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IN THE SUPREME COURT OF THE STATE OF UTAH

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IN RE:	)	
	)	
UTAH STATE BAR	)	PETITION TO APPROVE NEW
	)	LAWYER TRAINING
Petitioner.	)	PROGRAM (NLTP)
	)	

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The UTAH STATE BAR (the "Bar") by and through its General Counsel files this Petition to Approve New Lawyer Training Program ("NLTP" or "Program"). The Board of Bar Commissioners (the "Commission") has thoroughly examined this concept for nearly two years and believes the proposed Program will not only help new lawyers adjust to the difficulties and new challenges inherent in practicing law, but will provide all participating lawyers with the benefits of mentoring and developing mentor networks. Accordingly, the NLTP was unanimously approved at the July 16, 2008, regularly scheduled Commission meeting. The proposed NLTP Manual is attached as *Exhibit "1"*. For details of the requirements of the NLTP, the proposed NLTP Manual should be consulted.

**INTRODUCTION**

Chief Justice Christine M. Durham requested on behalf of the Utah Supreme Court that the Commission assess the value and need for a mentoring

program to assist newly admitted Utah lawyers during their first year of practice. The Chief Justice's awareness of the problems associated with the lack of effective mentoring of new lawyers was raised when the Honorable Antonin Scalia, Justice of the United States Supreme Court, the Honorable Deanell R. Tacha, then Chief Judge of the United States Court of Appeals for the Tenth Circuit, and Alan L. Sullivan, managing partner of the Salt Lake City law office of Snell and Wilmer, developed a discussion paper entitled, "Anglo-American Legal Exchange: A Brief Comparison of the Training and Accreditation of Lawyers in the United States and the United Kingdom."<sup>1</sup> The paper suggests that a lack of mentoring often results in new lawyers who lack the crucial and practical skills to represent clients at the outset of their practice. Moreover, even when it occurs, after-the-fact mentoring is frequently just that: a poorly coordinated afterthought, which is rarely regulated and in competition with the demands of billable hours.

During its extensive 18 month examination, the Commission found that studies reveal that after five years, only one-third of associates remain at the firm where they began their legal careers. Lack of mentoring was cited by many of these new lawyers as one of the key reasons for their law firm departures. The Commission also discovered that several other jurisdictions, notably, Georgia and Ohio,<sup>2</sup> had implemented after-licensure mentoring programs to assist the

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<sup>1</sup> A copy of this discussion paper is attached as *Exhibit "2"*. Mr. Sullivan made a presentation to the state court appellate judges in Spring of 2006 and then to the Commission in Winter of 2006. These presentations generated discussion between the Court and the Commission. A fuller explanation of the impetus for the proposed NLTP titled "A Brief History of the Evolution of Utah's New Lawyer Training Program" is also attached as *Exhibit "3"*.

<sup>2</sup> Georgia spent ten years developing their program and it has been successfully operating for approximately the same period of time. Ohio's program was inspired largely by the Georgia model, but added some important elements, many of which the Utah model incorporates. In contrast, Delaware adopted a different form of mentoring, the Preceptorship Program, which requires at least five months of

transition of newly admitted lawyers into the practice of law. Intrigued by the concept and increasingly aware of the concerns and questions new lawyers had about the practice of law, a Commission committee (the New Lawyer Training Committee or “NLTC”) began exploring the concepts of a mentoring program more vigorously. The NLTC learned that a well designed mentoring program could match a new lawyer with a readily available, experienced attorney, to assist the new lawyer in the practice of law. They also learned that a well functioning program could further a new lawyer’s understanding of ethics, civility, professionalism and, where appropriate, of maintaining positive client relations, improving law office management and recognizing conflicts of interest.

After intensive examination, the NLTC<sup>3</sup> concluded that they wanted to institute a Utah program to train new lawyers in professionalism, ethics, and civility; to assist new lawyers in acquiring the practical skills and judgment necessary to practice in a highly competent manner; and to provide a means for all Utah attorneys to learn the importance of organizational mentoring, including the building of developmental networks and long-term multiple mentoring relationships. The Commission now seeks the Court’s approval.

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training in the practice of law *before* licensure is granted. The NLTC opted against adopting a pre-licensure program.

<sup>3</sup> The NLTC Executive Committee consists of Commissioner Rodney G. Snow, of the law firm of Clyde Snow Sessions and Swenson, attorney Margaret D. Plane and J. Reuben Clark Law School Professor of Law James H. Backman. The larger Committee includes: Commissioners Christian W. Clinger, Curtis M. Jensen, Felshaw King, Lori W. Nelson, Stephen W. Owens, Nathan D. Alder, as well as David R. Hall, Dean Hiram E. Chodosh (S.J. Quinney College of Law), Dean Kevin Worthen (J. Reuben Clark Law School), Marilyn Branch (Utah Appellate Court Administrator), Robert Adler (S.J. Quinney College of Law Professor), as well as the Bar’s Executive Director, John C. Baldwin and Connie Howard, Director of Group Services.

## THE PROGRAM SUMMARY

### 1. The NLTP Basics

This petition is designed to provide the Court with an overview of the proposed Program. Additional detail describing the Program more fully - the “Utah State Bar New Lawyer Training Program Manual” attached at *Exhibit “1”* provides the “nuts and bolts” of the Program.

Under the proposed Program, all newly admitted lawyers on active status will be required to complete the NLTP during their first year of practice in Utah.<sup>4</sup> The NLTP will replace the current New Lawyer Continuing Legal Education (NLCLE) program for the first year. Currently, most new lawyers are required to attend a NLCLE ethics seminar (3 hours) and accrue 12 credit hours of approved special NLCLE offered by the Bar within the two year compliance period. Under the proposed Program there will still be a required seminar early in the first year of MCLE compliance, but the seminar will include presentation of the NLTP and its requirements. New lawyers will have one year to complete the NLTP. During the second year of a new lawyer’s compliance cycle, the normal MCLE requirements will remain the same.

We anticipate that experienced attorneys who meet the requirements to serve as a mentor will be recruited by both the Bench and the Bar. Those lawyers who are approved as mentors will then be appointed by the Utah

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<sup>4</sup> There are a number of recognized exceptions. The requirement for judicial law clerks is deferred until completion of the clerkship. Lawyers who are newly admitted and move out of state are required to fulfill the CLE requirements where they practice rather than the NLTP requirements. Attorneys who are admitted on motion/reciprocity (those in active practice elsewhere for a period of time) and those who were admitted to practice in another state and have done so there for at least two or more years are not required to complete the NLTP. New lawyers who are unemployed or not practicing law may petition the Bar’s NLTP office for either deferral or exemption of the new requirements.

Supreme Court. New lawyers, in conjunction with their law firms or offices, will request to be matched with an approved mentor, and the Bar will approve the match.<sup>5</sup>

New Lawyers and Mentors will use the Model Mentoring Plan in the NLTP manual to devise a mentoring plan. See the model mentoring plan attached at *Exhibit "4"*. Mentoring plans will include both mandatory and elective subjects. Once a plan is mutually agreed upon, it will be submitted to the NLTP office for approval.<sup>6</sup> The Program encourages Mentors and new lawyers to spend at least two hours a month fostering the relationship and fulfilling the requirements of the mentoring plan.

The Commission will create a Mentor Training and Resources Committee (MTRC). The MTRC will provide training and resources for mentors, potentially at their law firms or offices, on effective mentoring and ways to make the Program successful within their practice settings. The Commission also recognizes that for whatever reason, some mentoring relationships may be unsuccessful. A new lawyer may change mentors once, without inquiry, upon request to the NLTP office. If a second request is made, the Bar's NLTP administrator will have the discretion to make further inquiry to ascertain issues underlying the request.

At the conclusion of the NLTP compliance year, the mentor will certify in writing that the new lawyer has successfully completed the requirements of the

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<sup>5</sup> Where possible, we anticipate that new lawyers will be paired with a mentor from within their firm or office. However, we recognize that some new lawyers may initiate a solo practice or otherwise be in a setting that cannot provide a mentor from within. Accordingly, there will be a Bar assignment process for new lawyers who would like assistance selecting a mentor or for cases when the selection process does not result in successful matches.

<sup>6</sup> Law firms, government offices, legal defenders' offices, and other select groups may submit a model plan to the NLTP office for approval. If approved, that plan can be used in successive years.

Program. If a new lawyer fails to complete the Program within a year, the Bar will determine if a short extension period for good cause is warranted. If the new lawyer is unable (or unwilling) to complete the Program in a timely manner, the Bar will administratively suspend the lawyer's license in a process similar to the existing procedures of administrative suspension for non-renewal or non-payment.

## 2. NLTP Mentor Requirements

Mentors will submit an application to the Bar's new NLTP administrator (*Exhibit "5"*) before they are screened and approved by the Court's Advisory Committee on Standards of Professionalism and Civility ("Professionalism Committee"). Approved mentors must have a least seven years legal experience, with no past or pending formal discipline proceeding of any type or nature. They also must have malpractice insurance (in at least the amount of \$100,000/\$300,000) if in private practice. After successful screening by the Professionalism Committee, mentors will be appointed by the Court. All mentors will be required to attend an orientation program administered by the Bar, in conjunction with the MTRC, prior to working with a new lawyer. Mentors are not required to repeat the course if they have served as mentors in previous years. Mentors will receive 12 hours of CLE credit (including ethics credit for the mentor orientation seminar) for successfully participating in the NLTP.

## 3. Changes in Mandatory Continuing Legal Education (MCLE)

All Utah licensed lawyers on active status are currently required to take 24 accredited CLE hours every two year calendar period. Those requirements include three accredited ethics or professional responsibility hours with one of those hours specifically in the area of professionalism and civility. See Rule 14-404 (a) Mandatory Continuing Legal Education of the Supreme Court's Rules Governing the Utah State Bar. In addition, most newly admitted Utah lawyers on active status (including those out of state attorneys admitted on motion) are currently required to fulfill 15 defined credit hours of NLCLE within their first year of admittance. See Rule 14-404 (b) and (c) and (d) Mandatory Continuing Legal Education of the Supreme Court's Rules Governing the Utah State Bar. New lawyers will still be required to fulfill special CLE, which, under this proposal, has been redefined as the NLTP and its approved, mentored activities.

As a corollary, new lawyers may complete four of the ten required NLTP litigation and transaction handling experiences based on their participation in pro bono and clinical-type programs while in law school. In Utah, we are fortunate to have two outstanding and highly regarded law schools that emphasize, as part of their curriculum, practically oriented programs such as legal service clinics and externships. These programs provide low bono and pro bono projects that support meaningful practice experiences to students as well as serve the public. The Bar intends the NLTP to remain flexible enough to complement law school programs that provide necessary practical experience and supplement the goal and purpose of the NLTP. An in-state law school committee will advise the Bar on what law school activities may qualify for credit.

Finally, regardless of any changes in the MCLE office relating to existing CLE reporting periods, the Bar will work closely with that office to ensure that the new lawyer's first year of mentoring requirements will be timely and appropriately credited with in the larger MCLE context.

#### 4. NLTP Budget Information

Attached as *Exhibit "6"* is basic budget information relating to the NLTP. Projected total expenses for the new Program are approximately \$140,000, although "new" costs (primarily consisting of new salary and employment benefits, electronic software, phone and computer expenses) are limited to approximately \$52,000. A necessary component of keeping the cost down will be to assess the new lawyer \$300 per year. This cost, however, essentially replaces the new lawyer's expense for the current, mandatory NLCLE requirements. To reduce the financial burden on new lawyers, the Bar proposes to assess \$150 at time of admission and the remaining \$150 after completion of the year-long NLTP requirements.

#### 5. Proposed Rule Amendments

Several existing rules need to be modified and one new rule needs to be adopted in order for the proposed NLTP to be properly implemented. Copies of the redlined rules are attached as exhibits as indicated below.

##### *A. Rule 14-808. New Lawyer Training Program (Exhibit "7").*

This rule is new. We suggest that it be added to Article 8, "Special Practice Rules", in Chapter 14, "Rules Governing the Utah State Bar", of the Supreme Court's Rules of Professional Practice. The "Special Practice Rules" in Article 8 contains such rules as "Special Admission Exception for Military

Lawyers", "Inactive Lawyers Providing Legal Service", "Law Student Assistance", Pro Hac Vice, and the like. This is an appropriate place for the proposed rule because it addresses unique requirements for a special category of lawyers practicing law, i.e., newly admitted, active status, Utah resident attorneys. The proposed rule is fairly simple and provides the authority for the Bar to institute the NLTP requirements. Only core concepts are outlined, such as applicability of the rule, exceptions to the rule, and costs and consequences of not completing NLTP requirements. There is also a provision referencing additional information in the NLTP guidelines which can be easily obtained on the Bar's website or through the Bar offices.

*B. Rule 14-801. Definitions (Exhibit "8").*

Current Rule 14-801 provides definitions applicable to Article 8 rules. The amended rule adds important definitions inherent in the newly proposed Rule 14-808 above. Those definitions include "active status", "CLE", "inactive status", "MCLE", "Mentoring Completion Certification", and "NLTP."

*C. Rule 14-705. Admission on Motion (Exhibit "9").*

Rule 14-705 is a current admission rule outlining the requirements for those lawyers seeking admission by motion (or reciprocity). Subsection (d) (2) of the rule references the requirement that these lawyers complete nine credit hours of NLCLE. As discussed previously, the Bar will no longer sponsor special NLCLE courses as they are being replaced by NLTP requirements. The proposed revisions delete the reference to NLCLE and replace it with "nine credit hours of approved MCLE courses" which are to be completed in the currently existing time frame of six months.

*D. Rule 14-404. Active Status Lawyers: MCLE, NLCLE, and admission on motion requirements (Exhibit "10").*

This MCLE rule has been revised to reflect the fact that NLCLE is no longer required. In NLCLE's place are references to the new NLTP requirements.

*E. Rule 14-415. Failure to Satisfy MCLE Requirements; Notice; Appeal Procedures; Reinstatement; Waivers and extensions, Deferrals (Exhibit "11").*

Because it is the Bar offices, rather than the MCLE Administrator who will evaluate the penalty of license suspension if the NLTP requirements are not met in timely fashion, a new subsection (g) has been added to this MCLE rule to make clear that the normal MCLE suspension procedures do not apply.

*F. Rule 14-417. Miscellaneous fees and expenses (Exhibit "12").*

Because NLTP completed requirements fulfill part of the general two-year requirements for MCLE, we've added subsection (f) to this MCLE rule to more fully apprise the newly admitted lawyer of the additional costs involved.

*G. Rule 14-402. Definitions (Exhibit "13").*

This current MCLE rule has merely been modified to provide an additional definition applicable to changes made to the MCLE rules: "NLTP".

## 6. Dissemination of Information and Timeline for NLTP Implementation

Although our in-state law school administrators are aware of the proposed Program, the Bar will formally meet with both law school deans and the dean of student affairs to discuss the NLTP. We will also: (1) provide hard copies of information to all in-state law student mailboxes; (2) email all Law Student Bar Division Bar members; (3) join Joni Seko (the Bar's Deputy General Counsel in Charge of Admissions) and others when she addresses new law students during

orientation at the beginning of the school year and speaks at the law school general meetings in the spring; (4) insert notices about the pending requirements on the Bar's website, including the homepage, admission pages, CLE pages and MCLE pages; (5) insert notices in the admissions application, the letters announcing that applicants have successfully passed the Bar Examination, and the "swearing-in" packet of information; (6) provide notice of the new requirements to BarBri and other examination preparation services; and finally, (7) during the first full year of implementation of the NLTP, the Bar staff will work closely with the Commission and the Executive Committee of the NLTC to ensure the Program is designed and implemented as intended by the Commission and the NLTC.

We also want to ensure that licensed Utah lawyers are well aware of the pending requirements. Towards that end, we have already conducted presentations at the 2007 Fall Forum and Summer Convention. We plan to provide information at the upcoming Fall Forum scheduled for November 21<sup>st</sup>, the upcoming Bar Leadership for Section and Committee Chairs on October 15<sup>th</sup>, and the 2009 Spring Convention. In conjunction, we will notify all local and specialty bar associations, such as the Cache County Bar Association and the Minority Bar Association, of the new requirements. The Bar's monthly e-Bulletin will also contain notices of the proposed NLTP. We will also provide information and additional notice in the *Bar Journal* along with our lawyer mentoring recruitment efforts.

The Bar would like to apply the NLTP requirements to those students slated to be admitted to the Bar in May 2009 and thereafter. Under current

rulemaking provisions (including a 45 day comment period), the new requirements could become effective after the comment period and approval by the Court. Approval in 2008 would greatly assist in preparing for implementation, including hiring new staff at the Bar, recruiting mentors, preparing mentor and new lawyer training, educating those affected, and so on.

## **CONCLUSION**

The proposed NLTP's goals are to train new Utah lawyers during their first year of practice in professionalism, ethics, and civility; to assist new lawyers in acquiring crucial practical skills and judgment necessary to practice in a highly competent manner; and to provide a means for all Utah attorneys who participate to learn the importance of organizational mentoring, including the building of developmental networks and long-term multiple mentoring relationships. The Commission believes it has developed a sound working framework in which to promote these values and fulfill these goals. An effectively administered and professional mentoring Program provides an opportunity for training, support, friendship, and venting problems and concerns without fear of recrimination. It also provides an opportunity to enhance the enjoyment of practicing law, and increase retention of good lawyers in the field. The important benefits to the legal profession, the judicial system and the public will be significant and lasting. For these reasons, the Bar requests that the Court approve the NLTP as outlined above, including necessary rule amendments to become effective as soon as practicable under governing rulemaking provisions.

Dated this \_\_\_\_ day of September, 2008.

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Katherine A. Fox  
Utah State Bar General Counsel

# Utah State Bar

## New Lawyer Training Program

### MANUAL

(Proposed)

Resources for  
New Lawyers  
and  
Mentors



# New Lawyer Training Program

## **Program Goal**

The goal of the Utah New Lawyer Training Program is to train new lawyers during their first year of practice in professionalism, ethics, and civility; to assist new lawyers in acquiring the practical skills and judgment necessary to practice in a highly competent manner; and to provide a means for all Utah attorneys to learn the importance of organizational mentoring, including the building of developmental networks and long-term, multiple mentoring relationships.

Revised September 30, 2008



# New Lawyer Training Program

## TABLE OF CONTENTS

<b>INTRODUCTION .....</b>	<b>5</b>
THE GOAL OF THE NEW LAWYER TRAINING PROGRAM (NLTP) .....	6
SUMMARY OF THE NLTP.....	6
A BRIEF HISTORY OF THE EVOLUTION OF UTAH’S NLTP.....	8
THE BENEFITS OF EFFECTIVE MENTORING .....	10
ADVICE TO NEW LAWYERS AND MENTORS .....	11
MENTORING TRAINING AND RESOURCES COMMITTEE (MTRC).....	12
NEED FOR STRONG INSTITUTIONAL SUPPORT.....	12
<b>COMPLIANCE NOTICE, PROGRAM GUIDELINES, AND FREQUENTLY ASKED QUESTIONS AND ANSWERS .....</b>	<b>13</b>
COMPLIANCE NOTICE FOR NEW LAWYERS .....	13
GENERAL REQUIREMENTS .....	14
RELATIONSHIP TO CONTINUING LEGAL EDUCATION (CLE) .....	18
MENTOR QUALIFICATIONS .....	19
MENTOR ORIENTATION .....	20
MANAGING THE MENTORING RELATIONSHIP .....	21
CERTIFYING COMPLETION OF THE PROGRAM .....	23
LAW SCHOOL CREDITS .....	19
CHANGING MENTORS .....	24
<b>PAGE FOR NOTES:.....</b>	<b>27</b>
<b>MENTORING TIMELINE .....</b>	<b>28</b>
<b>INITIAL MEETING GUIDE .....</b>	<b>31</b>
<b>APPENDIX OF FORMS.....</b>	<b>35</b>
NEW LAWYER TRAINING PROGRAM (NLTP) ENROLLMENT FORM.....	36
COMPLIANCE CHECKLIST .....	38
QUARTERLY REPORT .....	42
MENTORING COMPLETION CERTIFICATION .....	43
MIGRATION FORM .....	45
NEW LAWYER TRAINING PROGRAM (NLTP) EXEMPTION AFFIDAVIT .....	49
WRITTEN NOTICE OF COMPLETION OF JUDICIAL LAW CLERKSHIP .....	52
MENTOR VOLUNTEER FORM .....	54
SURVEY.....	58
<b>CONTACT INFORMATION.....</b>	<b>59</b>
<b>MODEL MENTORING PLAN.....</b>	<b>60</b>
REQUIRED ACTIVITIES AND EXPERIENCES .....	61
<i>Introduction to the Legal Community .....</i>	<i>61</i>
<i>Rules of Professional Conduct and Standards of Professionalism and Civility.....</i>	<i>62</i>
<i>Litigation and Transaction Handling Experiences .....</i>	<i>63</i>
<i>Introduction to Law Office Management (Required For Private Practice).....</i>	<i>64</i>
<i>Working With Clients (Required Where Applicable) .....</i>	<i>65</i>
<i>Public Service, Bar Programs, and Life Balance .....</i>	<i>66</i>
ELECTIVE ACTIVITIES AND EXPERIENCES (5 MANDATORY) .....	67
<i>Advocacy and Litigation .....</i>	<i>67</i>
<i>ADR.....</i>	<i>68</i>



# New Lawyer Training Program

<i>Negotiation</i> .....	68
<i>Client Interviewing and Counseling</i> .....	69
<i>Civil Procedure</i> .....	69
<i>Criminal Procedure</i> .....	70
<i>Estate Planning</i> .....	71
<i>Probate</i> .....	72
<i>Family Law</i> .....	72
<i>Juvenile Law</i> .....	73
<i>Business Law</i> .....	74
<i>Tax Law</i> .....	75
<i>Real Estate Law</i> .....	75
<i>Employment Law</i> .....	76
<i>Patent Law</i> .....	76
<i>Trademark Law</i> .....	77
<i>Other Possible Electives</i> .....	78
<b>STATE BAR NLTP COMMITTEE</b> .....	<b>66</b>

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# New Lawyer Training Program

## **INTRODUCTION TO THE UTAH STATE BAR NEW LAWYER TRAINING PROGRAM**

Congratulations to all new attorneys for passing the Bar examination and being admitted to the Utah State Bar (the Bar). We know you have worked hard for your success and extraordinary achievements. To facilitate your transition into the practice of law, the Utah Supreme Court, in conjunction with the Utah State Bar, is providing you with the New Lawyer Training Program (NLTP), described in more detail below. For the first year of practice you will have a mentor with at least seven years of legal experience who will work with you every month in a variety of practice areas integral to and inherent in the practice of law. The primary purpose of the NLTP is to help you adjust to the new challenges you will face and to answer your questions regarding the practical aspects of the practice, wherever you may be working. The program is designed not only to provide an experienced coach readily available to assist you in substantive areas of the law but also to further your education in the areas of ethics, civility, professionalism and, where appropriate, recognizing conflicts of interest, client relations, and law office management.

In Utah, we are fortunate to have two outstanding and highly-regarded law schools that emphasize clinical and externship programs as part of their curriculum. New lawyers may receive partial credit toward the requirements of the NLTP for their participation in clinical-type programs during law school. The Utah Supreme Court and the Bar intend that the NLTP remain flexible in order to complement law school programs that provide necessary practical experience and supplement the goal and purpose of the NLTP.

The Utah Supreme Court and the Bar appreciate the experienced attorneys who are willing to generously give of their time and talents to train a new lawyer in their first year of practice. Your commitment to this program will determine its level of success. Thank you for devoting the time and skill necessary to implement the NLTP and enhance the career and life of a new lawyer.



# New Lawyer Training Program

## THE GOAL OF THE NEW LAWYER TRAINING PROGRAM (NLTP)

The goal of the Utah NLTP is to train new lawyers during their first year of practice in professionalism, ethics, and civility; to assist new lawyers in acquiring the practical skills and judgment necessary to practice in a highly competent manner; and to provide a means for all Utah attorneys to learn the importance of organizational mentoring, including the building of developmental networks and long-term, multiple mentoring relationships.

## SUMMARY OF THE NLTP

- Lawyers newly admitted to the Bar with an active license are required to complete the NLTP program their first year of practice in Utah. The requirement for judicial law clerks is deferred until completion of the clerkship.
- The NLTP will replace the New Lawyer Continuing Legal Education (NLCLE) program for the first year of practice. Upon completion and certification, the NLTP will result in 12 hours of NLCLE credit. New lawyers are required to attend a half-day class early in their first year of practice. The requirements for CLE during the second year of the two-year compliance cycle remain the same.
- The program is designed to provide inside mentoring, outside mentoring, and, where appropriate, circle or group mentoring. Inside mentoring is simply having a mentor within the organization where you are employed, such as a law firm or government office. Outside mentoring is the opportunity to work with an appointed mentor from outside your workplace. Circle mentoring involves group discussions among new lawyers and mentors when deemed advisable or necessary by the NLTP administrator. The mentor and new lawyer should spend at least two hours a month fostering the relationship and learning from each other as the mentoring plan is implemented.
- The Utah Supreme Court will appoint qualifying mentors and place them on a list from which the new lawyer and/or the new lawyer's firm or office will make a selection. New lawyers will likely be paired with a mentor from within their firm or office where possible. A new lawyer may select a mentor who is not on the list, but that lawyer will need to submit a mentor application to the NLTP administrator and will need to



# New Lawyer Training Program

be approved by the Utah Supreme Court.

- Mentor qualifications include: seven years of practice; no past or pending formal discipline proceeding of any type or nature; malpractice insurance in an amount of at least \$100,000/\$300,000, if in private practice; and approval by the Supreme Court's Advisory Committee on Professionalism.
- Mentors will receive 12 hours of CLE credit (including two ethics credits) for their efforts with the new lawyer. This credit may be shared where more than one lawyer (each qualifying as a mentor) plays a significant role in supervising and mentoring the new lawyer.
- The mentor and the new lawyer will develop a mentoring plan following the NLTP guidelines. Certain subjects are mandatory while others are elective. The plan must be submitted for approval to the NLTP program administrator and the New Lawyer Training Committee (NLTC) for approval. Firms and certain select groups, such as a Legal Defender's office or a District Attorney's office, may submit a model plan for approval that can be used in successive years.
- At the conclusion of the 12 months, the mentor will certify in writing to the Bar and the Supreme Court that the new lawyer has completed the NLTP. Absent such certification, the new lawyer must contact the NLTP administrator at the Bar office to discuss a plan to complete the program and to determine whether the license renewal is jeopardized.
- A new lawyer may migrate to a different mentor upon request to the administrator of the NLTP. No questions will be asked of the new lawyer on the first request for a change of mentor. If a second request for a change is made, questions of the new lawyer and/or the mentor are within the discretion of the NLTP administrator.
- A Mentor Training and Resources Committee (MTRC) has been created. The MTRC will meet periodically with mentors, firms, and government offices to provide training on effective mentor relationships and institutionalizing mentor programs.



# New Lawyer Training Program

## A BRIEF HISTORY OF THE EVOLUTION OF UTAH'S NLTP

In September 2005, the Honorable Antonin Scalia, Justice of the United States Supreme Court, the Honorable Deanell R. Tacha, then Chief Judge of the United States Court of Appeals for the Tenth Circuit, and Alan Sullivan, managing partner of the Salt Lake City office of Snell and Wilmer, developed a discussion paper entitled, "A Brief Comparison of the Training and Accreditation of Lawyers in the United States and the United Kingdom." (Unpublished article, on file with the Bar.) This paper was presented to the Utah appellate judges in spring 2006 and to the Bar Commission in early 2007. The discussion paper generated considerable dialogue between the Utah Supreme Court and Bar leadership.

The discussion paper suggests that most new lawyers are not well prepared for the practical aspects of practicing law. On-the-job training is not a condition of admission to the Bar. The discussion paper recognizes that while mentoring of new lawyers is crucial, the quality of mentoring is neither regulated nor coordinated by either the profession or law schools, with mentoring frequently an afterthought and rendered subordinate to billable hours and the demand to provide legal services.

According to several studies, only one-third of associates remain at the firm where they started their legal career after five years; lack of mentoring or misrepresentations regarding mentoring is cited by these associates as a key reason for leaving. Other scholars and organizations have expressed concern regarding the lack of effective mentoring of new lawyers and the failure of law schools to provide sufficient practical experience during law school. *See, e.g.,* ROY T. STUCKEY ET AL., *BEST PRACTICES FOR LEGAL EDUCATION: A VISION AND A ROAD MAP* (2007); WILLIAM M. SULLIVAN, ANNE COLBY, JUDITH WELCH WEGNER, LLOYD BOND & LEE S. SHULMAN, *EDUCATING LAWYERS: PREPARATION FOR THE PRACTICE OF LAW* (2007); IDA O. ABBOTT, *DEVELOPING LEGAL TALENT: BEST PRACTICES IN PROFESSIONAL DEVELOPMENT FOR LAW FIRMS* (2001); Karen Steinberger, *Law Firm Mentoring: A Fresh Look at an Ancient Concept*, ASSOCIATION OF LEGAL ADMINISTRATORS, *ALA MANAGEMENT ENCYCLOPEDIA* (2007).

As a result of the discussion paper, the Utah Supreme Court, through Chief Justice Christine M. Durham, requested that the Bar Commission consider implementing a mentoring program to assist newly admitted lawyers during their first year of practice. The New Lawyer Training Committee (NLTC) was formed to study the concept, as well as mentoring programs in other states, and to develop a proposal



## New Lawyer Training Program

for Utah. The NLTC and its subcommittees have met periodically for about 18 months to create the NLTP, the culmination of their work.

A few states or Bar organizations have adopted mentoring programs. The NLTP has reviewed most of the new lawyer mentoring programs in the United States. Georgia started developing a mentoring program over ten years ago and now has one of the leading and most respected programs in the nation. Members of the NLTC and key Bar staff met with the director of the Georgia program to obtain an understanding of the details and administration of their mentoring program. Members of the NLTC also attended the First National Conference on Mentoring at the Center on Professionalism at the University of South Carolina School of Law. This conference derived from a request by the Conference of Chief Judges of the United States.

The NLTC also studied Delaware's Preceptorship Program, which requires at least five months of training in the practice before licensing is allowed. The NLTC opted against a licensure requirement of this type, instead recommending mentoring during the first year of practice as a requirement for maintaining licensure.

The NLTP was presented to and adopted by the Bar Commission on July 16, 2008. The NLTP was formally approved by the Utah Supreme Court on December \_\_, 2008.

If the NLTP is effectively administered and implemented by the Bar, mentors, new lawyers, and their workplaces, the impact on current law practice will be dramatic.

Mentoring not only includes training a new lawyer in the art of practicing law but also provides an opportunity for support, friendship, and sharing confidences. It is a place to vent problems and concerns without fear of recrimination. And it is an opportunity to explore life and family balance. It is the vehicle by which the enjoyment of law practice can be enhanced and the retention of good lawyers in the profession increased.



# New Lawyer Training Program

## THE BENEFITS OF EFFECTIVE MENTORING

- Increases productivity for the individual and the organization
- Improves client relations and client attraction
- Reduces the likelihood of new lawyers leaving the organization
- Boosts morale
- Assists in attracting better talent to the organization
- Enhances work and career satisfaction
- Clarifies professional identity
- Increases advancement rates
- Promotes greater recognition and visibility
- Encourages career opportunities within the organization



# New Lawyer Training Program

## ADVICE TO NEW LAWYERS AND MENTORS

### **To the New Lawyers:**

During your first year of practice, you will complete the NLTP with the help of a mentor. Building an effective mentoring relationship will require hard work. There is no perfect mentor. Be patient and understand that there will be times when your mentor may need to reschedule an appointment. Respect the time the program requires of the mentor. Use your mentor not only as an advisor in the law, but as a friend and someone with whom you can share a confidence. Check your ego at the door. Welcome feedback from your mentor and others with whom you may be working.

We encourage you to build multiple mentoring relationships. Effective developmental networks include peers, other lawyers (inside or outside of your workplace), judges, family, friends, and former professors.

Remember the fundamentals you have already mastered and the need to understand the details in any transaction or litigation experience. This is a constant. You started building your reputation as a lawyer the day you walked into your place of employment.

### **To the Mentors:**

Congratulations on your approval by the Utah Supreme Court to serve as a mentor for this coming year. Thank you for accepting the challenge to train a new lawyer and for your willingness to be a friend and share your experience and talent. A mentor is a wise and loyal advisor; a teacher or coach. A mentor is also an experienced and trusted counselor. Being a mentor is hard work. A good relationship cannot be built in ten-minute segments. There is no substitute for spending the time needed to build a long-lasting and meaningful mentoring relationship. Create a safe context for growth. Keep confidences, build trust, and teach the art and practical aspects of thinking like a lawyer. Be sensitive to work/family issues. Treat the relationship as an opportunity for mutual learning. Provide constructive feedback. Remember to be respectful and responsive, even when new lawyers ask what may seem like dumb questions.



# New Lawyer Training Program

## **MENTORING TRAINING AND RESOURCES COMMITTEE (MTRC)**

The Bar Commission, under the direction of the Utah Supreme Court, has established the MTRC. Meetings will be held throughout the year to train and assist mentors. In addition, the committee will make valuable resources available to firms, agencies, and other organizations for building an effective mentoring program.

### **NEED FOR STRONG INSTITUTIONAL SUPPORT**

With adequate institutional support, this program can exceed our expectations. The Supreme Court and Bar are so supportive of mentoring that the NLTP is a mandatory program. It is now the opportunity of firms, agencies, and employers to fold mentoring into their plans and administration. We suggest that each organization appoint an attorney to implement and monitor a mentoring program. Members of the MTRC are available to share resources and meet with you to assist in developing an effective mentoring plan.



# New Lawyer Training Program

## COMPLIANCE NOTICE, PROGRAM GUIDELINES, AND FREQUENTLY ASKED QUESTIONS AND ANSWERS

### COMPLIANCE NOTICE FOR NEW LAWYERS

Congratulations on your admission to practice law in Utah (or if applicable, completion of your judicial clerkship or your change from “Inactive” to “Active” status). Compliance with the New Lawyer Training Program (“NLTP”) requires successful completion of a mentoring plan.

**Mentoring Program** You must: (1) have a mentor for a twelve (12) month period (mentoring periods occur from January 1st–December 31st; or from July 1st–June 30th); and, (2) satisfactorily complete, during your mentoring period, a written mentoring plan of activities and experiences which has been approved by both your mentor and by the Program Administrator. To assist you in complying with the mentoring component, this manual contains a Compliance Checklist in the Appendix of Forms.

**Three (3) Month Compliance Deadline: COMPLIANCE IS MANDATORY.** You must complete all enrollment requirements within three (3) months from the date of your registration with the Utah State Bar (or if applicable, the completion of your judicial clerkship or the effective date of your change from “Inactive” to “Active” status).

**What You Should Do Now:** Complete and submit the Compliance Checklist (*see* Appendix of Forms) with all applicable documents. This manual contains forms, checklists, and answers to frequently asked questions to assist you in completing the enrollment process.



# New Lawyer Training Program

## GENERAL REQUIREMENTS

### **Who is required to participate in the NLTP?**

Lawyers newly admitted to the Utah State Bar with an active license are required to complete the program in their first year of practice in Utah. The requirement for judicial law clerks is deferred until completion of the clerkship.

### **Who is not required to participate in the NLTP?**

- A. Attorneys with active Utah licenses who do not reside in Utah are not required to participate in the NLTP. Instead, these attorneys must comply with the applicable CLE requirements of their resident state. *See* R. 14-4-404(a).
- B. Attorneys who were admitted to practice in Utah on motion and have been actively engaged in the practice of law for at least two years immediately prior to admission in Utah.
- C. Attorneys who were admitted to practice in Utah after being actively engaged in the practice of law for at least two years in another state prior to admission to practice law in Utah.
- D. Judicial clerks' participation in the NLTP is deferred during their clerkships.
- E. New lawyers with active Utah licenses who are either unemployed or not engaged in the practice of law may petition the NLTP Office for a deferral or exemption from compliance with the NLTP.

### **How does a new lawyer enroll in the program?**



# New Lawyer Training Program

Enrollment forms are available on the Utah State Bar web site at [www.utahbar.org/NLTP](http://www.utahbar.org/NLTP).



# New Lawyer Training Program

## **Who pays for the program?**

For the entire New Lawyer Training Program, each new lawyer will pay \$300.00 (\$150 on enrollment and \$150 on completion). This fee is about the same that was required for first year NLCLE credit.

## **What are the new lawyer's responsibilities?**

The new lawyer's responsibilities include satisfactorily completing the NLTP by:

- A. devoting the time required for this mandatory program;
- B. making themselves available to the mentor's guidance;
- C. devising jointly with the mentor a mentoring plan; and
- D. satisfactorily completing the mentoring plan.

Before the mentor approves the plan, the new lawyer and mentor should sit down together and review it. While there is great flexibility in designing a particular plan, certain components of the Model Plan are required (see Model Plan). Further, care should be taken so that the selected plan fosters discussion and implementation of professional skills and values.

After the plan is approved, it should be signed by the new lawyer and the mentor and submitted to the NLTP Office by the new lawyer. If the new lawyer's office or firm is operating a mentoring plan under an agreement with the Bar, the plan may be submitted to the appropriate inside contact. New lawyers are responsible for completing the mentoring plan and certifying completion with the mentor before submitting completion documentation to the NLTP Office.

## **How long does the program last?**

The program lasts twelve (12) months.



# New Lawyer Training Program

## **How often are the new lawyer and the mentor expected to meet?**

The new lawyer and the mentor should meet at least two hours each month. Although the program only lasts twelve months, the mentoring relationship may last beyond the required timeframe.

## **What kind of mentoring relationships are there?**

There are three types of mentoring relationships:

- A. *Inside Mentoring.* A mentor from within the new lawyer's own office is preferred. The mentor and new lawyer work together to fulfill the mentoring plan in connection with actual assignments handled in the office. Generally, the mentor should be someone other than the supervising attorney responsible for the new lawyer's normal assignments in the office; this will help facilitate confidentiality. The mentor and the supervising attorney should work together, as is appropriate, to coordinate projects completed as part of the plan.
- B. *Outside Mentoring.* A mentor who is not in the same office as the new lawyer (e.g., from small firms or solo practice) will aim to provide mentoring experiences as would be available for a new lawyer within the mentor's office. The mentor participates in as many of the assignments with the new lawyer as possible or gives approval to the new lawyer for work performed under the supervision of another qualified mentoring attorney ("mentor for the assigned activity"). Care should be taken to reduce problems associated with conflicts of interest, confidentiality, and liability limitations. For example, the mentor will not be responsible for work performed for the new lawyer's client unless the mentor has a



# New Lawyer Training Program

written agreement with the new lawyer's client.

C. *Mentoring Circle Alternative.* If deemed necessary, the Administrator will establish mentoring circles. Mentoring circles may be an alternative available to lawyers newly admitted to the Utah State Bar who are not actively representing clients or engaged in the practice of law. Other unforeseen circumstances may also require the Administrator to establish mentoring circles. A mentoring circle consists of four or five new lawyers and two or three mentors. The circle agrees to meet regularly (preferably two hours each month). Any meeting of the circle must include at least two new lawyers and one mentor. Mentors and new lawyers may work together in different combinations to complete the requirements of the new lawyers' mentoring plans.

## **Can new lawyers nominate the person they wish to have appointed as their mentor?**

Assignment of mentors from within a firm, office, or practice group will be based on the employer's recommendation with input from the new lawyer. The assignment of an outside mentor will be based on the new lawyer's nomination unless the new lawyer requests the NLTP to make the appointment. Mentors will be approved by the NLTP and appointed by the Supreme Court. Mentors must meet the stated qualifications for appointment as a mentor and agree to comply with all program requirements. The goal is to match the new lawyer with a mentor within the new lawyer's own law office if possible.

## **RELATIONSHIP TO CONTINUING LEGAL EDUCATION (CLE)**

### **How does the NLTP relate to required CLE?**

New lawyers must successfully complete the NLTP in order to renew their Bar license. CLE compliance is on a two-year cycle. The second year of the compliance cycle will be fulfilled by attending CLEs.

### **Are there any required CLEs during the NLTP?**



# New Lawyer Training Program

Yes. The NLTP Seminar is required during the NLTP period. Contact the Utah State Bar CLE Department at 801-297-7032 or check online at [www.utahbar.org/cle](http://www.utahbar.org/cle) and select Calendar.

CLE regulatory questions and compliance with CLE questions can be forwarded to: Utah Board of Continuing Legal Education at [MCLE@utahbar.org](mailto:MCLE@utahbar.org).

## MENTOR QUALIFICATIONS

### **What are the qualifications to serve as a mentor?**

Qualifications for mentors include seven years of practice; no past or pending formal discipline proceeding of any type or nature by a court or a state bar; malpractice insurance in an amount of at least \$100,000/\$300,000 if in private practice; and approval by the Utah Supreme Court's Advisory Committee on Professionalism.

Mentors are screened by the Utah Supreme Court's Advisory Committee on Professionalism. The names of prospective mentors satisfying minimum qualifications are forwarded to the Supreme Court of Utah for consideration.

### **Why are mentors required to have minimum levels of professional liability insurance, or the equivalent?**

Serving as a mentor in the New Lawyer Training Program is not an ordinary volunteer opportunity—it is a Supreme Court appointment. Therefore, it is appropriate to view minimum levels of professional liability insurance coverage as



# New Lawyer Training Program

one factor in assessing whether or not a potential mentor handles the business management of his or her law practice in a responsible manner.

## **What are the mentor's Responsibilities?**

- A. To devote the time required to be an effective mentor;
- B. To guide and to teach the new lawyer practical skills, seasoned judgment, and sensitivity to ethical and professionalism values;
- C. To devise jointly with the new lawyer a mentoring plan;
- D. To monitor the new lawyer's plan progress; and
- E. To certify, at the end of 12 months, whether or not the plan was satisfactorily completed.

## **MENTOR ORIENTATION**

### **Is the mentor orientation required?**

Yes, the mentor orientation is required.

The mentor orientation is a two-hour program created by the Utah State Bar CLE Department and NLTP. The Seminar is offered at the Utah State Bar Law & Justice Center. The training course is complimentary to the mentor and is accredited for two hours of CLE in Professionalism and Civility. Mentors who have already attended the mentor orientation are not required to repeat the course if they serve as a mentor in subsequent years.



# New Lawyer Training Program

Access dates, times, and locations of mentor orientation programs at [www.utahbar.org/cle/calendar](http://www.utahbar.org/cle/calendar) or by emailing [cle@utahbar.org](mailto:cle@utahbar.org) or by calling 801-297-7036.

## **What is included in the mentor orientation program?**

The Mentor Training and Resources Committee will present information and materials developed by professionals that will assist mentors in their effectiveness and help to make the program a success.

### MANAGING THE MENTORING RELATIONSHIP

## **At the beginning of the 12-month mentoring period, who should initiate contact?**

It is the new lawyer's responsibility to initiate contact.

## **How much time is a mentor expected to spend with the new lawyer?**

The mentor and new lawyer are expected to spend sufficient time to carry out the mutually agreed upon mentoring plan. Two hours each month are expected.

## **Are communications between the mentor and the new lawyer confidential?**



# New Lawyer Training Program

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

## **How is the mentoring plan monitored?**

The mentor and the new lawyer are both responsible for completing the plan and evaluating the mentoring relationship. The mentor has sole responsibility for certifying whether the new lawyer has satisfactorily completed the program. The plan is also monitored by the NLTP office through quarterly emails assessing the progress on plan completion.



# New Lawyer Training Program

## CERTIFYING COMPLETION OF THE PROGRAM

### **What does the new lawyer need to do to certify completion of the NLTP?**

Use the Mentoring Completion Certification Form found in the Appendix of Forms in this manual.

### **What happens if the new lawyer does not complete the mentoring plan in the required time period?**

Failure to complete the mentoring plan shall be reported to the NLTP office. The NLTP office will work with the new lawyer to assess options for completing the plan and whether license suspension is at risk. The program will have discretion in allowing extensions for NLTP completion.

## LAW SCHOOL CREDITS

### **Can I get credit for activities accomplished during law school?**

Yes. New lawyers are encouraged to take advantage of existing law school programs to fulfill assignments. Listed below are alternative opportunities available to the new lawyer which, if accomplished during law school, may allow the new lawyer to reduce the number of subjects required in the mentoring plan as a new lawyer:

- A. Law school externships for credit under the supervision of an attorney/judge;
- B. Law school clinical program courses under the supervision of an attorney/judge or law professor;



# New Lawyer Training Program

- C. Law school simulated skills courses under the supervision of an attorney/judge or law professor; and
- D. Law school pro bono (or low bono) program participation under the supervision of an attorney.

If the new lawyer participates in any of the above and fulfills an assignment while in law school, the new lawyer may apply to receive credit for that activity. The new lawyer should prepare a report to the mentor summarizing the assignment completed and describing what the new lawyer learned from the experience. The supervising attorney/judge or law professor for the assignment must sign the report certifying that the assignment was completed by the new lawyer.

## **Can I get credit for pro bono (or low bono) work I do with my mentor or with another qualified attorney?**

Yes. Hands-on experience through pro bono (or low bono) activities is encouraged. Talk with your mentor about possibilities. Incorporate this into your plan.

### CHANGING MENTORS

## **What happens if the new lawyer needs to change to a different mentor?**

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

Neither the new lawyer nor the mentor is required to report the reason for a request to change. Completing the full year of mentoring in the original mentorship together is strongly preferred. Decisions regarding how and whether to reconstitute a mentoring plan because of the change in a new lawyer's status will be made by the NLTP Office, using a rule of reason. The decision will be made on a case-by-



# New Lawyer Training Program

case basis, taking into consideration individual circumstances and achievements during the original mentorship.

## **What happens if the mentor becomes unavailable to serve?**

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

If the situation arises in an inside mentoring relationship, and it can be resolved within the mentor's office, the NLTP Office shall only be notified of the change in assignment.

If the situation arises in an outside mentoring relationship, the mentor shall notify the Office as soon as practicable. If the mentor is unable to notify the Office of the situation, the new lawyer shall notify the Office.

Completing the full year of mentoring in the original mentorship together is strongly preferred. The same rule of reason discussed above will be applied if a mentor becomes unavailable.

The NLTP Office has the ultimate authority and responsibility for policies and procedures for situations where a mentorship ends prematurely.

## **What if problems arise in the mentoring relationship?**

If problems arise within the context of an inside mentoring relationship, resolution of the issues is a matter to be determined by the firm's or office's policy if at all possible. Issues resolved within the firm or office need not be reported to the program.



## New Lawyer Training Program

For concerns about program requirements or procedures in general, a mentor or new lawyer should contact the NLTP Office.

Appeals from Bar decisions are made to the Utah Board of Continuing Legal Education.



# New Lawyer Training Program

**PAGE FOR NOTES:**



# New Lawyer Training Program

## **MENTORING TIMELINE**



# New Lawyer Training Program

Who	What	Completed
New Lawyer	1. Receives “pass letter” and certificate of eligibility for admission to practice from Office of Bar Admissions.	
Supreme Court Justice	2. Administers oath of admission to practice law in Utah to new lawyer.	
Utah State Bar	3. Provides forms on the Utah State Bar website <i>www.utahbar.org</i>	
New Lawyer’s Employer	4. Designates mentor for new lawyer, with new lawyer’s input, for inside mentoring.	
New Lawyer	5. Nominates mentor (on NLTP form) for outside and inside mentoring. 6. Submits NLTP enrollment form to Utah State Bar.	
NLTP Administrator	7. Forwards Compliance Notice and Compliance checklist to new lawyer. 8. If new lawyer nominates mentor whose appointment status with Utah Supreme court is current, then skip to Timeline Item 16. 9. If new lawyer nominated mentor is not currently serving as appointed mentor by Utah Supreme Court, then proceed to Timeline Item 10.	
Mentor	10. Completes Mentor Volunteer Form (see Appendix of Forms). 11. Submits Volunteer Form to program.	
NLTP Administrator	12. Screens Volunteer for minimum qualifications. 13. Forwards volunteer’s name to Utah Supreme Court for appointment consideration.	
Utah Supreme Court	14. Considers qualifications and, if satisfactory, appoints mentor for one (1) year term.	
NLTP Administrator	15. Forwards Utah Supreme Court appointment certificate to mentor. 16. Confirms assignment of mentor to new lawyer.	
New Lawyer	17. Initiates contact with mentor to begin mentoring activities. (It is new lawyer’s responsibility to initiate contact and begin process.)	



# New Lawyer Training Program

Mentor & New Lawyer	18. Convene the initial meeting. Use the initial meeting guide in this Manual and the Compliance Checklist to set a timetable for devising a written mentoring plan and assembling all pertinent documents for submission to NLTP. (See Model Mentoring Plan at <a href="http://www.utahbar.org/nltp">www.utahbar.org/nltp</a> .)	
New Lawyer	19. Submits Compliance Checklist and all pertinent documents to NLTP within 90 days of item 1.	
NLTP Administrator	20. Acknowledges receipt of materials; certifies whether or not mentoring plan meets minimum guidelines.	
New Lawyer	21. Attends Introduction to the Practice of Law Seminar.	
Mentor	22. Attends mentor orientation CLE program.	
Mentor & New Lawyer	23. Monitor mentoring plan progress. (Both have joint responsibilities to monitor the mentoring plan progress throughout the 12-month period.)	
NLTP Administrator	24. Monitors mentoring plan progress. (NLTP may contact either or both mentor/new lawyer to monitor mentoring plan status.)	
Mentor	25. Certifies status of completion of mentoring component. (Mentor has sole responsibility to certify to NLTP whether or not new lawyer satisfactorily completes mentoring plan. <i>See Appendix of Forms for Certification Form</i> ).	
NLTP Administrator	26. Reports to MCLE satisfaction of NLTP and the NLTP seminar. 27. Provides Certificate of Program Compliance for new lawyers who complete the mentoring program.	
New Lawyer	28. Exits New Lawyer Training Program and is subject to Utah Board of Continuing Legal Education rules and regulations governing remaining CLE requirements. 29. Considers serving as mentor upon attaining 7-year anniversary of admission to practice law in Utah.	



# New Lawyer Training Program

## **INITIAL MEETING GUIDE**

for use during  
the initial meeting between  
the Mentor and New Lawyer



# New Lawyer Training Program

## INITIAL MEETING GUIDE

WHAT	MENTOR	NEW LAWYER
Come prepared	Learn what you can about your new lawyer prior to your initial meeting.	Learn what you can about your mentor prior to your initial meeting.
Tell mentor's career story	Tell mentor's career story. Tell a brief career story, including a description of your mentors and their lessons. If you lacked mentors, describe how it impacted your career.	Listen. Ask questions.
Discuss new lawyer's needs	Discuss. Listen.  Ask questions.	Explain your career goals, including practice areas of interest to you.
Review enrollment process and compliance deadlines	Explain—clearly—the enrollment process and the compliance deadlines.	Acknowledge your understanding of the enrollment process and compliance deadlines.
Review the Compliance Checklist (in Appendix of Forms).	Determine whether you have submitted a Mentor Volunteer Form and are currently serving as an appointed mentor. If you are not currently serving under a term of appointment, be prepared to execute a Mentor Volunteer Form and give it to your new lawyer for submission along with other pertinent documents.	Review the Compliance Checklist in advance. Be ready to prepare and assemble the pertinent documents.
Determine if your firm or organization has a Master mentoring plan on file. (See next item below if no Master mentoring plan is in place.)	Confirm that the existence of a master mentoring plan for your organization removes the need for your new lawyer and mentor to individually prepare and submit a written plan. (See next item below if no Master mentoring plan is in place.)	Complete the applicable item of the Compliance Checklist accordingly. (See next item below if no master mentoring plan is in place.)



# New Lawyer Training Program



# New Lawyer Training Program

Review the Model Mentoring Plan at <a href="http://www.utahbar.org/nltp">www.utahbar.org/nltp</a> .	Explain that the model plan is a guide. It can be, and should be, adjusted for new lawyer's specific practice areas.	Review the model plan in advance. Be ready to discuss an individualized plan.
Set timetable for submitting Compliance Checklist and applicable items.	Set date (considering compliance deadline) for finalizing all items on Compliance Checklist and submitting all pertinent enrollment materials to the Program Administrator.	Assume responsibility for preparing, assembling, and submitting enrollment materials.
Agree on meeting times and who will set them.	Inform the new lawyer of your schedule, generally, including convenient vs. inconvenient times to call, etc.	Agree to organize your time so as to make efficient use of the mentoring meetings. Be considerate of mentor's work schedule.
Agree to be candid about any problems.	Explain that you will inform new lawyer if a problem arises in the mentoring relationship, or if a desired result is not being obtained.	Explain that you will inform mentor if a problem arises in the mentoring relationship, or if a desired result is not being obtained.
	Areas Below Left Blank For Additional Notes:	



# New Lawyer Training Program

## Appendix of Forms

### **New Lawyer Forms**

NLTP Enrollment Form

Compliance Checklist

Quarterly Report

Mentoring Completion Certification

Migration Form

Survey

### **Exemption Forms**

NLTP Exemption Affidavit

Written Notice of Completion of Judicial Law Clerkship

### **Mentor Forms**

Mentor Volunteer Form

Survey



# New Lawyer Training Program

## NEW LAWYER TRAINING PROGRAM ENROLLMENT FORM

Utah Bar Number: \_\_\_\_\_ (State Bar Office use)

**ATTENTION: (ONLY active instate residents who took the 2-day exam must complete this form)**

### COMPLETE AND RETURN FORM TO:

Utah State Bar  
New Lawyer Training Program  
645 South 200 East  
Salt Lake City, UT 84111

Please check only one box below

**JUDICIAL LAW CLERK :**

Rule \_\_\_\_ provides that NLTP compliance is deferred until the completion of your Clerkship. Written confirmation of NLTP deferral and further information will be furnished upon receipt of this form.

**EMPLOYED IN LAW FIRM OR LEGAL ORGANIZATION:**

Your mentor should be nominated through consultation with your employer. Print or type your mentor's name and Utah Bar Number:

\_\_\_\_\_  
*Mentor's Name and Bar Number*

If your employer has not identified your mentor yet, please check this box \_\_\_\_\_

**SOLE PRACTITIONER OR SMALL OFFICE PRACTICE:**

You have the opportunity to nominate your mentor. Print or type your mentor's name and Utah Bar Number:

\_\_\_\_\_  
*Mentor's Name and Bar Number*

If you need help locating a mentor, (1) please check this box \_\_\_\_\_; and (2) list the practice areas you intend to pursue:

\_\_\_\_\_

\_\_\_\_\_

**NOTE: THIS IS PAGE ONE (1) OF A TWO (2) PAGE FORM**



# New Lawyer Training Program

**NOTE: THIS IS PAGE TWO (2) OF A TWO (2) PAGE**

\_\_\_\_\_ **OTHER:**  
I am either unemployed, or I am not employed with a law firm or legal organization. I will contact the NLTP Administrator to determine whether I will participate in a mentoring circle for my NLTP compliance.

(THIS FORM DOES NOT REQUIRE A NOTARY).  
**I hereby certify that the above information is correct and complete.**

\_\_\_\_\_  
YOUR SIGNATURE AND DATE

\_\_\_\_\_  
PRINT YOUR NAME (REQUIRED)

**NOTE: Your original signature is required. This information cannot be submitted electronically or via facsimile transmission.**

[MP1]



# New Lawyer Training Program

## COMPLIANCE CHECKLIST

NEW LAWYER MUST  
COMPLETE AND RETURN THIS CHECKLIST TO:

Utah State Bar  
New Lawyer Training Program  
645 South 200 East

Salt Lake City, UT 84111

*Initial*

### **1 – NEW LAWYER INFORMATION (Initial and complete “A” and “B”)**

\_\_\_\_\_ A. MY NAME IS: (Print or Type) \_\_\_\_\_

\_\_\_\_\_ B. MY UTAH BAR NUMBER IS: \_\_\_\_\_

### **2 – THREE (3) MONTH COMPLIANCE DEADLINE (Initial “A”)**

\_\_\_\_\_ A. I understand **COMPLIANCE IS MANDATORY**. I must complete all enrollment requirements within three (3) months from the date of my registration with the Utah State Bar (or if applicable, the completion of my judicial clerkship or the effective date of my change from “Inactive” to “Active” status).

### **3 – MENTOR NOMINATION (Initial “A” and “B” and complete)**

\_\_\_\_\_ A. MY MENTOR’S NAME IS: (Print or Type) \_\_\_\_\_

\_\_\_\_\_ B. MY MENTOR’S UTAH BAR NUMBER IS: \_\_\_\_\_



# New Lawyer Training Program

**4 – MENTOR VOLUNTEER FORM (Initial “A” or “B” and attach document, as applicable)**

\_\_\_\_\_ A. MY MENTOR HAS ALREADY SUBMITTED A MENTOR VOLUNTEER FORM (You do not have to attach a copy of the volunteer form)

—OR—

\_\_\_\_\_ B. MY MENTOR’S ORIGINAL VOLUNTEER FORM IS ATTACHED (Attach the original notarized form, not a copy. The form may be found at:

**NOTE: THIS IS PAGE ONE (1) OF A TWO (2) PAGE CHECKLIST**

*[www.utahbar.org/nltp](http://www.utahbar.org/nltp)*



# New Lawyer Training Program

**NOTE: THIS IS PAGE TWO (2) OF A TWO (2) PAGE CHECKLIST**

*Initial*

**5 – MENTORING PLAN (Initial “A” and “B” and attach document)**

\_\_\_\_\_ A. MY MENTORING PLAN, APPROVED BY MY MENTOR, IS ATTACHED  
(Attach copy of plan—for a sample, view the Model Mentoring Plan at:  
[www.utahbar.org/nltp](http://www.utahbar.org/nltp)).

\_\_\_\_\_ B. MY MENTOR AND I HAVE BOTH SIGNED THE ATTACHED MENTORING  
PLAN (Your signatures evidence your mutual pledges to satisfactorily complete  
the plan).

**6 – CERTIFICATION (Must be signed—NOTARY IS NOT REQUIRED)**

**I HEREBY CERTIFY** that the above information is correct and complete,

Sign and Date:

\_\_\_\_\_

Your original signature is required; this form cannot be submitted electronically or via fax.

\_\_\_\_\_



## New Lawyer Training Program

Do not submit this checklist until you have completed all items and attached all pertinent documents. Incomplete or incorrect submissions will be returned.



# New Lawyer Training Program

## Quarterly Report

UTAH STATE BAR

I, \_\_\_\_\_ hereby inform the NLTP Administrator that I have been meeting with my mentor at least two hours per month and that I am making good progress toward completing the requirements of my plan. By signing this form, my mentor and I certify that I have completed the following elective and required activities:

(Insert list of Required Sections 1–6 and Elective Sections A–Q you have completed.)

(THIS FORM DOES NOT REQUIRE A NOTARY).

**I hereby certify that the above information is correct and complete.**

\_\_\_\_\_  
YOUR SIGNATURE AND DATE

\_\_\_\_\_  
PRINT YOUR NAME (REQUIRED)



# New Lawyer Training Program

## MENTORING COMPLETION CERTIFICATION\*

RETURN ORIGINAL (DO NOT FAX) TO:

Utah State Bar  
New Lawyer Training Program  
645 South 200 East

Salt Lake City, Utah 84111

I hereby certify that

---

(Print/Type name and Bar Number of New Lawyer)

\_\_\_\_\_ satisfactorily completed a Mentoring Plan of Activities and

(has or has not)

Experiences approved by the New Lawyer Training Program within twelve (12)

months as required.

This \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.



# New Lawyer Training Program

Mentor's Name (Please print)

---

Mentor's Signature (Notary not required)

**At the end of twelve (12) months from the start of the mentoring period, the mentor is expected to sign this certification evidencing whether the new lawyer satisfactorily completed the mentoring plan to which they committed.**

**\* All Lawyers must comply with Continuing Legal Education requirements set out in Utah Board of Continuing Legal Education Rules. This document pertains only to the NLTP component of the CLE.**

**NOTE: Your original signature is required. This information cannot be submitted electronically or via facsimile transmission.**



# New Lawyer Training Program

## MIGRATION FORM

NEW LAWYER MUST  
COMPLETE AND RETURN THIS FORM TO:

Utah State Bar  
New Lawyer Training Program  
645 South 200 East

Salt Lake City, UT 84111

### **1 – NEW LAWYER INFORMATION (Initial and complete “A,” “B” and “C.”)**

\_\_\_\_\_ A. MY NAME IS: (Print) \_\_\_\_\_

\_\_\_\_\_ B. MY UTAH BAR NUMBER IS: \_\_\_\_\_

\_\_\_\_\_ C. MY EMAIL ADDRESS IS: \_\_\_\_\_

(Note: Receipt confirmation of this form will be provided via email at the address you provide above).

### **2 – PREVIOUS MENTOR INFORMATION (Initial and complete “A” and “B.”)**

\_\_\_\_\_ A. MY PREVIOUS MENTOR’S NAME IS: (Print) \_\_\_\_\_



# New Lawyer Training Program

\_\_\_\_\_ B. MY PREVIOUS MENTOR'S UTAH BAR NUMBER IS:

\_\_\_\_\_

### **3 – NEW MENTOR NOMINEE INFORMATION (Initial and complete “A” and “B.”)**

\_\_\_\_\_ A. I WISH TO NOMINATE THE FOLLOWING INDIVIDUAL TO SERVE AS MY  
NEW MENTOR: (Print or Type NEW MENTOR NOMINEE'S NAME)

\_\_\_\_\_

\_\_\_\_\_ B. MY NEW MENTOR NOMINEES UTAH BAR NUMBER IS:

\_\_\_\_\_

**NOTE: THIS IS PAGE ONE (1) OF A TWO (2) PAGE FORM**



# New Lawyer Training Program

**NOTE: THIS IS PAGE TWO (2) OF A TWO (2) PAGE FORM**

**4 – MENTOR VOLUNTEER FORM (Initial “A” or “B” and attach document, as applicable)**

\_\_\_\_\_ A. MY NEW MENTOR NOMINEE HAS ALREADY SUBMITTED A VOLUNTEER FORM (You do not have to attach a copy of the volunteer form)

—OR—

\_\_\_\_\_ B. MY NEW MENTOR NOMINEE’S ORIGINAL VOLUNTEER FORM IS ATTACHED (Attach the original notarized form, not a copy. The form may be found at: [www.utahbar.org/nltp](http://www.utahbar.org/nltp))

**5 – CERTIFICATION BY NEW LAWYER (Must be signed – NOTARY IS NOT REQUIRED)**

I HEREBY CERTIFY that the above information is correct and complete and I hereby request reassignment from my previous mentor (or circle mentoring) to my new mentor nominee. I understand that the NLTP must approve this request. I certify that I will disclose to my new mentor nominee the status of my progress in completing NLTP’s mentoring component requirements, including but not limited to, providing my new mentor nominee a copy of my written mentoring plan or such other documents as may be required.



# New Lawyer Training Program

Sign and Date: \_\_\_\_\_

Address Information can be changed at:  
[https://utahbar.org/forms/member\\_address\\_change.html](https://utahbar.org/forms/member_address_change.html).

**Do not submit this form until you have  
completed all items and attached all pertinent documents.  
Incomplete or incorrect submissions will be returned.**

**NOTE: Your original signature is required. This information cannot be submitted electronically or via facsimile transmission.**



# New Lawyer Training Program

COMPLETE AND RETURN FORM TO:  
Utah State Bar  
New Lawyer Training Program  
645 South 200 East

Salt Lake City, UT 84111

## NEW LAWYER TRAINING PROGRAM (NLTP) EXEMPTION AFFIDAVIT

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

Personally appeared before me, an officer duly authorized to administer oaths,

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Utah Attorney Bar No. (State Bar Use)

the undersigned, who after being duly sworn, deposes and states as follows:

**EXEMPTIONS**  
Pursuant to Rule \_\_\_\_\_

**Check all that apply below**

**ADMITTED ON MOTION:**

I was admitted to the state(s) of \_\_\_\_\_ on the following date(s):

\_\_\_\_\_. I have been actively engaged in the practice of law for two or more years immediately prior to my admission on motion to practice law in the State of Utah.

**1-DAY EXAMINATION:**

I was admitted to practice in the State of Utah on (Date) \_\_\_\_\_ in

\_\_\_\_\_ Court. I was admitted to the State(s) of

\_\_\_\_\_, on the following date(s): \_\_\_\_\_. I have been actively engaged in the practice of law for two or more years in another state prior to my admission to practice law in the State of Utah.

**NON-RESIDENT:**

I am not a Utah resident. I will comply with the applicable CLE requirements of my resident state.



# New Lawyer Training Program

**NOTE: THIS IS PAGE ONE (1) OF A TWO (2) PAGE  
FORM**



# New Lawyer Training Program

**NOTE: THIS IS PAGE TWO (2) OF A TWO (2) PAGE FORM**

I am over eighteen years of age, under no legal disabilities, competent to give this affidavit, and have personal knowledge of the facts contained herein.

\_\_\_\_\_  
Print Your Name (Required)

\_\_\_\_\_  
Your Signature (Required)

Signed, sealed and subscribed before the undersigned this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

NOTE: Original signatures are required. This information cannot be submitted electronically or via facsimile Transmission. If you have questions about the NLTP, please call this number 801.297.7033 or email us at [NLTP@utahbar.org](mailto:NLTP@utahbar.org).



# New Lawyer Training Program

## WRITTEN NOTICE OF COMPLETION OF JUDICIAL LAW CLERKSHIP

### RETURN TO:

Utah State Bar  
New Lawyer Training Program  
645 South 200 East

Salt Lake City, UT 84111

Pursuant to State Bar Rule \_\_\_\_\_

Full Name: \_\_\_\_\_

Utah Bar Number: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

**MY CLERKSHIP HAS ENDED/WILL END ON (insert date) \_\_\_\_\_**

**AND MY JOB STATUS IS AS FOLLOWS (check only one item below):**

**EMPLOYED IN LAW FIRM OR LEGAL ORGANIZATION:**

I am employed in a law firm or legal organization. I understand that my mentor should be nominated in consultation with my employer.

My mentor's name and Utah Bar Number are: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**NOTE:** If your employer has not identified your mentor yet, please initial here: \_\_\_\_\_

**SOLE PRACTITIONER (OR SMALL OFFICE):**

I am employed as a Sole Practitioner or am practicing with a small office. I understand

**NOTE: THIS IS PAGE ONE (1) OF A TWO (2) PAGE FORM**

that I have the opportunity to nominate my mentor.



# New Lawyer Training Program

**NOTE: THIS IS PAGE TWO (2) OF A TWO (2) PAGE FORM**

My mentor's name and Utah Bar Number are: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**NOTE:** If you need help locating a mentor, initial here: \_\_\_\_\_; and list the practice areas you intend to pursue:

**OTHER:**

I am either unemployed, or I am not employed with a law firm or legal organization. I will contact the NLTP Administrator to determine whether I will participate in a mentoring circle for my NLTP compliance.

**EXEMPT AS NON-RESIDENT** (Rule \_\_\_\_\_):

I am not a Utah resident and request an exemption from NLTP compliance. I will comply with the applicable CLE requirements of my resident state.

I hereby certify that the above information is correct and complete. (Must be signed – notary is not required.)

\_\_\_\_\_  
Your Signature

NOTE: Your original signature is required. This information cannot be submitted electronically or via facsimile transmission.



# New Lawyer Training Program

**RETURN ORIGINAL (DO NOT FAX OR EMAIL) TO:**

Utah State Bar  
New Lawyer Training Program  
645 South 200 East

Salt Lake City, UT 84111

## MENTOR VOLUNTEER FORM

**• SECTION 1 – NAME, PHONE NUMBER & UTAH BAR NUMBER (Please complete)**

Your Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_ **YOUR UTAH BAR NUMBER:** \_\_\_\_\_

**• SECTION 2 – EMAIL (We will email confirmation of our receipt of this form to the address you provide below)**

Your Email: \_\_\_\_\_

**• SECTION 3 – MENTOR TYPE (Please check the blank for Inside or Outside. If Outside, list practice areas)**

\_\_\_\_\_ **INSIDE MENTOR.** I am willing to mentor a new lawyer in my firm or organization.

\_\_\_\_\_ **OUTSIDE MENTOR.** I am willing to mentor a new lawyer who is a sole practitioner or practicing with a small office. I prefer to mentor a new lawyer in the following practice areas: (list practice areas) \_\_\_\_\_

**NEW LAWYER** (Please complete if you have identified a new lawyer to mentor)

I will mentor the following

**New Lawyer (insert name):** \_\_\_\_\_

**New Lawyer's Utah Bar Number:** \_\_\_\_\_

**• SECTION 4 – CERTIFICATION, AUTHORIZATION AND RELEASE (Must be signed and notarized)**

STATE OF UTAH  
COUNTY OF \_\_\_\_\_

I, the undersigned attorney, do hereby volunteer for appointment as mentor in the New Lawyer Training Program.

**A. Minimum Qualifications Certification.** I DO HEREBY CERTIFY that I meet all of the Minimum Qualifications set out below to be eligible for appointment:

(i) **Active Status.** I am an active member of the Utah State Bar, in good standing; and,

(ii) **7 Years of Practice.** I have been admitted to practice law for not less than seven (7) years; and,



# New Lawyer Training Program

(iii) **Professional Reputation.** I maintain a professional reputation in my local legal community for competence, ethical and professional conduct; and,

**NOTE: THIS IS PAGE ONE (1) OF A THREE (3) PAGE FORM**



# New Lawyer Training Program

## NOTE: THIS IS PAGE TWO (2) OF A THREE (3) PAGE FORM

**(iv) Disciplinary Action.** I have never received the sanction of disbarment or suspension from the practice of law in any jurisdiction, nor have I voluntarily surrendered my license to practice law for the purpose of disposing with a pending disciplinary proceeding in any jurisdiction. During the ten (10) years preceding the nomination as mentor, I have not been otherwise sanctioned by the pertinent entity governing the admission and practice of law in any jurisdiction. I understand that “sanctioned” means subjected to disciplinary action. (Thus, in Utah, “sanctioned” currently means any of the levels of discipline whether public or confidential listed in State Bar of Utah Rule 4-102(b) (i.e., Disbarment; Suspension; Public Reprimand; Review Panel Reprimand; Investigative Panel Reprimand; Formal Admonition); Rule 8-107 (C) (i.e., Administrative Suspension for deficiency in continuing legal education hours); or State Bar Bylaws Article I, Section 4, Item 2 (i.e., Failure to Register with State Bar of Utah within one year upon eligibility)). I understand that nominations of individuals having formal complaint(s) pending before the Supreme Court of Utah will be deferred until the final disposition of the formal complaint(s); and,

**(v) Court-ordered Disciplinary Action.** During the ten (10) years preceding the nomination as mentor, I have not been the subject of a written order issued by a court of competent jurisdiction that prohibits or otherwise limits my practice before that court or class of courts. I understand that a directive, request or order by a judge of a court requesting or directing that an attorney employed by an agency of government or a legal aid organization who is assigned to handle cases before that judge be transferred or reassigned to other duties or another courtroom does not constitute court-ordered disciplinary action under this paragraph. (NOTE: A prospective mentor who is or has within the preceding ten (10) years been the subject of such a written order may petition the Commission on Continuing Lawyer Competency (the “Commission”) for a waiver of this requirement. After review of the facts and circumstances which led to the entry of such order, the Commission may, upon good cause shown, grant such waiver if the prospective mentor is otherwise qualified to be a mentor); and

**(vi) Professional Liability Insurance or Equivalent.** I am currently, and while serving as mentor will remain, covered as an insured under a professional liability insurance policy with minimum limits of \$100,000.00/\$300,000.00, or, if applicable, the equivalent to such coverage through the legal status of my employer. I am aware that neither the State Bar of Utah nor the Commission on Continuing Lawyer Competency provides professional liability insurance to mentors in this program. I assume sole responsibility for disclosing my participation in this program to my professional liability insurance carrier (or, if applicable, to my employer whose legal status provides the equivalent to such coverage).

### **B. Authorization, Confidentiality, and Release Regarding Relevant Information.**

(i) I DO HEREBY AUTHORIZE the State Bar of Utah Office of General Counsel and any person providing information to the program to: answer any inquiries, questions or interrogatories concerning me submitted to them by the program or its authorized representatives; disclose complete information in any of their files; and permit the program’s authorized representatives to inspect and make copies of any complaints (including but not limited to complaints dismissed or expunged) made against me at any time whatsoever and any other records and information about or related to me. I UNDERSTAND AND AGREE that all information obtained or received in connection with my selection for and participation in the program will be kept confidential from all other persons, firms, or corporations, including myself. I HEREBY RELEASE and exonerate the State Bar of Utah New Lawyer Training Program, the State Bar of Utah Office of General Counsel and every other person, firm, officer, corporation, association, organization or institution who provided, received, or used any information as part of my selection for and participation in the program from any and all liability, claims, or damages of every nature and kind growing out of or in any way pertaining to providing, receiving, or using information about me in connection with selection for and participation in the program.

(ii) I FURTHER release the Utah State Bar from any claims, causes of actions or damages of any kind or nature that may arise directly or indirectly from my participation as a mentor in the Utah State Bar New Lawyer Training Program

**C. Continuing Duty of Disclosure.** I understand that the certifications I have made on this form are continuing and must correctly and fully show information sought herein as of the date of my appointment as a mentor. I agree to notify the program within ten (10) days, in writing at the return address on this form, as to any change to the information contained herein and/or of any incident that may have any bearing upon my ability to meet the Minimum Qualifications.



# New Lawyer Training Program

**NOTE: THIS IS PAGE THREE (3) OF A THREE (3) PAGE FORM**

**D. Certification of Date of Birth, Bar Number, Name.** I DO HEREBY CERTIFY that my Date of Birth is \_\_\_\_\_ and my State Bar Number is \_\_\_\_\_. I understand this information is required in order to verify State Bar membership records. If appointed I wish for my name to appear on the MENTOR APPOINTMENT CERTIFICATE as follows (**PLEASE TYPE OR PRINT**):

\_\_\_\_\_  
IN WITNESS WHEREOF I have set my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

SIGNED: \_\_\_\_\_

Subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Notary Public (SEAL)



# New Lawyer Training Program

Utah State Bar  
New Lawyer Training Program

## SURVEY

FOR BEGINNING LAWYERS WHO COMPLETED  
THE NEW LAWYER TRAINING PROGRAM  
ON OR BEFORE DECEMBER 31, 200\_ (ALTERNATIVELY JUNE 30, 200\_\_\_),  
AND THEIR MENTORS

The purpose of this survey is to collect data from (1) new lawyers who were admitted to practice law in Utah during 200\_, and enrolled in the New Lawyer Training Program with a compliance deadline of December 31, 200\_ (alternatively June 30, 200\_\_\_); and, (2) all mentors who served during January 1, 200\_ – December 31, 200\_\_\_ (alternatively July \_\_\_, 200\_\_\_ - June 30, 200\_\_\_). Please answer the following questions. All responses must be received on or before Friday, January 18, 200\_ (alternatively Friday, July \_\_\_, 200\_\_\_).

GOAL OF THE NEW LAWYER TRAINING PROGRAM: To afford every new lawyer newly admitted to the Utah State Bar with meaningful access to an experienced lawyer equipped to teach the practical skills, seasoned judgment, and sensitivity to ethical and professionalism values necessary to practice law in a highly competent manner:

1. In your experience as a mentor or as a new lawyer, has the New Lawyer Training Program substantially accomplished the above goal?

\_\_\_ YES                      \_\_\_ NO

2. Would you recommend that the mentoring component of the New Lawyer Training Program be continued for future new lawyers?

\_\_\_ YES                      \_\_\_ NO

3. Were you a: \_\_\_ New Lawyer or a \_\_\_ Mentor?

4. What type of mentoring did you participate in? (If more than one, check all which apply):

\_\_\_ CIRCLE MENTORING

\_\_\_ OUTSIDE MENTORING (Solo Practice OR Small Office Practice, i.e. outside mentor did not work in same firm or organization with new lawyer)

\_\_\_ INSIDE MENTORING (i.e. inside mentor and new lawyer worked in same firm or organization)

Inside Mentoring - check applicable blank: \_\_\_ Government \_\_\_ Private Firm \_\_\_ Other

Inside Mentoring - complete: Number of lawyers in your office? \_\_\_\_\_ (estimate if necessary)

5. Attach any comments you may have about the New Lawyer Training Program Mentoring Component:

6. Your name (optional) \_\_\_\_\_

END OF SURVEY – THANK YOU FOR YOUR PARTICIPATION – RETURN THIS SURVEY BY: \_\_\_\_\_ [to be filled in].

Fax: Fax survey to 801.531.0660; or,  
Email: Scan this survey as .pdf file and email it to NLTP@utahbar.org; or,  
First Class Mail: Mail to: NLTP, Utah State Bar, 645 S. 200 E., Salt Lake City, UT 84111  
All responses must be received on or before \_\_\_\_\_



# New Lawyer Training Program

## **CONTACT INFORMATION**

NLTP Administrator and Staff

(insert phone numbers)



New Lawyer Training Program

# Utah State Bar

**New Lawyer Training Program**

## **MODEL MENTORING PLAN**



# New Lawyer Training Program

## Utah State Bar New Lawyer Training Program

### Model Mentoring Plan

The Model Mentoring Plan is intended as a guide. All participants must engage in activities and experiences noted as required in Required Sections 1 through 6 in the model plan. The mentor and new lawyer should also select several activities and experiences from at least five of the Elective Sections A through Q. The model plan may also be individualized to fit the practice setting of the new lawyer.

Once the proposed plan is completed and executed, it must be submitted by the new lawyer to the New Lawyer Training Program Office. Both the new lawyer and the mentor should retain a copy of the plan for reference.

If the mentor does not practice in all the areas selected and agreed upon by the mentor and the new lawyer, the mentor may choose to call on another experienced lawyer who practices in the specific area to assist in mentoring the new lawyer in that area. Multiple mentors are encouraged and may be appropriate in some circumstances. In such a situation, the program allows for shared credit between supervising mentors.

### REQUIRED ACTIVITIES AND EXPERIENCES

All plans must include activities marked as “Required” in sections 1 through 6 below. Additionally, you are encouraged to complete as many of these activities as feasible while adjusting the plan to a particular practice setting and individual needs.

#### Required Section 1.

##### Introduction to the Legal Community.

Activity	Initial Each Selected Item
The new lawyer should contact the mentor as soon as practicable after receipt of the mentoring match and arrange to meet at the mentor’s office to get acquainted and discuss an appropriate mentoring plan.	<b>Required.</b>
During the initial meeting, or shortly after the initial meeting, the mentor should introduce the new lawyer to other lawyers and staff members at the mentor’s office or ascertain that such introductions have already occurred. (Not necessary for an outside mentor.)	<b>Required.</b>
Invite the new lawyer to attend a meeting of the local bar association (CLE, event, pro bono, social) and discuss advantages of involvement with local, state and/or national bar or professional associations.	<b>Required.</b>



# New Lawyer Training Program

<b>Required Section 1. cont.</b>	
Introduce, as feasible, the new lawyer to other lawyers in the community through attendance at local bar association meetings or otherwise.	<b>Optional.</b>
Escort the new lawyer on a tour of the local courthouse(s) and, to the extent practicable, introduce him or her to members of the judiciary, court personnel, and clerks of court.	<b>Optional.</b>
Acquaint the new lawyer with And Justice For All, including Legal Aid, Utah Legal Services, Disability Law Center, and opportunities for lawyers in private practice to engage in pro bono activities or have the new lawyer report on a visit with someone closely connected to these services.	<b>Required.</b>

## **Required Section 2.**

### **Rules of Professional Conduct and Standards of Professionalism and Civility.**

<b>Activity</b>	<b>Initial Each Selected Item</b>
Review and discuss the Rules of Professional Conduct. Review and discuss at least two of the following Rules.  1.7-8. Conflict of interest: current clients; 3.3. Candor toward the tribunal; 4.2 Communication with persons represented by counsel; or 4.3 Dealing with unrepresented persons.	<b>Required.</b>
Review and discuss the Utah Standards of Professionalism and Civility. Discuss the Preamble and all twenty standards. Discuss any “unwritten” customary rules of civility or etiquette among lawyers and judges in the community.	<b>Required.</b>
Discuss ethical issues that arise with some regularity in the practice setting. Discuss ways to resolve the issues, referring to experience, as well as the Rules of Professional Conduct. Include in the discussion the importance and use of an in practice or firm conflict resolution committee. Review and discuss the importance of and methods used to screen for potential conflicts. Discuss the differences between issue conflicts and client conflicts.	<b>Required.</b>



# New Lawyer Training Program

## Required Section 3.

### Litigation and Transaction Handling Experiences.

The new lawyer is required to accomplish at least ten (10) of the following Experiences in Handling a Case or Transaction. Up to four (4) of the selected Experiences may be accomplished during law school in a credit-earning Externship, a Law School Clinical program, a simulated skills course, or a supervised Pro Bono case. See pages 19–20 of the Guidelines and FAQs in the New Lawyer Training Program Manual for information about receiving credit for experiences accomplished during law school.

The experiences in this section are intended to give all new lawyers an opportunity to receive cross-training and exposure to areas of practice beyond their usual work.

Activity	Initial Each Selected Item
Participate in drafting a fee agreement for a client.	
Participate in a deposition of a witness or adverse party in a civil action.	
Participate in a trial in a civil or criminal case in either a state or federal court.	
Participate in an evidentiary hearing in a state or federal court.	
Observe or participate in a mediation or arbitration.	
Observe or participate in a negotiation and explain relevant background context.	
Participate in the interviewing of a client.	
Participate in the counseling of a client.	
Prepare a complaint and a summons.	
Participate in trial preparation and observe or participate in a trial.	
Participate in or observe an appellate argument in the Utah Supreme Court, Utah Court of Appeals or in a Federal Appellate Court.	
Participate in plea negotiations or reviewing a plea agreement.	



# New Lawyer Training Program

<b>Required Section 3. cont.</b>	
Participate in drafting and reviewing wills and revocable living trusts.	
Participate in drafting and reviewing initial probate documents.	
Participate in forming business entities by drafting and reviewing incorporation documents and business agreements.	
Participate in preparing settlement documents, including a discussion of any tax implications in a settlement including a monetary award.	
Participate in an administrative hearing.	
Participate in drafting, amending, or reviewing a contract.	
Participate in drafting a pleading or motion for an administrative body or a state or federal court.	
Participate in preparing a client's tax return.	

## **Required Section 4.**

### **Introduction to Law Office Management (Required For Private Practice).**

<b>Activity</b>	<b>Initial Each Selected Item</b>
Tour the mentor's office to demonstrate and explain how the following items of law practice management are used and handled in the mentor's office, if applicable:	<b>Optional.</b>
Time Records. Discuss good time management skills and techniques.	<b>Required.</b>
Discuss best practices and current practices regarding records of client-related expenses.	<b>Required.</b>
Discuss the billing system.	<b>Required.</b>
Review escrow and trust account rules for handling of client funds, including importance of clearing checks before funds are drawn and authority needed to pay fees from client funds in trust.	<b>Required.</b>



# New Lawyer Training Program

<b>Required Section 4. cont</b>	
Introduce the new lawyer to the filing system..	<b>Required</b>
Review and discuss malpractice insurance policy and review the insurance and disclosure forms required annually by the carrier.	<b>Required.</b>
Introduce the new lawyer to the document retention plan.	<b>Optional.</b>
Introduce the calendar and “tickler” or reminder systems.	<b>Required.</b>
Introduce the information technology systems	<b>Optional.</b>
Introduce the library and research systems	<b>Optional.</b>
Introduce other resources (publications, seminars, equipment, etc.) that a new lawyer might find particularly helpful in his or her work	<b>Optional.</b>
Discuss practices to maintain client confidentiality	<b>Required.</b>
Discuss the roles and responsibilities of paralegals, secretaries, and other office personnel, and how to establish good working relationships with others in the office who are support staff, colleagues, or senior partners.	<b>Optional.</b>

## **Required Section 5. Working With Clients (Required Where Applicable)**

<b>Activity</b>	<b>Initial Each Selected Item</b>
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.	<b>Required.</b>
Train, through discussion and client interaction, how to screen for, recognize, and avoid conflicts of interest.	<b>Required.</b>
Train on how to decide whether to accept a proffered representation.	<b>Optional.</b>
Train on using retainer or engagement letters and discuss frequent issues that arise regarding the scope of representation.	<b>Required.</b>



# New Lawyer Training Program

<b>Required Section 5. cont.</b>	
Train on how to talk about and set the fee for legal services. Review and discuss retainer agreements.	<b>Optional.</b>
Discuss how to deal with a “difficult” client and how to decline representation of the unrealistic or “impossible” client.	<b>Optional.</b>
Discuss “DOs and DON’Ts” of maintaining good ongoing client relations, such as returning telephone calls and keeping clients informed about matters.	<b>Required.</b>
Discuss terminating the lawyer-client relationship and necessary documentation.	<b>Required.</b>
Participate in or observe at least one client interview or client counseling session.	<b>Optional.</b>
Review and understand contingency fee agreements and issues to be included.	<b>Optional.</b>

## **Required Section 6. Public Service, Bar Programs, and Life Balance.**

Discuss the importance of family and life balance, including any billable hour requirements not previously discussed.	<b>Optional.</b>
Discuss internal policy on performing public service, low and pro bono projects, and hours allowed for these programs.	<b>Required.</b>
Reach an understanding on how matters designated as confidential by the new lawyer will be handled.	<b>Required.</b>
Discuss and explain CLE requirements and ways to fulfill such requirements, including Bar CLE programs.	<b>Optional.</b>
Review and discuss Bar sections and committees and the value of getting involved in Bar activities and service, including the Young Lawyers Division.	<b>Optional.</b>
Review and discuss the support and counseling available for the new lawyer and family through the Bar’s contract with a professional counseling service and the Lawyers Helping Lawyers Committee.	<b>Required.</b>

**END OF REQUIRED SECTIONS**



# New Lawyer Training Program

## ELECTIVE ACTIVITIES AND EXPERIENCES

The mentor and the new lawyer should choose five of the Elective Sections identified in Sections A through Q. Within each area, select as many activities as feasible.

Under each area, you are encouraged to adjust the activities and experiences to your particular practice setting and individual needs.

The mentor, or another experienced lawyer approved by the mentor, should monitor and facilitate the progress of the new lawyer in fulfilling practice experiences by discussing the context and assessing the activity selected.

### Elective Section A. Advocacy and Litigation.

Activity	Initial Each Selected Item
Attend an appellate argument in the Utah Supreme Court, the Utah Court of Appeals, or a United States Circuit Court of Appeals;	
Attend or participate in a hearing on a motion; discuss.	
Attend or participate in an oral argument; discuss.	
Attend or participate in a trial, including voir dire if a jury trial; discuss.	
Discuss frequent issues that arise in litigation concerning specific Rules of Civil Procedure, and the local rules that apply in either state or federal court.	
Participate in 26(f) conference to discuss settlement, discovery plan and initial disclosures.	
Discuss the mechanics of trial, including where to stand, proper attire, when to stand, courtroom decorum, judges' bench books, etc.	
Participate in drafting discovery requests, including interrogatories, requests for admission and requests for production of documents.	
Participate in preparing for and observing (or taking or defending) depositions.	



# New Lawyer Training Program

## Elective Section B. ADR.

Activity	Initial Each Selected Item
Review and discuss Utah statutes on mediation including requirement to screen for potential conflict of interest of mediator.	
Observe, participate in, or prepare for an actual or simulated mediation.	
Observe, participate in, or prepare for, an arbitration and review and discuss AAA rules.	
Discuss how to prepare a client for mediation or arbitration.	

## Elective Section C. Negotiation.

Activity	Initial Each Selected Item
Discuss how to prepare for the negotiation of a legal matter (e.g., release of a personal injury claim, lease agreement, etc.).	
Discuss when and how negotiation should be initiated.	
Discuss when and how to involve the client in negotiation.	
Discuss ethical and professional obligations of negotiators.	
Discuss skills needed to be an effective negotiator and how to acquire them.	



# New Lawyer Training Program

## Elective Section D.

### Client Interviewing and Counseling.

Activity	Initial Each Selected Item
Discuss and review interview techniques (asking the right questions).	
Discuss and review counseling techniques (providing the hard advice).	
Simulate and discuss the counseling of a client (mentor and new lawyer should alternate being client and lawyer).	
Participate in interviewing a client.	
Participate in counseling a client.	

## Elective Section E.

### Civil Procedure.

Activity	Initial Each Selected Item
Prepare complaint.	
Prepare summons.	
Cause summons to be served.	
Participate in preparing a Rule 12 motion to dismiss.	
Participate in preparing a Rule 9(b) and/or 8(a) motion to dismiss.	
Participate in preparing answer to complaint, counterclaim, cross-claim and third-party complaint.	
Participate in 26(f) conference to discuss settlement, discovery plan and initial disclosures.	
Participate in preparing initial disclosures as required by Rule 26.	



# New Lawyer Training Program

<b>Elective Section E. cont.</b>	
Participate in preparing for and observing, taking, or defending a deposition.	
Participate in drafting discovery requests, including interrogatories, requests for admission and requests for production of documents.	
Participate in identifying expert witnesses and producing expert witness reports.	
Participate in depositions including the deposition of expert witnesses.	
Participate in preparing motions and memoranda in support of summary judgment.	
Participate in preparing pretrial order and making pretrial disclosures of witnesses and exhibits.	

## **Elective Section F. Criminal Procedure.**

<b>Activity</b>	<b>Initial Each Selected Item</b>
Participate in client interview.	
Participate in charge negotiations with prosecutor's office.	
Participate in discovery demands on prosecutor, including request for exculpatory materials.	
Participate in engagement of private investigator to interview witnesses.	
Review information or indictment for constitutional and/or pleading defects.	
Research elements of crime charged or under investigation; discuss.	
Review and discuss pretrial diversion requirements.	



# New Lawyer Training Program

<b>Elective Section F. cont.</b>	
Review and discuss plea in abeyance statute in a particular case and study applicable statute.	
Review and discuss criteria for a one- or two-level reduction of offense in a particular case and study applicable statute.	
Participate in discussions with Pretrial Services (bail).	
Participate in editing Statement by Defendant in Advance of Plea.	
Observe and/or participate in trial.	
Observe and/or participate in entry of plea in court.	
Review and discuss Presentence Report; participate in filing objections.	
Research and participate in analysis of federal sentencing guidelines in particular federal case.	

## **Elective Section G. Estate Planning.**

<b>Activity</b>	<b>Initial Each Selected Item</b>
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.	



# New Lawyer Training Program

<b>Elective Section G. cont.</b>	
• Directives to physicians (living wills).	
• Life insurance trusts.	
• Transfer of ownership documents: quit-claim deeds.	
• Transfer of ownership documents: assignments.	
Assist in gathering and organizing client information.	
Prepare diagrams of specific estate plans for clients.	
Prepare estate planning binders for clients.	
Prepare Crummey notices for life insurance trusts.	

## Elective Section H. Probate.

Activity	Initial Each Selected Item
Prepare notice to creditors and arrange for publication.	
Prepare inventory of estate.	

## Elective Section I. Family Law.

Activity	Initial Each Selected Item
Review and discuss the Rules of Civil Procedure specific to Family Law.	
Understand the role of a Domestic Relations Commissioner. Meet as many commissioners as possible.	
Prepare proposed Case Management Order.	
Create a child support worksheet.	



# New Lawyer Training Program

<b>Elective Section I. cont.</b>	
Observe hearing on motion for temporary orders.	
Observe or participate in custody evaluation settlement conference if permission is granted.	
Participate in a collaborative law meeting if permission is granted.	
Participate in a mediation if permission is granted.	
Observe or participate in a family law trial.	
Participate in preparing a premarital agreement or review and discuss statutory requirements, case law, and necessary terms of premarital agreements.	

## **Elective Section J. Juvenile Law.**

<b>Activity</b>	<b>Initial Each Selected Item</b>
Attend or participate in a shelter hearing.	
Attend or participate in a disposition hearing.	
Discuss the standards for removal with a Department of Child and Family Services (DCFS) worker.	
Discuss the role of a juvenile Guardian ad Litem; introduce where possible.	
In a Juvenile criminal case, observe, participate in, or discuss: <ul style="list-style-type: none"> <li>• A detention hearing</li> <li>• The role of a probation officer in detention cases</li> <li>• An arraignment</li> <li>• A pre-trial</li> <li>• A trial</li> </ul>	



# New Lawyer Training Program

## Elective Section K.

### Business Law.

Activity	Initial Each Selected Item
Participate in forming business entities by drafting and reviewing at least three of the following:	
<ul style="list-style-type: none"> <li>• Articles of incorporation.</li> </ul>	
<ul style="list-style-type: none"> <li>• Articles of organization.</li> </ul>	
<ul style="list-style-type: none"> <li>• Bylaws.</li> </ul>	
<ul style="list-style-type: none"> <li>• Operating agreements.</li> </ul>	
<ul style="list-style-type: none"> <li>• Partnership agreements.</li> </ul>	
<ul style="list-style-type: none"> <li>• Corporate minutes and resolutions.</li> </ul>	
Participate in drafting and reviewing at least three of the following:	
<ul style="list-style-type: none"> <li>• Shareholders' agreements.</li> </ul>	
<ul style="list-style-type: none"> <li>• Buy-sell agreements.</li> </ul>	
<ul style="list-style-type: none"> <li>• Stock purchase agreements.</li> </ul>	
<ul style="list-style-type: none"> <li>• Asset purchase agreements.</li> </ul>	
<ul style="list-style-type: none"> <li>• Noncompetition agreements.</li> </ul>	
<ul style="list-style-type: none"> <li>• Security/collateral agreements.</li> </ul>	
<ul style="list-style-type: none"> <li>• Promissory notes.</li> </ul>	
Participate in the due diligence process for mergers and acquisitions.	
Prepare UCC filings.	



# New Lawyer Training Program

## Elective Section L.

### Tax Law.

Activity	Initial Each Selected Item
Prepare and analyze tax calculations.	
Participate in preparing certain IRS tax forms, including the following:	
<ul style="list-style-type: none"> <li>• Form 2553 (S Corporation Election).</li> </ul>	
<ul style="list-style-type: none"> <li>• Form 709 (Gift Tax Return).</li> </ul>	
<ul style="list-style-type: none"> <li>• Form 706 (Estate Tax Return).</li> </ul>	
<ul style="list-style-type: none"> <li>• Form 1041 (Income Tax for Trusts).</li> </ul>	

## Elective Section M.

### Real Estate Law.

Activity	Initial Each Selected Item
Search a title at Recorder's Office.	
Participate in drafting and reviewing at least four of the following:	
<ul style="list-style-type: none"> <li>• Real estate purchase agreements.</li> </ul>	
<ul style="list-style-type: none"> <li>• Deeds of trust.</li> </ul>	
<ul style="list-style-type: none"> <li>• Mortgages.</li> </ul>	
<ul style="list-style-type: none"> <li>• Commercial leases.</li> </ul>	
<ul style="list-style-type: none"> <li>• Residential leases.</li> </ul>	
<ul style="list-style-type: none"> <li>• Notice of Default on the above.</li> </ul>	



# New Lawyer Training Program

## Elective Section N.

### Employment Law.

Activity	Initial Each Selected Item
Review and discuss the UALD/EEOC administrative process. Review or participate in drafting a charge or the response to a charge.	
Prepare for and participate in the UALD/EEOC administrative process, including a resolutions conference or an appeal to the Labor Commission.	
Participate in drafting a separation or settlement agreement.	
Participate in consultation with management on HR issues.	
Prepare for and observe or participate in an unemployment benefits insurance appeal hearing.	
Review and discuss an ongoing employment law issue, such as a claim under Title VII, the Family Medical Leave Act, the Americans with Disabilities Act, or other substantive federal law or its state counterpart.	

## Elective Section O.

### Patent Law.

Activity	Initial Each Selected Item
Observe or participate in a client interview.	
Participate in patent search/evaluation.	
Participate in drafting and filing a patent application.	
Participate in filing an Information Disclosure Statement (IDS).	
Participate in drafting an Office Action response.	
Participate in a telephone conversation with an Examiner.	



# New Lawyer Training Program

<b>Elective Section O. cont.</b>	
Participate in preparing and drafting an appeal brief.	
Discuss and review techniques for successful patent prosecution.	
Participate in patent litigation.	

## **Elective Section P. Trademark Law.**

<b>Activity</b>	<b>Initial Each Selected Item</b>
Observe or participate in a client interview.	
Participate in trademark search/evaluation.	
Participate in drafting and filing a trademark application.	
Participate in drafting an Office Action response.	
Participate in preparing and drafting an appeal brief.	
Discuss and review techniques for successful trademark prosecution.	
Participate in trademark litigation.	
Participate in drafting and filing a copyright application.	



# New Lawyer Training Program

## Other Possible Electives

### Section Q.

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

1. Administrative law
2. Securities law
3. Bankruptcy law
4. Environmental law and compliance
5. Antitrust law
6. Water law
7. Oil, gas, and mining law
8. Public utilities law
9. Contract law
10. Personal injury law, including products liability
11. Insurance defense law, including coverage analysis
12. Merger and acquisition law
13. Constitutional law
14. Immigration law
15. Health care law
16. Ethical leadership in corporate practice (audit committees, Sarbanes Oxley, corporate monitors)
17. Lobbying requirements, ethics and state legislative process.



# New Lawyer Training Program

## STATE BAR NLTP COMMITTEE (2006–08)

### **Co-Chairs**

Margaret Plane  
Rodney G. Snow

### **Executive Committee**

Professor James Backman  
Margaret Plane  
Rodney G. Snow

### **Mentoring Committee**

Nathan Alder  
Professor James Backman  
Marilyn M. Branch  
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Christian Clinger  
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Lori W. Nelson  
Stephen W. Owens  
Margaret Plane  
Rodney G. Snow  
Dean Kevin Worthen

### **Utah State Bar**

John Baldwin, Executive Director  
Connie Howard, Group Services Director

ANGLO-AMERICAN LEGAL EXCHANGE

September 2005

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A Brief Comparison of the  
Training and Accreditation of  
Lawyers in the United States and the United Kingdom

Discussion Paper

Presenters: Honorable Antonin Scalia  
Honorable Deanell R. Tacha  
Alan L. Sullivan

## Summary

In the United Kingdom, the legal profession works closely with academic institutions to prescribe the curriculum for law students and then to provide on-the-job training and mentoring as a condition for admission to practice. In the United States, law schools generally work independently of the profession; on-the-job training is neither a condition of graduation nor a condition of admission to practice. In this paper, we ask whether the American model adequately trains lawyers, whether aspiring lawyers should receive on-the-job training on a mandatory basis, whether the mentoring of new lawyers should be regulated by law schools or the profession, and whether either the American model or the U.K. model adequately teaches the core competencies of the profession, including the skills of thinking like a lawyer, the skill of writing, and the skill of analyzing the legal texts that are the foundation of most modern judgments.<sup>1</sup>

### 1. Legal Training and Accreditation in the United States

Legal training in the U.S. has changed dramatically over the last 230 years. In the late eighteenth century, legal education consisted of an informal apprenticeship system that provided training in law offices; the emphasis on practical training persisted in the first law schools, which were outgrowths of law offices. Only in the 1850s did legal education begin to migrate to the universities, where the Harvard case method eventually developed and, by the mid-twentieth century, had been adopted by virtually every law school in the country. See Robert Stevens, *Law School: Legal Education in American From the 1850s to the 1980s* 3-275 (1983). As legal education evolved into an academic endeavor, the teaching of law became an academic profession distinct from the practice of law.

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<sup>1</sup> The presenters thank James Gardner and Troy Booher of Snell & Wilmer for their generous assistance in preparing this paper.

In the late 1960's, however, clinical courses began to appear in law school curricula so that law students could obtain a measure of practical experience before graduation. See Suzanne Valdez, *An Essay on the Evolution of Clinical Legal Education and Its Impact on Student Trial Practice*, 51 Kan. L. Rev. 509, 512-13, 515 (2003). The point of clinical courses was to teach the application of legal principles to actual client problems, with students acting as lawyers in relation to real or simulated client problems. Most law schools now offer clinical programs in both civil and criminal litigation and in transactional practice areas. Despite the growth of clinical education, however, many young lawyers have never been taught the most important skills of practicing lawyers. Taken as a whole, the successive steps of law school, accreditation, and post-accreditation training (if any) do not represent a coordinated or coherent program.

(a) *Legal Education*

American lawyers generally start their professional training in a three-year graduate program, which they enter after obtaining an undergraduate degree and after taking the law school aptitude test, known as the LSAT. Law students obtain undergraduate degrees in a wide variety of fields (such as engineering, philosophy, physical science, or English); law students' undergraduate work generally has no direct relation to the practice or study of law. See Berger, Marilyn J., *A Comparative Study of British Barristers and American Legal Practice and Education*, 5 NW. J. Int'l L. & bus. 540, 574 (1983). Many law students begin their professional training in law school after obtaining some work experience, usually in an unrelated field. American law students tend to be older and more experienced students than students in other professional schools, with the possible exception of graduate schools of business.

The legal profession has relatively little input in either the law school admissions process or the content of law school curriculum; for the most part, practicing lawyers have nothing to do with courses taught or methods of instruction in law schools. The curriculum typically consists of a series of core courses on the theory and the legal principles of major substantive areas (torts,

civil procedure, criminal law, contracts, property, and constitutional law) and electives. In core courses, students are taught substantive rules, case analysis and research methodology. Electives are usually oriented toward the teaching of substantive rules.

Our system of legal education is not designed to equip new lawyers with all of the practical skills necessary for the immediate practice of law. Instead, American legal education focuses on theoretical and analytical concepts through the use of the Socratic method. *See id.* Although the past twenty years have seen an increased emphasis on practical training, many argue that legal education still falls short of adequately preparing students for the practice of law. *See, e.g.,* White, James P., *Rethinking the Program for Legal Education: A New Program for the New Millennium*, 36 *Tulsa L.J.* 397 (2000); Edwards, Harry T., *The Growing Disjunction Between Legal Education and the Legal Profession*, 91 *Mich. L. Rev.* 34, 63 (1992).

With the exception of the rare scholarship or fellowship, legal education in the U.S. is funded by students and their families, not by law schools, the state, or the profession. On graduation, American students are often saddled with substantial debt. According to the American Bar Association ("ABA"), the median debt for 2004 graduates of private law schools was \$98,000 and for graduates of public law schools was \$67,000. Justin Pope, *Some Question Third Year of Law School*, *Washington Post Online*, August 9, 2005. As tuition levels increase, law students must borrow even more to finance their legal education: "During the 1990's, the average amounts students borrowed more than doubled. In the year 2002, the amount borrowed by many law students exceeded \$80,000." ABA Commission on Loan Repayment and Forgiveness, *Lifting the Burden: Law School Debt as a Barrier to Public Service*, at 10 (2003). The burden of law school debt has deterred many law graduates from taking public service positions. *See id.*

(b) *Accreditation*

Before practicing law, graduates must pass a bar exam. Even though regulation of bar admissions in the United States is normally the responsibility of the highest court of each jurisdiction, bar exams typically mirror law school testing. A recent trend has introduced practical components in bar exams such as the analysis of a fact scenario for a client. Yet bar exams still provide little incentive for students to master the practical skills of the lawyer before the beginning of practice. See Glen, Kristin Booth, *Thinking Out of the Bar Exam Box: A Proposal to "MacCrate" Entry to the Profession*, 23 Pace L. Rev. 343, 411-15 (2003).

In the early 1990s, the ABA formed a task force for the purpose of "studying and improving the processes by which new members of the profession are prepared for the practice of law." ABA Sec. of Legal Educ. & Admissions to the Bar, *Legal Education and Professional Development - An Educational Continuum: Report of the Task Force on Law Schools and the Profession: Narrowing the Gap* (1992). The task force's study, known as the MacCrate Report, held that "the traditional bar examination does nothing to encourage law schools to teach and law students to acquire [] fundamental lawyering skills . . . . [T]he examination influences law schools, in developing their curricula, to overemphasize courses in the substantive areas covered by the examination at the expense of courses in the areas of lawyering skills." *Id.* at 278.

For many reasons described in the McCrate Report more than a decade ago, critics of the bar exam argue that it is almost entirely unrelated to the successful practice of law. See Glen, *Thinking Out of the Bar Exam Box: A Proposal to 'MacCrate' Entry to the Profession*, 23 Pace L. Rev. at 378-81. And because on-the-job training is not a condition of admission to the bar, rarely is a lawyer ready to represent clients upon passing the bar exam.

(c) *Training*

With no on-the-job training component, it is perhaps inevitable that legal education and the accreditation process in the U.S. do not fully prepare lawyers for practice. Young lawyers are seldom expected to possess such important skills as factual investigation, counseling, negotiation, examination of witnesses, alternative dispute resolution advocacy, organization and management of legal work, and analysis of recurring ethical dilemmas. See ABA, *Legal Education and Professional Development - An Educational Continuum: Report of the Task Force on Law Schools and the Profession: Narrowing the Gap* at 38-40. While there has been some effort to teach these skills to young members of the bar, such training is not mandatory or widely received.

Law professors and practicing lawyers would probably agree that law school is merely the beginning of a lawyer's professional education. As noted in the MacCrate Report, "the task of educating students to assume the full responsibilities of a lawyer is a continuing process that neither begins nor ends with three years of law school study." See *id.* at 8. Because law school does not equip new lawyers with all the skills they need to practice law, the mentoring of new lawyers by experienced lawyers is crucial. Yet the quality of mentoring, whether at law firms or government agencies, is neither regulated nor coordinated by either the profession or law schools, and some new lawyers are not mentored at all. Even those new lawyers lucky enough to work at law firms with formalized mentoring programs are likely to receive less training where, as is often the case, law firms are driven to focus more upon the bottom line. Associates who must work harder to satisfy increasing billable-hour requirements are less likely to receive thoughtful mentoring from seasoned lawyers. See Johnson, Alex M., *Think Like a Lawyer, Work Like A Machine: This Dissonance Between Law School and Law Practice*, 64 S. Cal. L. Rev. 1231, 1250-52 (1991).

In large U.S. legal markets, where lawyers frequently move from firm to firm, many law firms now provide less mentoring than they did a generation ago. In these markets, young lawyers begin practice with the expectation that they will likely move on to other opportunities in a few years; firms hire these lawyers with much the same expectation. Where the common perception is that the lawyer-firm relationship is short-term, there is little incentive for the firm to invest in mentoring.

## 2. Legal Training and Accreditation in the United Kingdom

The legal profession in the U.K. consists of two branches: solicitors and barristers. To become either a solicitor or barrister, the law student must pass through three distinct stages of training: the academic stage, the vocational stage, and the apprenticeship. See Duncan, Nigel, *Gatekeepers Training Hurdles: The Training and Accreditation of Lawyers in England and Wales*, 20 Ga. St. U.L. Rev. 911, 911-12 (2004).<sup>2</sup>

### (a) *The academic stage*

In the academic stage, students obtain an undergraduate degree, called an LL.B at many universities (but a BA at others). The curriculum, based on the “foundations” of legal knowledge, is prescribed by what Americans would call the organized bar, that is, by the Law Society (representing solicitors) and the Council of the Bar (representing barristers). Except for modest fees paid by students, the students’ training at this stage is funded by the government, that is, by the Higher Education Funding Council for England and Wales, and by comparable funds in Scotland and Northern Ireland. See *id.* at 915-918.

As an alternative to the LL.B, students may obtain an undergraduate degree in another subject and then take a one-year course leading to the Post-Graduate Diploma in Law

<sup>2</sup> There is one exception to the separation of these three stages: the exempting degree at Northumbria University. This four-year course combines the content of undergraduate study with the vocational courses, and both professions recognize it, although the vast majority of lawyers continue to qualify through the traditional three stage process. See Duncan, *Gatekeepers Training Hurdles: The Training and Accreditation of Lawyers in England and Wales*, 20 Ga. St. U.L. Rev. at 914.

("PGDip"). The PGDip requires study of the same core curriculum as the LL.B. degree. There is no state funding for the PGDip course. *See id.* at 917.

In 1996, the Lord Chancellor's Advisory Committee on Legal Education and Conduct<sup>3</sup> issued its *First Report on Legal Education and Training* which, among other things, advocated the development of the following skills at the academic stage: the construction of logical argument; the capacity for abstract manipulation of complex ideas; the systematic management of complex factual information; intelligent, critical reading of texts; the use of the English language with scrupulous care and integrity at all times; the related ability to communicate orally and in writing in a clear, consistent, and compelling way; and competence in retrieving, assessing, and using legal texts and information, including information technology skills. *See* Lord Chancellor's Advisory Committee on Legal Education of Conduct, *First Report on Legal Education and Training*, at Annexure to Ch. 4 (1996). These skills are intended to provide students with a context for their study of the law.

*(b) The vocational stage*

After completion of the academic stage, students proceed to the vocational stage, in which they must choose whether they want to become solicitors or barristers. While there is no state funding for the vocational stage, solicitor firms may provide funding for students they want to hire, and the Inns of Court give scholarships and awards to some of those training for the Bar. *See* Duncan, *Gatekeepers Training Hurdles: The Training and Accreditation of Lawyers in England and Wales*, 20 Ga. St. U.L. Rev. at 913-15, 918-21.

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<sup>3</sup> The Advisory Committee on Legal Education and Conduct was established in April 1991 under the Courts and Legal Services Act 1990 and was disbanded in 1999. Responsibility for advising the government on legal education now rests with the Standing Conference on Legal Education within the Department for Constitutional Affairs. *See* Lord Chancellor's Advisory Committee on Legal Education and Conduct, <http://www.ukcle.ac.uk/resources/aclec.html> (last visited August 10, 2005).

Students who want to become barristers take the "Bar Vocational Course," a one-year course of study introduced by the Bar Council in 1989. This course is intended to assist undergraduates in the transition from student to professional. It teaches "foundation skills" (including case analysis and legal research), interpersonal advocacy skills (including conference skills, negotiation, opinion writing), and writing skills. These skills are taught on a practical level, largely through simulation, focusing on the best result for a client; the course does not emphasize the theoretical grounds for substantive legal rules. *See id.* at 918-19.

Students who want to become solicitors take the "Legal Practice Course," a one-year course of study introduced by the Law Society in 1993. While this course focuses more on substantive law than the Bar Vocational Course, it is still designed to develop practical lawyering skills in the area of law the student is likely to enter, including writing, drafting and legal research skills. *See id.* at 920-21.

(c) *The apprenticeship stage*

After the vocational stage, students must complete an apprenticeship. Students who are to become solicitors enter into a "training contract" with a firm for a two-year work-based training program. Although these apprenticeships are run by firms, the Law Society prescribes the requirements of training contracts, including the requirement that students receive practical experience in at least three areas of substantive law chosen from a prescribed list. Larger firms often have directors of training to ensure that trainee solicitors receive the type of training the firm requires (while also complying with Law Society requirements). *See id.* at 921-24. The Law Society provides that during the two-year contract, solicitor trainees should receive, at the minimum, three formal appraisals, monthly informal reviews, and daily feedback. The Law Society, *Trainee Solicitors, The Law Society Requirements* (version 3, August 2005).

Students who are to become barristers must undertake a one-year "pupillage," divided into two six-month terms, in the second of which students practice on a limited basis. The Bar Council regulates which barristers may supervise pupillages, what experiences students must have, and what additional matters must be taught during the pupillage. See Duncan, *Gatekeepers' Training Hurdles: The Training and Accreditation of Lawyers in England and Wales*, 20 Ga. St. U.L. Rev. at 928-30. Within the first week of the pupillage, each pupil is to be given a copy of *Good Practice in Pupillage*, a guide with practical advice for pupils and supervisors to encourage best practices, and a Pupillage File, which is a ring binder of guidance, information, and pages for the pupil to record experiences and lessons learned during the pupillage.<sup>4</sup>

### 3. Issues and Analysis

The differences in legal education and accreditation between our two countries have prompted us to raise some questions for discussion.

#### *American law schools and the profession*

Is there an unnecessary and harmful disconnect between American legal education and law practice? Marilyn Berger has written:

Law study is academically based. It is perceived not as a vocational course of study, but, as the degree awarded indicates, as a general study of the law. Philosophically, legal education is not designed to equip a new lawyer with skills necessary for the immediate practice of law; rather, American law schools have traditionally relied upon employment to provide the new lawyer with appropriate training. If American legal education has a philosophy, it is that the study of law requires rigorous adherence to mastering theoretical and analytical concepts through the use of the Socratic method.

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<sup>4</sup> The Bar Council, *Pupillage Guidelines*, [http://www.barcouncil.org.uk/document.asp?languageid=1&documentid\\_ddl=2896&documentid=574&original\\_documentid=2896](http://www.barcouncil.org.uk/document.asp?languageid=1&documentid_ddl=2896&documentid=574&original_documentid=2896) (last visited on August 12, 2005).

Berger, *A Comparative Study of British Barristers and American Legal Practice and Education*, 5 NW. J. Int'l L. & Bus. at 574. This may well overstate the problem; the reality is that law students have the opportunity to learn many "vocational" skills of legal analysis and the like. The more important point is that the law schools provide little opportunity for students to learn important practical skills from practicing lawyers.

One of the most striking differences between legal education in the U.S. and the U.K. concerns the relationship between law schools and the organized bar. In the U.S., the organized bar has little or no input into the content of the curriculum, whereas in the U.K. the organized bar prescribes much of the curriculum for law students. By the same token, U.S. law schools have no input into whatever mentoring programs law firms may offer new lawyers. Should the law schools and the legal profession coordinate their respective roles so that new lawyers may be fully prepared to practice law? Should the American legal profession have a more significant role in formulating the curriculum in American law schools? Should law professors be incentivised to do a more effective job of teaching practical skills in an effective way, rather than to publish in academic journals?

#### *On-the-job training*

Before becoming a solicitor or barrister, students in the U.K. must have some practical experience, whereas such experience is simply not required under the American model. In the U.K. simulated clinical activities are a critical component of both the Bar Vocational Course and Legal Practice Course. In the U.K., clinical training becomes on-the-job training in the apprentice stage. These programs require U.K. law students to deal with real clients and problems. Although some U.S. law students may find similar experiences during the course of their legal education, such experiences are not a requirement for professional accreditation. Should American law schools require on-the-job training as a condition of graduation? Should state bar associations require on-the-job training as a condition to admission? If so, how would

such training be funded? Should U.S. law schools adopt a "vocational stage" to replace the third year of law school? Should American legal education be patterned after medical education or MBA programs in this country, in which clinical training is a central part of the curriculum?

#### *Accreditation*

As professor Kristen Booth Glen of CUNY School of Law has argued, the "bar exam not only fails to test the MacCrate skills, but, by its single-minded focus on particular areas of substantive law, and an even more single minded focus on the way in which these areas are tested, the bar examination actually discourages law schools from offering courses or preparing its students in the actual skills required for the practice of law." Glen, *Thinking Out of the Bar Exam Box: A Proposal to 'MacCrate' Entry to the Profession*, 23 Pace L. Rev. at 378-79.

Should bar exams be the mechanism for changing law school education? Do bar exams, law school exams, or the LSAT exam assess such practical skills as negotiation, advocacy and drafting?

#### *Regulation of mentoring*

In most law firms, the mentoring of new lawyers is neither carefully planned nor carefully evaluated. Mentoring is frequently an afterthought; it is subordinate to the rendering of legal services and the billing of hours. Should the organized bar in the United States regulate the mentoring of new lawyers? Should mentoring systems, such as the American Inns of Court, be required of all new lawyers? Since law schools ought to be the experts on training of relevant skills, should they become involved in the mentoring of new lawyers in firms and government agencies? Should the third year of law school be replaced by a mandatory period of mentoring in a law firm, public interest firm, a government agency? How could such an apprenticeship program be financed?

*"Thinking like a lawyer"*

Judge Tacha has criticized American legal education for shortchanging the teaching of core competency in favor of narrow specialties. Specifically, she has criticized the law schools for failing to teach careful legal analysis:

I believe that a law school should first and foremost teach students to think like lawyers. Legal instruction is about integrating and the focusing of knowledge. It is about recognizing the relevant and dispensing with the irrelevant. It is about constructive problem solving. It is about being able to articulate an issue and then draw upon the germane facts and precedent necessary to advantage a decision. In short, law school must teach people to organize, integrate, and focus information.

Tacha, Deanell Reece, *Refocusing the Twenty-First-Century Law School*, SMU L. Rev. 1543, 1543 (2004). Professor Jay Feinman of Rutgers School of Law has identified the skills involved in "thinking like a lawyer" as (1) the acquisition of a legal vocabulary, including the meaning of distinctive legal terms and concepts; (2) an understanding of legal rule systems and the ability to situate problems within the systems and manipulate the systems; (3) the ability to read and use judicial opinions, statutes, and regulations and employ techniques of legal and statutory interpretation; and (4) an understanding of the systematic nature of legal argumentation and of the recurrent categories of arguments and their use. See Feinman, Jay M., *The Future History of Legal Education*, 29 Rutgers L. J. 475, 478-79 (1998). Justice Scalia would argue that, although law schools may not teach some practical skills, they do teach important analytical skills particularly during the first year of study.

These differing points of view raise these questions: Does either the U.K. model or the American model adequately teach students to assemble information and to analyze the information based on legal principle? Does either the U.K. model or the American model adequately teach students to "think like a lawyer"?

### *Specialization*

Do American law schools devote too many of their resources to narrow specialties that may quickly become irrelevant? Judge Tacha has articulated the following problem with increased specialization in legal education:

I worry, as I watch the proliferation of electives of this kind of law and that kind of law, about a curriculum fixated on information content to the detriment of its analysis. I view the increasing instruction in legal specialization as a dangerous trend that neither supports the traditional goals of law schools nor serves to prepare students for their lives as lawyers. I fear that we are promising a wide array of boutique specialties that either fail to materialize or disappear rapidly with the legal problems du jour.

Tacha, *Refocusing the Twenty-First-Century Law School*, SMU L. Rev. at 1546. Does increased emphasis on either specialized electives and clinical training detract from a law school's focus on teaching students to "think like a lawyer"?

### *Writing*

Few subjects are more difficult to teach than good writing, and few subjects are more important to the lawyer. Some law students will be fortunate enough to benefit from a vigorous law review experience, but most will not. Judge Harry Edwards of the United States Court of Appeals for the District of Columbia wrote:

Another matter of serious concern in legal education is the lack of good training in legal writing. A surprising number of former law clerks faulted their education in legal writing, and, I would add, with good cause. The general view was that "law school exams and seminar papers simply are not good training for the writing expected of a practicing lawyer." This cannot be doubted, but I fear that far too few law professors recognize the gravity of the problem.

Edwards, *The Growing Disjunction Between Legal Education and the Legal Profession*, 91 Mich. L. Rev. 34, 63-64 (1992). Judge Tacha has similarly noted:

In my opinion, one of the key failings of modern legal education is in teaching students to convey their ideas clearly in writing. Some blame the primary teachers, and the middle school teachers, and everybody else. To them I respond: I don't care. It is impossible to produce a good lawyer who can't write well . . . I urge you therefore to give your students a far more intensive writing experience every semester of law school.

Tacha, *Refocusing the Twenty-First-Century Law School*, SMU L. Rev. at 1545. Does either the American model or the U.K. model devote adequate attention to the skill of writing? Should the bar exam be reoriented to test the quality and clarity of written expression?

### *Analyzing legal texts*

Judge Edwards advocated a “non-Socratic approach” in the teaching of such interpretive texts as statutes and regulations, rather than cases:

I . . . concur in the general criticism of the case method, especially in advanced courses in the second and third years, where professors pretend to use a Socratic approach to dissect a massive (and often unmanageable) body of law. This method is a specific mode of doctrinal education, probably best suited for the first year of law school; but it is neither the only mode, nor necessarily the best. For example, some non-Socratic approach (for example, role-playing or the “problem method”) might be used to teach case interpretation. The interpretive texts might be statutes and regulations rather than cases. Classes might be smaller. Such alterations in the case method, in appropriate doses, would surely improve doctrinal education.

Edwards, *The Growing Disjunction Between Legal Education and the Legal Profession*, 91

Mich. L. Rev. at 63. Justice Scalia has argued that American law schools fail even to address the skill of analyzing legal texts:

Even sadder, however, is the fact that the American bar and American legal education, by and large, are unconcerned with the fact that we have no intelligible theory [of interpretation of authoritative texts]. Whereas legal scholarship has been at pains to rationalize the common law—to devise the *best* rules governing contracts, torts, and so forth—it has been seemingly agnostic as to

whether there is even any such thing as good or bad rules of statutory interpretation. There are few law-school courses on the subject, and certainly no required ones; the science of interpretation (if it is a science) is left to be picked up piecemeal, thorough the reading of cases (good and bad) in substantive fields of law that happen to involve statutes, such as securities law, natural resources law, and employment law.

Antonin Scalia, *A Matter of Interpretation* (1997). Recently, some law schools have offered new courses in legislation and statutory analysis. The question remains, however, whether either the American model or the U.K. model devotes adequate attention to developing the skill of analyzing the legal texts that are the foundation of most modern judgments. Should the American or the U.K. model require a course of study on interpretation?

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## New Lawyer Training Program

### A BRIEF HISTORY OF THE EVOLUTION OF UTAH'S NLTP

In September 2005, the Honorable Antonin Scalia, Justice of the United States Supreme Court, the Honorable Deanell R. Tacha, then Chief Judge of the United States Court of Appeals for the Tenth Circuit, and Alan Sullivan, managing partner of the Salt Lake City office of Snell and Wilmer, developed a discussion paper entitled, "A Brief Comparison of the Training and Accreditation of Lawyers in the United States and the United Kingdom." (Unpublished article, on file with the Bar.) This paper was presented to the Utah appellate judges in spring 2006 and to the Bar Commission in early 2007. The discussion paper generated considerable dialogue between the Utah Supreme Court and Bar leadership.

The discussion paper suggests that most new lawyers are not well prepared for the practical aspects of practicing law. On-the-job training is not a condition of admission to the Bar. The discussion paper recognizes that while mentoring of new lawyers is crucial, the quality of mentoring is neither regulated nor coordinated by either the profession or law schools, with mentoring frequently an afterthought and rendered subordinate to billable hours and the demand to provide legal services.

According to several studies, only one-third of associates remain at the firm where they started their legal career after five years; lack of mentoring or misrepresentations regarding mentoring is cited by these associates as a key reason for leaving. Other scholars and organizations have expressed concern regarding the lack of effective mentoring of new lawyers and the failure of law schools to provide sufficient practical experience during law school. *See, e.g.,* ROY T. STUCKEY ET AL., *BEST PRACTICES FOR LEGAL EDUCATION: A VISION AND A ROAD MAP* (2007); WILLIAM M. SULLIVAN, ANNE COLBY, JUDITH WELCH WEGNER, LLOYD BOND & LEE S. SHULMAN, *EDUCATING LAWYERS: PREPARATION FOR THE PRACTICE OF LAW* (2007); IDA O. ABBOTT, *DEVELOPING LEGAL TALENT: BEST PRACTICES IN PROFESSIONAL DEVELOPMENT FOR LAW FIRMS* (2001); Karen Steinberger, *Law Firm Mentoring: A Fresh Look at an Ancient Concept*, ASSOCIATION OF LEGAL ADMINISTRATORS, *ALA MANAGEMENT ENCYCLOPEDIA* (2007).

As a result of the discussion paper, the Utah Supreme Court, through Chief Justice Christine M. Durham, requested that the Bar Commission consider implementing a mentoring program to assist newly admitted lawyers during their first year of practice. The New Lawyer Training Committee (NLTC) was formed to study the



## New Lawyer Training Program

concept, as well as mentoring programs in other states, and to develop a proposal for Utah. The NLTC and its subcommittees have met periodically for about 18 months to create the NLTP, the culmination of their work.

A few states or Bar organizations have adopted mentoring programs. The NLTP has reviewed most of the new lawyer mentoring programs in the United States. Georgia started developing a mentoring program over ten years ago and now has one of the leading and most respected programs in the nation. Members of the NLTC and key Bar staff met with the director of the Georgia program to obtain an understanding of the details and administration of their mentoring program. Members of the NLTC also attended the First National Conference on Mentoring at the Center on Professionalism at the University of South Carolina School of Law. This conference derived from a request by the Conference of Chief Judges of the United States.

The NLTC also studied Delaware's Preceptorship Program, which requires at least five months of training in the practice before licensing is allowed. The NLTC opted against a licensure requirement of this type, instead recommending mentoring during the first year of practice as a requirement for maintaining licensure.

The NLTP was presented to and adopted by the Bar Commission on July 16, 2008. The NLTP was formally approved by the Utah Supreme Court on December \_\_, 2008.

If the NLTP is effectively administered and implemented by the Bar, mentors, new lawyers, and their workplaces, the impact on current law practice will be dramatic.

Mentoring not only includes training a new lawyer in the art of practicing law but also provides an opportunity for support, friendship, and sharing confidences. It is a place to vent problems and concerns without fear of recrimination. And it is an opportunity to explore life and family balance. It is the vehicle by which the enjoyment of law practice can be enhanced and the retention of good lawyers in the profession increased.



New Lawyer Training Program

# Utah State Bar

New Lawyer Training Program

## MODEL MENTORING PLAN



# New Lawyer Training Program

## Utah State Bar New Lawyer Training Program

### Model Mentoring Plan

The Model Mentoring Plan is intended as a guide. All participants must engage in activities and experiences noted as required in Required Sections 1 through 6 in the model plan. The mentor and new lawyer should also select several activities and experiences from at least five of the Elective Sections A through Q. The model plan may also be individualized to fit the practice setting of the new lawyer.

Once the proposed plan is completed and executed, it must be submitted by the new lawyer to the New Lawyer Training Program Office. Both the new lawyer and the mentor should retain a copy of the plan for reference.

If the mentor does not practice in all the areas selected and agreed upon by the mentor and the new lawyer, the mentor may choose to call on another experienced lawyer who practices in the specific area to assist in mentoring the new lawyer in that area. Multiple mentors are encouraged and may be appropriate in some circumstances. In such a situation, the program allows for shared credit between supervising mentors.

### REQUIRED ACTIVITIES AND EXPERIENCES

All plans must include activities marked as "Required" in sections 1 through 6 below. Additionally, you are encouraged to complete as many of these activities as feasible while adjusting the plan to a particular practice setting and individual needs.

#### Required Section 1.

##### Introduction to the Legal Community.

Activity	Initial Each Selected Item
The new lawyer should contact the mentor as soon as practicable after receipt of the mentoring match and arrange to meet at the mentor's office to get acquainted and discuss an appropriate mentoring plan.	Required.
During the initial meeting, or shortly after the initial meeting, the mentor should introduce the new lawyer to other lawyers and staff members at the mentor's office or ascertain that such introductions have already occurred. (Not necessary for an outside mentor.)	Required.
Invite the new lawyer to attend a meeting of the local bar association (CLE, event, pro bono, social) and discuss advantages of involvement with local, state and/or national bar or professional associations.	Required.



## New Lawyer Training Program

<b>Required Section 1. cont.</b>	
Introduce, as feasible, the new lawyer to other lawyers in the community through attendance at local bar association meetings or otherwise.	<b>Optional.</b>
Escort the new lawyer on a tour of the local courthouse(s) and, to the extent practicable, introduce him or her to members of the judiciary, court personnel, and clerks of court.	<b>Optional.</b>
Acquaint the new lawyer with And Justice For All, including Legal Aid, Utah Legal Services, Disability Law Center, and opportunities for lawyers in private practice to engage in pro bono activities or have the new lawyer report on a visit with someone closely connected to these services.	<b>Required.</b>

### Required Section 2.

#### Rules of Professional Conduct and Standards of Professionalism and Civility.

<b>Activity</b>	<b>Initial Each Selected Item</b>
Review and discuss the Rules of Professional Conduct. Review and discuss at least two of the following Rules.  1.7-8. Conflict of interest: current clients; 3.3. Candor toward the tribunal; 4.2 Communication with persons represented by counsel; or 4.3 Dealing with unrepresented persons.	<b>Required.</b>
Review and discuss the Utah Standards of Professionalism and Civility. Discuss the Preamble and all twenty standards. Discuss any "unwritten" customary rules of civility or etiquette among lawyers and judges in the community.	<b>Required.</b>
Discuss ethical issues that arise with some regularity in the practice setting. Discuss ways to resolve the issues, referring to experience, as well as the Rules of Professional Conduct. Include in the discussion the importance and use of an in practice or firm conflict resolution committee. Review and discuss the importance of and methods used to screen for potential conflicts. Discuss the differences between issue conflicts and client conflicts.	<b>Required.</b>



# New Lawyer Training Program

## Required Section 3. Litigation and Transaction Handling Experiences.

The new lawyer is required to accomplish at least ten (10) of the following Experiences in Handling a Case or Transaction. Up to four (4) of the selected Experiences may be accomplished during law school in a credit-earning Externship, a Law School Clinical program, a simulated skills course, or a supervised Pro Bono case. See pages 19–20 of the Guidelines and FAQs in the New Lawyer Training Program Manual for information about receiving credit for experiences accomplished during law school.

The experiences in this section are intended to give all new lawyers an opportunity to receive cross-training and exposure to areas of practice beyond their usual work.

Activity	Initial Each Selected Item
Participate in drafting a fee agreement for a client.	
Participate in a deposition of a witness or adverse party in a civil action.	
Participate in a trial in a civil or criminal case in either a state or federal court.	
Participate in an evidentiary hearing in a state or federal court.	
Observe or participate in a mediation or arbitration.	
Observe or participate in a negotiation and explain relevant background context.	
Participate in the interviewing of a client.	
Participate in the counseling of a client.	
Prepare a complaint and a summons.	
Participate in trial preparation and observe or participate in a trial.	
Participate in or observe an appellate argument in the Utah Supreme Court, Utah Court of Appeals or in a Federal Appellate Court.	
Participate in plea negotiations or reviewing a plea agreement.	



# New Lawyer Training Program

<b>Required Section 3. cont.</b>	
Participate in drafting and reviewing wills and revocable living trusts.	
Participate in drafting and reviewing initial probate documents.	
Participate in forming business entities by drafting and reviewing incorporation documents and business agreements.	
Participate in preparing settlement documents, including a discussion of any tax implications in a settlement including a monetary award.	
Participate in an administrative hearing.	
Participate in drafting, amending, or reviewing a contract.	
Participate in drafting a pleading or motion for an administrative body or a state or federal court.	
Participate in preparing a client's tax return.	

## Required Section 4.

### Introduction to Law Office Management (Required For Private Practice).

Activity	Initial Each Selected Item
Tour the mentor's office to demonstrate and explain how the following items of law practice management are used and handled in the mentor's office, if applicable:	<b>Optional.</b>
Time Records. Discuss good time management skills and techniques.	<b>Required.</b>
Discuss best practices and current practices regarding records of client-related expenses.	<b>Required.</b>
Discuss the billing system.	<b>Required.</b>
Review escrow and trust account rules for handling of client funds, including importance of clearing checks before funds are drawn and authority needed to pay fees from client funds in trust.	<b>Required.</b>



# New Lawyer Training Program

<b>Required Section 4. cont</b>	
Introduce the new lawyer to the filing system..	<b>Required</b>
Review and discuss malpractice insurance policy and review the insurance and disclosure forms required annually by the carrier.	<b>Required.</b>
Introduce the new lawyer to the document retention plan.	<b>Optional.</b>
Introduce the calendar and "tickler" or reminder systems.	<b>Required.</b>
Introduce the information technology systems	<b>Optional.</b>
Introduce the library and research systems	<b>Optional.</b>
Introduce other resources (publications, seminars, equipment, etc.) that a new lawyer might find particularly helpful in his or her work	<b>Optional.</b>
Discuss practices to maintain client confidentiality	<b>Required.</b>
Discuss the roles and responsibilities of paralegals, secretaries, and other office personnel, and how to establish good working relationships with others in the office who are support staff, colleagues, or senior partners.	<b>Optional.</b>

## **Required Section 5.**

### **Working With Clients (Required Where Applicable)**

<b>Activity</b>	<b>Initial Each Selected Item</b>
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.	<b>Required.</b>
Train, through discussion and client interaction, how to screen for, recognize, and avoid conflicts of interest.	<b>Required.</b>
Train on how to decide whether to accept a proffered representation.	<b>Optional.</b>
Train on using retainer or engagement letters and discuss frequent issues that arise regarding the scope of representation.	<b>Required.</b>



# New Lawyer Training Program

<b>Required Section 5. cont.</b>	
Train on how to talk about and set the fee for legal services. Review and discuss retainer agreements.	<b>Optional.</b>
Discuss how to deal with a "difficult" client and how to decline representation of the unrealistic or "impossible" client.	<b>Optional.</b>
Discuss "DOs and DON'Ts" of maintaining good ongoing client relations, such as returning telephone calls and keeping clients informed about matters.	<b>Required.</b>
Discuss terminating the lawyer-client relationship and necessary documentation.	<b>Required.</b>
Participate in or observe at least one client interview or client counseling session.	<b>Optional.</b>
Review and understand contingency fee agreements and issues to be included.	<b>Optional.</b>

**Required Section 6.  
Public Service, Bar Programs, and Life Balance.**

Discuss the importance of family and life balance, including any billable hour requirements not previously discussed.	<b>Optional.</b>
Discuss internal policy on performing public service, low and pro bono projects, and hours allowed for these programs.	<b>Required.</b>
Reach an understanding on how matters designated as confidential by the new lawyer will be handled.	<b>Required.</b>
Discuss and explain CLE requirements and ways to fulfill such requirements, including Bar CLE programs.	<b>Optional.</b>
Review and discuss Bar sections and committees and the value of getting involved in Bar activities and service, including the Young Lawyers Division.	<b>Optional.</b>
Review and discuss the support and counseling available for the new lawyer and family through the Bar's contract with a professional counseling service and the Lawyers Helping Lawyers Committee.	<b>Required.</b>

**END OF REQUIRED SECTIONS**



# New Lawyer Training Program

## ELECTIVE ACTIVITIES AND EXPERIENCES

The mentor and the new lawyer should choose five of the Elective Sections identified in Sections A through Q. Within each area, select as many activities as feasible.

Under each area, you are encouraged to adjust the activities and experiences to your particular practice setting and individual needs.

The mentor, or another experienced lawyer approved by the mentor, should monitor and facilitate the progress of the new lawyer in fulfilling practice experiences by discussing the context and assessing the activity selected.

### Elective Section A. Advocacy and Litigation.

Activity	Initial Each Selected Item
Attend an appellate argument in the Utah Supreme Court, the Utah Court of Appeals, or a United States Circuit Court of Appeals;	
Attend or participate in a hearing on a motion; discuss.	
Attend or participate in an oral argument; discuss.	
Attend or participate in a trial, including voir dire if a jury trial; discuss.	
Discuss frequent issues that arise in litigation concerning specific Rules of Civil Procedure, and the local rules that apply in either state or federal court.	
Participate in 26(f) conference to discuss settlement, discovery plan and initial disclosures.	
Discuss the mechanics of trial, including where to stand, proper attire, when to stand, courtroom decorum, judges' bench books, etc.	
Participate in drafting discovery requests, including interrogatories, requests for admission and requests for production of documents.	
Participate in preparing for and observing (or taking or defending) depositions.	



# New Lawyer Training Program

## Elective Section B. ADR.

Activity	Initial Each Selected Item
Review and discuss Utah statutes on mediation including requirement to screen for potential conflict of interest of mediator.	
Observe, participate in, or prepare for an actual or simulated mediation.	
Observe, participate in, or prepare for, an arbitration and review and discuss AAA rules.	
Discuss how to prepare a client for mediation or arbitration.	

## Elective Section C. Negotiation.

Activity	Initial Each Selected Item
Discuss how to prepare for the negotiation of a legal matter (e.g., release of a personal injury claim, lease agreement, etc.).	
Discuss when and how negotiation should be initiated.	
Discuss when and how to involve the client in negotiation.	
Discuss ethical and professional obligations of negotiators.	
Discuss skills needed to be an effective negotiator and how to acquire them.	



# New Lawyer Training Program

## Elective Section D. Client Interviewing and Counseling.

Activity	Initial Each Selected Item
Discuss and review interview techniques (asking the right questions).	
Discuss and review counseling techniques (providing the hard advice).	
Simulate and discuss the counseling of a client (mentor and new lawyer should alternate being client and lawyer).	
Participate in interviewing a client.	
Participate in counseling a client.	

## Elective Section E. Civil Procedure.

Activity	Initial Each Selected Item
Prepare complaint.	
Prepare summons.	
Cause summons to be served.	
Participate in preparing a Rule 12 motion to dismiss.	
Participate in preparing a Rule 9(b) and/or 8(a) motion to dismiss.	
Participate in preparing answer to complaint, counterclaim, cross-claim and third-party complaint.	
Participate in 26(f) conference to discuss settlement, discovery plan and initial disclosures.	
Participate in preparing initial disclosures as required by Rule 26.	



# New Lawyer Training Program

<b>Elective Section E. cont.</b>	
Participate in preparing for and observing, taking, or defending a deposition.	
Participate in drafting discovery requests, including interrogatories, requests for admission and requests for production of documents.	
Participate in identifying expert witnesses and producing expert witness reports.	
Participate in depositions including the deposition of expert witnesses.	
Participate in preparing motions and memoranda in support of summary judgment.	
Participate in preparing pretrial order and making pretrial disclosures of witnesses and exhibits.	

**Elective Section F.  
Criminal Procedure.**

<b>Activity</b>	<b>Initial Each Selected Item</b>
Participate in client interview.	
Participate in charge negotiations with prosecutor's office.	
Participate in discovery demands on prosecutor, including request for exculpatory materials.	
Participate in engagement of private investigator to interview witnesses.	
Review information or indictment for constitutional and/or pleading defects.	
Research elements of crime charged or under investigation; discuss.	
Review and discuss pretrial diversion requirements.	



# New Lawyer Training Program

<b>Elective Section F. cont.</b>	
Review and discuss plea in abeyance statute in a particular case and study applicable statute.	
Review and discuss criteria for a one- or two-level reduction of offense in a particular case and study applicable statute.	
Participate in discussions with Pretrial Services (bail).	
Participate in editing Statement by Defendant in Advance of Plea.	
Observe and/or participate in trial.	
Observe and/or participate in entry of plea in court.	
Review and discuss Presentence Report; participate in filing objections.	
Research and participate in analysis of federal sentencing guidelines in particular federal case.	

## Elective Section G. Estate Planning.

Activity	Initial Each Selected Item
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.	



# New Lawyer Training Program

<b>Elective Section G. cont.</b>	
• Directives to physicians (living wills).	
• Life insurance trusts.	
• Transfer of ownership documents: quit-claim deeds.	
• Transfer of ownership documents: assignments.	
Assist in gathering and organizing client information.	
Prepare diagrams of specific estate plans for clients.	
Prepare estate planning binders for clients.	
Prepare Crummey notices for life insurance trusts.	

## Elective Section H. Probate.

Activity	Initial Each Selected Item
Prepare notice to creditors and arrange for publication.	
Prepare inventory of estate.	

## Elective Section I. Family Law.

Activity	Initial Each Selected Item
Review and discuss the Rules of Civil Procedure specific to Family Law.	
Understand the role of a Domestic Relations Commissioner. Meet as many commissioners as possible.	
Prepare proposed Case Management Order.	
Create a child support worksheet.	



## New Lawyer Training Program

<b>Elective Section I. cont.</b>	
Observe hearing on motion for temporary orders.	
Observe or participate in custody evaluation settlement conference if permission is granted.	
Participate in a collaborative law meeting if permission is granted.	
Participate in a mediation if permission is granted.	
Observe or participate in a family law trial.	
Participate in preparing a premarital agreement or review and discuss statutory requirements, case law, and necessary terms of premarital agreements.	

**Elective Section J.  
Juvenile Law.**

Activity	Initial Each Selected Item
Attend or participate in a shelter hearing.	
Attend or participate in a disposition hearing.	
Discuss the standards for removal with a Department of Child and Family Services (DCFS) worker.	
Discuss the role of a juvenile Guardian ad Litem; introduce where possible.	
In a Juvenile criminal case, observe, participate in, or discuss: <ul style="list-style-type: none"> <li>• A detention hearing</li> <li>• The role of a probation officer in detention cases</li> <li>• An arraignment</li> <li>• A pre-trial</li> <li>• A trial</li> </ul>	



# New Lawyer Training Program

## Elective Section K. Business Law.

Activity	Initial Each Selected Item
Participate in forming business entities by drafting and reviewing at least three of the following:	
<ul style="list-style-type: none"> <li>• Articles of incorporation.</li> </ul>	
<ul style="list-style-type: none"> <li>• Articles of organization.</li> </ul>	
<ul style="list-style-type: none"> <li>• Bylaws.</li> </ul>	
<ul style="list-style-type: none"> <li>• Operating agreements.</li> </ul>	
<ul style="list-style-type: none"> <li>• Partnership agreements.</li> </ul>	
<ul style="list-style-type: none"> <li>• Corporate minutes and resolutions.</li> </ul>	
Participate in drafting and reviewing at least three of the following:	
<ul style="list-style-type: none"> <li>• Shareholders' agreements.</li> </ul>	
<ul style="list-style-type: none"> <li>• Buy-sell agreements.</li> </ul>	
<ul style="list-style-type: none"> <li>• Stock purchase agreements.</li> </ul>	
<ul style="list-style-type: none"> <li>• Asset purchase agreements.</li> </ul>	
<ul style="list-style-type: none"> <li>• Noncompetition agreements.</li> </ul>	
<ul style="list-style-type: none"> <li>• Security/collateral agreements.</li> </ul>	
<ul style="list-style-type: none"> <li>• Promissory notes.</li> </ul>	
Participate in the due diligence process for mergers and acquisitions.	
Prepare UCC filings.	



# New Lawyer Training Program

## Elective Section L.

### Tax Law.

Activity	Initial Each Selected Item
Prepare and analyze tax calculations.	
Participate in preparing certain IRS tax forms, including the following:	
• Form 2553 (S Corporation Election).	
• Form 709 (Gift Tax Return).	
• Form 706 (Estate Tax Return).	
• Form 1041 (Income Tax for Trusts).	

## Elective Section M.

### Real Estate Law.

Activity	Initial Each Selected Item
Search a title at Recorder's Office.	
Participate in drafting and reviewing at least four of the following:	
• Real estate purchase agreements.	
• Deeds of trust.	
• Mortgages.	
• Commercial leases.	
• Residential leases.	
• Notice of Default on the above.	



# New Lawyer Training Program

## Elective Section N.

### Employment Law.

Activity	Initial Each Selected Item
Review and discuss the UALD/EEOC administrative process. Review or participate in drafting a charge or the response to a charge.	
Prepare for and participate in the UALD/EEOC administrative process, including a resolutions conference or an appeal to the Labor Commission.	
Participate in drafting a separation or settlement agreement.	
Participate in consultation with management on HR issues.	
Prepare for and observe or participate in an unemployment benefits insurance appeal hearing.	
Review and discuss an ongoing employment law issue, such as a claim under Title VII, the Family Medical Leave Act, the Americans with Disabilities Act, or other substantive federal law or its state counterpart.	

## Elective Section O.

### Patent Law.

Activity	Initial Each Selected Item
Observe or participate in a client interview.	
Participate in patent search/evaluation.	
Participate in drafting and filing a patent application.	
Participate in filing an Information Disclosure Statement (IDS).	
Participate in drafting an Office Action response.	
Participate in a telephone conversation with an Examiner.	



# New Lawyer Training Program

<b>Elective Section O. cont.</b>	
Participate in preparing and drafting an appeal brief.	
Discuss and review techniques for successful patent prosecution.	
Participate in patent litigation.	

## Elective Section P. Trademark Law.

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



# New Lawyer Training Program

## Other Possible Electives Section Q.

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

1. Administrative law
2. Securities law
3. Bankruptcy law
4. Environmental law and compliance
5. Antitrust law
6. Water law
7. Oil, gas, and mining law
8. Public utilities law
9. Contract law
10. Personal injury law, including products liability
11. Insurance defense law, including coverage analysis
12. Merger and acquisition law
13. Constitutional law
14. Immigration law
15. Health care law
16. Ethical leadership in corporate practice (audit committees, Sarbanes Oxley, corporate monitors)
17. Lobbying requirements, ethics and state legislative process.



# New Lawyer Training Program

RETURN ORIGINAL (DO NOT FAX OR EMAIL) TO:

Utah State Bar  
New Lawyer Training Program  
645 South 200 East  
Salt Lake City, UT 84111

## MENTOR VOLUNTEER FORM

• SECTION 1 – NAME, PHONE NUMBER & UTAH BAR NUMBER (Please complete)

Your Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_ YOUR UTAH BAR NUMBER: \_\_\_\_\_

• SECTION 2 – EMAIL (We will email confirmation of our receipt of this form to the address you provide below)

Your Email: \_\_\_\_\_

• SECTION 3 – MENTOR TYPE (Please check the blank for Inside or Outside. If Outside, list practice areas)

\_\_\_\_\_ INSIDE MENTOR. I am willing to mentor a new lawyer in my firm or organization.

\_\_\_\_\_ OUTSIDE MENTOR. I am willing to mentor a new lawyer who is a sole practitioner or practicing with a small office. I prefer to mentor a new lawyer in the following practice areas: (list practice areas) \_\_\_\_\_

NEW LAWYER (Please complete if you have identified a new lawyer to mentor)

I will mentor the following

New Lawyer (insert name): \_\_\_\_\_

New Lawyer's Utah Bar Number: \_\_\_\_\_

• SECTION 4 – CERTIFICATION, AUTHORIZATION AND RELEASE (Must be signed and notarized)

STATE OF UTAH  
COUNTY OF \_\_\_\_\_

I, the undersigned attorney, do hereby volunteer for appointment as mentor in the New Lawyer Training Program.

A. Minimum Qualifications Certification. I DO HEREBY CERTIFY that I meet all of the Minimum Qualifications set out below to be eligible for appointment:

(i) Active Status. I am an active member of the Utah State Bar, in good standing; and,

(ii) 7 Years of Practice. I have been admitted to practice law for not less than seven (7) years; and,

(iii) Professional Reputation. I maintain a professional reputation in my local legal community for competence, ethical and professional conduct; and,

**NOTE: THIS IS PAGE ONE (1) OF A THREE (3) PAGE FORM**



# New Lawyer Training Program

## NOTE: THIS IS PAGE TWO (2) OF A THREE (3) PAGE FORM

(iv) **Disciplinary Action.** I have never received the sanction of disbarment or suspension from the practice of law in any jurisdiction, nor have I voluntarily surrendered my license to practice law for the purpose of disposing with a pending disciplinary proceeding in any jurisdiction. During the ten (10) years preceding the nomination as mentor, I have not been otherwise sanctioned by the pertinent entity governing the admission and practice of law in any jurisdiction. I understand that "sanctioned" means subjected to disciplinary action. (Thus, in Utah, "sanctioned" currently means any of the levels of discipline whether public or confidential listed in State Bar of Utah Rule 4-102(b) (i.e., Disbarment; Suspension; Public Reprimand; Review Panel Reprimand; Investigative Panel Reprimand; Formal Admonition); Rule 8-107 (C) (i.e., Administrative Suspension for deficiency in continuing legal education hours); or State Bar Bylaws Article I, Section 4, Item 2 (i.e., Failure to Register with State Bar of Utah within one year upon eligibility)). I understand that nominations of individuals having formal complaint(s) pending before the Supreme Court of Utah will be deferred until the final disposition of the formal complaint(s); and,

(v) **Court-ordered Disciplinary Action.** During the ten (10) years preceding the nomination as mentor, I have not been the subject of a written order issued by a court of competent jurisdiction that prohibits or otherwise limits my practice before that court or class of courts. I understand that a directive, request or order by a judge of a court requesting or directing that an attorney employed by an agency of government or a legal aid organization, who is assigned to handle cases before that judge be transferred or reassigned to other duties or another courtroom does not constitute court-ordered disciplinary action under this paragraph. (NOTE: A prospective mentor who is or has within the preceding ten (10) years been the subject of such a written order may petition the Commission on Continuing Lawyer Competency (the "Commission") for a waiver of this requirement. After review of the facts and circumstances which led to the entry of such order, the Commission may, upon good cause shown, grant such waiver if the prospective mentor is otherwise qualified to be a mentor); and

(vi) **Professional Liability Insurance or Equivalent.** I am currently, and while serving as mentor will remain, covered as an insured under a professional liability insurance policy with minimum limits of \$100,000.00/\$300,000.00, or, if applicable, the equivalent to such coverage through the legal status of my employer. I am aware that neither the State Bar of Utah nor the Commission on Continuing Lawyer Competency provides professional liability insurance to mentors in this program. I assume sole responsibility for disclosing my participation in this program to my professional liability insurance carrier (or, if applicable, to my employer whose legal status provides the equivalent to such coverage).

### **B. Authorization, Confidentiality, and Release Regarding Relevant Information.**

(i) I DO HEREBY AUTHORIZE the State Bar of Utah Office of General Counsel and any person providing information to the program to: answer any inquiries, questions or interrogatories concerning me submitted to them by the program or its authorized representatives; disclose complete information in any of their files; and permit the program's authorized representatives to inspect and make copies of any complaints (including but not limited to complaints dismissed or expunged) made against me at any time whatsoever and any other records and information about or related to me. I UNDERSTAND AND AGREE that all information obtained or received in connection with my selection for and participation in the program will be kept confidential from all other persons, firms, or corporations, including myself. I HEREBY RELEASE and exonerate the State Bar of Utah New Lawyer Training Program, the State Bar of Utah Office of General Counsel and every other person, firm, officer, corporation, association, organization or institution who provided, received, or used any information as part of my selection for and participation in the program from any and all liability, claims, or damages of every nature and kind growing out of or in any way pertaining to providing, receiving, or using information about me in connection with selection for and participation in the program.

(ii) I FURTHER release the Utah State Bar from any claims, causes of actions or damages of any kind or nature that may arise directly or indirectly from my participation as a mentor in the Utah State Bar New Lawyer Training Program.

**C. Continuing Duty of Disclosure.** I understand that the certifications I have made on this form are continuing and must correctly and fully show information sought herein as of the date of my appointment as a mentor. I agree to notify the program within ten (10) days, in writing at the return address on this form, as to any change to the information contained herein and/or of any incident that may have any bearing upon my ability to meet the Minimum Qualifications.



# New Lawyer Training Program

**NOTE: THIS IS PAGE THREE (3) OF A THREE (3) PAGE FORM**

**D. Certification of Date of Birth, Bar Number, Name.** I DO HEREBY CERTIFY that my Date of Birth is \_\_\_\_\_ and my State Bar Number is \_\_\_\_\_. I understand this information is required in order to verify State Bar membership records. If appointed I wish for my name to appear on the MENTOR APPOINTMENT CERTIFICATE as follows (PLEASE TYPE OR PRINT):

IN WITNESS WHEREOF I have set my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

SIGNED: \_\_\_\_\_

Subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Notary Public (SEAL)

## Utah State Bar New Lawyer Training Program Working Budget

### General Considerations

- The Program could be entirely self-supporting or partly subsidized from accumulated unreserved cash surplus, contingency reserves, or operations
- All other admissions costs are rising - (new p/t staff, etc.)  
Program could start (depending on approval schedule and time to announce)  
Spring 2009 (February Exam/May Admission)

### Projected Expenses

\$ 30,000	<u>New</u> Salary (Full Time Administrative Assistant)
\$ 12,000	<u>New</u> Additional Benefits, etc.
\$ 10,000	<u>New</u> Program Expenses (software, phone, copies, etc.)
\$ 14,000	Revenue <u>Lost</u> from CLE from <i>350 Mentors</i>
\$ 42,000	Revenue <u>Lost</u> from NLCLE from <i>400 New Lawyers</i>
\$ 5,000	<u>Re-allocated</u> Overhead
\$ 27,000	<u>Re-allocated</u> Staff Expenses (JB, RD, CH, CA)
<hr/>	
<b>\$140,000</b>	<b>Total Program Costs</b>

**\$ 52,000 in total "NEW DOLLARS"**  
**\$ 56,000 in total "LOST" DOLLARS"**  
**\$ 32,000 in total "ALLOCATED" DOLLARS**

### Proposed Funding

- Charge \$300/yr. for 400 New Lawyers
  - a. \$120,000 year from students would cover all new and lost dollars and some re-allocated dollars
  - b. \$ 20,000 from general operations would be needed to cover the remaining re-allocated dollars
  - c. \$150 could be **collected at admission** and \$150 **collected at the completion** of the mentoring year and certification

1 **Rule 14-808. New lawyer training program.**

2 (a) Applicability. All new lawyers admitted to practice law in Utah on active status  
3 and ~~unless otherwise specified in this rule~~ must timely complete the requirements of the  
4 Bar's NLTP unless otherwise specified in this rule.

5 (a)(1) It is the new lawyer's responsibility to ensure that all aspects of the NLTP  
6 requirements are met within the required 12 month period in order to renew licensure.  
7 This includes but is not limited to filing a Mentoring Completion eCertification executed  
8 by the assigned mentor attesting to evidencing—successful completion of the  
9 programNLTP.

10 (a)(2) The NLTP is intended to fulfill the requirements of new lawyer MCLE within  
11 the first year of the lawyer's two-year compliance period. The remaining 12 hours  
12 required in the two year compliance cycle may be fulfilled at anytime by attending other  
13 accredited CLE in accordance with the MCLE rules.

14 (b) Appointment of qualified mentors. The Court will appoint qualifying mentors in  
15 accordance with the NLTP guidelines.

16 (bc) Deferrals.

17 (bc)(1) Those newly admitted lawyers serving judicial law clerkships may apply for  
18 temporary deferral at the Bar's NLTP office until completion of the clerkship. Upon  
19 completion of the clerkship, the lawyer must enroll and complete the NLTP's  
20 requirements in a 12 month period.

21 (bc)(2) Those newly admitted lawyers who are otherwise not engaged in the practice  
22 of law as defined by Supreme Court rules or who are unemployed may petition the  
23 NLTP offices for temporary deferral of these requirements.

24 (ed-) Exemptions. Those lawyers exempt from completing the NLTP are limited to:

25 (ed-)(1) Newly admitted lawyers on active status who do not reside in Utah. Such  
26 lawyers are required to fulfill -MCLE requirements in their state of residency under the  
27 Supreme Court's approved MCLE rules.

28 (ed)(2) Newly admitted Utah lawyers ~~on active status~~ who ~~were~~ have been admitted  
29 ~~to practice by motion as defined under the Bar's Rules Governing Admission~~ on active  
30 status who have practiced law elsewhere for two years or more.

31 ~~(c)(3) Newly admitted lawyers who were admitted to practice in Utah after being~~  
32 ~~actively engaged in the practice of law for at least two years in another state prior to~~  
33 ~~admission in Utah.~~

34 (de) Cost. There is a fee associated with enrollment in the NLTP of \$300. One half of  
35 the amount is due at time of enrollment after admission and the remainder at time of  
36 completion of the program.

37 (ef) Administrative suspension and non-renewal of license for non-compliance.  
38 Unless otherwise approved by the NLTP office for good cause, failure to timely  
39 complete the program will result in administrative suspension of the lawyer's license for  
40 non-compliance with this rule.

41 (fg) NLTP curriculum and other information. ~~Complete information relating to the~~  
42 ~~NLTP requirements and guidelines may be found on the Bar's website or through the~~  
43 ~~Bar's NLTP office. The Bar has developed a proposed NLTP Manual which delineates~~  
44 ~~the requirements that must be completed during the 12 month period. The Manual also~~  
45 ~~includes a Model Mentoring Plan, a time line, necessary forms and suggestions for~~  
46 ~~developing effective mentoring relationships. The proposed NLTP Manual may be found~~  
47 ~~by contacting the Bar or on the Bar's website.~~

48

1 **Rule 14-801. Definitions.**

2 As used in this article:

3 (a) "active status" means a Bar licensing category as defined by Rule 14-203(a) and  
4 Rule 14-802, and the Bar's rules, regulations and policies;

5 (ab) "approved legal services organization" means a Utah not-for-profit legal  
6 services organization which is approved by the Bar as set forth herein. A legal services  
7 organization seeking approval from the Bar shall file a petition with the Bar, attaching  
8 copies of its Articles of Incorporation and Bylaws, if any, and certifying that it is a not-for-  
9 profit organization, reciting with specificity:

10 (ab)(1) the structure of the organization and whether it accepts funds from its clients;

11 (ab)(2) the major sources of funds used by the organization;

12 (ab)(3) the criteria used to determine potential clients' eligibility for legal services  
13 performed by the organization;

14 (ab)(4) the types of legal and nonlegal service performed by the organization;

15 (ab)(5) the names of all members of the Bar who are employed by the organization  
16 or who regularly perform legal work for the organization; and

17 (ab)(6) the existence and extent of malpractice insurance which will cover the  
18 volunteer attorneys with such documentation being updated on an annual basis;

19 (bc) "attorney applicant" means a lawyer applicant as defined by the Rule 14-701;

20 (ed) "Bar" means the Utah State Bar;

21 (e) "CLE" means MCLE accredited continuing legal education;

22 (f) "inactive status" means a Bar licensing category as defined by Rule 14-203(a),  
23 Rule 14-802, and the Bar's rules, regulations and policies;

24 (g) "MCLE" means Mandatory Continuing Legal Education as set forth in Rule 14-  
25 401 et seq.;

26 (h) "Mentoring Completion Certification" means the certification form in the NLTP  
27 appendix of forms.

28 (i) "NLTP" means the Bar's New Lawyer Training Program under as set forth in Rule  
29 14-808;

30 (dj) "OPC" means the Bar's Office of Professional Conduct;

31 (ek) "supervising attorney" means an active member of the Bar who generally  
32 supervises a volunteer attorney. The supervising attorney must:

33 (ek)(1) be employed by an approved legal services organization;

34 (ek)(2) assume professional responsibility as contemplated by Rule 5.1 of the Utah  
35 Rules of Professional Conduct for supervising the conduct of any litigation,  
36 administrative proceeding or other legal services in which the volunteer attorney  
37 participates providing, however, that concurrent administrative or judicial appearance is  
38 at the discretion of the supervising attorney;

39 (ek)(3) assist the volunteer attorney in his or her legal service preparation to the  
40 extent that the supervisory attorney considers it necessary; and

41 (ek)(4) ensure along with the agency that the volunteer attorney has appropriate and  
42 adequate training, knowledge and competency to perform the legal service permitted  
43 under these rules.

44 (fj) "Supreme Court" means the Utah Supreme Court; and

45 (gm) "volunteer attorney" means a person who meets the requirements of Rule 14-  
46 803.

47

1       **Rule 14-705. Admission on motion.**

2       (a) Reciprocal admission. An admission on motion applicant may be admitted to the  
3 practice of law if the applicant has been admitted to the practice of law before the  
4 highest court of a sister state or United States territory or the District of Columbia where  
5 admission by motion is authorized and the applicant meets all other requirements of this  
6 rule. The burden of proof is on the applicant to establish by clear and convincing  
7 evidence that he or she meets each of the following requirements:

8       (a)(1) has been admitted by bar examination to practice law before the highest court  
9 of a sister state or United States territory or the District of Columbia;

10       (a)(2) holds a first professional degree in law (Juris Doctorate or Bachelor of Laws)  
11 from an approved law school;

12       (a)(3) establish that the sister state or United States territory or the District of  
13 Columbia that licensed the applicant allows the admission of licensed Utah lawyers  
14 under terms and conditions similar to those set forth in this rule, provided that if the  
15 sister state or United States territory or the District of Columbia that licensed the  
16 applicant requires Utah lawyers to complete or meet other conditions or requirements,  
17 the applicant must meet a substantially similar requirement for admission in Utah;

18       (a)(4) has been substantially and lawfully engaged in the active practice of law  
19 (meaning 50% or more) in the reciprocal jurisdiction where licensed for at least three of  
20 the previous four years immediately preceding the date of the filing of the application for  
21 admission under this rule;

22       (a)(5) present satisfactory proof of both admission to the practice of law and that he  
23 or she is a member in good standing in all jurisdictions where currently admitted;

24       (a)(6) file with the application a certificate from the entity having authority over  
25 professional discipline for each jurisdiction where the applicant is licensed to practice  
26 which certifies that the applicant is not currently subject to lawyer discipline or the  
27 subject of a pending disciplinary matter;

28       (a)(7) present satisfactory proof to demonstrate that the applicant has been  
29 substantially and lawfully engaged in the practice of law for the applicable period of  
30 time;

31 (a)(8) establish that the applicant possesses good moral character and satisfies the  
32 requirements of Rule 14-708;

33 (a)(9) provide evidence of the applicant's educational and professional qualifications;

34 (a)(10) upon the filing of the application, pay the prescribed fees; and

35 (a)(11) file with the Bar a designated service of process form setting forth his or her  
36 address in this state and designating the clerk of the Supreme Court as his or her agent  
37 upon whom process may be served.

38 (b) Active practice defined. For the purposes of this rule, the "active practice of law"  
39 shall include the following activities, if performed in a jurisdiction in which the applicant  
40 is admitted, or if performed in a jurisdiction that affirmatively permits such activity by a  
41 lawyer not admitted to practice:

42 (b)(1) sole practitioner, partner, shareholder, associate, or of counsel in a law firm; or

43 (b)(2) an organization's employee whose principal responsibility is to provide legal  
44 advice or service; or

45 (b)(3) government employee whose principal duties are to provide legal advice or  
46 service; or

47 (b)(4) service in the United States armed forces in a legal capacity; or

48 (b)(5) judge of a court of general or appellate jurisdiction requiring admission to a bar  
49 as a qualification for admission thereof; or

50 (b)(6) law clerk to a judge of a court of general or appellate jurisdiction; or

51 (b)(7) teaching full-time in an approved law school.

52 (c) Unauthorized practice of law. For the purposes of this rule, the active practice of  
53 law shall not include work that, as undertaken, constitutes the unauthorized practice of  
54 law in the jurisdiction in which it was performed or in the jurisdiction in which the clients  
55 receiving the unauthorized services were located.

56 (d) Continuing legal education requirement. All applicants admitted to practice law  
57 pursuant to this rule shall complete and certify no later than six months following the  
58 applicant's admission that he or she has attended at least 15 hours of continuing legal  
59 education on Utah practice and procedure and ethics requirements.

60 (d)(1) The Board may by regulation specify the number of the required 15 hours that  
61 must be in particular areas of practice, procedure, and ethics. Included in this  
62 mandatory 15 hours is attendance at the Bar's OPC ethics school. This class is offered  
63 twice a year and provides six credit hours.

64 (d)(2) The remaining nine credit hours must be made up of ~~Utah's New Lawyer~~  
65 ~~Continuing Legal Education ("NLCLE")-approved MCLE~~ courses.

66 (d)(3) Twelve of the 15 hours may be completed through self-study by access to  
67 Utah's on-line education system.

68 (d)(4) The above 15 hours will apply towards the 24 hours required per two-year  
69 compliance period.

70 (d)(5) Mandatory Continuing Legal Education ("MCLE") credit may be awarded for  
71 out-of-state activities that in the determination of the Board of Mandatory Continuing  
72 Legal Education ("MCLE Board") meet certain standards in furthering an attorney's legal  
73 education. Whether to accredit such activities and the number of hours of credit to allow  
74 for such activities shall be determined by the MCLE Board. Activities that may be  
75 regarded as equivalent to state-sponsored MCLE may include, but are not limited to,  
76 viewing of approved continuing legal education videotapes, writing and publishing an  
77 article in a legal periodical, part-time teaching in an approved law school, or delivering a  
78 paper or speech on a professional subject at a meeting primarily attended by lawyers,  
79 legal assistants, or law students. Application by a member of the Bar for accreditation of  
80 a MCLE activity must be submitted in writing to the MCLE Board. Forms and contact  
81 information regarding applying for accreditation is available on-line at  
82 [mcle@utahbar.org](mailto:mcle@utahbar.org). Out-of-state activities cannot substitute for the 15 mandatory CLE  
83 hours described in paragraph

84 (d)(2) and (d)(3) above.

85 (e) Subject to Utah rules. All applicants admitted to practice law pursuant to this rule  
86 shall be subject to and shall comply with the Utah Rules of Professional Conduct and all  
87 other rules and regulations applicable to members of the Bar.

88 (f) Discipline. All applicants admitted to practice law pursuant to this rule shall be  
89 subject to professional discipline in the same manner and to the same extent as a

90 member of the Bar. Every person licensed under this rule shall be subject to control by  
91 the courts of Utah and to censure, suspension, removal or revocation of the applicant's  
92 license to practice in Utah regardless of where conduct occurs.

93 (g) Notification of change in standing. All applicants admitted to practice law  
94 pursuant to this rule shall execute and file with the Bar a written notice of any change in  
95 such person's good standing in another licensing jurisdiction and of any final action of  
96 the professional body or public authority referred to in Rule 14-705(a)(6) imposing any  
97 disciplinary censure, suspension, or other sanction upon such person.

98 (h) Form and content of application. An admission on motion applicant shall file an  
99 application. The applicant must provide a full and direct response to questions  
100 contained in the application in the manner and time prescribed by this article. The Board  
101 may require additional proof of any facts stated in the application. In the event of the  
102 failure or the refusal of the applicant to furnish any information or proof, or to answer  
103 any inquiry of the Board pertinent to the pending application, the Board may deny the  
104 application without hearing. An application shall include an authorization and release to  
105 enable the Board to obtain information concerning such applicant. By signing this  
106 authorization and release, an applicant waives his or her right to confidentiality of  
107 communications, records, evaluations, and any other information that may concern the  
108 applicant's fitness to practice law.

109 (i) Timing of application and admission. An application may be filed at any time.  
110 Upon approval by the Board of an application the applicant will be admitted in  
111 accordance with Rule 14-716.

112

1       **Rule 14-404. Active status lawyers: MCLE, ~~NLCLE~~ NLTP and admission on**  
2 **motion requirements.**

3       (a) Active status lawyers. Commencing with calendar year 2004, each lawyer  
4 admitted to practice in Utah shall complete, during each two-calendar year period, a  
5 minimum of 24 hours of accredited CLE which shall include a minimum of three hours of  
6 accredited ethics or professional responsibility. One of the three hours of ethics or  
7 professional responsibility shall be in the area of professionalism and civility. Lawyers  
8 on inactive status are not subject to the requirements of this rule, including NLTP MCLE  
9 requirements.

10       (a)(1) Lawyers on active status who reside in Utah and who are subject to the NLTP  
11 under Rule 14-808 must complete the NLTP ~~MCLE~~ requirements within a 12 month  
12 period after admission to the Bar.

13       (a)(2) A new lawyer or mentor who successfully completes the requirements of the  
14 Model Mentoring Plan or an approved plan, shall receive up to three hours of ethic or  
15 professional responsibility credit.

16       (b) ~~NLCLE~~NLTP. A lawyer who is obligated to and who successfully does fulfill the  
17 requirements of the ~~NLCLE~~NLTP program shall be deemed to have satisfied ~~the 12~~  
18 accredited MCLE ~~requirements of this rule~~ hours for the reporting period ending  
19 December 31 of the second complete year following the lawyer's year of admission to  
20 the Bar. Twelve additional MCLE hours must also be completed under this rule.~~New~~  
21 ~~admittees admitted under the Bar's full exam shall meet their first two-year requirement~~  
22 ~~through the NLCLE program by:~~

23       ~~(b)(1) attending the mandatory NLCLE ethics seminar which is offered at least~~  
24 ~~annually by the Bar;~~

25       ~~(b)(2) accruing 12 credit hours of approved live NLCLE courses sponsored by the~~  
26 ~~Bar; and~~

27       ~~(b)(3) accruing 12 credit hours of approved CLE.~~

28       ~~Paragraph (b)(1) can be waived if the lawyer resides out of state. Paragraph (b)(2)~~  
29 ~~can be fulfilled by self-study credit if the lawyer resides outside of Salt Lake County.~~

30 (c) Admission on motion lawyers. A lawyer who fulfills the requirements by  
31 admission on motion as prescribed in Rule 14-705 shall be deemed to have satisfied  
32 the accredited MCLE requirements of this rule for the reporting period ending December  
33 31 of the second complete calendar year following the lawyer's year of admission. In  
34 addition, the lawyer must complete and certify no later than six months following the  
35 lawyer's admission that he or she has attended at least 15 hours of [NLCLE-accredited](#)  
36 [CLE hours](#) on Utah practice and procedure and ethics requirements as follows.

37 (c)(1) Nine credit hours must be comprised of [NLCLE-accredited CLE](#) courses.

38 (c)(2) Six credit hours must be comprised of the professional ethics course  
39 presented in OPC's ethics school.

40 (c)(3) Twelve of the 15 hours may be completed through self-study through the Bar's  
41 online CLE system. The above 15 hours will apply towards the 24 hours required per  
42 two-year compliance period. The Board of Bar Commissioners may specify the number  
43 of the required 15 hours that must be in particular areas of practice, procedure and  
44 ethics.

45 (d) Out-of-state CLE activities. CLE credit may be awarded for out-of-state activities  
46 that the Board determines meet certain standards in furthering a lawyer's legal  
47 education. The Board shall determine whether to accredit the activities and, if so, the  
48 number of hours of credit to allow for such activities. Out-of-state activities cannot  
49 substitute for the 15 mandatory CLE hours described in paragraph (c) and Rules14-  
50 705(d)(2) and 14-705(d)(3).

51 (e) Activities that may be regarded as equivalent to state-sponsored CLE may  
52 include, but are not limited to, viewing of approved CLE audio and video presentations,  
53 writing and publishing an article in a legal periodical, part-time teaching in an approved  
54 law school, or delivering a paper or speech on a professional subject at a meeting  
55 primarily attended by lawyers, legal assistants, or law school students.

56 (f) A lawyer's application for accreditation of a CLE activity must be submitted in  
57 writing to the Board if the activity has not been previously approved for CLE credit in  
58 Utah.

59

1 **Rule 14-415. Failure to satisfy MCLE requirements; notice; appeal procedures;**  
2 **reinstatement; waivers and extensions; deferrals.**

3 (a) Exceptions. Rule 14-415 does not apply to a lawyer who is required under Rule  
4 14-808 to complete NLTP requirements in a timely manner and fails to do so.

5 (b) Failure to comply; petition for suspension. A lawyer who fails to comply with  
6 reporting provisions of Rule 14-414 shall be assessed a late fee . A lawyer who fails to  
7 comply with Rule 14-414 or who files a certificate of compliance showing that he or she  
8 has failed to complete the required number of hours of MCLE shall be notified that  
9 unless all requirements are completed and reported within 30 days, a petition for the  
10 lawyer's suspension from the practice of law will be submitted to the Supreme Court.

11 ~~(a)(1)~~ (b)(1) The lawyer shall be given the opportunity during the 30-day period to file  
12 an affidavit with the Board, disclosing facts demonstrating that the lawyer's  
13 noncompliance was not willful and tendering such documents, which, if accepted, would  
14 cure the delinquency. A hearing before the Board shall be granted if requested.

15 ~~(a)(2)~~ (b)(2) If, after a hearing, or a failure to cure the delinquency by satisfactory  
16 affidavit and compliance, the lawyer is suspended by the Supreme Court, the lawyer  
17 shall be notified by certified mail, return receipt requested.

18 ~~(b)~~ (c) Reinstatement. A lawyer suspended by the Supreme Court under the  
19 provisions of this rule may be reinstated by the Court upon motion of the Board showing  
20 that the lawyer has cured the delinquency for which the lawyer has been suspended. If  
21 a lawyer has been suspended by the Supreme Court for non-compliance with this  
22 article, the lawyer must then comply with all applicable rules to be eligible to return to  
23 active or inactive status.

24 ~~(e)~~ (d) Waivers and extensions of time. For good cause shown, the Board may, in its  
25 discretion in cases involving hardship or extenuating circumstances, grant waivers of  
26 the minimum MCLE requirements or extensions of time within which to fulfill the  
27 requirements.

28 ~~(d)~~ (e) Deferrals. The Board may in its discretion defer MCLE requirements in the  
29 event of the lawyer's serious illness.

30 ~~(e)~~(f) Petition to appeal. Any lawyer who is aggrieved by any decision of the Board  
31 under this rule may, within 30 days from the date of the notice of decision, appeal to the  
32 Board by filing a petition setting forth the decision and the relief sought along with the  
33 factual and legal basis. Unless a petition is filed, the Board's decision shall be final.

34 ~~(e)(1)~~(f)(1) The Board may approve a petition without hearing, or may set a date for  
35 hearing. If the Board determines to hold a hearing, the lawyer shall be given at least 10  
36 days notice of the time and place set for the hearing. Testimony taken at the hearing  
37 shall be under oath. The Board shall enter written findings of fact, conclusions of law  
38 and the decision on each petition. A copy shall be sent by certified mail, return receipt  
39 requested, to the lawyer.

40 ~~(e)(2)~~(f)(2) The Board may grant the petitioner an extension of time within which to  
41 comply with this rule as the Board considers appropriate.

42 ~~(e)(3)~~(f)(3) Decisions of the Board, other than a denial of a request for a waiver or a  
43 recommendation of suspension of lawyer's license to practice, are final and are not  
44 subject to further contest.

45 ~~(f)~~(g) Appeal to Supreme Court. A decision denying a request for waiver or a  
46 decision to suspend the lawyer is final under paragraph (e)(3) unless within 30 days  
47 after service of the findings of fact, conclusions of law and decision, the lawyer files a  
48 written notice of appeal with the Supreme Court.

49 ~~(f)(1)~~(g)(1) Transcripts. To perfect an appeal to the Supreme Court, if testimony was  
50 taken before the Board, the lawyer shall, at the lawyer's expense, obtain a transcript of  
51 the proceedings from the Board. The Board shall certify that the transcript contains a  
52 fair and accurate report of the proceedings. The Board shall prepare and certify a  
53 transcript of all orders and other documents pertinent to the proceeding before it, and  
54 file these promptly with the clerk of the Supreme Court. The matter shall be heard by  
55 the Supreme Court under this article and other applicable rules.

56 ~~(f)(2)~~(g)(2) The time set forth in this article for filing notices of appeal are  
57 jurisdictional. The Board or the Supreme Court, as to appeals pending before each such  
58 body may, for good cause shown either extend the time for the filing or certification of  
59 any material or dismiss the appeal for failure to prosecute.



1       **Rule 14-417. Miscellaneous fees and expenses.**

2       (a) All fees under this article shall be deposited in a special account of the Board and  
3 used to defray the costs of administering this article.

4       (b) A lawyer shall pay an administrative fee of \$25 for preparation and mailing of  
5 Certificates of CLE compliance to other MCLE states, for filing of Reciprocal Certificates  
6 for lawyers admitted on Motion to the Utah State Bar, for filing of House Counsel  
7 Certificates of Compliance from the jurisdiction where the House Counsel maintains an  
8 active license, or for lawyers on active status who are not engaged in the practice of law  
9 in Utah and request a Certificate of Exemption. The Board may establish other fees to  
10 defer administrative costs related to requests for accreditation with Supreme Court  
11 approval.

12       (c) Members of the Board shall not be compensated, but shall be reimbursed for  
13 reasonable and necessary expenses incurred by them in the performance of their duties  
14 under this article.

15       (d) All CLE sponsors who offer any course for a fee shall pay to the Board, within 60  
16 days of presenting the course, a fee of \$1.50 per credit hour per attendee. The \$1.50  
17 per credit hour fee will cap at \$15 per attendee.

18       (e) Any lawyer who is required by this article to apply to the Board for any special  
19 accreditation or approval of an educational activity shall pay a fee of \$10 at the time of  
20 application.

21       (f) Any lawyer subject to NLTP requirements shall pay a separate and additional fee  
22 of \$300 to the Bar as specified in the NLTP Manual.

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1 **Rule 14-402. Definitions.**

2 As used in this article:

3 (a) "active emeritus" or "active emeritus lawyer" means a lawyer who has been a  
4 member of the Bar for 50 years or who is 75 years of age as of July 1 of the current  
5 year and who qualifies for active emeritus status as defined under the Bar's rules,  
6 regulations and policies;

7 (b) "active status" or "active status lawyer" means a lawyer who has elected to be on  
8 active status as defined under the Bar's rules, regulations and policies;

9 (c) "admission on motion applicant or lawyer" means a lawyer who has applied for  
10 reciprocal admission as defined under Rule 14-705 or has been admitted as such;

11 (d) "approved law school" means an ABA approved law school as defined under  
12 Rule 14-701;

13 (e) "Bar" means the Utah State Bar;

14 (f) "Board" means the Utah State Board of Mandatory Continuing Legal Education as  
15 set forth in Rule 14-403;

16 (g) "Board of Bar Commissioners" means the governing board of the Bar;

17 (h) "certificate of compliance" means a written report evidencing a lawyer's  
18 completion of accredited CLE as required and defined under Rule 14-414;

19 (i) "CLE" means continuing legal education;

20 (j) "full exam" means all components of the Bar Examination as defined under Rule  
21 14-710;

22 (k) "inactive status" or "inactive status lawyer" means a lawyer who has elected to be  
23 on inactive status as defined under the Bar's rules, regulations and policies;

24 (l) "MCLE" means mandatory continuing legal education as defined under this  
25 article;

26 (m) "new admittee" means a lawyer newly admitted to the Utah State Bar;

27 (n) "~~NLCLE~~" "NLTP" means the New Lawyer CLE Training Program as set forth in  
28 Rule 14-404 and Rule 14-808;

29 (o) "presumptively approved sponsor" means those CLE sponsors or providers who  
30 qualify under the standards set forth in Rule 14-412;

31 (p) "presumptive CLE accreditation" means those CLE courses or activities that  
32 qualify under the standards set forth in Rule 14-412;

33 (q) "OPC" means the Bar's Office of Professional Conduct;

34 (r) "OPC ethics school" means the OPC annual seminar on the Utah Rules of  
35 Professional Conduct which provides six CLE or NLCLE credit hours; and

36 (s) "Supreme Court" means the Utah Supreme Court.

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