisation, defined such an organisation as "an aligned group, with the ability as a total system to sense and interpret its changing environment, and to apply this shared knowledge in order to: continuously generate innovative products and services; and develop the capabilities of its people". The findings of this study indicate that mentoring can contribute to the development of a learning organisation by facilitating the sharing of organisational knowledge as well as by encouraging the professional and personal development of the employees.

Some general lessons emerge which might provide guidelines for any company seeking to adopt mentoring as an approach to workplace learning:

- Senior staff volunteer to help in mentoring programs for various reasons, including: for the corporate good, for their own professional development, and for personal growth and satisfaction.
- Outcomes for mentors include improved understanding of other areas of the company's operations, immediate and future opportunities for extended networking, a better appreciation of their own management practices, and the development of personal skills and satisfaction.
- Informal mentoring occurs throughout any organisation - senior staff informally seek out mentors they respect in a particular area in order to assist with particular problems and issues; junior staff often also informally identify mentors in their own work areas.
- The most effective mentors may be those who are willing to spend the time necessary to transfer skills and knowledge and who are open enough to take risks, willing to share experience, and desire to help.
- Outcomes for mentees include a broader understanding of the company's policies and place in the business world, an appreciation of how management principles might apply in practice, increased knowledge specific to their work areas, and less tangible benefits such as improved self-organisation, and opportunities for networking more broadly and to higher levels of the organisation.
- Having a mentor outside the immediate reporting line can help mentees see the bigger picture and also help them deal with workplace problems they may not want to share with their immediate manager; it can also help mentors understand how other areas of the company operate, particularly at the public contact level, and that there are different "cultures" within large organisations.
- There are organisational benefits from the mentoring process as well as individual ones. The former relate to increasing organisational understanding, encouraging the development of a learning organisation, helping to bridge

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the gap between training and real world application, and improving internal networking.

In general, it seems that structured mentoring helps a company to develop from within, and demonstrates that the capabilities of its staff are valued. It is this conception of a company utilising its own human resources for individual and organisational development which is at the heart of the learning organisation envisaged by Watkins and Marsick (1993, 1996).

### References

1. Caldwell, B.J. and Carter, E. (Eds) (1993), *The Return of the Mentor: Strategies for Workplace Learning*, Falmer Press, London.
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3. Parsloe, E. (1992), *Coaching, Mentoring and Assessing*, Kogan Page, London.
4. Senge, P. (1990), *The Fifth Discipline: The Art and Practice of the Learning Organization*, Century Business, London.
5. Watkins, K. and Marsick, V. (1993), *Sculpting the Learning Organisation: Lessons in the Art and Science of Systemic Change*, Jossey-Bass, San Francisco, CA.
6. Watkins, K. and Marsick, V. (1996), *Creating the Learning Organization*, American Society for Training and Development, Alexandria, VA.

### Illustration

Caption: Table I; Rating of mentoring relationship after nine months

### DETAILS

<b>ERIC Subject:</b>	Mentors; Semi Structured Interviews; Research Projects; Employment Experience; Management Development; Adult Learning; Meetings; Interviews; Interpersonal Competence; Leadership Training; Professional Development; Coordinators; Adult Vocational Education; Workplace Learning
<b>Subject:</b>	Case studies; Managers; Leadership; Organizational learning; Mentors; Training; Professional development; Qualitative research; Interviews; Mentoring programs
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# The Supreme Court of South Carolina

## LAWYER MENTORING PROGRAM

### UNIFORM MENTORING PLAN

#### INTRODUCTION

Pursuant to Rule 425, SCACR, which establishes the Lawyer Mentoring Program, the Court has set out nine objectives for the mentoring plan. These objectives are intended to be a guide to the development of the relationship between the mentor and the new lawyer and should be addressed on an ongoing basis over the course of the mentorship year.

The relationship between the mentor and new lawyer is not merely a checklist of items to be covered. It is intended to be the beginning of a long-term professional relationship that enables the new lawyer to create a network of more experienced colleagues who will serve as informal mentors. The goal of the program is to provide the new lawyers with the tools that will enable them to continually enhance their habits, practice skills, knowledge, and professionalism throughout their legal career.



## **OBJECTIVES**

**The nine objectives set out by the Supreme Court are:**

**Objective A**

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

**Objective B**

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

**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.*

**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.*

**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.*

**Objective F**

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

**Objective G**

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

**Objective H**

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

**Objective I**

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

Each objective is to be met through a series of action steps over the course of the mentorship year. Suggested action steps are included in this model plan; however, the mentor and new lawyer should work out a plan that best suits their schedules and workloads. The mentor and new lawyer must complete an individualized mentoring plan. The new lawyer must submit the individual mentoring plan to the South Carolina Bar for approval **within thirty days** of being paired with a mentor.

**PLEASE NOTE**

**All nine objectives must be included in your individual mentoring plan, and all nine objectives must be met in order to complete your mentoring obligations.**

**SUGGESTED ACTION STEPS**

**Objective A**

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

Establishing clear expectations is critical to the success of the mentoring relationship. The mentor and the new lawyer should meet in person as soon as possible and develop a plan to address completing all the objectives of the program. A clear plan of action for the course of the next year is the ultimate outcome for this objective.

Things to consider as you set out the steps for meeting this objective include:

1. Schedule the initial meeting, which may be at the office of the mentor, at a bar meeting, or casually for lunch;
2. Determine the frequency of “formal” contact; for example, will you have a weekly, bi-weekly or monthly lunch meeting? Determine the best methods of communication, to include in-person meetings, telephone conversations, e-mails, or a combination of the three;
3. Decide what each party expects to invest in and receive from the mentor relationship;
4. Discuss to what extent the conversations are to be kept confidential;
5. Discuss the balance between being a mentor and being a supervisor if the mentor is also the new lawyer’s supervising lawyer in the office; and
6. Determine methods of introducing the new lawyer to other members of the legal profession and assisting in the development of a network of informal career and personal mentors.

### **Objective B**

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

New lawyers often enter the legal profession without the benefit of prior connections in the community in which they will be practicing. Even new lawyers who have relatives who are lawyers may not be located in the same geographical areas where those relatives practice. In addition, there are numerous individuals who are not lawyers who are essential to the smooth working of the legal system. The new lawyer may not be aware of these essential legal professionals. To fulfill this objective, the mentor should introduce the new lawyer to colleagues, judges, clerks, court staff, court reporters and other individuals who function within the legal community.

Things to consider as you create the steps for meeting this objective include:

1. Ensure that the new lawyer becomes involved in local bar activities. Encourage the new lawyer to become active in the Young Lawyers Division of the South Carolina Bar;
2. Introduce the new lawyer to the clerks of court and key staff members in their offices;
3. Introduce the new lawyer to lawyers who practice in various areas of the law, to include the plaintiff and defense bars;
4. If the new lawyer is likely to practice criminal defense law, the mentor should arrange for the new lawyer to tour the local jail and become familiar with the procedures for visiting the facility. In addition, the new lawyer should be introduced to the local prosecutor and public defender and the staff in the respective offices; and
5. Explain to the new lawyer the court appointment process, the pro bono expectations, and the role of, and key contacts in, the various legal services organizations that provide assistance 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.***

The importance of developing professional standards and exercising civility in the practice of law has been stressed by the Court and is evident in the Lawyer's Oath that all lawyers take upon admission to the SC Bar. Helping the new lawyer to understand the expectations placed on the lawyer by the Lawyer's Oath and the SC Bar Standards of Professionalism is critical to meeting this objective. Discuss the challenges that the new lawyer may encounter in upholding the requirements of these documents. In addition, the mentor should stress

the need for continuing legal education which will ensure that the new lawyer remains aware of changes in the law or rules of practice that affect representation of their clients.

Things to consider as you set out the steps for meeting this objective include:

1. Periodic discussions on the following: the role of the lawyer in the legal system; the lawyer's responsibility to their client, to the court, and to adhering to the Rules of Professional Conduct; and, the practical challenges in meeting those responsibilities;
2. Discussions of the particular nature of the role of the lawyer if the new lawyer is a prosecutor, in-house counsel, or agency counsel. Attention should be given to the identification of the client and the duty owed to the entities in the case of in-house or agency counsel;
3. Review the Lawyer's Oath and the requirements placed on the lawyer by the oath;
4. Discuss effective methods of clear communication with the client. In these discussions, cover such matters as client expectations, how to effectively involve the client in a matter, gaining a client's trust and confidence, and ensuring the client understands the lawyer's professional obligations under the Rules of Professional Conduct;
5. Ensure that the new lawyer gains an understanding of the local legal community expectations of etiquette and behavior and the "unwritten rules" of practice in the local community; and
6. Assist the new lawyer in developing an understanding of the importance of, and need for, continuing legal education as a means of advancing their professional goals.

#### **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.***

Members of the legal profession are expected to maintain high professional standards and comply with the Rules of Professional Conduct. Often in the practice, issues arise which require a lawyer to seek assistance in determining the appropriate course of action to avoid violating those rules. In other cases, situations may arise where a colleague is in danger of violating, or has violated those rules, and there is now an ethical obligation on the new lawyer to report that conduct. The mentor must be careful not to render legal advice in this regard, for mentors are expressly precluded from rendering case-specific legal advice. Yet one of the features of the mentoring program is to inculcate in the new lawyer a profound, and ever-increasing, appreciation for professionalism. Professionalism should be a reality, not merely an aspiration. Professionalism is inextricably connected to an understanding of and adherence to the Rules of Professional Conduct. Accordingly, the mentor should ensure the new lawyer remains well versed in the ethical rules and guide the new lawyer in the recognition of, and appropriate resolution of, general ethical issues.

Things to consider as you create the steps for meeting this objective include:

1. Review with the new lawyer the key Rules of Professional Conduct;
2. Assist the new lawyer in identifying at least one other lawyer with whom the new lawyer could discuss potential ethical issues;
3. Assist the new lawyer in identifying other resources for assistance such as the SC Bar's Ethics Hotline the or the law firm's ethics committee and the appropriate times to seek the assistance of these groups; and
4. Discuss with the new lawyer how and when to address situations where the new lawyer believes an ethical violation has been committed by another lawyer or when the new lawyer believes that he or she is being 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.***

A common complaint clients have of lawyers is that the lawyer will not return phone calls or the case is taking too long. The SC Bar's Client Assistance Program (CAP), the Resolution of Fee Disputes Board and the Lawyer's Fund for Client Protection all deal with attorney-client problems. These issues could be avoided with a clear understanding between the lawyer and client or a firm grasp of the ethical obligations of the lawyer as they relate to the management of client funds/assets, conflicts of interest and the importance of proper communication. The mentor should stress the importance of written fee agreements, regular communication with the client, and compliance with the Rules of Professional Conduct with particular emphasis on trust accounts and financial record keeping.

Things to consider as you set out the steps for meeting this objective include:

1. Discuss with the new lawyer the importance of client communication. Provide examples of the types and optimum frequency of communication between lawyer and client;
2. Even if the lawyer is in a firm of a size that will not require him or her to have contact with the trust account, ensure that the new lawyer understands how a trust account works, the proper method of filling out a deposit slip, the necessity of accounting for each client's funds individually, how and when those funds may be disbursed and the Good Funds Rule;
3. Review with the new lawyer the rules of procedure. Emphasize the following: filing deadlines; the importance of ensuring that statutes of limitations do not run;

making certain that the client is not subject to a default judgment or sanctions for failure to timely file required pleadings or responses;

4. Discuss common reasons why clients file grievances, fee disputes or civil lawsuits against their lawyers and ways to avoid them;
5. Share technology solutions and other techniques for time management, scheduling, and billing which will enable the new lawyer to avoid problems with clients;
6. Discuss the duty to supervise non-lawyer staff, including a discussion of the need to ensure that non-lawyer staff members do not engage in the unauthorized practice of law;
7. Discuss ethical considerations in contacting judges, including how to avoid impermissible contacts; and
8. Ensure the new lawyer has a clear understanding of the duty of confidentiality and protecting the attorney-client privilege.

**Objective F**

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

The mentor and new lawyer should discuss the new lawyer's long-term career objectives and how best to achieve them. Assisting the new lawyer in determining which option is best for them is a critical part of the mentor relationship. The new lawyer may consider several employment options to include: entering a large firm with a partnership track; joining a small firm; becoming a solo practitioner; acting as in-house counsel; working in public service; teaching; and pursuing a non-traditional use of the degree. New lawyers bring their own unique set of skills to the profession. They may find that their passion for the legal profession is best served in an employment situation other than where they began their career. By assisting the new lawyer in developing clear career goals, the mentor can help shape a professional future that is both successful and fulfilling. Finding the right combination for the training, skills, and aptitudes of the new lawyer also ensures that he or she is a productive member of the profession and increases retention rates.

Things to consider as you set out the steps for meeting this objective include:

1. Expose the new lawyer to different areas of practice including transactional work, trial work, specialized practice (such as family law, criminal law, estate planning law, bankruptcy law, taxation law, and employment law), or non-traditional areas to ensure that he or she has a broad understanding of the options available;
2. Discuss long-term career goals. If the new lawyer does not have these goals, or is tentative about them, help set goals;
3. Discuss with the new lawyer how to identify areas of the law in which he or she is interested in practicing;

4. Assist the new lawyer in developing a long-term business plan;
5. Identify other lawyers in the community who practice in the areas of interest to the new lawyer and help the new lawyer make connections with those individuals so they may be able to provide assistance; and
6. Discuss the practicalities of office politics and how to deal with them, including dealing with inappropriate or discriminatory behavior.

**Objective G**

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

The skills of the practice, such as effectively drafting documents, managing deadlines, conducting negotiations, holding depositions, trial preparation, examining witnesses, choosing a jury and a host of other skills are not commonly taught in law school. While the academic side of a lawyer's education teaches one to find the law and to think like a lawyer, there is much to be learned from those engaged in the practice who have honed their skills through time and experience. Whether the skill is engaging a jury or diffusing an angry client, the experienced mentor can effectively relate these skills to the new lawyer.

Things to consider as you set out the steps for meeting this objective include:

1. Discuss effective negotiation techniques. Analyze the behaviors expected during the negotiation process, different approaches to the process, and their effectiveness;
2. If the new lawyer is in the same firm as the mentor, include them in depositions, letting them learn from observation. If they are not in the same firm, discuss the purpose and function of a deposition, how to obtain information from the deponent, what behavior is not acceptable in the course of a deposition, how to prepare your client for a deposition and other techniques and ethical considerations inherent in the process;
3. If possible, observe the new lawyer's performance in a deposition or court proceeding and discuss ways to improve. If observation is not possible, discuss with the new lawyer his or her impressions of the procedure and ways to improve their skills that will not harm the attorney-client relationship; and
4. Discuss appropriate techniques for interviewing clients and witnesses. Provide examples of client intake forms if used by the mentor's firm. Help the new lawyer develop their own effective interview style.

**Objective H**

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

Whether the new lawyer is in private practice in a firm or decides to become a solo practitioner, several basic issues will present themselves. Helping the new lawyer to understand some of the fundamental steps involved in developing a practice is essential to the success of the new lawyer. Meeting this objective should involve conversations on topics such as fee agreements, office management skills, advertising, and how and when to terminate a client relationship.

Things to consider as you set out the steps for meeting this objective include:

1. Assist the new lawyer in understanding how to ethically market their practice and the availability of his or her professional services;
2. Discuss with the new lawyer how to decide whether or not to undertake representation of a client;
3. Discuss how to determine what fee is appropriate for the representation;
4. Discuss the importance of written fee agreements/engagement letters with the client;
5. Discuss how to talk to a client about the fee;
6. Discuss the importance of knowing how and when to associate counsel on cases that are beyond their experience levels;
7. Ensure that the new lawyer understands how and when to terminate representation of a client;
8. Ensure the new lawyer develops an appropriate records retention policy; and
9. Discuss the availability of services from the SC Bar. Assistance in evaluating and recommending office policies and procedures is available from the Risk Management Director and advice on law office technology can be provided by the Practice Management Assistance Program Director

**Objective I**

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

Balancing work and career can prove to be a difficult task. The pressure to meet billable hour requirements in a firm or make payroll while in solo practice can take a toll on the lawyer. The focus of this objective is to help the new lawyer find a balance between his or



her career and family and help avoid the problems that can be associated with those pressures.

Things to consider as you set out the steps for meeting this objective include:

1. Identify the warning signs of substance abuse or depression and help the new lawyer to recognize these warning signs;
2. Discuss with the new lawyer the appropriate balance of personal and professional responsibilities;
3. Discuss the appropriateness of contacting the SC Bar's Lawyers Helping Lawyers Director for guidance, assistance, and making a referral for substance abuse or depression; and
4. Discuss methods of handling long-term debt, including student loans.

### **PROGRAM REQUIREMENTS**

The suggested action steps are offered as a guideline for the development of your individual mentoring plan. Each mentor and new lawyer should work out arrangements that best suit their specific professional relationship and work schedule. Given the relationship, other action steps may be more suitable than those suggested above.

After the initial meeting, the mentor and new lawyer must complete the individualized mentoring plan and the new lawyer must submit a copy to the South Carolina Bar for approval within thirty days of being paired. Periodically throughout the year, the plan should be reviewed and updated to ensure that it is still meeting the objectives of the program and the individual goals as set out by the mentor and new lawyer. Upon completion of the one-year mentoring experience, a Certificate of Completion, signed by the mentor and new lawyer, must be submitted to the South Carolina Bar.

### **CONCLUSION**

The mentor's relationship with the new lawyer has the potential to be one of the most influential relationships of the new lawyer's professional career. It is the goal of the program and the hope of the Supreme Court that the development of strong professional relationships will ensure the successful transition of the new lawyer to the practice of law as he or she becomes a valuable member of the profession. The Court also hopes that the relationships created through this program will provide the new lawyers with a support network that will help them achieve personal and professional success, support the continued civility of the profession, and ensure that lawyers hold themselves to, and comply with, the highest standards of the profession.



## MENTORING PLAN

## INTRODUCTION TO THE MENTORING PLAN

The new lawyer's mentoring plan is the focus of the *Transitioning into Practice* program. To assist in customizing a mentoring plan, the State Bar of Nevada developed the Model Mentoring Plan which includes required and optional sections and activities. It consists of core concepts, lawyering skills, activities and experiences used as learning activities and topics for discussion between the newly admitted lawyer and mentor. 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 Model Mentoring Plan does not fit all new lawyers' practice areas, professional interests or goals. New lawyers and their mentors should work together to create a comprehensive plan reflecting the new lawyer's professional goals and interests while exposing him/her to both the practice and business of law. A thorough, well thought-out plan will help make the TIP mentoring relationship meaningful and productive for both newly admitted lawyer and mentor.

The Mentoring Plan should be developed by the mentor and new lawyer during their first meeting. The finalized Mentoring Plan is a checklist of activities which are to be completed by the new lawyer by the end of the mentoring cycle. In addition to the activities provided in the Mentoring Plan, a new lawyer is encouraged to discuss with their mentor 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 attorney, the mentor may choose to call on another appointed mentor who practices in the specific area to assist in mentoring the new lawyer in that area.

At the conclusion of the program cycle, the mentoring plan should reflect the activities and experiences completed by the new lawyer. The new attorney must submit the completed mentoring plan online and pay the \$350 TIP fee to the state bar. Additionally, the new lawyer must complete an Exit Evaluation as a condition of receiving certification of completion. A new attorney who is not comfortable completing the Exit Evaluation may request a telephonic or in-person meeting with a member of the TIP Program staff or TIP Standing Committee in lieu of completing the Exit Evaluation.

## INSTRUCTIONS FOR CREATING YOUR MENTORING PLAN

The following provides general instructions for creating a customized mentoring plan.

**Please read these instructions carefully.**

1. Print and bring this Model Mentoring Plan to the first meeting.
2. The mentor and new lawyer should discuss the new lawyer's professional goals, interests and practice areas to develop and prioritize activities in the mentoring plan.
3. Review sections 1 through 4 contained in the Model Mentoring Plan. These four sections contain mandatory items for your Mentoring Plan. In addition to the mandatory items, your Mentoring plan must also contain a certain number of optional selections from sections 1-4. The new lawyer and mentor may also elect to develop activities related to these subjects. NOTE: Activities need not be completed in any particular order.
4. In addition to sections 1 through 4, new lawyers must select a minimum of 6 elective activities/experiences to include in his/her Mentoring Plan. These electives are listed under section **"5. PRACTICE AREA BASIC SKILLS ELECTIVES."** New lawyers and mentors may create one or more electives covering other subjects of interest deemed appropriate given the newly admitted lawyer's particular area of practice.
5. Indicate which activities will be completed by the new lawyer during his/her mentoring cycle by checking the corresponding box next to each activity description in each section. As activities/experiences are completed you can track your progress manually and make a final submission at the conclusion of the mentoring cycle.
6. It is recommended to establish check points for consistent and steady timing in completing the plan. Divide the planned activities and experiences in thirds. Two months into the 6-month cycle you should be about 1/3 of the way through the activities and experiences - at 4 months about 2/3 completed.
7. At the conclusion of the mentoring cycle the completed plan should be submitted in the online system at [www.nvbar.org/tip](http://www.nvbar.org/tip) and the \$350 TIP fee should be paid to the state bar by the end of the program cycle. Additionally, the new lawyer will be required to complete an Exit Evaluation as a condition of completion. The Exit Evaluation will be sent to the new lawyer at the conclusion of the TIP cycle.

### QUESTIONS

Contact the state bar at [tip@nvbar.org](mailto:tip@nvbar.org) or call **702.382.2200**.

### WEBSITE INFORMATION

Forms and information about *Transitioning into Practice* can be found at:

**[www.nvbar.org/tip](http://www.nvbar.org/tip)**

New Lawyer: \_\_\_\_\_ Bar# \_\_\_\_\_

Mentor: \_\_\_\_\_ Bar# \_\_\_\_\_

## MENTORING PLAN ACTIVITIES AND EXPERIENCES

**TIP** Mentoring Plan resources available at: [www.nvbar.org/tip/mentor-resources](http://www.nvbar.org/tip/mentor-resources).

### 1. The Legal Community

In addition to the mandatory topics at least **two (2)** other activities or experiences must be completed from this section keeping in mind that the two additional items within this category can be created through the collaboration of the mentor and new lawyer.

**MINIMUM TIME COMMITMENT:** 3 hours

Activity or Experience	Mandatory if Checked	Date Completed
1. Review and discuss all of the Nevada Rules of Professional Conduct, making suggestions of practical application of the concepts in the document.	XX	
2. Discuss how confidential matters should be handled by the new lawyer outside the firm.	XX	
3. Discuss civility and etiquette among lawyers and judges.	XX	
4. Review all forms contained in the annual State Bar of Nevada membership packet: <ul style="list-style-type: none"> <li>Licensing Fee Invoice</li> <li>Report of Child Support</li> <li>Professional Liability Insurance Disclosure</li> <li>Certification of Compliance &amp; Consent</li> <li>Annual Report of Pro Bono</li> </ul>	XX	
5. Acquaint the new lawyer with legal aid agencies in the state, local pro bono agencies, other opportunities for lawyers to engage in pro bono or law-related education activities, and other opportunities for lawyers to engage in civic and charitable work. Discuss how and why a lawyer finds time, despite a busy practice, to engage in volunteer activities and service to the profession and the community.	XX	
<b>If pro bono work is a high interest area, consider the elective track 5q. Pro bono opportunities might also be a great way to cover many activities and experiences in the Mentoring Plan.</b>		
6. Attend a meeting of an organized bar association together (CLE event, pro bono, social). Discuss local, state and national bar association opportunities and the advantages of being involved in local and state bar association activities.		
7. Review and discuss State Bar of Nevada sections and committees and the value of getting involved in State Bar activities and service, including the Young Lawyers Section.		
8. Accompany the new lawyer to the local courthouses, particularly those courts where the new lawyer will be primarily appearing. To the extent appropriate, introduce the new lawyer to members of the judiciary, court personnel and clerks of the court. If available, pay a visit to the self-help center.		
9. As appropriate, escort the new lawyer to the local jails where the new lawyer is likely to have clients and explain the procedures for jailhouse visits.		
<b>Record other completed activities in the boxes below.</b>		

## 2. Personal and Professional Development

### 2a. Ethics

In addition to the mandatory topics at least **one (1)** other activities or experiences must be completed from this section keeping in mind that the two additional items within this category can be created through the collaboration of the mentor and new lawyer.

**MINIMUM TIME COMMITMENT:** 1.5 hours

Activity or Experience	Mandatory if Checked	Date Completed
1. Discuss potential resources for dealing with complicated ethical issues, including conflicts of interest and ethical issues that arise with some regularity in the practice setting. Discuss ways to resolve those issues; referring to mentor's experience, as well as guidance of the Nevada Rules of Professional Conduct. If the mentoring relationship is in-house, discuss the firm's procedures for assisting with complicated ethical issues.	XX	
2. Discuss the State Bar of Nevada grievance process and a lawyer's duty to cooperate with a disciplinary investigation.	XX	
3. Discuss the appropriate way to handle situations where the new lawyer believes another lawyer (both in and outside of the new lawyer's firm) has committed an ethical violation; the obligation to report misconduct; and the appropriate way to handle a situation where the new lawyer has been asked by a senior member of the firm to do something that is unethical or unprofessional.	XX	
4. Discuss mandatory CLE credit and affirmation requirements, the role of the Nevada Board of Continuing Legal Education as a regulator, and ways to fulfill credits and MCLE reporting.	XX	
5. Discuss common malpractice and grievance traps (particularly in the new lawyer's practice area) and how to recognize and avoid common pitfalls. Discuss the lawyers' obligations in the event of the failure to carry malpractice insurance. In the alternative, discuss qualified immunity and any special ethical duties that apply to the new attorney in a government position.	XX	
6. Discuss the new lawyer's long term career goals and identify ways to meet those goals. Identify different career paths and resources for exploring options.		
7. Discuss to the extent knowledgeable, differences between large firm, small firm, government and non-profit practice and non-traditional legal positions.		
8. Discuss practical ways to manage law school debt.		
<b>Record other completed activities in the boxes below.</b>		

### 2b. Substance Abuse, Addiction and Mental Health

In addition to the mandatory topics at least **one (1)** other activities or experiences must be completed from this section keeping in mind that the two additional items within this category can be created through the collaboration of the mentor and new lawyer.

**MINIMUM TIME COMMITMENT:** 1.5 hours

Activity or Experience	Mandatory	Date
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	if Checked	Completed
1. Discuss substance abuse and mental health issues, including possible warning signs of substance abuse or mental health issues; what to do if the new lawyer, a colleague or a superior is faced with a substance abuse or mental health problem.	XX	
2. Review and discuss the confidential support available for a lawyer through the program, Lawyers Concerned for Lawyers (LCL).	XX	
3. Review and discuss the confidential support and counseling available for a lawyer through the Nevada Lawyer's Assistance Program (NLAP), including an initial confidential assessment at no cost to the attorney.	XX	
4. Review the continuing legal education (CLE) requirement for Nevada attorneys pertaining to substance abuse and addiction.	XX	
5. Attend a CLE presentation on substance abuse and addiction.		
6. Discuss techniques for finding a balance between career and personal life, putting daily pressures in perspective, reconciling job expectations with actual experience.		
<b>Record other completed activities in the boxes below.</b>		

### 3. Law Office Management

#### 3a. Confidentiality, Conflicts and Client Funds

In addition to the mandatory topics at least **one (1)** other activities or experiences must be completed from this section keeping in mind that the two additional items within this category can be created through the collaboration of the mentor and new lawyer.

**MINIMUM TIME COMMITMENT:** 2 hours

Activity or Experience	Mandatory if Checked	Date Completed
1. Discuss practices to maintain client confidentiality and/or confidentiality policies in state or government offices.	XX	
2. Review escrow and trust account rules for handling client funds, including the importance of clearing checks before funds are drawn, authority needed to pay fees from client funds in trust and IOLTA account requirements. If in a state or government position, also discuss how funds are allocated and used within the organization for travel, training, experts, witnesses, etc., and special considerations for anything possibly construed as a benefit being given to witnesses.	XX	
3. Discuss good time records and time management skills and techniques, and/or procedures regarding documentation of work and use of case management systems within an organization.	XX	
4. Discuss how to screen for, recognize and avoid conflicts. Discuss the differences between issue conflicts and client conflicts.	XX	
5. Discuss 1) the issues surrounding leaving a firm, such as how to protect oneself, substitution of counsel, advising clients and withdrawing from cases and/or 2) what potential conflicts a state or government attorney might encounter when leaving an agency to work elsewhere.	XX	
6. Review engagement agreement, including method for resolving fee disputes.	XX	
7. Tour the mentor's office to demonstrate and explain how the mentor's law office is managed and discuss resources where the new lawyer can learn more information about law office		

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management issues, and/or discuss managing a caseload assigned to the new attorney in a state or government setting.		
8. Discuss roles and responsibilities of paralegals, secretaries and other office personnel and how to establish good working relationships with others in the same office who are support staff, colleagues or senior colleagues.		
9. Discuss how to prevent issues of unauthorized practice of law with staff.		
10. Discuss office politics, including appropriate networking, socializing and personal behaviors.		
11. Discuss the importance of planning ahead for how a lawyer's practice should be handled in the event of the lawyer's retirement, death or disability.		
<b>Record other completed activities in the boxes below.</b>		

### 3b. File Maintenance, Retention and Destruction

In addition to the mandatory topics at least **one (1)** other activities or experiences must be completed from this section keeping in mind that the two additional items within this category can be created through the collaboration of the mentor and new lawyer.

**MINIMUM TIME COMMITMENT:** 2 hours

Activity or Experience	Mandatory if Checked	Date Completed
1. Engage in a training session covering the importance of maintenance and retention of client files inclusive of electronic and paper components and proper destruction of each.	<b>XX</b>	
2. Discuss best and current practices regarding billing and filing systems.	<b>XX</b>	
3. Discuss methods to notify clients of your electronic filing system, including a file retention policy statement in the fee agreement or letter of engagement and obtaining the client's written acknowledgement of understanding.	<b>XX</b>	
4. Introduce the new lawyer to the information technology systems, the library systems and research systems.		
5. Introduce the new lawyer to the calendar and 'tickler' or reminder systems.		
<b>Record other completed activities in the boxes below.</b>		

### 4. Client Communications, Advocacy, and Negotiation

In addition to the mandatory topics at least **two (2)** other activities or experiences must be completed from this section keeping in mind that the two additional items within this category can be created through the collaboration of the mentor and new lawyer.

**MINIMUM TIME COMMITMENT:** 3.5 hours

Activity or Experience	Mandatory if Checked	Date Completed
1. Discuss the importance of client communication, including the use of retention/engagement documents and fee agreements, keeping		



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clients informed about matters, confirming things in writing, being on time, etc. Discuss 'dos and don'ts' of maintaining good ongoing client relations and communications, such as returning telephone calls and keeping clients informed about matters. For those in a state or government position, discuss the importance of communicating with parties interested in each case (i.e. prosecutors, law enforcement, victims and witnesses).	XX	
2. Discuss frequent issues that arise regarding the scope of representation.	XX	
3. Discuss the responsibilities of the client and the lawyer in decision making, and the importance of open communication with a client about his or her case.	XX	
4. Discuss the relevant issues surrounding effective legal writing, such as techniques for the most effective legal writing, how to avoid common mistakes causing pleadings to be rejected, how to effectively use sample legal pleadings and forms, techniques to efficient legal research, etc.	XX	
5. Discuss the best ways to evaluate a potential case and whether to accept a proffered representation, and/or discuss who the client is in a state or government setting (i.e. the State of Nevada, the City of Henderson, etc.).	XX	
6. Identify how to deal with the 'difficult' client and how to decline representation of the unrealistic or 'impossible' client, and/or discuss how to deal with interested parties such as victims and witnesses, who have unrealistic expectations.	XX	
7. Discuss how to deal with a client that becomes unrealistic once hired.	XX	
8. Discuss how to identify or determine who the client is when practicing in a corporate or government organization.		
9. 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.		
10. Discuss methods of client development that have been successful for the mentor, and discuss other techniques for business development, including any relevant ethical concerns and the most professional practices in this regard.		
11. Train, through discussion and client interaction, how to best screen for, recognize and avoid conflicts with the client.		
12. Discuss proper legal counseling techniques, duties and the responsibilities of advising clients.		
13. Discuss fee setting for legal services and how to talk with clients about fees. Discuss retainer agreements.		
14. Participate in or observe at least one client interview or client counseling session.		
15. Discuss appropriate ways for dealing with others on behalf of a client.		
16. Discuss tips for the preparation for and proper behavior during depositions.		
17. Discuss the most important points about negotiation with another lawyer and potential issues associated with negotiations.		
18. Discuss the types of alternative dispute resolution (such as mediation, binding and non-binding arbitration, high-low arbitration, early neutral evaluation, court-annexed arbitration, short trial program, etc.) and the benefits and disadvantages of each.		
19. Observe (in person or by streaming video on-line) an appellate argument in a Nevada court and discuss techniques and tips for		

effective oral argument.		
<b>Record other completed activities in the boxes below.</b>		

## 5. PRACTICE AREA BASIC SKILLS ELECTIVES

Select and complete as many activities and experiences as feasible within areas a-q. Other electives that are created and completed by the new lawyer and mentor should be recorded under 5s. Items selected should be based on the interests and/or practice area of the new lawyer. The minimum number of activities and experiences to be completed is **six (6)**. Under each area, you are encouraged to adjust the activities and experiences to your particular practice setting and individual needs. Keep in mind the activities and experiences completed might all fall under one area or be spread across multiple areas – it's up to you!

**MINIMUM TIME COMMITMENT:** 15 hours

Activity or Experience	Date Completed
<b>5a. Litigation and Transaction Handling</b>	
1. Participate in the interviewing of a client.	
2. Participate in the counseling of a client.	
3. Observe or participate in a negotiation and explain relevant background context.	
4. Participate in drafting, amending, or reviewing a contract.	
5. Participate in forming business entities by drafting and reviewing incorporation documents and business agreements.	
6. Participate in drafting a demand letter.	
7. Prepare a complaint and a summons.	
8. Review rules regarding alternative dispute program and discuss, if applicable to where you practice.	
9. Participate in N.R.C.P. 16.1 or F.R.C.P. 26 conference to discuss discovery plan, initial disclosures and settlement.	
10. Prepare a Joint Case Conference Report.	
11. Participate in drafting discovery requests, including interrogatories, requests for admission and requests for production of documents; and discuss applicable rules of procedure.	
12. Discuss applicable rules and requirements for initial and rebuttal expert witness disclosures and supplements; participate in drafting expert disclosure.	
13. Participate in drafting subpoena duces tecum.	
14. Observe or participate in a deposition of a witness or adverse party in a civil action.	
15. Participate or observe in a preliminary hearing.	
16. Participate in plea negotiations or reviewing a plea agreement.	
17. Participate in drafting a pleading or motion for an administrative body or a state or federal court.	
18. Participate in an administrative hearing.	
19. Participate in an evidentiary hearing in a state or federal court.	
20. Participate in trial preparation.	
21. Participate in a trial in a civil or criminal case in either a state or federal court.	
22. Observe or participate in a mediation or arbitration.	
<b>5b. Advocacy and Litigation</b>	
1. Discuss specific Rules of Civil Procedure and local rules that apply in either state or federal court pertaining to Court Hearings and trial.	
2. Discuss the mechanics of court appearances, including proper attire, courtroom decorum, role of the court clerk and court reporter, necessity for a translator, etc.	

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3. Participate in drafting a dispositive motion.	
4. Attend or participate in a hearing on a motion; discuss.	
5. Participate in drafting an order denying or granting motion for summary judgment.	
6. Participate in drafting a discovery dispute motion (e.g. Motion to Compel).	
7. Attend or participate in a discovery dispute hearing; discuss.	
8. Participate in drafting a Report and Recommendation, if applicable.	
9. Participate in drafting Motion in Limine.	
10. Discuss the mechanics of arbitration, including witness preparation and conduct handling exhibits, etc.	
11. Participate in drafting arbitration brief.	
12. Attend or participate in an arbitration.	
13. Discuss the mechanics of trial, including witness preparation and conduct in court room, handling demonstrative exhibits and/or electronic court system, exhibits etc.	
14. Participate or attend pre-trial conference and participate in drafting pre-trial memorandum, if applicable.	
15. Participate in drafting jury questionnaire, if applicable.	
16. Participate in drafting jury instructions.	
17. Participate in drafting voir dire.	
18. Attend or participate in a calendar call.	
19. Participate in drafting Findings of Fact, Conclusions of Law.	
20. Participate in drafting a Trial Brief; discuss applicable rule.	
21. Attend or participate in a trial, including voir dire if a jury trial; discuss.	
22. Attend a trial resulting in a jury verdict and meet with the jurors afterwards.	
23. Participate in drafting mediation or settlement conference brief.	
24. Attend a mediation or settlement conference.	
25. Participate in preparing settlement documents, including a discussion of any tax implications in a settlement including a monetary award.	
26. Participate in drafting appellate briefing or review and discuss previously filed opening, answering and reply brief.	
27. Attend an appellate argument in the Nevada Supreme Court, or a United States Circuit Court of Appeals.	
<b>5c. Alternative Dispute Resolution</b>	
1. Discuss different types of arbitration (e.g. grievance, interest).	
2. Review and discuss Nevada's statutes on mediation including requirement to screen for potential conflict of interest of mediator.	
3. Review various entities and agencies that can assist the attorney in the ADR process, such as FMCS, AAA, JAMs, panel creation by the parties and the benefits and weaknesses of each.	
4. Observe, participate in, or prepare for an actual or simulated mediation.	
5. Observe, participate in, or prepare for, an arbitration and review and discuss Statutes for Arbitration in Nevada and AAA/JAMS rules.	
6. Discuss how to prepare a client for mediation or arbitration.	
7. Discuss the importance of having the insurance carrier involved in the ADR process, if coverage exists for the loss claimed by the plaintiff.	
<b>5d. Negotiation</b>	
1. Discuss how to prepare for the negotiation of a legal matter (e.g., release of a personal injury claim, lease agreement, collective bargaining agreement, etc.).	
2. Discuss when and how negotiation should be initiated.	
3. Discuss when and how to involve the client in negotiation.	
4. Discuss ethical and professional obligations of negotiators.	
5. Discuss skills needed to be an effective negotiator and how to acquire them.	

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6. Discuss statutes that may affect negotiated results or dictate procedures to be utilized in negotiations (e.g. OWBPA requirements for a valid release, NLRA statutory requirements to qualify for 'good faith negotiations').	
<b>5e. Client Interviewing and Counseling</b>	
1. Discuss and review interview techniques (asking the right questions).	
2. Discuss and review counseling techniques (providing the hard advice).	
3. Simulate and discuss the counseling of a client (mentor and new lawyer should alternate being client and lawyer).	
4. Participate in interviewing a client.	
5. Participate in counseling a client.	
6. Discuss early settlement benefits and/or alternative dispute resolution in light of the cost of litigation.	
7. Discuss the ethical considerations with client interviews (e.g. confidentiality, who can meet with a new client to execute fee agreements, etc.).	
8. Discuss when it may be proper to turn down the representation of a client after initially meeting with them.	
9. Discuss ethical considerations regarding client's desires to delay litigation and/or push your representation beyond the rules of Professional Conduct and dealing with such clients.	
<b>5f. Civil Procedure</b>	
1. Participate in trial preparation.	
2. Participate in at least two trials in civil or criminal cases in either a state or federal court, at least one of which should be a jury trial taken to verdict.	
3. Participate in the interviewing of a witness or victim.	
4. Participate in an evidentiary hearing in a state or federal court.	
5. Prepare complaint.	
6. Prepare summons.	
7. Cause summons to be served.	
8. Participate in preparing a NRCP 12(b)/FRCP 12(b) motion to dismiss.	
9. Participate in preparing answer to complaint, counterclaim, cross-claim and third-party complaint.	
10. Participate in 26(f) conference to discuss settlement, discovery plan and initial disclosures.	
11. Participate in preparing initial disclosures as required by NRCP 16.1/FRCP 26.	
12. Participate in preparing for and observing, taking, or defending a deposition of a witness or adverse party in a civil action.	
13. Participate in drafting discovery requests, including interrogatories, requests for admission and requests for production of documents.	
14. Participate in identifying expert witnesses and producing expert witness reports.	
15. Participate in depositions including the deposition of expert witnesses.	
16. Participate in preparing motions and memoranda in support of summary judgment.	
17. Participate in preparing pretrial order and making pretrial disclosures of witnesses and exhibits.	
18. Train, through discussion and case review, how to screen for, recognize, and avoid conflicts of interest, either personal or office. Explain to the mentor what actions should be taken if a conflict is suspected or identified.	
19. Discuss the importance of family and life balance, including sharing or not sharing with spouse, friends and others the unsavory and sometimes terrible things with which a prosecutor deals.	
20. Discuss the mechanics of trial, including where to stand, proper attire, when to stand, courtroom decorum, jury selection, judges' bench books, etc.	
21. Observe or participate in an appellate argument in a Nevada or Federal Court.	
22. Participate in preparing settlement documents in a civil case, including a	

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discussion of any tax implications in a settlement including a monetary award.	
23. Participate in an administrative hearing.	
24. Participate in drafting, amending or reviewing a contract.	
25. Participate in drafting a civil pleading or motion for an administrative body or a state or federal court.	
<b>5g. Criminal Law</b>	
1. Screen five different kinds of criminal cases and determine the charges to be filed. Discuss one of the screenings with a law enforcement officer, covering the factors leading to the charging decision. Review the prepared information and determine whether to request an Arrest Warrant or a Summons.	
2. Discuss with the mentor what should be done when a prosecutor declines to file charges requested by law enforcement; including contact with the officer, victims, what notices should be filed - with whom.	
3. Learn and discuss with the mentor a prosecutor's disclosure requirements in <i>Brady v. Maryland</i> and other applicable discovery rules and law. Respond to a defense discovery request in a misdemeanor or a felony case.	
4. Participate in at least two trials in civil or criminal cases in either a state or federal court, at least one of which should be a jury trial taken to verdict.	
5. Participate in an evidentiary hearing in a state or federal court.	
6. Observe or participate in a plea negotiation. Explain relevant background and context and prepare or review a plea agreement.	
7. Participate in the interviewing of a witness or victim.	
8. Prepare or participate in the preparation of jury instructions for a misdemeanor or a felony case.	
9. Prepare or review documents executed by defendant as part of a guilty plea in either a misdemeanor or felony case. Review and become familiar with NRS 174.035, NRS 174.055 and NRS 174.063.	
10. Review and understand Protective Orders and the penalties for violation of such orders pursuant to NRS 33.020 through NRS 33.400, NRS 200.378 and NRS 200.591.	
11. Prepare a written response to a defense motion.	
12. Become familiar with the Crime Victims' Bill of Rights, particularly a prosecutor's responsibilities under the act. Prepare or review required notices to crime victims.	
13. "Ride along" with law enforcement; preferably at least four hours each with at least two different officers.	
14. Engage in a training discussion about the many different individuals a prosecutor is likely to deal with in his or her and their official capacity.	
15. Discuss how to deal with "difficult" situations that are likely to arise between prosecutors and others with whom the prosecutor must deal.	
16. Discuss the mechanics of trial, including where to stand, proper attire, when to stand, courtroom decorum, jury selection, judges' bench books, etc.	
17. Following the sentencing of a defendant to prison, draft a letter to the Board of Pardons pursuant to the provisions of NRS 213.020.	
18. Observe or participate in an appellate argument in a Nevada or Federal Court.	
19. Review and discuss alternate case dispositions, such as drug court, plea in abeyance agreements, etc. Understand the statutory limitations and office policy regarding each.	
20. Review and understand "No Contest" pleas, "Sery" pleas, "Alford" pleas and pleas of "Guilty and Mentally Ill." Explain the conditions under which each plea may be offered and when a prosecutor may agree with the entry of each. Understand the provisions that must be contained in the Statement of Defendant for each plea.	
21. Review and discuss Pre-sentence Reports.	
22. Review at least two Affidavits in Support of Requests for a Search Warrant that have been prepared by law enforcement officers and discuss any problems you find with the Affidavits.	

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23. Review with a prosecutor experienced in juvenile prosecution the rules and practices in Juvenile Court.	
24. Review a case report and prepare a delinquency petition for filing in Juvenile Court.	
25. Participate in charge negotiations with prosecutor's office.	
26. Participate in discovery demands on prosecutor, including request for exculpatory materials.	
27. Participate in engagement of private investigator to interview witnesses.	
28. Review information or indictment for constitutional and/or pleading defects.	
29. Research elements of crime charged or under investigation; discuss.	
30. Review and discuss pretrial diversion requirements.	
31. Review and discuss plea in abeyance statute in a particular case and study applicable statute.	
32. Review and discuss criteria for a one- or two- level reduction of offense in a particular case and study applicable statute.	
33. Participate in discussions with Pretrial Services (bail).	
34. Participate in editing Statement by Defendant in Advance of Plea.	
35. Observe and/or participate in trial.	
36. Observe and/or participate in entry of plea in court.	
37. Review and discuss Presentence Report; participate in filing objections.	
38. Research and participate in analysis of federal sentencing guidelines in particular federal case.	
<b>5h. Estate Planning/Probate/Guardianship</b>	
1. 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.	
• Advanced Health Care Directives.	
• Life insurance trusts.	
• Transfer of ownership documents: quit- claim deeds.	
• Transfer of ownership documents: assignments.	
2. Assist in gathering and organizing client information.	
3. Prepare diagrams of specific estate plans for clients.	
4. Prepare estate planning binders for clients.	
5. Prepare Crummey notices for life insurance trusts.	
6. Prepare notice to creditors (estate or trust) and arrange for publication.	
7. Prepare inventory of estate.	
<b>5i. Family Law</b>	
1. Review and discuss the Rules of Civil Procedure specific to Family Law.	
2. Review and discuss local rules, if applicable.	
3. Review and discuss N.R.C.P. 16.2.	
4. Review and discuss the Financial Disclosure Form.	
5. Observe or participate at a Case Management Conference, if applicable.	
6. Prepare proposed Case Management Order.	
7. Create a child support Resource.	
8. Observe hearing on motion for temporary orders.	
9. Observe or participate in custody evaluation settlement conference, if permission is granted.	

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10. Participate in a collaborative law meeting if permission is granted.	
11. Participate in mediation if permission is granted.	
12. Observe or participate in a family law trial.	
13. Participate in drafting Order regarding child support and custody.	
14. Review and discuss Nevada Revised Statutes and applicable rules of procedure regarding post-trial issues.	
15. Review and discuss rules to seal case and/or have closed hearings.	
16. Attend Family Court Bench Bar Meeting, if applicable.	
17. Participate in drafting court pleadings and papers for an uncontested divorce.	
18. Participate in preparing a premarital agreement or review and discuss statutory requirements, case law, and necessary terms of premarital agreements.	
19. Attend pro-bono session ("Ask-A-Lawyer Session"), if applicable.	
20. Visit local self-help center and/or navigate through the court's website regarding self-help services.	
<b>5j. Juvenile Law</b>	
1. Attend or participate in a shelter hearing.	
2. Attend or participate in a disposition hearing.	
3. Discuss the standards for removal with a Department of Child and Family Services (DCFS) worker.	
4. Discuss the role of a juvenile Guardian ad Litem; introduce where possible.	
5. 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.	
<b>5k. Business Law</b>	
1. Participate in forming business entities by drafting and reviewing at least one of three categories of documents:	
a. Corporation	
• Articles of incorporation	
• Bylaws	
• Board minutes/resolutions	
• Stockholder minutes/resolutions	
b. Limited-Liability Company	
• Articles of organization	
• Operating agreement	
• Manager minutes/resolutions	
• Member minutes/resolutions	
c. Limited Partnership	
• Certificate of limited partnership	
• Limited partnership agreement	
• General partner minutes/resolutions	
• Limited partner minutes/resolutions	
2. Participate in drafting and reviewing at least three of the following:	
• Stockholders' agreements	
• Buy-sell agreements	
• Investor rights agreements	
• Redemption agreements	
• Registration rights agreements	
• Noncompetition agreements	
3. Participate in drafting and reviewing at least three of the following loan documents:	

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• <i>Loan agreements</i>	
• <i>Promissory notes</i>	
• <i>Security agreements</i>	
• <i>Pledge agreements</i>	
• <i>Deeds of trust</i>	
• <i>UCC1 financing statements</i>	
4. Participate in drafting and reviewing at least three of the following documents related to mergers and acquisitions:	
• <i>Letters of intent</i>	
• <i>Due diligence checklists</i>	
• <i>Asset purchase agreements</i>	
• <i>Stock purchase agreements</i>	
• <i>Agreements and plans of merger/conversion</i>	
• <i>Bills of sale</i>	
• <i>Authorizing minutes/resolutions</i>	
<b>5l. Tax Law</b>	
1. Prepare and analyze tax calculations.	
2. Participate in preparing certain IRS tax forms, including the following:	
• <i>Form 2553 (S Corporation Election).</i>	
• <i>Form 709 (Gift Tax Return).</i>	
• <i>Form 706 (Estate Tax Return).</i>	
• <i>Form 1041 (Income Tax for Trusts).</i>	
<b>5m. Real Estate Law</b>	
1. Search a title at Recorder's Office or review a title commitment or preliminary title report and all exceptions.	
2. Participate in drafting and reviewing at least four of the following:	
• <i>Real estate purchase and sale agreement, conveyancing documents (e.g., grant, bargain and sale deed, declaration of value and assignment of leases) and escrow instructions for commercial property.</i>	
• <i>Residential real estate purchase and sale agreement/purchase agreement and earnest money deposit receipt, conveyancing documents (e.g., grant, bargain and sale deed and declaration of value) and escrow instructions.</i>	
• <i>Deeds of Trust, Security Agreement and Assignment of Rents and related promissory note and other secured obligation.</i>	
• <i>Commercial lease (Free standing premises/shopping center or ground lease).</i>	
• <i>Residential lease.</i>	
• <i>Covenants, conditions and restrictions for commercial property or common interest community.</i>	
• <i>Reciprocal easement agreement, license or easement between adjoining landowners.</i>	
• <i>Notice of default and election to sell and notice of sale for deed of trust.</i>	
• <i>Short sale application and agreement.</i>	
<b>5n. Employment Law</b>	
1. Review and discuss the NERC administrative process.	
2. Review or participate in drafting a charge or the response to a charge.	
3. Prepare for and participate in the NERC administrative process, including a resolutions conference or an appeal to the NERC mediator.	
4. Participate in drafting a separation or settlement agreement.	
5. Participate in consultation with management on HR issues.	
6. Prepare for and observe or participate in an unemployment benefits insurance	



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appeal hearing.	
7. 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.	
8. Participate in the ENE program or settlement conference.	
9. Observe an investigation into workplace misconduct.	
10. Attend a presentation/training given by a lawyer, on sexual harassment.	
11. Discuss in depth the process for new client intakes.	
12. Opposition to Summary Judgment Motions: attend a hearing on dispositive motion.	
<b>5o. Intellectual Property Law</b>	
1. Observe or participate in a client interview.	
2. Participate in patent search/evaluation.	
3. Participate in drafting and filing a patent application.	
4. Participate in filing an Information Disclosure Statement (IDS).	
5. Participate in drafting an Office Action response.	
6. Participate in a telephone conversation with an Examiner.	
7. Participate in preparing and drafting an appeal brief.	
8. Discuss and review techniques for successful patent prosecution.	
9. Observe or participate in a client interview.	
10. Participate in trademark search/evaluation.	
11. Participate in drafting and filing a trademark application.	
12. Participate in drafting an Office Action response.	
13. Participate in preparing and drafting an appeal brief.	
14. Discuss and review techniques for successful trademark prosecution.	
15. Participate in trademark litigation.	
16. Participate in drafting and filing a copyright application.	
17. Participate in drafting an intellectual property license agreement.	
18. Participate in drafting an internet privacy policy.	
19. Participate in drafting an internet terms of use agreement.	
20. Participate in drafting a take-down procedure under the Digital Millennium Copyright Act.	
21. Prepare a domain name purchase agreement.	
22. Participate in a UDRP dispute.	
23. Participate in drafting a name and likeness release or model release.	
24. Read and discuss the Nevada privacy and encryption statute.	
25. Review the FTC red flat rules.	
26. Prepare a nondisclosure agreement.	
<b>5p. Gaming Law</b>	
1. Review and discuss the two-tier regulatory structure of Nevada including roles of the Nevada Gaming Control Board, its divisions, Nevada Gaming Commission and the Nevada Attorney General's Office, including voting rules of the Board and Commission.	
2. Review and discuss the gaming application process, including burden of proof, no constitutional right or entitlement to a license, no right of judicial review, non-restricted vs. restricted gaming (as well as forms and levels of review), private vs. public companies, transfers of interest, the necessity of all applicants to exercise full disclosure and cooperate in the Board's investigation, denial implication (legal and reality, including Gray List pursuant to NRS 463.165(8)), withdrawal of applications (only by the Board, with and without prejudice and when to seek a withdrawal).	
3. Participate where possible in preparing applications (individual and entity applications, including continuous or delayed public offering or shelf applications).	

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4. Review and discuss the disciplinary process, including burden of proof, roles of the Board, Commission and Attorney General's Office, types of disciplinary actions (i.e., regulatory violation letters, order to show cause and complaints filed with the Nevada Gaming Commission pursuant to NRS 463.310) and evidentiary standard ("any evidence" standard per Regulation 7.160(2), <i>Nevada Gaming Comm'n v. Consolidated Casino Corp.</i> , 94 Nev. 139, 141, 575 P.2d 1337(1978)).	
5. Participate where possible in the disciplinary process, including settlement discussions and evidentiary hearings where settlements cannot be reached (i.e., answering complaints, discovery, motions and hearing before the Nevada Gaming Commission).	
6. Attend a Nevada Gaming Control Board and/or Nevada Gaming Commission hearing.	
7. Review and discuss gaming taxation (gross gaming revenue and live entertainment taxes), claims for refund vs. petitions for redetermination, settlements and evidentiary hearings, as well as understand the ramification of NRS 463.270(8) regarding involuntary surrender of gaming license for failure to renew by paying gaming fees and taxes in timely manner.	
8. Participate in drafting memorandums of points and authorities pursuant to Regulation 6.170 and 6.180.	
9. Review, discuss and participate where possible in miscellaneous matters, including patron dispute process, work card appeals, new games vs. modifications, regulation adoption/amendment process, compliance programs and List of Excluded Person, aka "Blackbook."	
<b>5q. Pro Bono Work</b>	
<b>1. Participate in an Ask-A-Lawyer program. (Recommended)</b>	
2. Attend a CLE program sponsored by a legal aid office or pro bono program and accept a case or Ask-A-Lawyer shift.	
3. Take a tour of your local legal aid office to discover free legal resources for low income Nevadans in your community. Ask about pro bono options.	
4. Attend a pro bono event (a Celebrate Pro Bono Week event, a pro bono reception, a pro bono luncheon).	
5. Co-counsel a pro bono case.	
6. Accept a pro bono case.	
7. Participate in a clinic assisting low income clients.	
8. Attend a pro bono support lunch where pro bono attorneys discuss their pro bono cases.	
9. Author an article for publication on pro bono service.	
10. Volunteer for a pro bono project with the Access to Justice Commission.	
11. Recruit lawyers in the community to perform pro bono work.	
12. Volunteer for a pro bono project with a legal aid or pro bono organization in your community.	
13. Prepare brochures/materials/pamphlets for a legal aid or pro bono organization.	
<b>5r. State or Government Practice</b>	
1. Discuss confidentiality policies in government offices.	
2. Discuss managing a caseload as a new attorney.	
3. Discuss ethical duties in the government setting.	
4. Review procedures regarding documentation of work and use of case management systems within an organization.	
5. Discuss the heightened ethical duties of a prosecutor.	
6. Discuss internal policies related to:	
• Contact with the media	
• Social Media	
• Reporting obligations	

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• Confidentiality	
• Conflicts of interest	
• Political activities	
7. Discuss absolute prosecutorial immunity and qualified immunity.	
8. Discuss public records law and how it may apply to the work of the new attorney	
<b>5s. Other (Customize)</b>	

# Faculty

**Hon. Daniel P. Collins** is a U.S. Bankruptcy Judge for the District of Arizona in Phoenix, appointed on Jan. 18, 2013. He served as chief judge from 2014-18. Previously, Judge Collins was a shareholder with the Collins, May, Potenza, Baran & Gillespie, P.C. in Phoenix, practicing primarily in the areas of bankruptcy, commercial litigation and commercial transactions. He was the 2023 president of the National Conference of Bankruptcy Judges, is a Fellow in the American College of Bankruptcy, is on the Ninth Circuit's Trial Improvement Committee, is on the JCUS's Bankruptcy Judges Advisory Group, and served on ABI's Board of Directors. He also is a founding member of the Arizona Bankruptcy American Inn of Court. Judge Collins received both his B.S. in finance and accounting in 1980 and his J.D. in 1983 from the University of Arizona.

**Kimberly A. Posin** is a restructuring partner with Latham & Watkins in Los Angeles and has more than two decades of experience advising debtors and creditors on high-profile matters and on a range of restructuring-related transactions. She regularly represents corporate debtors, secured lenders, creditors and other interested parties in all aspects of distressed situations, including chapter 11 bankruptcy proceedings, out-of-court restructurings, foreclosures, assignments for the benefit of creditors, and related disputes and litigation. Ms. Posin's clients range from name-brand global companies to Silicon Valley startups in a diverse range of industries. She frequently handles matters in all of the major U.S. jurisdictions, including Delaware, New York and Texas. Ms. Posin is a Fellow in the American College of Bankruptcy, and she regularly speaks and writes about restructuring issues. She received her B.S. in 1999 from the University of Southern California and her J.D. in 2002 from the University of California, Berkeley School of Law (Boalt Hall).

**Amalia Y. Sax-Bolder** is a shareholder with Brownstein Hyatt Farber Schreck, LLP in Denver and has experience representing clients in a variety of distressed situations. She maintains an active chapter 11 debtor practice and also represents lenders, purchasers, secured creditors, strategic investors and trustees in chapter 11 and chapter 7 bankruptcies, receiverships and foreclosures. Ms. Sax-Bolder frequently represents clients in adversary proceedings and arbitrations, relief-from-stay matters and property turnover disputes. In her transactional practice, she provides structural advice to avoid or minimize the risks of bankruptcy in mergers and acquisitions, real estate and structured finance transactions. Ms. Sax-Bolder has expertise at the intersection of bankruptcy and IP issues. She serves as co-chair of Brownstein's Pride employee resource group and sits on the firm's DEI Steering Committee and Summer Associate Committee. In her *pro bono* practice, Ms. Sax-Bolder is frequently engaged to represent nonprofit organizations in LGBTQ-related litigation across the country. She also serves as the co-chair of the board of directors at The Center on Colfax, the largest LGBTQ community center in the Rocky Mountain region. While in law school, Ms. Sax-Bolder was the managing editor of the *Denver University Law Review* and served as a judicial intern for Chief Judge Michael Martinez of Colorado's Second Judicial District. She is admitted to practice in Colorado and New York, and before the U.S. District Court for the District of Colorado. Ms. Sax-Bolder received her B.A. in 2008 from Vassar College, her J.D. in 2013 from the University of Denver Sturm College of Law and her LL.M. in 2014 from New York University School of Law.

**Christopher A. Ward** chairs Polsinelli PC's Bankruptcy & Financial Restructuring Practice and is the managing shareholder of the firm's Wilmington, Del., office. He also is ABI's President. Mr. Ward has represented clients in corporate bankruptcy, financial restructuring, business divorce, bet-the-company litigation and distressed-asset sales for the last two decades. He has experience in representing chapter 11 debtors, boards of directors and managers, litigants and official committees. Mr. Ward co-authored ABI's *A Business Creditors' Guide to Distressed Vendors, Debt Collection and Bankruptcy* and was editor and co-author of ABI's *The Chief Restructuring Officer's Guide to Bankruptcy*, and he is co-editor of ABI's forthcoming book, *Nonbankruptcy Alternatives*. He is routinely quoted in the *Wall Street Journal*, *Law360* and *The Deal* on restructuring issues. Mr. Ward received his B.A. from Moravian College in 1995 and his J.D. *cum laude* from Widener University School of Law in 1999.