

MENTORING IN OUR EVOLVING PROFESSION 2014

May 2 & 3, 2014

Columbus, Ohio

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Agenda



AGENDA

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AGENDA

MENTORING IN OUR EVOLVING PROFESSION

FRIDAY, MAY 2, 2014

Sheraton at Capitol Square, Governor's Ballroom

8:00 - 9:00 AM **BREAKFAST & REGISTRATION**

9:00 - 9:45 AM **Episodic Mentoring: Momentous Things Happen in a Moment**

Amy Timmer - Professor & Associate Dean of Students and Professionalism, Thomas M. Cooley Law School and author of *Innovative Mentoring: Maximizing Relationships to Become a Successful Lawyer*

Episodic mentoring provides a platform for topic-based mentoring, while teaching the life-long skill of seeking mentoring experiences and exposing law students and young lawyers to a broader network of attorney-mentors. This session will explore the concept of episodic mentoring, by which protégés benefit from receiving many perspectives, mentors benefit from limited and focused time commitments, and both benefit from allowing a long-term relationship to develop naturally.

9:45 - 10:45 AM **PANEL: Mentoring Solo Practitioners: Applying Knowledge to Practice**

During the past five years, an estimated 4,800 law school graduates began their careers as solo practitioners, and many attorneys left larger practices to start their own practice. How do they begin this journey? How do they understand and apply best practices in the “business of law”? How may they identify and engage a mentor or a coach to be their “sounding board” and what topics should they address? Join this discussion to learn about models for effectively engaging solo practitioners and helping them to apply the knowledge to start and grow their own practice.

Taylor Hammond - Director, Justice Entrepreneurs Project, The Chicago Bar Foundation

Martha Harris - Director of Career Development and Career Engagement, New York City Bar Association

Kathleen Havener - The Havener Law Firm, LLC, Cleveland, Ohio

Mark Korf (MODERATOR) - National Legal Mentoring Consortium Executive Committee Member

10:45 - 11:00 AM **BREAK**

11:00 AM - NOON **KEYNOTE ADDRESS: The Legal Profession in the Year 2024**

William Henderson - Professor of Law and Val Nolan Faculty Fellow, Indiana University Maurer School of Law; Founder of the Legal Whiteboard Blog

Bill Gates once said, “We always overestimate the change that will occur in the next two years and underestimate the change that will occur in the next ten.” If we rewind the clock to the early 2000s, when the country was beginning to recover from the 9/11 attacks and the bursting of the dot.com bubble, it would have been difficult to imagine that law firm entry-level hiring would decline more than 50 percent over the next decade. Similarly, we would not have predicted the emergence of a new category of entry-level legal employment called JD-Advantaged, which relies on the knowledge and skills acquired in law school but not the formal licensure. Where is the legal profession, and the broader legal industry, headed over the next 10 years? This session offers some data and examples on industry trends and how younger and older lawyers are likely to adapt. It will also highlight the challenges and opportunities this new environment creates for the self-regulated legal profession.

NOON - 12:45 PM **LUNCH**

12:45 – 1:15 PM PED Talks

Six-minute, high impact messages on professional and educational development.

1. Mentoring Programs: Impact on Minority Students
Brad Morgan – Coordinator, Access to Justice and Mentoring Programs, University of Tennessee College of Law, Knoxville, Tennessee
2. Report from the Classroom: Preparing Law Students for Mentoring Relationships in the Legal Profession
Katrina Lee – Assistant Clinical Professor, The Ohio State University Moritz College of Law, Columbus, Ohio
3. Boot CAMP: Helping Mentors & Mentees Be More Effective in Their Mentoring Relationship
John Baker – Director, Colorado Attorney Mentoring Program (“CAMP”), Denver, Colorado
4. Return on Investment
Judith Rush – Director, Mentor Externship Program, University of St. Thomas School of Law, Minneapolis, Minnesota

1:15 – 2:30 PM **Painting Your Program with Professionalism from Floor to Ceiling: Practical Strategies Your Mentor Program Can Use for Teaching Professionalism**

Jayne Reardon – Executive Director, Supreme Court of Illinois Commission on Professionalism, Chicago, Illinois AND **David Bateson** – President, Bateson Consulting, LLC and attorney at Lind, Jensen, Sullivan & Peterson, Minneapolis, Minnesota

There is nearly universal agreement that mentoring law students and young lawyers improves professionalism, but specifically, how? What are the key factors in a mentoring program that drive professionalism growth? Is this different than professional growth? After a general introduction by the presenters on the curriculum and structural framework of mentoring for professionalism, participants will participate in small group discussions focused on the key curriculum components and practical aspects of improving professionalism through mentoring, including an exploration of the professionalism issues frequently encountered in running a mentoring program.

2:30 – 2:45 PM **BREAK**

2:45 – 3:45 PM **PANEL: There's No Precedent for This – Innovation in Legal Mentoring**

Effectively and efficiently mentoring attorneys in the current market environment requires new ways of thinking and applying time-tested learning methods. In this session we will explain how a large law firm, a prestigious law school, local and state bar associations and the Supreme Court of Ohio have boldly innovated without precedent to transform lawyers into leaders in their workplace, their profession and their communities.

Maureen Bickley – Senior Associate, Frost Brown Todd, LLC, Cincinnati, Ohio

Douglas Dennis – Member, Frost Brown Todd, LLC, Cincinnati, Ohio

The Honorable Patrick Fischer – First Appellate District of Ohio, Cincinnati, Ohio

Mina Jones Jefferson – Assistant Dean & Director, Center for Professional Development, University of Cincinnati College of Law, Cincinnati, Ohio

Chris Habel (MODERATOR), Member, Frost Brown Todd, LLC, Cincinnati, Ohio

FRIDAY, MAY 2, 2014

Sheraton at Capitol Square, Governor's Ballroom

3:45 – 5:00 PM

PANEL: Beyond the New Lawyer: Mentoring at Later Career Stages

Mentoring is important at every stage of a lawyer's career. This session will examine mentoring needs of senior associates and partners and show how mentoring can be used to promote leadership development, succession planning and gender diversity.

Vandana Allman – Leadership and Executive Development,
Womble Carlyle Sandridge & Rice, Charlotte, North Carolina

Regine Corrado – Partner, Baker & McKenzie, Chicago, Illinois

Lisa Stalteri – Co-Managing Partner, Carr McClellan Ingersoll Thompson
& Horn, Burlingame, California

Ida Abbott (MODERATOR) – President, Ida Abbott Consulting LLC, and author of
The Lawyer's Guide to Mentoring and *Sponsoring Women: What Men Need to Know*

May 2 Evening Event: Ohio Statehouse, Museum Gallery

6:00 – 8:00 PM

Hors d'oeuvres, Cocktails & Statehouse Tours

SATURDAY, MAY 3, 2014

Sheraton at Capitol Square, Governor's Ballroom

8:00 – 9:00 AM

BREAKFAST & REGISTRATION

9:00 - 9:30 AM

Lawyer Mentoring in Europe

Rebecca Normand-Hochman – Director, Institute of Mentoring, London

This session will provide an overview of the use and development of mentoring in the legal profession in Europe and compare the common understanding of mentoring in the United States to that in Europe. The founder of the London-based Institute of Mentoring will present her work on behalf of the International Bar Association Law Firm Mentoring Programme and explain why she recently created a think tank and research institute for the development of mentoring best practices for the legal profession.

9:30 – 10:00 AM

Mentoring for Law Students and Lawyers with Disabilities

Jared Hager – Senior Attorney, Perkins Coie, LLP, Seattle, Washington

This presentation will discuss the American Bar Association Commission on Disability Rights' Mentor Program for law students and new lawyers with disabilities. This discussion will examine the benefits to mentors who participated as well as the challenges they faced.

10:00 – 10:10 AM

BREAK

10:10 – 10:55 AM Breakout Discussions - Round 1

1. Networking, Events, and Programming

David Bateson (MODERATOR) – President, Bateson Consulting, LLC and attorney at Lind, Jensen, Sullivan & Peterson, Minneapolis, Minnesota

What CLEs, events, and networking ideas have been particularly effective at bringing participants together and building community around your program?

2. Powerful Partnerships

Amy Timmer (MODERATOR) – Professor & Associate Dean of Students and Professionalism, Thomas M. Cooley Law School, and author of *Innovative Mentoring: Maximizing Relationships to Become a Successful Lawyer*

How to leverage partnerships between law schools, bars, courts, and other stakeholders to make your mentoring program stronger and more impactful.

3. Meaningful Mentoring for Senior Lawyers

Jayne Reardon (MODERATOR) – Executive Director, Supreme Court of Illinois Commission on Professionalism, Chicago, Illinois

How to create value and meaning for senior lawyers through your mentoring program. How can newer lawyers “mentor” more senior lawyers in technology, social media, and other developments in the business of law practice? Is there a role to play for mentoring programs in connecting lawyers nearing retirement to new lawyers seeking to buy into successful practices?

4. Mentor Recruitment and Retention

Katherine Erwin (MODERATOR) – Special Projects Director, Supreme Court of Illinois Commission on Professionalism, Chicago, Illinois

What do we each do to continuously recruit new mentors, and then to retain the energy and enthusiasm of existing mentors?

10:55 – 11:40 AM Breakout Discussions - Round 2

Sessions repeat, allowing each participant to attend two discussions.

11:40 AM - 12:15 PM Concluding Wrap-Up

Kateri Walsh (MODERATOR) – New Lawyer Mentoring Program, Oregon State Bar, Portland, Oregon

Join us for a brief report from each breakout session, and a final wrap-up of conference takeaways. Participants will leave fully inspired to bring new visions and ideas back to their home programs.

12:15 PM Boxed Lunches Provided

Feel free to stay and talk to colleagues before leaving to travel home.

Participants



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III.

Speakers



SPEAKERS

NOTES

Ida Abbott, president of Ida Abbott Consulting, www.IdaAbbott.com, helps employers manage, develop, and retain legal talent, and serves as mentor and coach to high-achieving individuals seeking professional success. A Fellow of the College of Law Practice Management, Ida has long been a leader in the field of lawyers' professional development and in efforts to advance women in the legal profession. She is on the executive committee of the National Legal Mentoring Consortium, is advisor and research panelist for the Institute of Mentoring, special advisor to the International Bar Association's Law Firm Mentoring Program, and member of the Council of Management Experts based in India. Ida co-founded the Hastings Leadership Academy for Women at Hastings Law School, where she is a Faculty Fellow. A popular speaker and author of many books on lawyers' professional development, mentoring and leadership, her most recent book is *Sponsoring Women: What Men Need to Know*.

Vandana Allman leads Womble Carlyle's leadership and executive development. She has played a key role in the development of the firm's Leadership Womble Program, which identifies and trains new leaders within the firm. Allman serves as an executive coach to the firm's senior leadership group. Her efforts ensure that Womble Carlyle leaders maximize their talents to benefit clients and team members. Prior to joining Womble Carlyle, Allman served The Gallup Organization in several capacities – client service manager, global practice group leader, and senior strategic leadership consultant. Allman received her B.A. in theology and M.Ed. in human resource development from Xavier University in Cincinnati, Ohio.

John Baker spent 33 years as a trial attorney, concentrating his legal practice in products liability litigation, representing individuals who have been injured by defective pharmaceutical products and vehicles. John was listed as a *Colorado Super Lawyer* for 2007 to 2011. John retired from trial practice in 2010 to work as president and executive director of the National Institute for Trial Advocacy ("NITA") for three years. On February 5, 2013, John was appointed by the Colorado Supreme Court Advisory Committee as the first director of the Colorado Attorney Mentoring Program ("CAMP.") John is responsible for establishing statewide young lawyer mentoring in each of the 22 judicial districts in Colorado. For 40 years, John has been active in promoting professionalism and served as president of the Denver Bar Association in 2009. John is married and has three children and four grandchildren, who have involved him over the years in coaching youth soccer, basketball, and baseball.

Dave Bateson is an attorney and consultant. He has an active litigation practice with the Minneapolis law firm of Lind Jensen Sullivan & Peterson, where he practices in the areas of workers' compensation, commercial litigation and insurance defense. He also is president of Bateson Consulting LLP, a consulting practice working with organizations and individuals on professional development for lawyers and other professionals. Dave previously served as assistant dean for student affairs at the University of St. Thomas School of Law, where he oversaw student services including the Office of Career and Professional Development, Academic Achievement, and the law school Registrar's Office.

SPEAKERS

Prior to becoming assistant dean for student affairs, Dave was director of the award-winning Mentor Externship Program at the School of Law. He is a frequent national speaker on mentor relationships, and mentoring in the legal profession. As director of the Mentor Externship Program, Dave recruited practicing attorneys to serve as mentors for each law school student and continues to teach in the mentor program. He is a 2009 University of St. Thomas School of Law Mission Award recipient for Excellence in Professional Preparation.

Dave has a certificate in business communications from the University of St. Thomas Opus College of Business. He received his Juris Doctorate from the University of Minnesota Law School, 2000, cum laude, and a Bachelor of Arts from the University of St. Thomas, summa cum laude.

Maureen Bickley is a managing associate in the product liability and mass tort practice group of Frost Brown Todd LLC. She is a trial lawyer, who concentrates her practice on national product liability litigation in diverse industry sectors, ranging from consumer products to construction and agricultural equipment manufacturers. Maureen serves on a team as national fire litigation counsel for a major construction and agricultural equipment manufacturer. In addition to product-liability matters, Maureen also represents clients in personal injury and premises liability matters.

Maureen was among the first group of associates to enter the first-year training program at Frost and is a rising leader in the Defense Research Institute's national YL group and in Cincinnati, attending the Chamber of Commerce leadership program, C-Change.

Regine Corrado's cross-border practice includes the coordination and implementation of multi-country corporate transactions and restructurings outside the U.S. In addition, she counsels U.S. multinationals in connection with their international operations, as well as corporate and foreign investment compliance and maintenance of their global corporate portfolio.

Ms. Corrado is on the management committee of Baker & McKenzie's Chicago office, serving as finance partner and heads up Baker & McKenzie's North America Women's Initiative. Ms. Corrado is a member of the advisory board of the M&A Leadership Council, a member of the American Bar Association, International Law Division, and the Chicago Bar Association, where she serves as member of the executive committee of the Alliance for Women. Ms. Corrado also serves on the Women's Board of the Chicago Symphony Orchestra Association.

Douglas Dennis is a member in the litigation department of Frost Brown Todd LLC, focused on products liability, ERISA litigation and appellate advocacy. Doug serves on the Ohio Supreme Court Commission on Professionalism, as vice president of the Cincinnati Bar Association and as vice chair of the CBA's Cincinnati Academy of Leadership for Lawyers program. He holds an informal "under the radar" monthly pizza lunch with associates and guest speakers at Frost.

Judge Patrick F. Fischer was elected to Ohio's First District Court of Appeals in November 2010, and re-elected in 2012. An honors graduate of Harvard Law School and Harvard College, he has been named to Best Lawyers®, Top 50 Lawyers (Cincinnati), Top 100 Lawyers (Ohio), and Super Lawyers. Judge Fischer served as president of the Ohio State Bar Association (2012-2013). He previously served on the OSBA's Board of Governors, chaired its budget committee, and served on numerous other OSBA committees, including chairing its transition and search committee for its new executive director who took office July 1, 2013.

Ohio's late Chief Justice, Thomas Moyer, named Judge Fischer to co-chair a task force that made the Ohio judicial system more efficient and just. He served two terms on the Ohio Supreme Court's Commission on Professionalism as it began its award-winning, statewide mentoring program. Judge Fischer currently serves as the only sitting judge on Ohio's Constitutional Modernization Commission, and is vice chair of its committee on judicial administration. Judge Fischer previously served as president of the Cincinnati Bar Association (2006-2007), and chaired its ethics and professionalism committees. In 1987, Judge Fischer began working in Keating Muething & Klekamp's trial department, and just four years later became a partner there. Judge Fischer is a dedicated public servant who has served on numerous local boards [his license plate reads: "2 Serv U"], including those dealing with mental health services, young children's education, addiction services, museums, and his church.

Chris Habel is a member of Frost Brown Todd LLC and practices environmental, construction and DOT hazardous materials transportation law. He counsels clients on a wide variety of environmental issues and represents them in environmental litigation. He routinely conducts compliance audits, and advises buyers, sellers, and lenders on environmental considerations in real estate transactions and business acquisitions and divestitures. He applies his civil engineering and construction background to provide sound legal and technically feasible solutions to client problems.

As the advancement committee chair at Frost, Chris was the driving force behind the innovative first-year training program that is described in your materials.

Jared Hager is a senior attorney at Perkins Coie. He graduated *summa cum laude* from the University of Minnesota School of Law and clerked for Judge Gould on the Ninth Circuit Court of Appeals. Jared practices in the area of international commercial arbitration and complex litigation, with a focus on space law. He's an adjunct professor at Seattle University Law School and has served on the board of directors of numerous non-profit organizations committed to serving children and adults with disabilities.

Taylor Hammond joined The Chicago Bar Foundation (CBF) as the first director of the Justice Entrepreneurs Project (JEP) in February 2013. As director of the JEP, Taylor is responsible for leading and overseeing all activities of the JEP, an incubator for recent law school graduates to start their own socially conscious law firms. The goal is to expand legal services to low- and moderate-income people by developing new models through which lawyers in solo or small practices can sustainably serve these clients. Borrowing principles from successful incubators in the business and technology fields, the JEP provides training, resources, and support to participants in a collaborative office setting.

Prior to joining the CBF, Taylor served as general counsel for Lincoln Renewable Energy, LLC, a start-up developer of utility-scale solar and wind power projects. Taylor also practiced for several years at DLA Piper LLP (US), where he represented developers, purchasers, sellers, and owners of residential and commercial property on matters involving real estate transactions, community and economic development, land use, and zoning. Prior to law school, Taylor served on active duty for four years as a captain in the U.S. Army. He also worked as an account manager for a major medical device company. Taylor received his law degree from Vanderbilt University Law School and his B.A. from Duke University.

Martha Harris is director of career development and committee engagement at the New York City Bar Association. In her role at the New York City Bar Association and working with its Committee on Career and Advancement and Management, Martha oversees most of the development and operation of association's career development program, which consists of events and activities ranging from effective job-search techniques, to career development and management, to alternative legal careers and JD-preferred roles. She also manages the Career Counselor Referral Service, which pairs city bar members with an experienced career counselor, and the Small Law Firm Mentoring Circles, which brings together new and experienced solo and small-firm practitioners in particular practice areas. Martha is currently leading a new initiative at the city bar, The New Lawyers Institute, which bridges the transition from law student to practitioner, particularly for those graduates without employment or who are considering going into small-firm practice. Martha also provides individual counseling to law students, law grads and lawyers seeking career assistance from the New York City Bar.

In addition to her career development work, Martha helps manage the City Bar's 150 committees, advising on policy, assisting with membership issues and managing the committees' Web presence. She oversees the administration the National Moot Court Competition and works closely with the executive committee, the City Bar's governing body.

Martha received her undergraduate degree from Smith College and her law degree from the University of Wisconsin Law School.

Kathleen Havener has spent 23 years as an attorney in complex commercial litigation. In 1991, she graduated with honors from Harvard Law School. During her law school experience, she was also raising three school-aged daughters who were 8, 5, and 4 when she began. Kathleen was 36 when she graduated from Harvard, 15 years after she earned her B.A., *summa cum laude*, from Spring Hill College in Mobile, Alabama.

After serving as a judicial law clerk on the DC Court of Appeals, she spent the next five years as an associate in Washington, D.C. law firms before she relocated to Ohio. In Cleveland, she rose to partnership level at a large firm. For the past six years she has headed her own small two-person law firm where she continues to handle a wide variety of complex commercial cases.

Kathleen's is the founder of the Woman to Woman Lawyer Referral Network, a free online referral network for women lawyers to find each other—and for anyone to find a woman lawyer—in particular geographic areas and particular practice specialties online.

Kathleen is the 2013 recipient of the Ohio State Bar Association's Nettie Cronise Lutes Award (2013). Named for the first woman to practice law in Ohio, the "Nettie" Award is presented by OSBA Women in the Profession Section to recognize women lawyers who "improved the legal profession through their own high level of professionalism and who have opened doors for other women and girls."

KEYNOTE SPEAKER

Professor William Henderson ("Bill") is a professor of law at the Indiana University Maurer School of Law, where he teaches courses on the legal profession, project management, business law, and law firm economics. His research, which focuses on the empirical analysis of the legal profession and legal education, has been published in leading law journals and leading publications for practicing lawyers, including *The American Lawyer*, *The ABA Journal*, and *The National Law Journal*. Henderson's observations on the legal market and legal education also are frequently quoted in the mainstream press, including the *New York Times*, *Wall Street Journal*, *Los Angeles Times*, *Atlantic Monthly*, *The Economist*, and National Public Radio.

Based on his incisive analysis of the structural changes occurring in the legal profession, Professor Henderson recently was included on the *National Law Journal's* list of The 100 Most Influential Lawyers in America. In 2012, he was named among the Top 5 Most Influential People in Legal Education by *The National Jurist* magazine. In 2011, Henderson received the Lisagor journalism award for his *ABA Journal* cover story, "Paradigm Shift." In 2009, Henderson was named a "Legal Rebel" by the *ABA Journal* in recognition of his influence on legal education and the changing economics and structure of the legal profession. He speaks to law firms, law schools, and legal organizations all over the country, sharing insights on the future of legal services and the results of his empirical research.

Henderson has been a member of Indiana University Maurer School of Law faculty since 2003. In 2010, Henderson founded Lawyer Metrics, LLC, a company specializing in the use of data analytics for lawyer development and law firm strategic decision making.

Mina Jones Jefferson is the assistant dean for professional development at the University of Cincinnati College of Law. In addition to promoting the professional development of the College's student body and directing career services, Ms. Jefferson is a speaker on the topic of professionalism and career advising, has taught ethics, and provided the classroom instruction for the legal extern course. Ms. Jefferson is a member of the steering committee for the Cincinnati Academy of Leadership for Lawyers (CALL) and formerly served on the board of directors for the National Association for Legal Professionals (NALP), and chaired NALP's Law School Employment Outcomes Task Force, which produced the industry's Best Practices Guide. She also served as a board member for the Legal Aid Society of Greater Cincinnati Board of Directors, and served, by appointment, on the Ohio Supreme Court Continuing Legal Education Commission. Prior to joining the College of Law in 1999, Ms. Jefferson was a partner at the law firm of Frost & Jacobs LLP, n.k.a., Frost Brown Todd LLC, where she practiced commercial litigation. Ms. Jefferson is a graduate of the University of Cincinnati College of Law and received her degree in public administration from Miami University.

Mark Korf is the former director of new lawyer development for West Professional Development, a Thomson Reuters business that provides products such as West LegalEdcenter, Federal Publication Seminars and Beyond the Bar. Mr. Korf was with Thomson Reuters for 23 years, including 12 years with the legal education business. He has worked with legal organizations and lawyers throughout the country on professional development programs. Mr. Korf has written articles and spoke at national conferences on the topics of professional development and mentoring. He was an executive committee member of the Minnesota State Bar Association's Esquire36, a program to provide recent graduates with resources and a coach to help them transition to practice. Mr. Korf is a founding member of the National Legal Mentoring Consortium and currently a member of the executive committee.

Katrina Lee, assistant clinical professor of law, teaches legal negotiations, legal analysis and writing, and LLM legal writing at The Ohio State University Moritz College of Law. She came to Moritz after a 12-year career in complex civil litigation in San Francisco, California, including more than six years as equity partner of a national law firm and three years as chair of the firm's recruiting committee. She chairs the mentoring committee of the Asian Pacific American Bar Association of Central Ohio and is the author of, "Focusing on a Critical Developmental Relationship through Aspirational Role Play: Elevating Students to Partner in the First Year of Law School." Katrina received her Bachelor of Arts and J.D. degrees from the University of California at Berkeley.

Brad Morgan serves as the Access to Justice and Mentoring Programs coordinator for the University of Tennessee College of Law. In this capacity, Brad works to develop and expand opportunities for law students to engage in critical self-assessments through involvement in pro bono and professional development experiences. The formal mentoring program at the University of Tennessee College of Law is an essential component of the college's professional development programs. Not only does the program engage students in taking ownership of their career development, it also creates and strengthens ties with alumni, bar members, and institutional partners. Brad has authored multiple papers and presented at multiple conferences on issues related to mentoring and professional development. Additionally, Brad serves on the executive committee for the National Legal Mentoring Consortium.

Former Chief Justice Paul De Muniz served on the Oregon Supreme Court for 12 years, and as chief justice from 2006 to 2012. He served on the Oregon Court of Appeals between 1990 and 2000. Prior to ascending to the bench, De Muniz was in private practice, specializing in complex criminal and civil litigation. It was under the determined leadership of Justice De Muniz in 2010 that Oregon became the third state in the nation to make a year of mentoring mandatory for all new lawyers. De Muniz speaks frequently to national and international audiences on the importance of maintaining independent state judiciaries, improving state court administration, and finding innovative ways to support professionalism. He currently serves on the board of trustees for the National Judicial College, the National Crime Victim Law Institute, and the Oregon chapter of the Susan G. Komen Race for the Cure organization.

Rebecca Normand-Hochman is the founder and director of the Institute of Mentoring, which provides insight, research and advice to advance mentoring best practices in the legal profession. As a former Franco-British lawyer, Rebecca practiced international finance law in London and in Paris. Her experience as a lawyer with Allen & Overy in Paris laid the foundation for her present work in talent management. She has carried out extensive research on law-firm talent management, and her work draws on best practices and collaboration with leading experts in leadership, change management, coaching and mentoring. Through her current work with the Institute of Mentoring and the involvement of a number of law firm partners, talent management experts, coaches and professors, Rebecca is focusing on the subject of mentoring. She is pursuing research and providing advice to adapt best practices to the specificities and challenges relating to the practice of law.

Since 2012, she has led the main talent-management initiatives of the International Bar Association law firm management committee. These include the coordination of the book, *Managing Talent For Success*, and leading the IBA Law Firm Mentoring Programme. She is an officer and advisory board member of the law firm management committee.

Judge Colleen O'Donnell was appointed by Governor Kasich to the Franklin County Common Pleas Court, General Division in May 2013. Since taking the bench, Judge O'Donnell has presided over civil and criminal cases, conducted numerous jury trials, and has worked aggressively to reduce the caseload she inherited. Previously, Judge O'Donnell served as a law clerk in the United States District Court for the Northern District of Ohio. She also served in the the consumer protection section of the Ohio Attorney General's Office and worked at the law firm of Carpenter Lipps, Leland LLP. Judge O'Donnell volunteers with the Columbus affiliate of the Susan G. Komen Foundation and has also served as a mentor in the Big Brothers Big Sisters of Central Ohio organization. She was a new lawyer participant in the 2006 pilot of the Supreme Court of Ohio Lawyer to Lawyer Mentoring Program.

Justice Terrence O'Donnell has been a member of the Ohio judiciary for more than 34 years. He served on the Cuyahoga County Common Pleas Court in Cleveland for 14 years and on the Ohio Eighth District Court of Appeals for eight years. Justice O'Donnell is now in his 12th year as a member of the Ohio Supreme Court. Justice O'Donnell led statewide efforts to increase professionalism among Ohio lawyers and judges, and his leadership efforts gave rise to the Supreme Court of Ohio Lawyer to Lawyer Mentoring Program, which has received national recognition. Justice O'Donnell has served as chairman of the Ohio Legal Rights Service Commission, which oversees the protection and advocacy of the developmentally disabled and mentally ill statewide. He regularly speaks on topics of ethics, professionalism, and appellate advocacy and continues to support, expand, and strengthen mentoring in Ohio.

Jayne Reardon is the executive director of the Illinois Supreme Court Commission on Professionalism. In her prior years as a trial lawyer, she frequently experienced legal process undermined by incivility, as well as successful outcomes supported by civility. Drawing on her years serving as counsel to the Review Board of the Illinois Attorney Registration and Disciplinary Commission, Jayne is a frequent presenter on the challenges facing the legal profession, including the application of ethical obligations in technology-rich practice settings.

Jayne's expertise in law-firm management issues, such as recruiting, diversity, and continuing legal education at Kelley Drye & Warren and Wildman, Harrold, Allen & Dixon (now Edwards, Wildman Palmer), provided her with first-hand understanding of the challenges facing attorneys in both large and small firms. A frequent motivational speaker, Jayne is a graduate of the University of Michigan Law School and the University of Notre Dame. She is active in numerous bar and civic organizations, including the American Bar Association standing committee on professionalism, the ABA Consortium of Professionalism Initiatives, the National Legal Mentoring Consortium's executive committee, Phi Alpha Delta legal fraternity, the Illinois State Bar Association, the Women's Bar Association of Illinois and the Chicago Bar Association.

Judith Rush is the director of mentor externship at University of St. Thomas School of Law, where she combines her passion for teaching and commitment to the profession for the benefit of law students — the future of the profession. Prior to joining UST, she enjoyed a successful solo ethics and professional liability advisory, appellate, and family law practice in St. Paul, while teaching professional responsibility and legal advocacy as an adjunct for 15 years. She now limits her private practice to providing advice, consultation, and expert testimony in professional liability and ethics matters. Judith is chair of the Minnesota Board of Lawyers Professional Responsibility, co-chair of the ABA Co-LAP's law student services committee, and past chair of Lawyers Concerned for Lawyers and the MSBA life & the law committee. Judie earned her undergraduate degree, *magna cum laude* from Hamline University and her J.D. *magna cum laude* from William Mitchell College of Law.

Lisa Stalteri has more than 20 years of experience in commercial real estate transactions, sustainable development, and environmental law. She counsels clients in all areas of commercial real property and its operation, including leasing, financing, construction, and acquisitions and dispositions. Lisa is LEED® Green Associate Accredited and devotes a significant portion of her practice to transactions involving contaminated properties and businesses with potential environmental liabilities.

In addition to her role as chair of the Real Estate Group, Lisa also serves as co-president of Carr McClellan. Carr McClellan is a full-service business and business litigation firm of 22 attorneys celebrating nearly 70 years in the San Francisco Bay Area.

Amy Timmer joined the Cooley Law School faculty in 1992, and has been the associate dean of students and professionalism since 1996. She designed and oversees the implementation of Cooley's Professionalism Plan, which has earned Cooley the Professionalism Award from the ABA's standing committee on professionalism. A key part of Cooley's Professionalism Plan is to provide mentoring for its students.

To that end, Dean Timmer has established a 60-minute professionalism mentoring program with local bar associations, a program she featured in her recently co-authored book called, *Innovative Mentoring: Maximizing Relationships to become a Successful Lawyer*, available from Westlaw. That book is used by law schools, bar associations, and law firms around the country to provide ideas on mentoring programs and techniques.

She also participated in a study comparing traditional mentoring to episodic mentoring, and published the results in an article called, *Matched vs. Episodic Mentoring: An Exploration of the Processes and Outcomes for Law School Students Engaged in Professional Mentoring*, published last year in Australia's Legal Education Review. She has operated pro bono mentoring programs through which law students are mentored by attorneys handling pro bono cases, as students assist with the case. Dean Timmer is one of the founding members of the National Legal Mentoring Consortium and currently serves as vice chair.



Course Materials



Episodic Mentoring: Momentous Things Happen in a Moment

Amy Timmer

Professor & Associate Dean of Students and Professionalism
Thomas M. Cooley Law School

NOTES

Episodic Mentoring: Momentous Things Happen in a Moment

"This presentation will introduce you to a new way of offering meaningful topic-based mentoring that teaches the life-long skill of self-mentoring and exposes law students and young lawyers to a broader network of attorney-mentors. Mentees will benefit from receiving many perspectives; mentors will benefit from limited and focused time commitments; and both benefit from not being stuck in a relationship that doesn't work and from allowing a long-term relationship to develop naturally. The presentation includes a review of published research on the merits of this approach."

*Amy Timmer, Dean of Students and Professionalism
Thomas M. Cooley Law School*

Resources

INNOVATIVE MENTORING FOR LAWYERS AND LAW STUDENTS: MAXIMIZING RELATIONSHIPS TO BECOME A SUCCESSFUL LAWYER, Matthew Cristiano and Amy Timmer, Thomson Reuters, 2012. <http://store.westlaw.com/maximizing-relationships-to-become-a-successful-lawyer-innovative-mentoring-lawyers/186058/41310762/productdetail>

New lawyer and law student mentees will find this booklet to be their guide to episodic mentoring. It contains an explanation of the technique, instruction on "self-mentoring," lists of questions that can be asked of anyone and of lawyers that will elicit useful career and professional development information, and resources. The pamphlet is also useful for lawyer mentors engaging in episodic mentoring.

Matched vs. Episodic Mentoring: An Exploration of the Processes and Outcomes for Law School Students Engaged in Professional Mentoring, Eileen S. Johnson, Amy Timmer, Dawn E. Chandler, & Charles R. Toy, LEGAL EDUCATION REVIEW, Vol. 23, No. 1, Fall, 2013.

This article discusses a nine-month study comparing traditional mentoring with mentoring episodes through the experiences of law students who were mentored by attorneys. The study concludes that episodic mentoring is a valuable mentoring option.

THE HANDBOOK OF MENTORING AT WORK: THEORY, RESEARCH, AND PRACTICE, Belle Rose Ragins and Kathy E. Kram, Sage Publications, 2007

Excerpts from Chapter 27 of this book were presented at the 2008 Mentoring Conference presented by the Nelson Mullins Riley and Scarborough Center on Professionalism and focused on developmental networks and episodic mentoring as a valid mentoring technique.

Problems that can arise with traditional matched-pair mentoring

1. Personalities don't mesh.
2. Relationship problems can vary from power conflicts to sexual inappropriateness.
3. In matching, there may be no sensitivity to diversity, age, gender, interests, or relative positions and power.
4. Substantial budget/administrative resources may be required. Traditional matched-pair mentoring requires surveying mentors and mentees, matching, monitoring the relationship, addressing problems that may arise, all of which requires personnel, time, and administrative resources.
5. If the pairing doesn't work, re-matching may be required. Both parties may lose desire for mentoring.
6. Attorneys with limited time may not want to commit to a year-long relationship.
7. Mentee is limited to one person's opinion and guidance.
8. Millennials and their "Boards of Directors": they are used to having many advisors: Mom, Dad, step-Mom, step-Dad, maybe another step-Mom, step-Dad, and a whole slew of grandparents. May not be as willing to invest in one relationship and may crave many sources of guidance and support.

2008 Nelson Mullins Riley & Scarborough Center on Professionalism Mentoring Conference

Dr. Kathy Kram:

“Individuals actually have a constellation of developmental relationships ... [that provide] multiple sources of support.”

Social network theory was implanted into mentoring studies and determined to provide valuable support for career advancement, personal and task learning, and satisfaction.

“These relational processes result in growth-fostering interactions, or *mentoring episodes*, that involve increased zest, empowered action, self-esteem, new knowledge, and a desire for more connection.”

“The cumulative experience of mentoring episodes yields a mentoring relationship ... [A] series of high-quality relational mentoring episodes results in the experience of a positive mentoring relationship that can, in turn, lead to positive outcomes in career, work, and nonwork domains.”

Developmental networks; value of having many simultaneous mentoring relationships that contribute to professional development. Benefits of episodic mentoring.

Episodic or 60-Minute Mentoring

Topic-based: Professionalism (developing professional skills) as focus of mentoring; helping students learn the life-long skill of self-mentoring. Receive various views on professionalism. Students learn to check for attorneys' discipline history.

How to run the program:

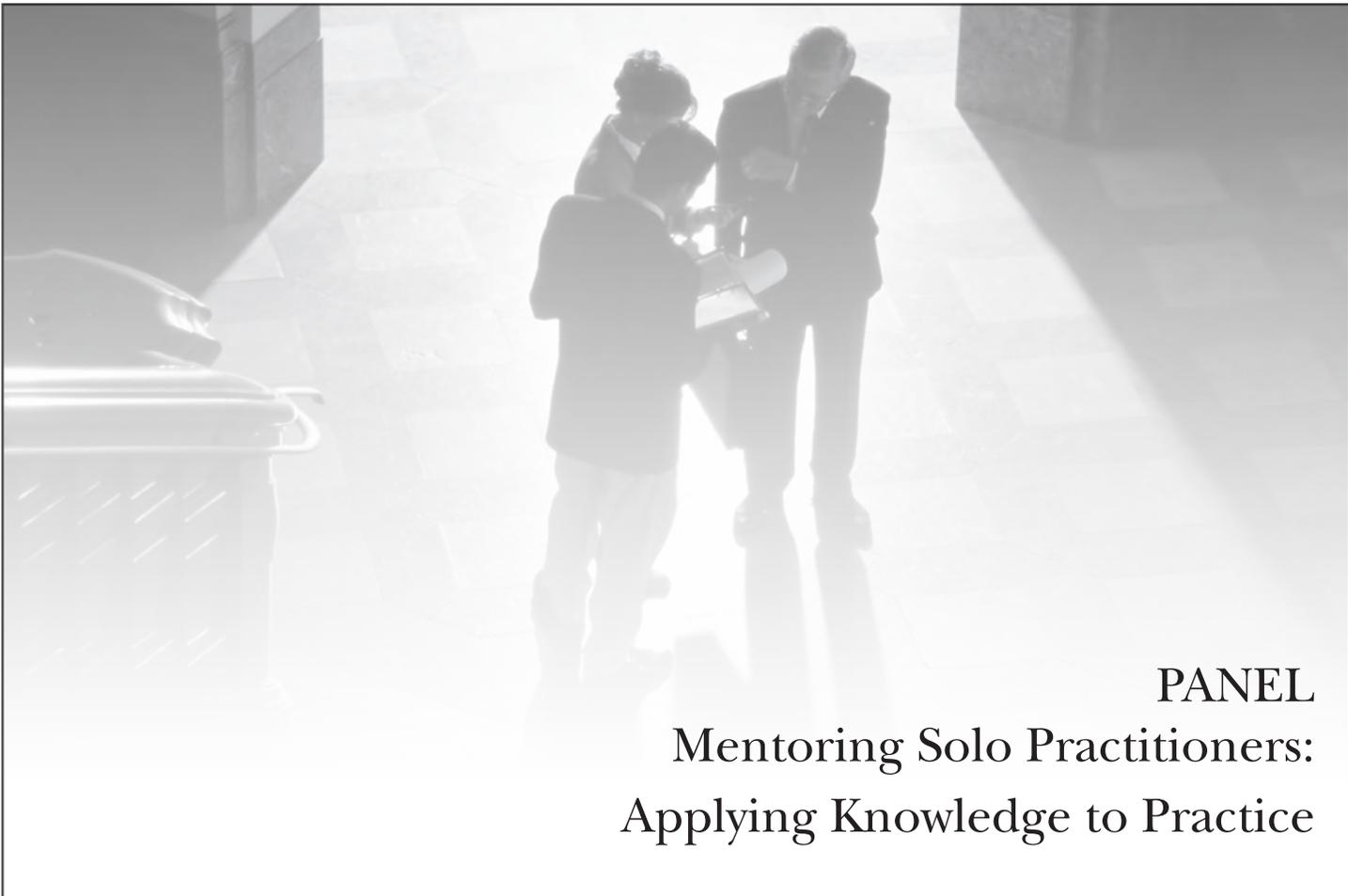
“Support group,” regular meetings: teach “self-mentoring;” identify sources for individual lawyers to contact; go over standard email introductions; design questions to ask; design “infomercial” about career interest; discuss various approaches to lawyers; benefit of mentoring with any professional or person, not just lawyers; students inspire each other and share successes.

Resource for all of the above: INNOVATIVE MENTORING FOR LAWYERS AND LAW STUDENTS: MAXIMIZING RELATIONSHIPS TO BECOME A SUCCESSFUL LAWYER <http://store.westlaw.com/maximizing-relationships-to-become-a-successful-lawyer-innovative-mentoring-lawyers/186058/41310762/productdetail>

Cooley Law School examples of episodic mentoring:

1. Professionalism 60-Minute Mentoring (with Ingham County Bar Association)
2. Pro bono mentoring (with Detroit Metropolitan Bar Association)
3. SMART (**S**tructured **M**entoring as **A**ssessment of **R**elevant **T**raining) mentoring (with Grand Rapids Bar Association)

1. Episodic mentoring programs don't require much in the way of resources. But, you may want to have a support group meeting for first 3 months or so.
2. Attractive to attorneys b/c
 - a. limited time commitment and
 - b. not stuck with a mentee they can't work well with.
3. Matching not required so no risk of bad long-term matches.
4. No administrative expense or time spent matching, reporting, fixing bad matches.
5. Value to students, including the skill of self-mentoring.
6. Introverts learn to reach out and get mentored.
7. Mentoring network develops.
8. Mentees receive many opinions about professionalism and ethics.
9. Quality—might be good; might be bad; student needs to know how to pick though what they hear.
10. Students learn to research the discipline background of lawyers.
- 11. Long-term mentoring relationships may naturally emerge.**



PANEL
**Mentoring Solo Practitioners:
Applying Knowledge to Practice**

Taylor Hammond

Justice Entrepreneurs Project
The Chicago Bar Foundation

Martha Harris

New York City Bar Association

Kathleen Havener

The Havener Law Firm, LLC

Mark Korf (MODERATOR)

National Legal Mentoring Consortium
Executive Committee Member

NOTES



Justice Entrepreneurs Project

The JEP is an incubator for recent law school graduates to start their own socially conscious law firms. The goal is to expand legal services to low and moderate income people by developing new models through which lawyers in solo or small practices can sustainably serve these clients.

Low and moderate income people represent a sizable gap in the current legal market—they earn too much to qualify for free legal aid but not enough to afford traditional firm rates. This leaves them with little access to reliable and affordable legal assistance, and as a result, more people than ever are going to court without the legal help they need.

At the same time, new lawyers are increasingly looking for nontraditional paths into the legal profession. JEP participants are talented and entrepreneurial newer lawyers chosen to be part of the program through a competitive selection process. They are committed to serving the community by providing quality, cost-effective legal services for this market. They are technologically savvy, they welcome innovation, and they understand the need to reinvent the traditional law practice.

JEP lawyers build sustainable, efficient and flexible practices by:

- leveraging technology,
- offering fixed fees and a la carte services, and
- maximizing collaboration with their clients.

Borrowing principles from successful incubators in the business and technology fields, the JEP provides training, resources and support to participants in a collaborative office setting. The JEP also features a strong pro bono service component that places participants at partner legal aid organizations. This provides much-needed legal services for people in need while at the same time providing the JEP lawyers with vital experience and mentoring, and helping them build their networks.

The CBF makes this possible by bringing Chicago's legal community together to support and collaborate in the program. The CBF leverages significant pro bono and in-kind donations to provide much of the training and resources and connects participants to a vast network of experience and expertise.

The JEP in a Nutshell

The **18-month program** provides training, resources and support to help newer law graduates establish successful solo and small firm law practices that meet community need. Specifically, the JEP provides participants with the following:

- Top-notch training on substance, skills and law practice management
- Expert coaching and assistance on business issues and client development
- Mentoring by experienced and respected practitioners
- Structured pro-bono program providing legal experience and a better understanding of the legal aid community and the legal delivery system
- Shared office space in a collaborative environment fostering innovation and peer mentoring
- Practice resources, including law practice management technology
- Access to a variety of helpful networks through the CBA, CBF and other partners
- The ability to collaborate with peers and other successful practitioners

JEP participants are chosen through a **competitive selection process** that includes a personal statement and interview. We seek to identify talented, public interest-minded and entrepreneurial lawyers who want to build innovative practices that “break the mold” to provide cost-effective service. The JEP participants are committed to serving the community by building more efficient and flexible practices that provide quality legal service to low and moderate income clients. The JEP brings in a new group of 10 participants every six months. When operating at full capacity, the JEP will have 30 participants in three different phases of the program.

For the **first six months** of the program, participants provide **pro bono service** through placements with legal aid organizations for approximately 20 hours per week, gaining valuable experience and connections in the legal community. At the same time, the JEP provides regular training to help them establish, develop and grow their practices. From the start and throughout the program, participants meet as a group regularly (currently in the late afternoon on Wednesday) for training, information exchange and other programming.

As participants move through the program and **prepare to take their practices into the community**, participants focus more on working with their own clients and developing their practices, including establishing substantive expertise, practice management systems, and business development methods. At the same time, the JEP programming and training focuses more on business development, new fee models and how to leverage technology to provide more cost-effective service.

There is no cost to participants during the first six-months of the program. After that period, participants pay a **participation fee** of \$300 per month during the second phase and \$500 per month during the third phase. This participation fee helps offset the cost of the shared office space and, together with extraordinary pro bono contributions from our legal community and other partners, allows the JEP to provide these comprehensive resources and the collaborative office space with a modest operating budget.



LIFEGUARDING LAWYERS

On November 19, 2011, on the front page of its business section, *The New York Times* published an article by David Segal entitled, “What They Don’t Teach Law Students: Lawyering” (tinyurl.com/7tc7rht). The article quoted Jeffrey W. Carr, a consumer of legal services, who said about new law school graduates, “They are lawyers in the sense that they have law degrees, but they aren’t ready to be a provider of services.” Segal’s article went on to connect the downturn in hiring of new associates by large firms to the fact that recent law school graduates simply don’t know how to practice law.

NEW SOLOS NEED MORE THAN A MENTOR

By Kathleen Balthrop Havener

Veer

THE NEED FOR MENTORING

Nearly every legal publication I pick up these days contains a section or an article dedicated to mentoring. One national publication I read recently focused entirely on what it called “sponsorship.” The relationships these publications promote between experienced lawyers and newer aspirants to law practice appear to differ from what I’ve always known as “mentoring,” largely in their intensity and level of commitment.

accepting the decision of the trier of fact or the appeal court (closing the file)—when you received your law degree however many years ago.

I am not ashamed to confess that I knew precious little about law practice when I donned that hood. A year of clerkship with a brilliant appellate court judge did wonders for my analytical and writing skills and my knowledge of the rules of procedure (both trial and appellate), but learning to actually take the

to worry that the newbies who have not been smiled upon by the fierce job market will be swimming alone. Given how much these new lawyers need to learn, they don’t need mentors so much as lifeguards. Who’s going to help them? We are.

CO-COUNSELING IN CLEVELAND

Quite by accident, I hit upon a small—but I hope, significant—contribution I can make all by myself to help solve the problem. The Cleveland Metropolitan Bar Association is a great organization, and the Women in Law Section is a particularly active part of it. Sometime in the autumn of 2009, a year and a half after I started my new law firm, a friend from the Women in Law Section telephoned to ask me to speak at a monthly meeting—with several other women—on a program called “Women in Transition.” All my friend asked of me was that I tell the story of my jump from a large law firm (100+ lawyers) to “just me”—and to bring a checklist of the things one must do to open a solo practice. Because I had recently published an article in the ABA’s *Litigation* journal on the same subject (including my own checklist), I brought some photocopies of my article to leave on the table at the back of the room. I stapled my business cards to each article. During my short presentation, I suggested that if anyone had any questions or even just wanted to talk, she should feel free to telephone or e-mail me and I would do whatever I could to help.

Only a few days went by before I got my first call from that invitation. I can’t remember what it was about. I do remember that, over the next several weeks, I received somewhere between eight and ten similar calls from other new or newly solo lawyers asking for my help with this idea or that pleading or this discovery. I always obliged. Soon, one of the brightest of my accidental mentees asked me to serve as co-counsel with her on a matter she had originated but that she was not convinced she had the skills to handle alone.

I charged a significantly lower rate than usual in order to give her a boost. She did almost all the preliminary work while I reviewed everything that ever emerged from our collective counseling arrangement. To my surprise, the

Who’s helping the record numbers of new lawyers hanging out their shingles?



I don’t think it’s coincidental that the promotion of “mentoring” or “sponsorship”—the ubiquitous effort to match inexperienced lawyers and even students with lawyers who’ve been around the block—is happening precisely when economic times have taken their toll on members of our profession. I’m sure you’ve heard about the class action lawsuit against a number of law schools for skewing their post-graduation employment numbers in order to elevate their place in the *U.S. News & World Report* law school rankings. It is just plain fact that current law graduates are finding the market for legal jobs as dry as the Sahara. Record numbers of new lawyers—having fought to get any job in the law and come up empty—are deciding to give up their job search and hang out their shingles.

“So what?” you ask. “Caution,” say I. I fear there are stormy seas ahead, not only for these newly minted lawyers but their more experienced opponents, the judges and juries assigned to their cases, and worst of all, their clients. If you’re a lawyer of a certain vintage, ask yourself how much you knew about writing a complaint—much less managing litigation from meeting the client (intake) to

helm of a case took years of hard lessons, further study of navigation, memorizing a map of the heavens, and long service under a variety of ship’s captains. Even though I have now been steering my own cases for years, the ship-to-shore lines still buzz when I feel I need a different view of the approaching weather.

Thus, looking out over an ocean teeming with brand new “Nemo” lawyers, I can’t help but think they’re heading into shark-infested waters. Who will look after them? Review their work? Talk with them about how to actually accomplish the thousands of tasks you need to know to really practice law? Whom does one serve and with what? Where does one apply to be a notary and what’s the point? How does one decide what is appropriate to plead in a complaint and what is not? How do you avoid becoming an incurable workaholic or an abuser of a more damaging substance?

Even the simplest tasks we do—writing complaints, preparing an engagement letter, interpreting contracts, and advising clients accordingly—are better learned if someone coaches you how to go about them in a real-life context. It’s very disturbing for me as an experienced litigator

arrangement worked beautifully! The only disappointment (for the mentee) in that representation was that the trial was scheduled—written in stone—for a time she had planned a trip to Europe with her husband. So she missed what would have been her first trial.

Soon I had entered into professional relationships with a number of young women with whom I regularly co-counsel. When we're working on a case together, I usually take the first deposition with my co-counsel present, she takes the second one with me in the supporting role, and she can take flight on her own when we agree she's ready. We don't double-charge the client but set flat fees that we then divide according to a prearranged formula. I handle hearings until the fledglings can do it alone. I ask them to attend CLEs I give on "How to Prepare a Complaint" or "Discovery Strategies and Skills" so that they know that what I say to them is the same wisdom I share with participants in CLEs. They have to be taught every single skill, but so did the associates I worked with when I was in large firms. My relationship with these young women is virtually identical to those I had with associates, even insofar as I suggest an appropriate division of labor rather than assigning tasks. And although sometimes the fees can seem quite meager, I am not doing it for nothing. We share small payouts. Moreover, the relationships don't disappear when the case does. They know I am still available to consult on particular questions that might arise in future. And I'm generous with my time because it will keep my finger in the pie when these former mentees have larger cases that they want to include co-counsel on. Maybe as they progress in their small practices, they'll land a big matter and ask me to help again.

That's the benefit to me. The benefit to the new lawyers—not to toot my own horn—is extraordinarily valuable. They get counseling, coaching, editing, explanation, comfort, and confidence that their skills are improving by other means than just trial and error. They don't have to suffer the embarrassment of making mistakes, small or large, when they have me looking over their shoulder. They get it right the first time. Their discovery requests are

cogent, well thought out, and ask for what they really want. They learn how to follow up when an opposing party doesn't respond appropriately to our discovery or wants too much information in theirs. They learn how to practice law.

In preparing this article, I've asked a few of them what problems, if any, these



The entire legal system benefits when new lawyers pair with experienced ones.

relationships have caused them. One said she had trouble explaining to a client why he needed two lawyers, instead of her alone, for what seemed like a simple matter. That she had never handled a matter in court before wasn't a reason she particularly wanted to share. Another said she wasn't thrilled with the original terms of the fee splitting—which we revised anyway—but that when the case came to an end, she felt that she had gotten more benefit from the relationship than our revised agreement really compensated me for. My reaction? It all comes out in the wash.

CALLING ALL LIFEGUARDS

There's no reason why what I've done on a small scale can't be reproduced and institutionalized on a larger scale. County and city bar associations are ideally placed to match new solo practitioners with experienced solos in their vicinities to join their efforts. New solos can sign up for the program, and the bar associations can seek out senior lawyers who are willing to spend the time (and not for nothing) to get a new solo off to a fair start. Taking a deposition can be scary, and everyone feels he or she will mess it up the first time. You can't learn certain skills from books or CLEs. (Workshops that last several days are another matter—they can be invaluable.)

The Utah State Bar has a mandatory

yearlong mentoring program for new lawyers "to match new lawyers with more experienced lawyers for one-on-one guidance in acquiring the practical skills, judgment, professionalism, ethics and civility to practice in a highly competent manner" (www.utahbar.org/nltp). Newly admitted lawyers in Ohio must complete 12 hours

of "New Lawyer Training" in the first biennium after they begin practicing. Other states have similar requirements or are contemplating imposing them.

But my message is simpler. The time you invest in mentoring new lawyers is not only for the purpose of helping *them*. The entire legal system will undoubtedly benefit from any program, formal or informal, that pairs new lawyers with experienced ones in working a case. There is no substitute for actual lawyering—with the guidance and oversight of a veteran in a real case in a real court (or a real deal in a real boardroom)—to impress upon a new lawyer how his or her legal knowledge translates into good counsel or advocacy. If you're a veteran lawyer yourself as you read this, find a new graduate and offer to help them learn the ropes. If you're a newcomer to the practice of law, make sure your contact list includes a few helpful souls who are farther down the road. Pair up. Work together. Learn from each other. Nothing else can accomplish the same results. ■

Kathleen Balthrop Havener (kbhavener@havenerlaw.com) is the founder of the Havener Law Firm LLC in Cleveland, Ohio, focusing on complex commercial litigation as well as complex commercial and government transactions. And she is willing to help.

THE DELIVERY-ROOM BLACKBERRY: A LABOR OF LOVE

By Kathleen Balthrop Havener

Dear Mary Ann:

I am so happy to hear about the birth of your new baby boy on Monday. I hope Mom and Dad and his two big sisters are enjoying the new addition. You've gone from two to three now, so you and John will have to switch from a man-to-man to a zone defense. I couldn't be happier for you.

I did want to mention something that troubled me a little. I got your e-mails sent from your BlackBerry (and a couple sent by John from his iPhone) about the Smith matter and where things stood with your efforts on our motion for summary judgment. Perhaps I should simply say "thank you so much" for keeping me up to date. As the trial team leader, of course you know how important it is that we all stay in touch about what the others are doing.

That said, however, dear Mary Ann, we do try to make a habit of staying in touch and we do work pretty much hand-in-glove. Our offices are next door to each other. We spoke before you left for your doctor's appointment on Monday and you had left a memo in my in-box the previous Friday (as you do every Friday) updating me on all your projects. I felt very good about where we stood with everything at the office when I heard you had gone into labor.

I must say that I care at least as much about your potential "burn-out" and your well-being as I do about the work we do together. Sending messages on last-minute details about the case from the labor and delivery suite was truly beyond the call of duty (and not necessarily in a good way). When you are working at the law, it needs your full attention, as much as that's humanly possible. When you are working at birthing a child (or hiking the Appalachian Trail or snorkeling off Anguilla or barbecuing with your family on the Fourth of July), that needs your full effort and devotion as well.

In future, when your mind should be elsewhere than your career or our cases, please leave the BlackBerry at home or at least turned off in your bag. And be sure you don't deliver any messages through John, as that might breach privilege. (It didn't, as it happens, but it could.) If you can try to leave the part of your mind that is fully committed to your career at home as well, that would be even better. I'd like to work with you for a long time. If you can't take a breath without thinking of work, I won't be able to.

Again, all my best wishes. I've enclosed two toy cell phones for the girls and a teether that looks remarkably like a ring full of thumb drives for the baby.

Fondly,
Kathleen



The Dark Side of the Mentoring Relationship

By Kathleen B. Havener

Sitting in a doctor's office waiting for an early morning appointment (essential, of course, because if she didn't make it to work by nine, her senior partner would start combing the office in search of her with fire flaring from his nostrils), a young female partner at Big Law Firm—we call her Carrie—thumbed through the only available reading material, an old women's magazine. The magazine fell open to a well-worn article about codependency. "How sad," Carrie thought. "How can anyone let herself get tangled up in a relationship like that?" She had heard of codependency and thought of it as something other people have problems with.

Quickly skimming the list of symptoms, however, Carrie raised her head with a lightning bolt of shock. She had every one of them! Not with a spouse, a child, a parent, or even an old boyfriend. The object of Carrie's codependency was her long-term mentor—her trusted senior partner.

She had to admit it. She was in an unhealthy relationship with her senior partner, exclusively involving work. How could it have happened? Carrie is an independent, strong-willed, mature, well-educated, and accomplished lawyer. But she is in a deep hole with this guy and she doesn't know how to crawl out. She suddenly felt sicker than when she entered the doctor's waiting room.

Carrie's senior partner is a fine fellow and a great lawyer. Working with him has made her a much better lawyer. She trusts him. Carrie correctly sees him as her strongest advocate at Big Law Firm. He has been her mentor. But over the course of the five years she has worked with him, she has allowed herself to fall into an unhealthy relationship with him.

We think Carrie's situation is not unusual. Here's the list of symptoms Carrie read:

- Your good feelings about yourself stem from receiving that person's approval.

- Your mental attention is focused on solving that person's problems.
- Your mental attention is focused on pleasing that person.
- Your mental attention is focused on protecting that person.
- Your self-esteem is bolstered by solving that person's problems.
- Your self-esteem is bolstered by relieving that person's anxiety.
- Your own hobbies and interests are put aside in favor of meeting that person's expectations.
- How you feel depends on how that person feels. If that person is in a

Your mentor can impact your future in your organization.

good mood, you're fine. If that person got up on the wrong side of bed, you're walking on eggshells.

- You are not aware of what you want. Your attention is focused on giving that person what he or she wants.
- Your expectations of the future are linked to that person.
- Your fear of displeasing the other person determines what you say or do.
- Your fear of invoking that person's anger determines what you say or do.
- You use meeting that person's expectations as a way of feeling safe.
- You sacrifice your own opinions and defer to that person's opinions.
- The quality of your life is in direct relation to the attitude of that person toward you.

Do you recognize your own relationship with superiors at your own organization in this list? If you have a mentor in your law firm or other organization, you must monitor yourself and test your relationships with your mentor against the backdrop of what you consider to be healthy in any relationship. It is inevitable that your mentor is senior to you and—to some extent—is in a position to wield economic power over you. This person can impact your future in your organization. If you have allowed yourself to fall into an unhealthy pattern of dealing with your superior, your life will not right itself until you have found a way to make

that relationship healthy again.

It is critical to note that you cannot control anyone's conduct other than your own. So healing the relationship will take courage and creativity. It will take time. You may need help addressing the situation—and if you do, you should get it. Don't expect your mentor to recognize the problem and help you to change it. Often, women in this situation simply leave their firms only to fall into another similar relationship somewhere else. We don't think that is a solution to anything.

We don't know how to solve the problem. But we know it exists and that it can strangle an otherwise flourishing career. If you recognize yourself when you read the symptoms listed above, you need to stop taking your temperature on someone else's forehead and take charge of your own career. ●





KEYNOTE ADDRESS
The Legal Profession in the Year 2024

William Henderson
Professor of Law and Val Nolan Faculty Fellow
Indiana University Mauer School of Law

NOTES

A COUNTERPOINT TO “THE MOST ROBUST LEGAL MARKET THAT EVER EXISTED IN THIS COUNTRY”

BILL HENDERSON

MARCH 17, 2014

REPRINTED FROM THE LEGAL WHITEBOARD

There is a line in Professor Reich-Graefe’s recent essay, *Keep Calm and Carry On*, 27 *Geo. J. Legal Ethics* 55 (2014), that is attracting a lot of interest among lawyers, law students, and legal academics:

[R]ecent law school graduates and current and future law students are standing at the threshold of the most robust legal market that ever existed in this country—a legal market which will grow, exist for, and coincide with, their entire professional career.

This hopeful prediction is based on various trendlines, such as impending lawyer retirements, a massive intergenerational transfer of wealth that will take place over the coming decades, continued population growth, and the growing complexity of law and legal regulation.

Although I am bullish on future growth and dynamism in the legal industry, and I don't dispute the accuracy or relevance of any of the trendlines cited by Reich-Graefe, I think his primary prescriptive advice -- in essence, our problems will be cured with the passage of time -- is naive and potentially dangerous to those who follow it

THE ARTISAN LAWYER CANNOT KEEP UP

The primary defect in Reich-Graefe's analysis is that it is a one-sided argument that stacks up all impending positive trendlines without taking into account the substantial evidence that the artisan model of lawyering -- one-to-one consultative legal services that are tailored to the needs of individual clients -- is breaking down as a viable service delivery model.

Lawyers serve two principal constituencies--individuals and organizations. This is the Heinz-Laumann "Two-Hemisphere" theory that emerged from the Chicago Lawyers I and II studies. See Heinz et al, *Urban Lawyers* (2005). The breakdown in the artisan model can be observed in both hemispheres.

1. People. Public defenders are understaffed, legal aid is overwhelmed, and courts are glutted with pro se litigants. Remarkably, at the same time, record numbers of law school graduates are either unemployed or underemployed. Why? Because most

poor and middle-class Americans cannot afford to buy several hours of a lawyer's time to solve their legal problems.

2. Organizations. The most affluent organizations, multinational corporations, are also balking at the price of legal services. As a result, foreign labor, technology, process, or some combination thereof has become a replacement for relatively expensive and unskilled junior lawyers.

The primary driver of this structural shift is the relentless growth in legal complexity. This increase in complexity arises from many sources, including globalization, technology, digitally stored information, and the sheer size and scope of multinational companies.

But here is a crucial point: the complexity itself is not new, only its relative magnitude. A century ago, as the modern industrial and administrative state was beginning to take shape, lawyers responded by organizing themselves into law firms. The advent of law firms enabled lawyers to specialize and thus more cost-effectively tackle the more complex legal problems. Further, the diffusion of the partner-associate training model (sometimes referred to as the Cravath system) enabled firms to create more specialized human capital, which put them in an ideal position to benefit from the massive surge in demand for legal services that occurred throughout the 20th century. See Henderson, *Three Generations of Lawyers:*

Generalists, Specialists, Project Managers, 70 Maryland L Rev 373 (2011).

The legal industry is at the point where it is no longer cost effective to deal with this growing complexity with ever larger armies of artisan-trained lawyers. The key phrase here is cost effective. Law firms are ready and willing to do the work. But increasingly, clients are looking for credible substitutes on both the cost and quality fronts. Think car versus carriage, furnace versus chimney sweep, municipal water system versus a well. A similar paradigm shift is now gaining momentum in law.

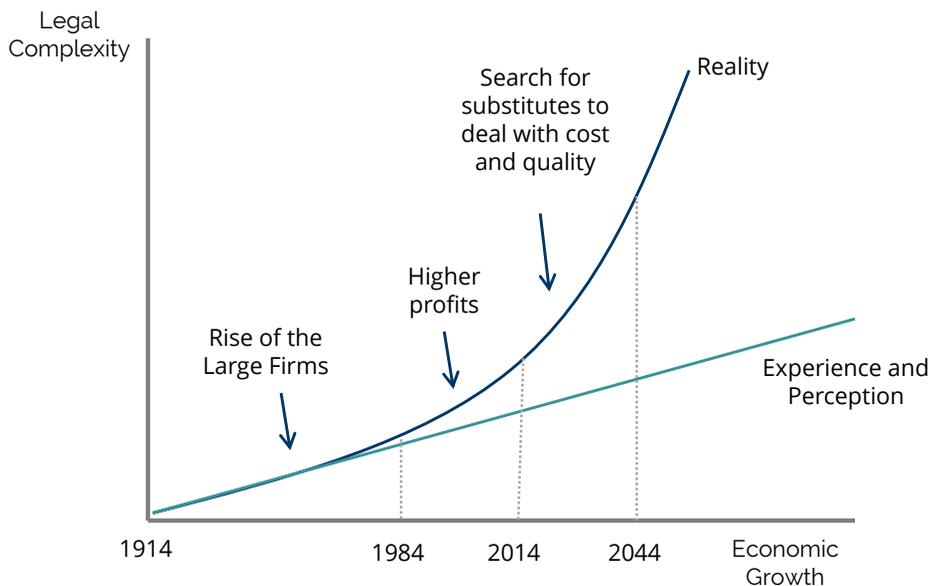
THE NEW LEGAL ECONOMY

I have generated the graph below as a way to show the relationship between

economic growth, which is the engine of U.S. and world economies, and the legal complexity that accompanies it.

This chart can be broken down into three phases.

- 1. Rise of the law firm.** From the early twentieth century to the early 1980s, the increasing complexity of law could be capability handled by additional law firm growth and specialization. Hire more junior lawyers, promote the best ones partner, lease more office space, repeat. The complexity line has a clear bend it in. But for most lawyers, the change is/was very gradual and feels/felt like a simple linear progression. Hence, there was little urgency



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about the need for new methods of production.

2. **Higher law firm profits.** Over the last few decades, the complexity of law outpaced overall economic growth. However, because the change was gradual, law firms, particularly those with brand names, enjoyed enough market power to perennially increase billing rates without significantly improving service offerings. Corporate clients paid because the economic benefits of the legal work outweighed the higher costs. Lower and middle class individuals, in contrast, bought fewer legal services because they could not afford them. But as a profession, we barely noticed, primarily because the corporate market was booming. See Henderson, *Letting Go of Old Ideas*, 114 Mich L Rev 101 (2014).
3. **Search for Substitutes.** Law firms are feeling discomfort these days because the old formula -- hire, promote, lease more space, increase rates, repeat -- is no longer working. This is because clients are increasingly open to alternative methods of solving legal problems, and the higher profits of the last few decades have attracted new entrants. These alternatives are some combination of better, faster, and cheaper. But what they all share

in common is a greater reliance on technology, process, and data, which are all modes of problem-solving that are not within the training or tradition of lawyers or legal educators. So the way forward is profoundly interdisciplinary, requiring collaboration with information technologists, systems engineers, project managers, data analysts, and experts in marketing and finance.

Why is this framework potentially difficult for many lawyers, law firms, and legal educators to accept? Probably because it requires us to cope with uncertainties related to income and status. This reluctance to accept an unpleasant message creates an appetite for analyses that say “keep calm and carry on.” This is arguably good advice to the British citizenry headed into war (the origin of the saying) but bad advice to members of a legal guild who need to adapt to changing economic conditions.

There is a tremendous silver lining in this analysis. Law is a profoundly critical component of the globalized, interconnected, and highly regulated world we are entering. Lawyers, law firms, and legal educators who adapt to these changing conditions are going to be in high demand and will likely prosper economically. Further, at an institutional level, there is also the potential for new hierarchies to emerge that will rival and eventually supplant the old guard.

EXAMPLES

One of the virtues of lawyers is that we demand examples before we believe something to be true. This skepticism has benefited many a client. A good example of the emerging legal economy is the Available Positions webpage for kCura, which is a software company that focuses exclusively on the legal industry.

The current legal job market is terrible, right? Perhaps for entry-level artisan-trained lawyers. But at kCura, business is booming. Founded in 2001, the company now employs over 370+ workers and has openings for over 40 full-time professional positions, the majority of which are in Chicago at the company's LaSalle Street headquarters. Very few of these jobs require a law degree -- yet the output of the company enables lawyers to do their work faster and more accurately.

What are the jobs?

- API Technical Writer [API = Application Programming Interface]
- Big Data Architect - Software Engineering
- Business Analyst
- Enterprise Account Manager
- Group Product Manager
- Litigation Support Advice Analyst
- Manager - Software Engineering
- Marketing Associate
- Marketing Specialist -- Communications
- Marketing Specialist -- Corpo-

rate Communications and Social Media

- Product Manager -- Software and Applications Development
- QA Software Engineer -- Performance [QA = Quality Assurance]
- Scrum Team Coordinator [Scrum is a team-based software development methodology]
- Senior Salesforce Administrator
- Software Engineer (one in Chicago, another in Portland)
- Software Engineer (Front-End Developer) [Front-End = what the client sees]
- Software Engineer in Test [Test = finds and fixes software bugs]
- Technical Architect
- Technical Architect - Security
- VP of Product Development and Engineering

kCura operates exclusively within the legal industry, yet it has all the hallmarks of a great technology company. In the last few years it has racked up numerous awards based on the quality of its products, its stellar growth rate, and the workplace quality of life enjoyed by its employees.

Deloitte.
Technology Fast500



That is just what is happening at kCura. There are many other companies positioning themselves to take advantage of the growth opportunities in legal, albeit none of them bear any resemblance to traditional law firms or legal employers.

In early February, I attended a meeting in New York City of LexRedux, which is comprised of entrepreneurs working in the legal start-up space. In a 2008 essay entitled “Legal Barriers to Innovation,” Professor Gillian Hadfield queried, “Where are the ‘garage guys’ in law?” Well, we now know they exist. At LexRedux, roughly 100 people working in the legal tech start-up space were jammed into a large open room in SoHo as a small group of angel investors and venture capitalists fielded questions on a wide range of topics related to operations, sales, and venture funding.

According to Angel’s List, there are as of this writing 434 companies identified as legal start-ups that have received outside capital. According to LexRedux founder Josh Kubicki, the legal sector took in \$458M in start-up funding in 2013, up from essentially zero in 2008. See Kubicki, *2013 was a Big Year for Legal Startups; 2014 Could Be Bigger*, Tech Cocktail, Feb 14, 2014.

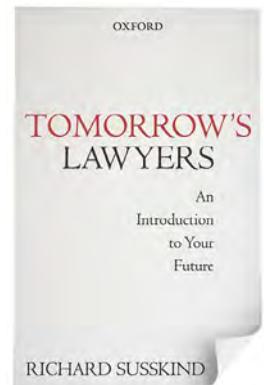
The legal tech sector is starting to take shape. Why? Because the imperfections and inefficiencies inherent in the artisan model create a tremendous economic opportunity for new entrants. For a long period of time, many commentators believed that this type of entrepreneur-

ial ferment would be impossible so long as Rule 5.4 was in place. But in recent years, it has become crystal clear that when it comes to organizational clients where the decisionmaker for the buyer is a licensed lawyer (likely accounting for over half of the U.S. legal economy) everything up until the courthouse door or the client counseling moment can be disaggregated into a legal input or legal product that can be provided by entities owned and controlled by nonlawyers. See Henderson, *Is Axiom the Bellwether of Legal Disruption in the Legal Industry?* Legal Whiteboard, Nov 13, 2013.

THE LEGAL ECOSYSTEM OF THE FUTURE

In his most recent book, *Tomorrow’s Lawyers*, Richard Susskind describes a dynamic legal economy that bares little resemblance to the legal economy of the past 200 years. In years past, it was easier to be skeptical of Susskind because his predictions seemed so, well, futuristic and abstract. But anyone paying close attention can see evidence of a new legal ecosystem beginning to take shape that very much fits the Susskind model.

Susskind’s core framework is the movement of legal work along a five-part con-



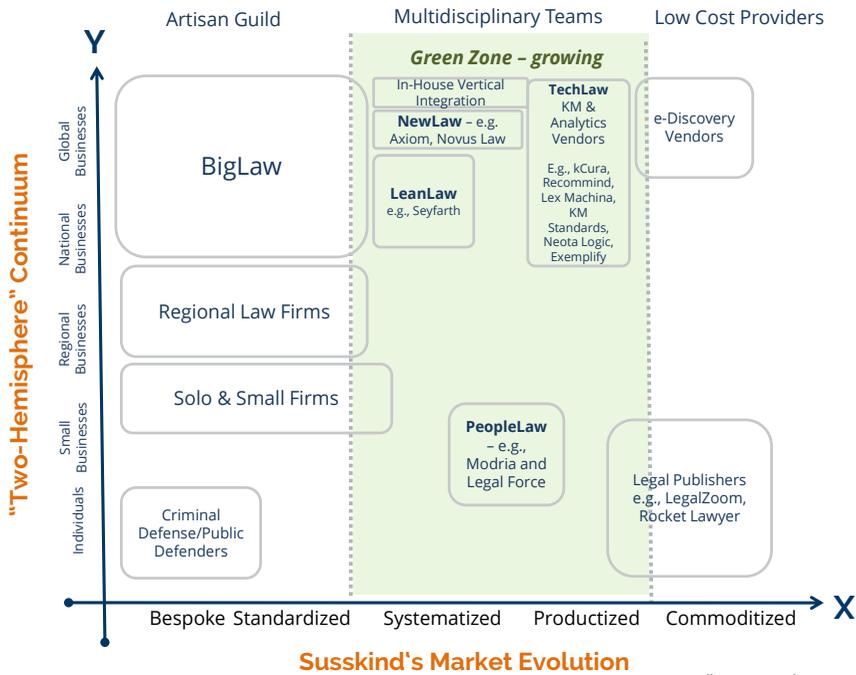
tinuum, from bespoke to standardized to systematized to productized to commoditized. Lawyers are most comfortable in the bespoke realm because it reflects our training and makes us indispensable to a resolution. Yet, the basic forces of capitalism pull the legal industry toward the commoditized end of the spectrum because the bespoke method of production is incapable of keeping up with the needs of a complex, interconnected, and highly regulated global economy.

According to Susskind, the sweet spot on the continuum is between systematized and productized, as this enables the legal solution provider to “make money while you sleep.” The cost of remaining in this position (that is, to avoid commoditiza-

tion) is continuous innovation. Suffice it to say, lawyers are unlikely to make the cut if they choose to hunker down in the artisan guild and eschew collaboration with other disciplines.

Below is a chart I have generated that attempts to summarize and describe the new legal ecosystem that is now taking shape [click-on to enlarge]. The y-axis is the Heinz-Laumann two-hemisphere framework. The x-axis is Susskind’s five-part change continuum.

Those of us who are trained as lawyers and have worked in law firms will have mental frames of reference that are on the left side of the green zone. We tend to see things from the perspective of the artisan lawyer. That is our training and socializa-



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tion, and many of us have prospered as members of the artisan guild.

Conversely, at the commoditized end of the continuum, businesses organized and financed by nonlawyers have entered the legal industry in order to tap into portion of the market that can no longer be cost-effectively serviced by licensed U.S. lawyers. Yet, like most businesses, they are seeking ways to climb the value chain and grow into higher margin work. For example, United Lex is one of the leading legal process outsourcers (LPOs). Although United Lex maintains a substantial workforce in India, they are investing heavily in process, data analytics, and U.S. onshore facilities. Why? Because they want to differentiate the company based on quality and overall value-add to clients, thus staving off competition from law firms or other LPOs.

In the green zone are several new clusters of companies:

- **LeanLaw.** This sector is comprised of BigLaw that is transforming itself through reliance on process and technology. Seyfarth Shaw has become the standard-bearer in this market niche, see *What does a JD-Advantaged Job Look Like? A Job Posting for a "Legal Solutions Architect"*, Legal Whiteboard, Oct 15, 2013, though several other law firms have been moving under the radar to build similar capabilities.
- **NewLaw.** These are non-law firm legal service organizations

that provide high-end services to highly sophisticated corporations. They also rely heavily on process, technology, and data. Their offerings are sometimes called "managed services." Novus Law, Axiom, Elevate, and Radiant Law are some of the leading companies in this space.

- **TechLaw.** These companies would not be confused with law firms. They are primarily tool makers. Their tools facilitate better, faster, or cheaper legal output. kCura, mentioned above, works primarily in the e-discovery space. Lex Machina provides analytic tools that inform the strategy and valuation of IP litigation cases. KM Standards, Neota Logic, and Exemplify provide tools and platforms that facilitate transactional practice. In the future, these companies may open the door to the standardization of a wide array of commercial transactions. And standardization drives down transaction costs and increases legal certainty -- all good from the client's perspective.
- **PeopleLaw.** These companies are using innovative business models to tap into the latent people hemisphere. Modria is a venture capital-financed online dispute resolution company with DNA that traces back to PayPal and the Harvard Negotiations

Workshop. See *Would You Bet on the Future of Online Dispute Resolution (ODR)?* Legal Whiteboard, Oct 20, 2013. LegalForce is already an online tour de force in trademarks -- a service virtually every small business needs. The company is attempting to translate its brand loyalty in trademarks into to new consumer-friendly storefront experience. Its first store is in the heart of University Avenue in Palo Alto. LegalForce wants to be the virtual and physical portal that start-up entrepreneurs turn to when looking for legal advice.

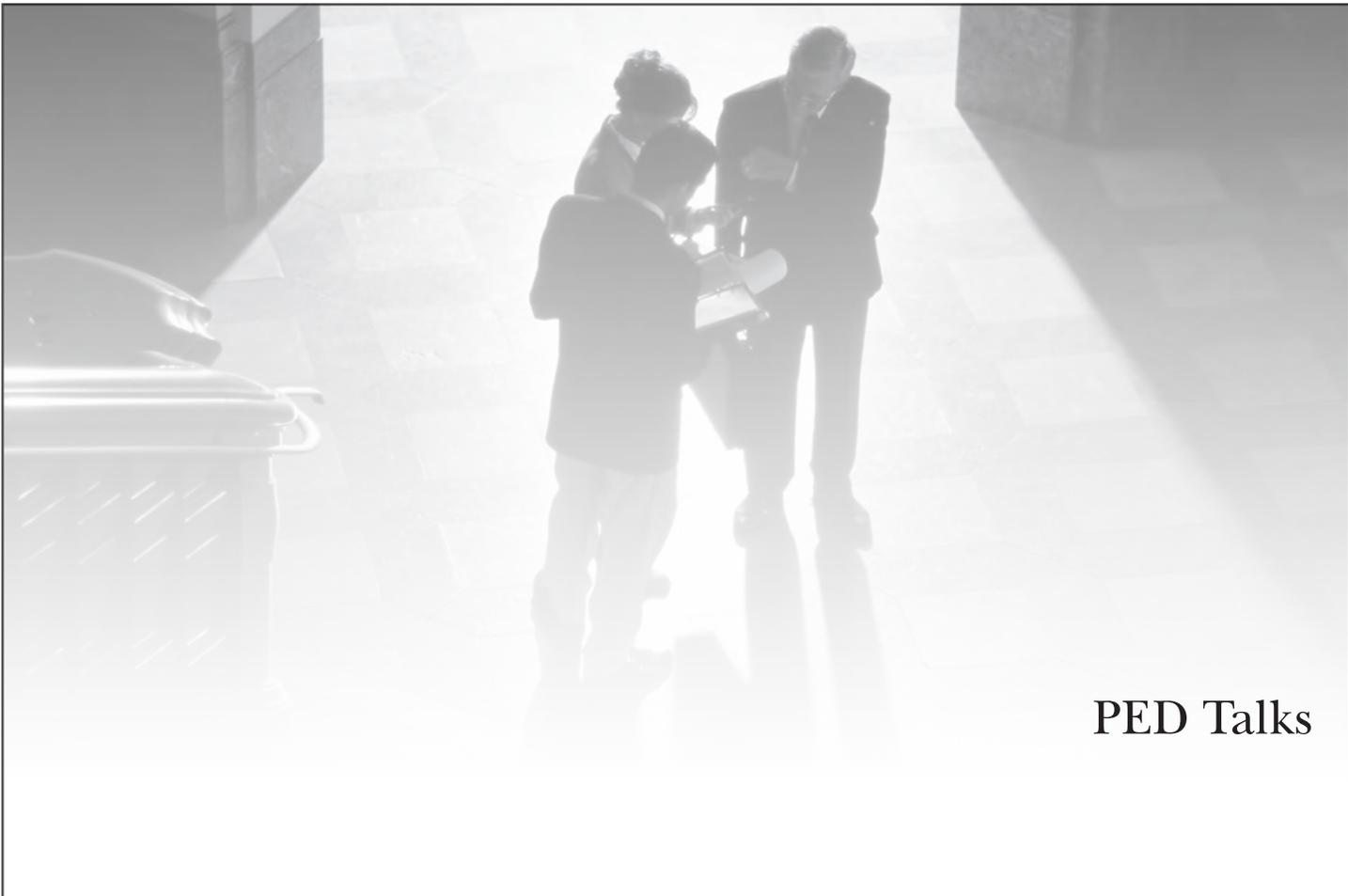
that adapt and change to keep pace with the legal needs of the citizenry and broader society. And that task has barely begun.

CONCLUSION

When I write about the changes occurring the legal marketplace, I worry whether the substance and methodology of U.S. legal education provides an excellent education for a legal world that is gradually fading away, and very little preparation for the highly interdisciplinary legal world that is coming into being.

Legal educators are fiduciaries to our students and institutions. It is our job to worry about them and for them and act accordingly. Surely, the minimum acceptable response to the facts at hand is unease and a willingness to engage in deliberation and planning. Although I agree we need to stay calm, I disagree that we need to carry on. The great law schools of the 21st century will be those





PED Talks

Brad Morgan

University of Tennessee College of Law

Katrina Lee

The Ohio State University Moritz College of Law

John Baker

Colorado Attorney Mentoring Program

Judith Rush

University of St. Thomas School of Law

NOTES

**Mentoring Programs:
Impact on Minority Students
by Brad Morgan**

Questions: Responses are on a 1--5 scale with 1 being weakest/not at all and 5 being strongest/very much	Non-Mentored Results	Mentored Results
I felt hostile in last two months	1.786	1.222
I felt determined in last two months	3.468	4.133
I felt strong in last two months	3.690	3.111
I felt inspired in last two months	2.723	3.533
In future, how important will it be to Project an appealing and attractive image	3.489	4.067
In future, how important will it be to help those who need help.	3.915	4.333
In future, how important will it be to be known and admired by many people.	2.745	3.778
During the past 2 months I felt close and connected with other people who are important to me.	3.404	3.800
During the past 2 months I felt that I was taking on and mastering hard challenges.	3.383	3.867
One reason you are in law school now is because you expect to obtain later advantage or compensation as a result	2.721	3.333
One reason you are in law school now is that this choice expresses your personal values, even though those values may have originally been taught to you by others	3.128	4.133
One reason you will seek this kind of job is because it expresses your personal values, even though those values may have originally been taught to you by others	1.936	1.267
One reason you will seek this kind of job is simply your interest in the work itself	4.233	4.667
In uncertain times, I usually expect the best	3.070	4.222
I hardly ever expect things to go my way	2.071	1.444
I rarely count on good things happening to me	2.049	1.222



Focusing on a Critical Developmental Relationship through Aspirational Role Play: Elevating Students to Partner in the First Year of Law School

[EXCERPT]

Katrina June Lee*

Abstract:

A critical developmental relationship in the legal profession is the relationship between supervising law firm partner and associate. In the “traditional” role play exercise during the first year of law school, the professor plays the “partner” role, asking the “associate” questions about a legal opinion or a research assignment. In a departure from the casting of professor as partner, the author, for her first-year legal writing classroom, has innovated several role play exercises requiring instead that a student play the “partner”. This paper will describe and explore the benefits of this twist on role play casting so early in the law student’s career. With peers playing both partner and associate roles, first-year law students focus on long-term goals of relationship-building and collegiality. The exercises impart at a very early point in a student’s legal career important lessons about responding to and giving feedback, about professional etiquette and boundaries, and about effective leadership skills. This paper also discusses how these types of exercises address and help to resolve common barriers to conducting role play exercises. It will provide specific variations of structured role plays – both scripted and unscripted – and ultimately aims to equip teachers and learners in law schools and other institutions with a powerful interactive tool in the classroom. For this paper, the author draws upon her experience as a law firm equity partner and a mentor at a California law firm.

I. INTRODUCTION

I often tell my legal writing students that the legal profession is a people profession. By this, I mean it is a profession not just about legal writing, research, and analysis, but at heart a profession about relationships. A few examples of those relationships are that between attorney and client, between opposing counsel, and between attorney and judge. For junior attorneys, however, perhaps the relationship most important¹ to their professional development is that

* Assistant Clinical Professor of Law, The Ohio State University – Moritz College of Law. The full version of this article appears in the conference proceedings for the Fifth Annual Mentoring Conference hosted by the Mentoring Institute on October 24-26, 2012. This excerpt has been provided for inclusion in the Course Manual for the “Mentoring in Our Evolving Profession” Conference on May 1-3, 2014 in Columbus, Ohio. Those interested in receiving a copy of the full article are invited to contact the author at katrinalee@osu.edu.

between a junior attorney and a supervising attorney, or, at a law firm, between associate and partner.²

I strive to teach about the critical partner-associate³ relationship in my legal writing classroom. For that purpose, I innovated role play exercises that integrate the learning of legal skills with an introduction to the relationship between law firm partner and associate. Designed for first-year law students, the exercises require a student to play the role of the partner and another student to play the role of the associate. These role play exercises are the focus of this paper. I call this type of role play in which students play both partner and associate the “student-partner role play”.

In this paper, I will first provide an overview of the goals the student-partner role play is designed to achieve and how it addresses possible barriers to using role play at all and to using it at a very early point in a student’s professional education. I will then describe how I implement the role play, with a view towards giving educators and learners an additional tool to use in the classroom to help develop a student’s readiness to participate in a developmental relationship.

II. ELEVATING STUDENTS TO THE PARTNER ROLE IN THE FIRST YEAR OF LAW SCHOOL: DEVELOPING RELATIONSHIP READINESS AND TEACHING LEGAL SKILLS AT THE SAME TIME

The student-partner role play represents a twist on “traditional” role play exercises used in the first year of law school, to the extent role play is used at all. The professor and not the student in a first-year legal writing class typically plays the role of the partner -- or judge -- asking questions about an assignment in progress or a written submission.

In a departure from the “professor-partner” version, in the student-partner role play, a student playing the role of partner has an opportunity to experience the perspective of a supervising professional questioning a junior professional. Also, students have an opportunity to play roles many of them aspire to *be*. This aspect can contribute positively to students’ level of engagement and enjoyment of the exercise. It also can help jumpstart a student’s reflections about what characteristics of a supervising attorney and of a supervised attorney contribute to a positive and productive relationship between the two.

¹ I experienced firsthand the developmental relationship between partner and associate from both perspectives. Recently a California corporate litigator for twelve years, I spent six as a law firm associate and six as a law firm partner. Also, I mentored law firm summer associates and junior associates and had several mentors of varying influence throughout my legal career (and to this day).

² The lawyer mentor, for example, can help with career, professionalism, and skills development. (Hamilton & Brabbit, 2007). Lawyer mentors may support their junior colleagues in the performance evaluation and partnership assessment processes. (The Bar Association of San Francisco, 2010.)

³ The term “partner-associate” is used in this paper both in reference to the relationship between associate and partner at a law firm and in a shorthand reference to the inevitably occurring relationship in any organization -- be it a state attorney general office, a Fortune 100 in-house legal department, or a regional law firm -- between a junior attorney and the senior attorney supervising that individual.

The student-partner role play provides another tool for cooperative and collaborative learners that focuses on developing legal skills as well as relationship awareness and readiness. Much has been written about the benefits of cooperative and collaborative learning in the legal writing classroom⁴, particularly a classroom of “millennials” - persons born in the 1980s and 1990s⁵. In this vein, the student-partner role play is structured to create awareness, simulate, and teach about the partner-associate relationship. The role play is also designed to teach about giving and receiving feedback, professional etiquette and boundaries, and effective leadership.

Another goal of the exercise is to encourage empathetic and collegial communication and listening by having peers play both roles. A professor evaluates and grades law students. A student may not perceive the professor-in-role as a partner to be distinct from the professor person that student encounters in class each week. With peers playing both roles, the students must work together to create what they assume or believe to be the appropriate and precise words, manner, or tone to use, rather than merely taking the professor-partner’s lead.

..... [Article Sections omitted for this abbreviated version.]

IV. CONCLUSION

With a focus on the partner-associate relationship, the student-partner role play used in my classroom adds a potentially powerful interactive tool to the educator’s toolkit in the first-year legal skills classroom. Subject to further attention and refinement, it helps build relationships among students who are future collaborators in the practice of law; helps establish a future associate’s empathy with the mentor partner; focuses students on a critical relationship: that between senior attorney and junior attorney in a law firm or other legal institution; and gives students practice in participating in an important professional relationship through a role play specifically designed for such a purpose. The student-partner role play used in my first-year legal writing classroom should also provide an instructive starting point for those wishing to use role play exercises to teach about the mentor-mentee relationship in the law and in other professions.

⁴ An entire issue of *The Second Draft*, a publication of the Legal Writing Institute, was devoted to the topic of “Collaboration and Cooperation”. (*The Second Draft*, 15, 2, 2001.) For a discussion of cooperative learning and collaborative writing in the legal writing classroom, see Inglehart, Narko & Zimmerman, *From Cooperative Learning to Collaborative Writing in the Legal Writing Classroom*, 9 Leg. Writing 185 (2003). Also, Cassandra Hill discusses the use of the peer editing collaborative learning tool to teach legal writing. (Hill, C., 2010).

⁵ Aliza Kaplan and Kathleen Darvil advocate taking into account the characteristics of “millennial” students and redesigning methodologies for teaching legal research to better prepare “millennials” to enter the legal profession. (Kaplan & Darvil, 2011).

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BOOT CAMP: HELPING MENTORS & MENTEES BE MORE EFFECTIVE IN THEIR MENTORING RELATIONSHIP

COLORADO ATTORNEY MENTORING PROGRAM (CAMP)

MARCH 1, 2014

INTRODUCTION AND SUMMARY

In 2013, the first year of the Colorado Attorney Mentoring Program (“CAMP”), CAMP chose to establish a formal 12-month state-wide mentoring program, much like the Ohio/Illinois model. In addition, CAMP chose to create a “mentoring resource center” to support and strengthen all forms of legal mentoring in Colorado, including informal or organic mentoring in law firms, public sector law offices, bar associations, inns of court, specialty bar associations, transactional attorney legal groups, and other legal groups.

We know that there may be a few “natural born” mentors out there, but the vast majority of mentors need some guidance and tips to be better at their role as a mentor. Likewise, most young lawyers need some tips on how get the most out their mentoring relationship.

We learned early and often that CAMP had to be careful with this “training concept,” though. Since the mentors are volunteers and mentoring programs in Colorado are not mandatory, imposing a rigorous training program would probably result in a loss of many volunteer mentors. (Despite this concern, the light-hearted “Boot CAMP” label does not seem to scare many away.)

The CAMP Mentoring Resource Center (MRC) currently provides the following resources to mentors and mentees throughout Colorado:

Mentoring Effectiveness Readings and Materials. The CAMP MRC currently provides hard copy and online versions of 1) a library of relevant mentoring readings and literature, 2) a tool box of mentoring effectiveness tips, 3) a compendium of mentoring activities and discussion topics, and 4) links to other Colorado and national mentoring resources.

Mentoring Effectiveness Boot CAMP Programming. The CAMP MRC currently provides state-wide face-to-face “Boot CAMP” programs to promote effective mentoring relationships for the mentors and the mentees for both the formal CAMP mentoring programs and the informal organic programs.

On-line Mentoring Effectiveness Boot CAMP Video Resources (Planned for November, 2014). The CAMP MRC plans to launch virtual mentoring effectiveness training opportunities for all formal and informal mentoring pairs in Colorado (especially for geographically distant jurisdictions).

MENTORING EFFECTIVENESS READINGS AND MATERIALS

Camp currently provides hard copy versions and on-line access or electronic versions of an assortment of readings and literature. For example:

- 1) Every mentor and every mentee in the formal CAMP programs receive a copy of two pamphlets authored by national mentoring guru, Ida Abbott.
 - Abbott, Ida, *Being an Effective Mentor: 101 Practical Strategies for Success*, *NALP* (2006).
 - Abbott, Ida, *Working with a Mentor: 50 Practical Strategies for Success*, *NALP* (2006).
- 2) Every mentor and every mentee in the formal CAMP program and in any informal or organic mentoring pairs have access to the library of electronic literature and readings through the CAMP website. The on-line bibliography of literature includes the following categories:
 - Citizen Lawyer Professionalism & Ethics;
 - Diversity and Inclusiveness;
 - Law Students, Law Schools & New Lawyers;
 - Mentoring Generally;
 - Pro Bono and Moderate Means Practice.
- 3) Every mentor and every mentee in the formal CAMP program and in informal or organic mentoring pairs can access a hard copy or electronic version of the *CAMP Mentoring Tips Tool Box* through the CAMP website.
- 4) Every mentor and every mentee in the formal CAMP program and in any informal or organic mentoring pairs can access a hard copy or electronic version of the *CAMP Compendium of Mentoring Activities & Discussion Topics* through the CAMP website.
- 5) Every mentor and every mentee in the formal CAMP program and in any informal or organic mentoring pairs can access links to other Colorado and national mentoring resources through the CAMP website.

MENTORING EFFECTIVENESS BOOT CAMP PROGRAMMING

Some skills of effective mentors can and should be taught. Those skills may include not being too judgmental, being transparent about their own issues, and having good listening and communication skills. (NOTE: Ethics, competence, and professionalism are presumed with effective screening of the mentors.) Even if you were able to gather effective mentors, they must be paired with willing young lawyers for effective mentoring to happen. Mentees need to be effective at their role in the mentoring relationship as well. This requires training for them to know when and how to ask the mentor for help. Like mentors, they need to be open and transparent about what they need and how those needs can best be met.

CAMP has developed Face-to-Face Boot CAMP programs that incorporate mentoring effectiveness tips with networking and social activities. The Boot CAMPs are joint programs where the mentors and the mentees participate side-by-side. This involves total transparency, so the mentees know what the mentors are being told and the visa-versa.

Most of these Boot CAMP programs have been presented for the various 2013 and 2014 CAMP programs in the metropolitan Denver area.

However, starting in January of 2014, CAMP took the face-to-face Boot CAMPs “on the road” to local bar associations from rural counties in all of the four corners of Colorado. During the fall of 2014, the face-to-face programs will “go viral” with on-line Boot CAMPs distributed through the CAMP Website.

Face-to-Face Mentoring Effectiveness Boot CAMPS. The Face-to-Face Effective Mentoring Boot CAMPs planned for 2014 include an orientation program, a speed dating program, and two specialized programs on selected current topics.

SAMPLE Agendas for 2014 are as follows:

1. Orientation Agenda (Handouts include CAMP Mentoring Tips)

- | | |
|---------|--|
| 4:00 pm | Welcome to the Carr Center – Hon. Alan Loeb, Chief Judge Colorado Court of Appeals |
| 4:05 pm | History of Denver Bar Association Mentoring Programs – Craig Joyce, DBA Mentoring |
| 4:15 pm | Mechanics of the Mentoring Program (Forms, Deadlines, etc.) |
| 4:30 pm | Roundtable Discussion on Mentoring Roles and Tips for Mentors and Mentees:
Charlie Garcia, President Elect CBA
Hon. Richard Gabriel
Hon. Al Harrell
Nicole Black, Mentee
Moderator: John Baker, CAMP Director |
| 5:20 pm | Getting Acquainted and Organized – the Importance of the First Meeting – John Baker |
| 5:30 pm | Mentors & Mentee 1st Meetings in Break-out Rooms with Facilitators – Margaret Parker,
Craig Joyce, Tony Van Westrum/Nicole Black, Charley Garcia, Hon. Rich Gabriel, John
Baker, etc. |
| 6:20 pm | Kick Back Reception – All Mentors and Mentees in the Carr Atrium |

2. Speed Dating Agenda The four topics for Speed Dating discussions included:

- Professionalism – “Why Be Civil: Rambo or Atticus Finch as Role Model?”
- Ethics – Competence and Economics – “What Do You Mean I have to be Competent? I Need to Pay my Law School Loans!”
- Wellness & Work/Life Balance – “Get a Life & Be a Lawyer”
- Pro Bono and Community Involvement – What Do I Get Back from Giving Back?

- | | |
|--------------|---|
| 4:00-4:20 pm | OPENING SESSION – COLORADO SUPREME COURT COURTROOM
Hon. Michael Bender, Chief Justice, Colorado Supreme Court
Craig Joyce, Co-Chair DBA Mentoring Program
John Baker, CAMP Director Introductions & Preview of Boot CAMP
(Faculty & Campers Sprint to Assigned Small Group Rooms) |
| 4:30-6:05 pm | SPEED DATING BREAKOUT SESSION #1-#4 ASSIGNED SMALL GROUP
(Faculty Members Change Rooms every 20 minutes) |
| 6:10-7:00 pm | RECEPTION – 1ST FLOOR ATRIUM |

3. Moderate Means Client Practice and Hanging Your Own Shingle Practice Tips Agenda (in Planning Stages)
This program will include the networking and social activities.

4. Professionalism and Inclusiveness in the Legal Profession Agenda (in Planning Stages)
This program will be interactive with audience participation and will include networking and social activities.

Mentoring Effectiveness Boot CAMP Road Shows. Since Colorado is geographically diverse and divided by mountain ranges and long distances, asking rural county mentors and mentees to travel to Denver is impossible. As a result, CAMP has developed the following programs to take “on the road”:

- 1) Road Shows. CAMP has developed road shows for the Mentoring Resource Center. These road shows vary from luncheon meetings to ½ day Boot CAMP programs to orient and train the mentors and mentees. The training is

combined to keep the mentors and the mentees side-by-side. Often the theme combines the concept of mentoring with young lawyer mentoring professionalism and other ethics topics in audience participation formats.

- 2) Train the Trainers Programs. A second component of the road show project is to send CAMP trainers to the rural bar association mentoring programs to train the local program administrators how to stage their own face-to-face Boot CAMPs. These “train the trainers” programs are currently being developed by the New Lawyer (0-5 Years) Working Group of the Colorado Supreme Court Chief Justice Nancy Rice’s Commission on Professional Development.

FUTURE ON-LINE MENTORING EFFECTIVENESS BOOT CAMP PROGRAMMING

CAMP understands that some young lawyers and their mentors want the flexibility of participating in mentoring effectiveness programming on their own schedules and in their own settings. Even though face-to-face mentoring effectiveness training most often works better than such training in an individual setting, CAMP plans to launch a series of Mentoring Effectiveness on-line training video projects in the fall of 2014.

The video project library will include:

- 1) Two Minute Mentoring Stories;
- 2) Two Minute Mentoring Tips for Mentors;
- 3) Two Minute Mentoring Tips for Mentees;
- 4) 5 Two Minute Mentoring Orientation Videos illustrating various mentor roles, including teacher, coach, role model, champion/sponsor, and information desk.

The videos will be available for viewing on-line by individual mentoring pairs for discussion or by groups of mentoring pairs as part of law firm or bar association programs. The videos will be adaptable for interactive distance learning settings, such as webinars and webcasts.

Current Progress: Scripts are being written and video production resources are being gathered to produce these videos later this summer. The launch of the video programming will be late in 2014.

CONCLUSION

The CAMP Mentoring Resource Center operates as a service for Colorado lawyers who participate in formal and informal mentoring programs. However, the MRC on the CAMP website remains open to anyone who may visit. Please feel free to visit CAMP at <http://coloradomentoring.org>.



**Painting Your Program
with Professionalism from Floor to Ceiling:
Practical Strategies Your Mentor Program
Can Use for Teaching Professionalism**

Jayne Reardon

Executive Director

Supreme Court of Illinois Commission on Professionalism

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NOTES

Developing and Implementing a Statewide, Voluntary Lawyer-to-Lawyer Mentoring Program

A Case Study from the Illinois Supreme Court Commission on Professionalism

May 2014

The Illinois Supreme Court created the Commission on Professionalism in late 2005 to promote among judges and lawyers the principles of professionalism, civility and integrity. In 2010, upon the recommendation of the Commission, the Court modified the Illinois Minimum Continuing Legal Education rules to allow attorneys to earn their required professional responsibility CLE credit by “completing a year-long mentoring program approved by the Commission on Professionalism.”¹

Illinois, a state without a unified bar, has well over 90,000 active licensed attorneys located over a wide geographic area that includes small rural communities, mid-size cities, sprawling suburbs and of course the City of Chicago. The challenge presented to the Commission was how to develop, promote and administer a **voluntary** lawyer-to-lawyer mentoring program throughout such a large, diverse and dispersed legal community within the constraints of a small staff and limited budget.

The Commission ran a pilot program, gathered feedback, conducted research, and generated template documents. It developed a program built around the requirements of the professional responsibility CLE requirement that serves as a template for any organization that wishes to offer a mentoring program that will qualify for professional responsibility CLE credit.

The key innovation of the program from the Commission’s perspective, given the large number of Illinois attorneys and small staff, was **decentralization**. The Commission itself does not “run” a mentoring program per se; it “approves” mentoring programs that are administered by Sponsoring Organizations such as law firms, law schools, bar associations and law departments. These organizations typically adopt the program and use the materials developed by the Commission and follow the established requirements for earning CLE credit. Individuals at the Sponsoring Organizations (the Program Administrators) will promote their program, collect and process applications from interested attorneys, match the mentoring pairs, hold an orientation and otherwise oversee the program at their organization. Commission staff collaborates with and supports the individual Sponsoring Organizations and Program Administrators throughout the process.

Started as a pilot program in a single judicial circuit, the program is now being administered by over 75 organizations throughout the state. More than 2,000 attorneys have participated in the program.

Attached is a broad outline of the Commission’s processes and experience with its program.

¹ Illinois Supreme Court Rule 795(d)(11).

Outline of the Illinois Supreme Court Commission on Professionalism’s Development and Implementation of a Statewide, Voluntary Lawyer-to-Lawyer Mentoring Program

I. PROGRAM DEVELOPMENT

2009-2011

- A. Researched and reviewed other mentoring programs, materials and best practices.
 1. Assembled materials from other jurisdictions, performed outreach to and meetings with administrators of those programs.
 2. Developed a prototype mentoring plan to define activities and educational resources tailored to the specific requirements of the Illinois professional responsibility requirement.²
- B. Launched a small pilot program and evaluated results and feedback
 1. Collaborated with Illinois’ 17th Judicial Circuit to launch a year-long mentoring program with a limited number of lawyers as part of a larger professionalism initiative.³
 2. At the conclusion of the year, Commission representatives assembled focus groups of mentors and mentees and court personnel to evaluate the program’s strengths and weaknesses.
- C. Based on the pilot program, the Commission made a recommendation to the Illinois Supreme Court to modify continuing legal education rules to allow completion of a structured, year-long mentoring program approved by the Commission on Professionalism to qualify for professional responsibility CLE credit. In September 2011, the Court adopted the recommendation and amended the rules accordingly.
- D. To develop implementation procedures applicable to the entire state, the Commission formed a statewide Mentoring Advisory Committee comprised of members of the bench, bar and legal education community. Bringing diverse perspectives of their respective legal communities to bear, program requirements and materials were revised, and a strategy was developed for obtaining feedback on proposed implementation procedures and to obtain eventual buy-in. The key takeaways from the Advisory Committee:
 1. Program administration would be *decentralized*; “Sponsoring Organizations” (e.g. law firms, bar associations, law schools, etc.) would adopt and use the materials and satisfy the requirements established by the Commission; Sponsoring Organizations would recruit attorneys, match mentoring pairs, conduct orientation and manage program through completion.
 2. Attorneys must hold a minimum number of meetings (8+), at least one within each of the five professionalism categories, to qualify for CLE credit;

² Illinois Supreme Court Rule 794(d) defines the professional responsibility CLE requirement as including the five areas of: professionalism, diversity issues, mental illness and addiction issues, civility, and legal ethics.

³ In large part due to the innovations and success with their mentoring program as part of its overall professionalism initiative, in 2012 the 17th Judicial Circuit, along with the Winnebago and Boone County Bar Associations in that jurisdiction, received the prestigious Gambrell Professionalism Award from the American Bar Association’s Standing Committee on Professionalism.

3. The Commission should establish and publish requirements for participating in the program and qualifying for CLE Credit (e.g., maximum # of years of admission to participate as a mentee, minimum # of years of admission for mentors, lack of disciplinary record, etc.)
 4. Attorneys must participate in an orientation at start of program to advise them of program requirements and for mentoring pairs to decide on their mentoring plan.
- E. With the assistance of Advisory Committee members, the Commission drafted and assembled program materials that eventually were made available on the website:
1. Purpose/Mission Statement
 2. *Guide for Program Administrators* laying out in detail responsibilities and procedures for administering the plan at the organization level.
 3. *Mentoring Plan* to be completed by mentoring pairs in which they pick the specific activities/action items they will complete from a “menu” of possible activities divided by the substantive areas of Illinois professional responsibility CLE (professionalism, civility, ethics, diversity and inclusion, mental health and addiction).
 4. *Mentoring Plan Supplement (f/k/a Resource Guide)* for participating attorneys providing talking points, discussion topics, and links to relevant websites, articles, videos and other materials, in support of completing the *Mentoring Plan* activities.
- F. Internally at the Commission, staff considered and established the technical infrastructure to support the program. The major tasks were:
1. To assign a point person with primary responsibility for program promotion, administration and support.
 2. To update the Commission website with content explaining the Mentoring Program.
 3. To design and build applications and databases for organizations to participate and attorneys to apply for CLE credit through the Commission’s website.
 4. To design and build for each Sponsoring Organization that elected such support a “microsite” on the Commission’s website through which they could promote their program, distribute and process attorney applications and communicate with program participants.

II. PROGRAM PROMOTION AND OUTREACH

2011-Ongoing

- A. Once the program materials were finalized and the technical structure was in place at the Commission, a strategy to enlist Sponsoring Organizations to implement approved mentoring programs was employed. This involved personal outreach with decision-makers at potential Sponsoring Organizations, including bar associations, law schools, law firms and other legal organizations.
- B. The Commission developed and distributed promotional materials (e.g., one page information sheets, postcards with links and contact information, PowerPoint presentations). The promotional materials stressed the fact that Sponsoring Organization

- could adopt the Mentoring Plan and related information posted on the Commission's website and if so, approval would be automatic.
- C. As various organizations agreed to officially become Sponsoring Organizations of a Commission-approved Lawyer-to-Lawyer Mentoring Program, their name was added to the Commission's website.
 - D. Once we had commitments from Sponsoring Organizations in key geographic areas around the state, the Commission worked with the Press Secretary to the Supreme Court and others to secure press coverage and hold promotional events. Multiple events throughout state were held with Supreme Court Justices, early adopters and others announcing the launch of the initiative and bringing together existing and potential Sponsoring Organizations to celebrate and to promote the program.
 - E. Commissioners and Commission staff promoted (and continue to promote) the program in presentations, speeches and remarks (e.g., presentations to law firms, law schools and bar associations; reference to program by speakers at new attorney admission ceremonies, etc.)

III. PROGRAM ADMINISTRATION AND SUPPORT

2011-Ongoing

- A. Program applications that are submitted through the website are reviewed and processed. If the organization seeks approval of its own program, often there are phone calls or meetings ahead of formal application to ensure the application will qualify as an approved program.
- B. Respond to inquiries from individual attorneys and potential Sponsoring Organizations interested in participating in program.
- C. Provide "customer support" to program participants and administrators, including trouble-shooting challenges to completion, providing assistance on program orientations, monitoring program progress, celebrating program completions and encouraging continuation.
- D. Develop, post and update "FAQs" based on feedback from participants.
- E. Review and process CLE applications.
- F. Develop surveys for participants and obtain feedback about program specifics. (Participating attorneys are asked to complete a SurveyMonkey survey as part of the CLE application process).
- G. Maintain frequent contact with Program Administrators through quarterly newsletters and annual group luncheon meetings, and continue to recruit new Sponsoring Organizations, focusing on expanding coverage into geographic areas not currently served.



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If you are creating a formal mentor program, one of the first things to do is identify the key goals for the program. Of course, mentoring has far-reaching benefits for new lawyers and all programs are going to have several positive secondary gains. However, a program should have two or three specifically defined goals. One of those goals may be improving certain skills for new lawyers. Another might be improving professionalism for new lawyers. Another may be improving career satisfaction or mental health, or integrating the new lawyer into the culture of a bar association or work place. A mentoring program can be successfully used to accomplish a wide range of primary goals.

Once you have identified the key goals you are seeking to accomplish, it is important to understand the four mentoring functions. Sociologists studying mentoring have identified three key mentoring functions present in every mentoring relationship – The Career Mentoring Function; The Psychosocial Mentoring Function; and the Role Modeling Function. Within the context of the learned professions such as law, medicine and the clergy, some scholars have argued that there is a an additional mentoring function that involves teaching the professional norms or professional identity one takes on in joining that profession. In law, this fourth function has been called The Professionalism Function.

In creating your mentor program you should give specific thought to how you want to use each of these functions to achieve the goals you have articulated. For our presentation we are focusing on how each of the four functions intersects with learning professionalism for new lawyers. It is important to note, though, that these four functions can be used to help meet a number of different goals you might articulate.

1. The Career Mentoring Function

This mentoring function directly aids in the mentee/protégé's career success. Examples of the career mentoring function include understanding the unwritten rules of the profession, networking and marketing skills, career sponsorship and helping the mentee obtain appropriate work assignments, organizational skills and providing feedback on work product.

2. Psychosocial Mentoring Function

The psychosocial mentoring function enhances the protégé's sense of competence, self-esteem, self-image and identity in a professional role. This function is usually thought of as helping the mentee stay positive in the face of adversity, building self-confidence and maintaining self-worth.

3. Role Modeling Function

A role model in a professional context sets an example of excellence at the values, attitudes, and skills necessary for the professional role. Role modeling by a mentor thus substantially influences how a mentee learns the skills and applied knowledge necessary for professional competence. Role modeling focuses on learning through observation – mentees watch what you do in addition to hearing what you say!

4. Professionalism Function

The professionalism function, first proposed by Professor Neil Hamilton and Dean Lisa Brabbit, helps the mentee to realize the unique principles of professionalism for lawyers including the commitment to the ethics of duty, and a commitment to the ethics of aspiration, including a commitment to the highest standards of professional competence and ethical conduct. Other examples of the unique professional values for attorneys include fiduciary devotion to one's clients, commitment to grow in personal conscience and understanding the obligations of a peer-reviewed profession. A commitment to pro bono work and diversity in the profession also fall within this function.

All four the mentoring functions intersect with issues of teaching professionalism to new lawyers. If you are creating or running a mentoring program for lawyers or law students, it is important to understand how these mentoring functions intersect with professionalism so that you can use each function effectively to teach the professionalism lessons you identify as most important to your program.



Illinois Supreme Court Commission on Professionalism

Supplemental Resources on Professionalism in Legal Mentoring

1. The American Bar Association's Center for Professional Responsibility website is full of valuable information regarding legal professionalism, including:
 - a. A list of states' adopted codes of professionalism:
http://www.americanbar.org/groups/professional_responsibility/resources/professionalism/professionalism_codes.html
 - b. Recent articles on professionalism:
http://www.americanbar.org/groups/professional_responsibility/resources/professionalism/professionalism_codes.html
 - c. Links to the websites of state Professionalism Commissions:
http://www.americanbar.org/groups/professional_responsibility/resources/professionalism/profcommissions.html
 - d. And links to information about various state mentoring programs:
http://www.americanbar.org/groups/professional_responsibility/resources/professionalism/mentoring.html
2. See also the National Legal Mentoring Consortium website, which contains a wealth of information about mentoring programs in various types of organizations, plus best practices, upcoming events and conferences and reference materials, including articles, books and videos:
<http://www.legalmentoring.org/>
3. A 2013 NALP Foundation study, The State of Mentoring in the Legal Profession, is available for purchase on the Foundation's bookstore site: <http://www.nalpfoundation.org/bookstore>
4. The North Carolina State Bar site contains the text of Proposed 2014 Formal Ethics Opinion 1 (Protecting Confidential Client Information when Mentoring), dated January 23, 2014:
<http://www.ncbar.com/ethics/propeth.asp>
5. Minnesota Court Student Practice Rule Three covers attorney-client privilege as it relates to student observations. https://www.revisor.leg.state.mn.us/court_rules/rule.php?name=prstud-toh

6. The Illinois Commission on Professionalism's Lawyer-to-Lawyer Mentoring Plan focuses on professionalism <http://www.2civility.org/projects/mentoring/>
7. Illinois Case Study on Designing and Implementing a Statewide Mentoring Program <http://www.2civility.org/wp-content/uploads/Illinois-Case-Study-on-Mentoring-Program.pdf>
8. The Value to Your Organization of Sponsoring a Mentoring Program <http://www.2civility.org/wp-content/uploads/Value-to-Your-Organization-of-Sponsoring-a-Mentoring-Program.pdf>
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Illinois Supreme Court Commission on Professionalism

Mentoring Professionalism Scenarios

You are running a mentoring program for your organization. What should you do when confronted with the following situations?

- 1. A criminal defense attorney mentor wants to demonstrate to her mentee (who is not employed by her) her excellent client interviewing skills. Is this ever appropriate? Are there steps the mentor could take to make this permissible?**

- 2. Eight weeks after the successful launch of a mentoring partnership, you receive a call from the mentor that they have been trying to reach their mentee via phone and email, and have not had any response. The mentor is frustrated, and ready to give up on the program. What do you do? What steps could you have taken to prevent this situation from arising?**

- 3. Same situation as number 2, but it is the mentee calling you about an esteemed mentor not returning calls.**

- 4. A mentee calls you to tell you he wants to drop out of the program. Upon some skillful probing by you, the young lawyer says his mentor has been making**

inappropriate comments (regarding race, gender, ethnicity, or religion), and that he is uncomfortable continuing in the relationship. What should you do? What steps, if any, might you have taken to prevent this situation from arising?

- 5. Same scenario as number 4, but the mentee reports that the mentor is engaging in what appears to be unethical conduct with regard to her clients. When the mentee approached the mentor, she denied doing anything wrong, and told the mentee he was mistaken. What should you do? Does the mentee have an ethical obligation to report the behavior to the state attorney professional responsibility board?**

- 6. The mentee comes to you to express concern about her mentor. They have met four times over lunch and each time the mentor has had multiple alcoholic beverages. The mentee expresses concern that the mentor may have a substance abuse problem. What should you counsel the mentee to do?**

- 7. A mentor is approached by a respected colleague who informs the mentor that she has a case with the mentor's mentee. The colleague tells the mentor that the mentee's letter and briefs have been poorly written and encourages the mentor to help the mentee improve his writing. How would you advise the mentor to handle this?**



PANEL
**There's No Precedent for This –
Innovation in Legal Mentoring**

Maureen Bickley
Frost Brown Todd, LLC

Douglas Dennis
Frost Brown Todd, LLC

The Honorable Patrick Fischer
First District Court of Appeals of Ohio

Mina Jones Jefferson
University of Cincinnati College of Law

Chris Habel (MODERATOR)
Frost Brown Todd, LLC

NOTES

First Year Associate Program

Frost Brown Todd LLC “FBT” has developed an innovative approach to hiring and training our new associates. Our goal is to have the absolute best-trained class of associates in our region, while working to develop lawyers who better understand our clients’ business objectives. Through this, our associates are able to practice law and deliver the highest quality service from the start of their careers. We create exceptional lawyers at an accelerated pace. This is a long term investment in the future of our firm, our lawyers’ and our clients’ futures. In 2014, we will pay market-competitive salaries in each of our cities.

There are five basic components to the FBT First Year Associate Program:

- **Reduced Billable Hour Goal/Addition of Training Goal** (800 hour training requirement and a substantially reduced billable hour commitment -- only 1200 hours). We consider this to be one of the most important components of our new program. Relieving partners of the pressure to make sure all of the time spent by first-year associates is billable to clients allows for more meaningful “live” training and skill development opportunities and more hands-on involvement with clients. Associates “shadow” lawyers to depositions, client meetings, trials, etc., and have more “guest chair time” in the offices of experienced lawyers.
- **Knowledge Coach.** Each associate is assigned a “Knowledge Coach.” The coaches are some of our most productive and successful partners with a track record of superior commitment to training. The coaches spend the year finding hundreds of hours of opportunities for the associate to learn how to practice law by observing the coach and other attorneys in the firm in trial, deposition, on client calls, closing transactions and drafting. The coach ensures that observation opportunities are meaningful and that the associate is given the opportunity to be in a courtroom, on a deal or able to observe a skilled lawyer.
- **Secrets of Success.** We conduct an intensive business skills training program that focuses on the core skills and strategies of successful businesspeople. Research shows that what sets star performers apart (in the business world, legal world and beyond) are the strategic ways top performers do their jobs. This includes work habits which encourage initiative and networking, making for a star performance. We provide specific training including speakers from outside the firm that are able to focus in on these core work strategies that have defined our most successful attorneys. This training will supplement extensive substantive legal skills training that will occur concurrently at the department and practice group level. Additionally, all first-year associates receive focused skills training through our mini-MBA program and National Institute of Trial Advocacy Fact Investigation workshop.
- **Placement Opportunities with Clients and Non-Profit Organizations.** We identify opportunities for our associates to spend several weeks with clients in our markets engaging them in the aspects of their individual business. We also identify opportunities for our associates to aide in non-profit organizations enabling them to understand and get a better grasp on the surrounding community. We want our new associates to see how the client’s legal department operates, but are equally interested in their learning how the client runs the business from which legal issues actually arise.

First Year Associate Program

- **Billable time.** Traditional billable tasks continue to provide some of the training and value to the client. First-year associates can assist on projects and learn their craft through research, writing and other meaningful assignments in which clients find valuable.



LAWYER TO LAWYER MENTORING PROGRAM

I. Brief Description

The Supreme Court of Ohio Lawyer to Lawyer Mentoring Program links experienced attorneys with new lawyers who have recently been admitted to the practice of law. Mentoring is a one-on-one relationship designed to assist new lawyers as they begin their legal careers. Mentors and new lawyers meet in person six times during the course of a year for at least nine mentoring hours to discuss topics and engage in activities they select from a mentoring plan. Participation in this statewide program is voluntary.

II. Educational Credit

New lawyers are awarded nine hours of new lawyers training credit upon completion of the program. To complete their twelve-hour new lawyers training requirement, new lawyers must also take three hours of classroom instruction, including one hour of professionalism, one hour of law office management, and one hour of client fund management.

Mentors are awarded twelve hours of continuing legal education (CLE) credit for participating in the program. This award includes three hours of professional conduct credit. Mentors who attend a mentor orientation program (a one-time program requirement) earn two additional hours of general CLE credit.

The program is offered to mentors and new lawyers free of charge.

III. Matching

Matching occurs in one of three ways:

- 1) A new lawyer may nominate three mentors from a preapproved mentor list
- 2) A new lawyer may bring a mentor to the program by asking an experienced lawyer to submit a mentor application and request to work together
- 3) An employer may request a match between a new lawyer and a mentor in their legal organization

Lawyer to Lawyer Mentoring promotes matching via method two or three to lessen the burden of future mentor recruitment; however, the majority of new lawyers are matched via method one.



IV. IT Development

Every step of Lawyer to Lawyer Mentoring may be completed online. This includes filing mentor and new lawyer applications, certifying mentoring agreements, creating mentoring plans, accessing curriculum worksheets, taking program surveys, and certifying program completion. For items that require certification to the Court, participants must provide their attorney registration number and CLE password. Information submitted online instantly populates the program administrator's mentoring database. For participants who are not comfortable with online applications, the program provides worksheets that may be printed, filled out by hand, and faxed.

An IT application facilitates the matching process, as well. New lawyers who seek to be matched to mentors on the program's preapproved mentor list can search by various variables, including, but not limited to, location, type of practice (e.g., law firm, solo practice, government office, or non-legal job), practice area, law school attended, and size of firm or legal organization. After searching the preapproved mentor list, new lawyers identify their top three mentor nominees in their program application. Starting with the new lawyer who registered first and continuing in order of registration, the IT application automatically matches each new lawyer to his or her top available mentor nominee. Manual matching is required only for new lawyers whose three mentor nominees are matched to other new lawyers by the time the computer application reaches their name for matching.

V. Participation

The participation rate of our voluntary program is currently 68% of eligible new attorneys. At any given time about 1,600 lawyers (new lawyers and mentors) are matched and actively participating in the program. Since our pilot program in 2006, more than 4,000 new lawyers have participated in the program.

VI. Evaluations

Some highlights from end-of-term surveys from the November 2012 group, which concluded its term on December 31, 2013, include:

Benefits to New Lawyers

- 96 % said they are better equipped to deal with ethical and professionalism considerations in their daily practice
- 94 % said they learned about legal customs
- 93 % said they have more practical knowledge about the practice of law
- 84 % said they built collegial relationships with other members of the bar



New Lawyers' Endorsements

- 99 % would recommend the program to other new lawyers
- 98 % would recommend to another lawyer that they choose their mentor as one of their mentor nominations
- 99 % said the program met their goals

Benefits to Mentors

- 90 % said that their participation contributed to an increase in their professionalism
- 80 % said that their participation contributed to an increase in job satisfaction

Mentors' Endorsements

- 99 % said that they would recommend the program to other experienced practitioners
- 83 % of mentors who participated in the program multiple times said that they usually maintain a relationship with their new lawyer after the end of the mentoring term

VII. Networking

Local bar associations host annual networking events for Lawyer to Lawyer Mentoring participants. These meetings provide social opportunities for participants while promoting the benefits of local bar membership. In addition, some local courts offer a court tour coupled with a networking reception during which judges and magistrates meet and greet new lawyers. These events strengthen mentoring connections, introduce new lawyers to their local legal communities, and elevate the visibility of the program.

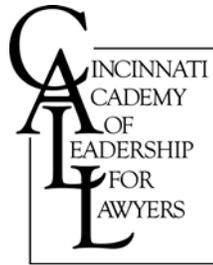
The program also hosts a Linked-In group exclusively for mentoring participants.

VIII. Further Information

A wealth of information about Lawyer to Lawyer Mentoring (including our plan and materials) is available at <http://www.supremecourt.ohio.gov/AttySvcs/mentoring>. Also feel free to contact:

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Mission

To create an institute under the sponsorship of the Cincinnati Bar Association in cooperation with the University of Cincinnati College of Law, to promote and encourage leadership and professionalism among practicing lawyers in the Greater Cincinnati area.

Goals & Aspirations

The Cincinnati Academy of Leadership for Lawyers' goals focus on enhancing the public image of lawyers and renewing the commitment to professionalism within the legal profession. Specific goals of the CALL program are:

To gradually build a large core of practicing attorneys to become leaders with respect to ethical, professional and community service issues, resulting in raising the overall professional standards of lawyers in the community.

To form a pool of members from which bar associations and other organizations within the community could draw upon for service.

To raise the level of awareness of all lawyers in the community of issues upon which CALL focuses by creating a sense of mission, purpose and pride in members of the program.

The Cincinnati Academy of Leadership for Lawyers aspires to guide attorneys who will lead the community ethically, professionally and with high regard for community service. The visibility of that leadership lets the community witness the contributions lawyers make and, as such, helps raise lawyers' professional standards and improve their image overall.

Project Description

In 1996, the Cincinnati Bar Association created and developed CALL — the Cincinnati Academy of Leadership for Lawyers. Operated in conjunction with the University of Cincinnati College of Law, CALL focuses on practical, professional and ethical issues facing lawyers in Greater Cincinnati.

The Cincinnati Academy of Leadership for Lawyers draws on the resources and leadership of lawyers and other professionals to elevate the lawyers' role to one as a leader in both the profession and the community. It encourages and nurtures professional and leadership development, enabling CALL participants to lead their colleagues in the same direction.

Each fall, 25-32 lawyers are selected to participate in CALL. Each possesses the highest degree of professionalism and ethics and has been practicing law for five to fifteen years. Through a written narrative statement, the class members demonstrate the following: what they have already contributed to the legal profession, why they should be selected for the CALL program and what they hope to gain from participation in the program.

CALL sessions are held monthly, January through May. All sessions have interactive components and address areas relevant to the development of professionalism and leadership. Those sessions are as follows:

Leadership Through Service

Leadership Styles

Leadership Skills

Ethics, Justice and Values

Leadership Opportunities & Academy Induction

The CALL program is designed to stimulate awareness and evoke reflection. It reminds us that there are no clear paths to follow in the areas of leadership, ethics, civility and professionalism. Throughout the program, CALL participants examine the morals and ethics, habits and behaviors of themselves and others. Through this self-examination and assessment, each CALL graduate becomes an educator for others in the legal profession and also the community-at-large. One of the biggest advantages of the CALL program is those who used to be taught are now becoming the teachers.

Service Project

In addition to the monthly programs, the CALL class is required to select and execute a community service project. Service projects have included:

- **Truancy Mediation Program**

CALL Class X collaborated with the Cincinnati Public Schools, the Ohio Commission on Dispute Resolution and Conflict Management, and the Hamilton County Juvenile Court to bring truancy mediation to seven Cincinnati Public Elementary Schools. The program is a non-confrontational, non-punitive, non-disciplinary way to identify the family problems which result in poor school attendance and to assist families in reaching voluntary solutions to those problems. Mediations take place in the school, during normal school hours. Parents, teachers, students, and the mediator all participate in the mediation and attempt to discover the cause of the student's absence and to create a voluntary solution which allows the student to attend school regularly.

- **YPs for ProKids**

CALL Class XV created a young professional group for ProKids, which encouraged the participation of young professionals in the Cincinnati community to make an impact on the lives of abused and

neglected children. In addition to providing a base of volunteers for organizing special events benefiting ProKids, the group also could serve as a pool of potential candidates for serving as CASAs.

- **Feasibility Study for Crisis Nursery**

CALL Class XVII conducted a feasibility study to determine the need for a crisis nursery in the Greater Cincinnati community. Based on the model of Providence House, a crisis nursery in Cleveland, class members interviewed nearly three dozen stakeholders in the nonprofit and governmental sectors and explored the desirability of the concept. The class's final report summarized the results of their interviews and identified key next steps for pursuing the idea.

- **Youth Court**

CALL Class XVIII is creating Youth Court. Working with the Hamilton County Juvenile Court, Chase College of Law and UC College of Law, Youth Court is a voluntary juvenile court diversion program for eligible youthful offenders who have committed certain minor misdemeanors. Sentencing for these offenders is turned over to a group of their peers - students from local high schools. These student juries can select the offender's sentence from an established list of potential punishments, generally revolving around community service. The offenders are represented by law students from the local law schools.

Success of Project

The purpose of the Cincinnati Academy of Leadership for Lawyers is to create an institute to promote and encourage leadership and professionalism among practicing lawyers in the Greater Cincinnati area. The program cultivates the integrity and high ideals that define leaders and promotes renewed pride in the legal profession.

The direct impact of CALL is measured through session evaluations and an overall evaluation is completed upon graduation. There are many indirect, yet measurable, outcomes regarding attorney volunteerism. The Cincinnati Bar Association currently has thirteen CALL graduates on its 25-member Board of Trustees. There are 22 CALL alumni members in leadership positions in the Cincinnati Bar Association board and member committees. The Cincinnati Bar Foundation Board of Trustees touts six graduates.

Each of the goals set forth for CALL Class I in 1997 have been achieved and continue to be broadened through each subsequent class. CALL Alumni number over 450 attorneys.

Many of the graduates work to promote the CALL program by serving on CALL subcommittees and organizing future sessions. At the prompting of CALL Class II, the Cincinnati Bar Foundation established a CALL Alumni Fund by which persons may receive monetary assistance if they are unable to afford the program tuition of \$1450. An Alumni Association has been established and is charged with coordinating and developing community service activities and social events.

For more information, contact Lisa McPherson at lmgcpherson@cincybar.org or (513) 699-1398.





LEADERSHIP ACADEMY
OHIO STATE BAR ASSOCIATION

Program Description

The purpose of the Ohio State Bar Association Leadership Academy is to identify and train lawyers for future opportunities for leadership in the Association, profession and community; to nurture effective leadership with respect to ethical, professional and community service issues; to raise the level of awareness among lawyers regarding the broad range of issues facing the legal profession and to build relationships among legal leaders and experience levels across the state, and create a cadre of lawyers upon which the OSBA, state and local government entities, local bar associations and community organizations can call upon for leadership and service.

The Leadership Academy is an interactive leadership training program conducted during a seven-month period (January to July) each year. The program is comprised of six sessions: two one and one-half day sessions (requiring overnight stay) and four day-long sessions. Speakers and mentors include leaders from the bench and bar, state and local government and the community. We also invite professionals to assist with communication and leadership skills. Effort is made to make the sessions as hands-on as possible and to provide for maximum interaction with all types of leaders.

Each class is limited to 24 individuals who are in practice between 5 and 10 years of practice. Tuition is \$950, but it is waived for public interest lawyers, solo practitioners, etc. We try to achieve a representative class in terms of geography, practice setting and diversity.

We are now in the fifth year of the program and have received outstanding reviews from graduates and their employers. We have been able to suggest leadership opportunities with many organizations and have been very successful in placing graduates to leadership position with the OSBA. A great benefit of the program has been the creation of an *esprit de corps* among class members.



Program Overview

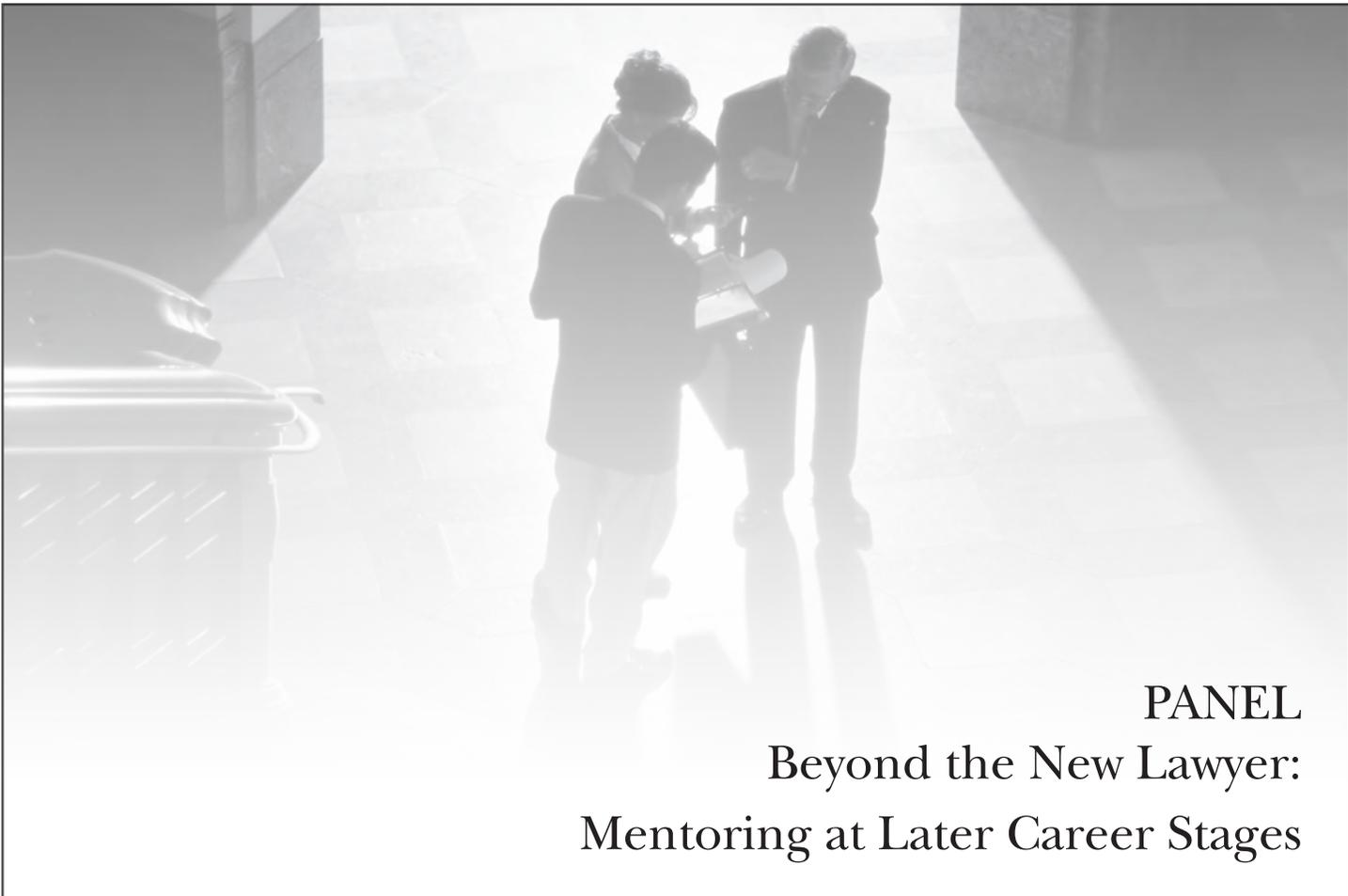
Catalyst is a micro-mentoring program designed to fold students into the lives of attorneys rather than create a new set of obligations for attorney volunteers. Groups of 2-3 1L and 2L students are paired with 2 attorneys who serve as a catalyst for their professional development. Since its inception in 2010, the **Catalyst** Program has become one of our students' favorite professional development activities. In addition to being offered in the Greater Cincinnati/Northern Kentucky region, **Catalyst** is also offered in a condensed format in Chicago, Columbus, Cleveland and Washington D.C.

Catalyst is not a one size fits all activity. For attorneys participating in the Cincinnati program the overall commitment is to do four things February-April: (1) attend the February kickoff event; (2) invite students to their office; (3) take students to another event of choice e.g., a bar association/civic event or meeting (just examples, but not exclusive); and (4) attend the final event in April.

Each **Catalyst** group determines what works best for them. The February kickoff event is devoted to planning. There attorney volunteers meet their student group and, based on their interests and stated goals, create a calendar of events to attend. On average about eighty 1L and 2L students participate in this program.







PANEL
**Beyond the New Lawyer:
Mentoring at Later Career Stages**

Vandana Allman
Womble Carlyle Sandridge & Rice

Regine Corrado
Baker & McKenzie

Lisa Stalteri
Carr McClellan Ingersoll Thompson & Horn

Ida Abbott (MODERATOR)
President, Ida Abbott Consulting LLC

NOTES

Leadership Womble

Leadership Womble is an intense cohort program designed to accelerate impact with each leader's internal and external client constituencies. Originally based on Gallup's Seven Demands of Leadership, the program has been further refined to meet the unprecedented changes in the legal industry. Twelve lawyers are annually invited to attend this prestigious program in which the firm's toughest challenges are analyzed through the leadership rubric. At the end of the program, each cohort advises the firm's management committee by sharing its analysis and research. Often the participants have conducted experiments that have an immediate and positive impact on the bottom line.

Investment in others is one of the expectations for Leadership Womble participants. Mentees are carefully selected and performance plans are co-created to accelerate development of the next generation of lawyer leaders. Relationships are strengthened and networks are refined. New opportunities for learning and impact emerge for both the mentor and mentee. Even though the formal relationship has a 6-month window, the partnership frequently grows organically outside of the structured program.

Stitching legal acumen with leadership skills, results in powerful outcomes that go well beyond the bottom line including softened silos, business-ready solutions and deepening commitment to the firm's purpose. We envision Womble Carlyle as having savvy leadership that is at the ready to meet our clients' goals and dreams.

About Womble Carlyle

Womble Carlyle is a full-service business law firm with a focus on innovative solutions to client needs. The firm supports the Association of Corporate Counsel in the ACC Value Challenge, which seeks to better align legal services with the needs of corporate clients.

The firm is located in the Southeast and mid-Atlantic regions, and serves clients nationally and globally, with more than 550 attorneys in twelve offices: Atlanta; Charleston and Greenville, S.C.; Charlotte, Greensboro, Raleigh, Research Triangle Park, and Winston-Salem, N.C.; Washington, D.C.; Tysons Corner, Va.; Baltimore; and Wilmington, Del.

In the community, the firm is the first law firm to receive the Thurgood Marshall College Fund Corporate Leadership Award as well as the Employer Support of the Guard and Reserve Freedom Award.



Baker & McKenzie Pipeline Coaching Program

- Program Purpose: This program is designed by the North American Women’s Initiative (“NAWI”) to assist more women Associates in preparing for advancement to National Partner and Of Counsel, and more women National Partners in advancing to Principal, the NAWI would like to put in place a Pipeline Coaching Program for those women Associates and National Partners in NA, of class year 5 and above, who wish to take advantage of the Program. (All will be given the opportunity to do so.)
- Coaching Purpose: The coaching will be focused on helping the coachees work on improving their performance in areas identified as needing improvement in order to be promoted to the next level (if that is what they aspire to), or simply to succeed and excel at their current level. In addition, the coaching will have as a goal to further the integration of the coachee in the North American, and where applicable, global practice groups. □

Baker & McKenzie Pipeline Coaching Program

- Coach Assignments: Coaching pairings will be made by NAWI taking into consideration the following: generally the coach will be a member of NAWI from a different office, but the same practice group (or a complementary practice group, if appropriate), as the coachee, and the coach will be a strong performer in the area of performance in which the coachee needs to improve. Associates may be coached by National Partners or Principals. National Partners will be coached by Principals.
- Duration of Relationship: The coaching relationship will be indefinite, with an informal check-in/review as to its effectiveness and continuation at one year intervals. Either the coach or the coachee can end it at any time and for any reason.
- Frequency of Meetings: The coach will speak or meet with the coachee at least once every 3 months. The coach and coachee will have plenty of flexibility to adjust the frequency of their meetings to the needs of the coachee.
- Confidentiality: All communications will be confidential, with two exceptions: (1) those that the coach and coachee expressly agree are not, and (2) when disclosure is required by law, professional responsibility rules, or Firm policy. □

The Role of the NAWI Coach— what’s expected?

- Assisting the coachee to identify actions / changes in behavior to help her to improve her performance in the area(s) she has identified
- Acting as the coachee’s “accountability partner” to ensure she is doing what she says she will do
- Bringing to the coachee’s attention, any other areas of performance you suspect she may need to work on in order to reach her ultimate goal of promotion or improved performance

- Commitment to at least quarterly, and preferably monthly, calls with your coachee

- Bringing any issues, that you are not required by the terms of the program to keep confidential, to the NAWI Steering Committee and/or NA TM, so that they may assist you in dealing with them



Coaching vs. Mentoring

	COACHING	MENTORING
Goals	Improve Performance	Support and guide personal growth and career development
Initiative	From the Coach	From the Mentee
Volunteerism	Not always voluntary	Both parties need to volunteer
Focus	Learning and Development	Personal / Career Development
Style of Interaction	A continuum – telling to facilitating	Listening, making connections, offering advice
Duration	Short / med / long tem	Long term
Relationship	Reporting relationship	Not usually reporting relationship

MEMORANDUM

TO: Ida Abbott
FROM: Lisa H. Stalteri
DATE: March 31, 2014
SUBJECT: National Legal Mentoring Consortium 2014: Mentoring for Leadership Development

1. Strategic Planning.
 - A. Firm's Demographic
 - B. Critical Areas
 - i. Leadership
 - ii. Professional capabilities
 - iii. Business generation
 - iv. Client relationship management
 - v. Productivity
 - C. Leadership Succession & Development must be Element of Strategic Plan
 - D. Implementation is the Most Critical, Challenging & Failure-Prone Step
2. Implementation
 - A. Create opportunities to showcase leadership in order to identify leaders (leadership vs. management: set policy and strategize regarding implementation vs. implementation and supervision)
 - i. Special projects involving a team
 - ii. Committee assignments
 - iii. Client assignments involving a team
 - B. Identify those with leadership abilities
 - i. Forward thinking
 - ii. Motivate others

- iii. Authentic/integrity
 - iv. Assertive
 - v. Willing and able to communicate
- C. Develop those with leadership abilities
- i. Special projects and/or committee appointments with increasing importance and/or demands (resist placements driven by political reasons rather than for aptitude)
 - ii. Board involvement in non-profits
 - iii. Exposure to good leadership examples (placement where good leaders exist – includes peer to peer, not just senior to junior)
 - iv. Feedback from senior leaders and peers
 - v. Incentivize with feedback, recognition, increasing autonomy and authority, financial remuneration
- D. Targeted improvement/enhancement (will not create leadership aptitude but can improve/enhance what exists)
- i. Workshops
 - ii. Personal coaching
 - iii. Feedback
- E. Support
- i. Continuing education/skill building
 - ii. Continuing feedback
 - iii. Continuing incentivizing
 - iv. “Soft skill” refreshers/retreats (stress management, communication)
 - v. Internal leader retreats for strategic planning or targeted problem-solving
 - vi. Positive/productive intervention on request of leader or when necessary



Lawyer Mentoring in Europe

Rebecca Normand-Hochman
Director, Institute of Mentoring
London, United Kingdom

NOTES

LEGAL MENTORING IN EUROPE

INTRODUCTION

When I stopped practicing law a few years ago and started researching talent development in the legal profession, there were two things that I wanted to find out:

- 1- why were law firms so way behind in terms of developing their human capital?
- 2- what could be done to help the profession move forward in that area?

Pursuing answers to those questions made me discover the fascinating mix of profound psychological reasons that are sometimes specific to our profession and the organizational behaviours that are linked to partnership culture and structure, which both make talent development for lawyers challenging.

I have come to the conclusion that most of the responses to better talent development in law firms (whether it is building leadership skills, passing on intangible knowledge and values or enhancing communication and transparency) are included in excellent mentoring.

Most of my work has therefore since evolved around the development and use of mentoring for lawyers and I am delighted to be able to share insight about European legal mentoring.

1-HISTORICAL BACKGROUND

When the first formal mentoring programmes started to develop in the US 30 years ago, they became rapidly adopted by European organizations but in a different way.

In the same years, Kathy Kram was researching and formalizing the foundations of mentoring in the US and David Clutterbuck was researching and capturing the principles of European mentoring.

The difference between the two can be summarized as follows: the European approach is developmental, the person being mentored is referred to as a mentee whilst the US approach involves a higher level of sponsoring, it is therefore not a coincidence that the person being mentored is referred to as a protégé.

Developmental mentoring is less directive and mainly focuses on the mentee's thinking process.

An illustration of the difference between the two types of mentoring is that a mentor in Europe does not generally mentor someone on whom he has direct authority. A partner typically mentors someone from another department and not a lawyer from his/her team.

These two approaches to mentoring have in recent years sometimes been mixed in programmes and referred to as "second wave mentoring". These programmes have advantages as well as their own problems.

2- CURRENT TRENDS IN EUROPE

There is no data about the proportion of firms, bar associations and law schools in Europe

that use mentoring as there is in the USA since "The State of Mentoring in the Legal Profession" report was published by NALP last year, but this is something that the Institute of Mentoring will produce in the near future as part of its research activities.

The Law Society of England and Wales runs mentoring programmes, mostly to increase social mobility and diversity of solicitors.

The Bar Council in the UK runs a mentoring programme to help barristers advance their career at the Bar with two specific objectives:

- 1- to increase the success rate of participants securing Silk and judicial appointments
- 2 - to help participants manage their future career paths.

In the last decade, a number of big law firms have introduced formal mentoring through programmes, mainly in the UK.

In the majority of cases those programmes have been designed either:

- to help trainees get started,
- to support more women make it to partnership as well as to add diversity in the firms, or
- to help partners to be or junior partners transition into partnership.

The level of success of those programmes varies and very few firms manage to embed good mentoring practices (whether formal or informal) in their organisation. The programmes usually have low rates of take up by mentees and too few partners are equipped with the appropriate mentoring skills for the relationships to be effective.

Additional reasons for which mentoring does not have clear positive results and impact in European mentoring programmes include:

- the principles of modern mentoring are not applied (mentees continue to have a sole mentor, mentees are not encouraged and trained to take the driving seats in the mentoring relationships, peer, group and reverse mentoring are too rarely used)
- senior management does not act as role models for mentors
- mid-level associates usually do not fall within the scope of the programmes in times when they are going through important transitions both in their professional and personal lives.

There is currently a realization in the profession that mentoring is amongst the most powerful tools to help lawyers learn, develop, excel and lead and some of the firms are therefore starting to think about new ways to support mentoring activities.

There is also a realization that informal mentoring can be strongly encouraged and valued by creating mentoring and coaching cultures.

3- CASE STUDY

A case study

The International Bar Association (IBA), established in 1947, is the world's leading organisation of international legal practitioners, bar associations and law societies. The IBA influences the development of international law reform and shapes the future of the legal profession throughout the world. It has a membership of more than 50,000 individual lawyers and over 200 bar associations and law societies

spanning all continents. The Law Firm Management Committee, with over 3,000 members, is the biggest committee of the IBA.

In 2009, the Law Firm Management Committee decided to launch a law firm mentoring programme. The initiative links law firm partners with lawyers from around the world to help them start or grow their practice. Initially, the programme was aimed primarily at providing guidance and advice to IBA lawyers in emerging markets or developing economies who had no access to law firm management expertise.

With very little promotion, the programme rapidly attracted an impressive number of mentors who were respected members of the profession, from various parts of the world. The challenge that the programme encountered was to reach out to the mentees who either did not know of the IBA mentoring opportunities or did not know how to get involved.

In 2012, the programme was redesigned to enable proper promotion, coordination and monitoring on a bigger scale. The initiative was made available to mentees regardless of IBA membership and location.

The IBA is now partnering with local bar associations so that they can promote and coordinate the programme directly to their members. The first example of this Time for a new approach to talent management in law firms is a partnership with the Costa Rican Bar, which is launching the initiative in six central American countries.

Since the formal relaunch of the Law Firm Mentoring Programme at the IBA annual conference in Dublin in October 2012, mentors and mentees are joining the programme on an ongoing basis and from a growing number of jurisdictions (100 participants from 35 jurisdictions are currently involved).

At the beginning of the initiative, some senior partners were questioning whether distance mentoring could build meaningful mentoring relationships. Fortunately, and due to the attention and support that the programme has attracted, most of them are now convinced that this can be achieved.

The challenge ahead relates to providing sufficient mentoring skills for participants so that once they have joined the programme, the mentoring pairs quickly engage in strong mentoring relationships.

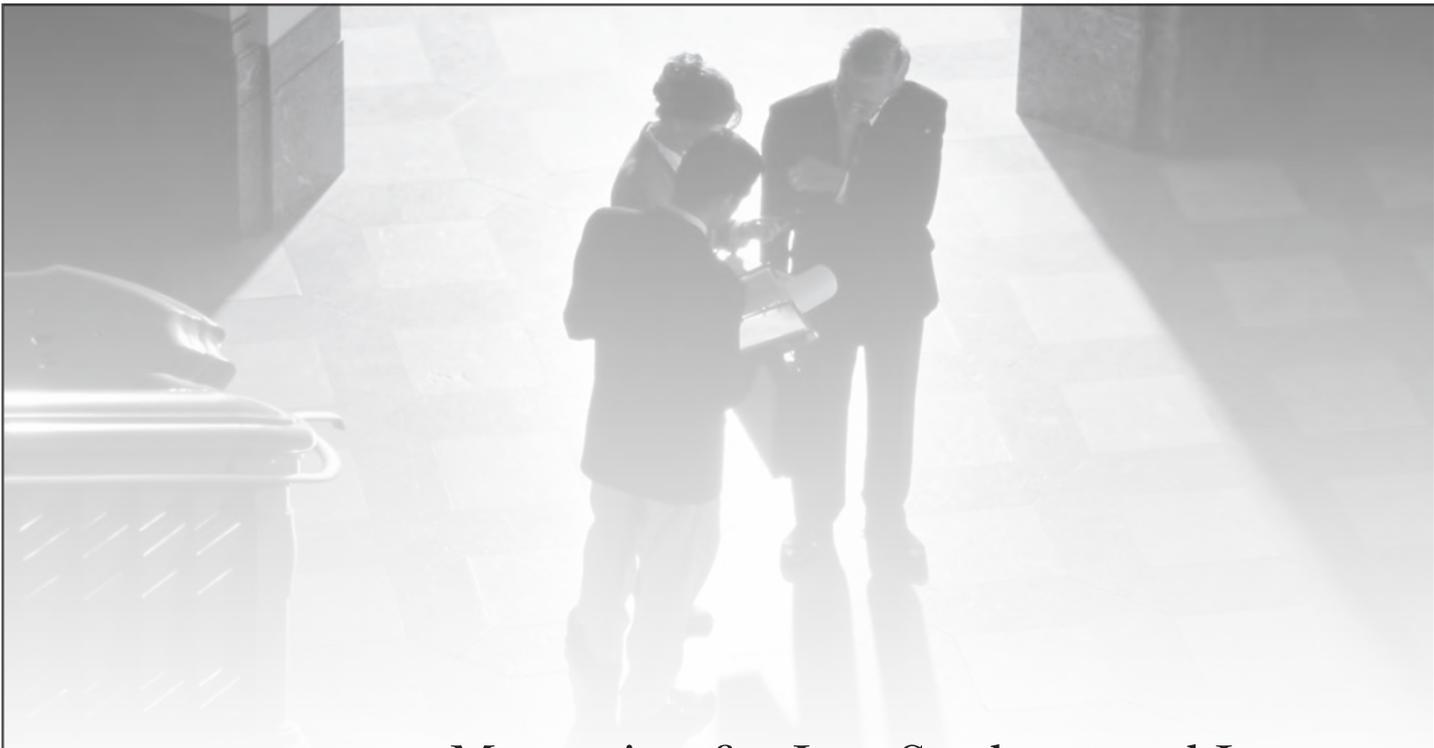
CONCLUSION

A book is currently being written on mentoring and coaching for lawyers jointly published by the International Bar Association and Globe Law and Business (to be published in September). The book will cover hot topics on both mentoring and coaching in the context of the practice of law.

An Institute of Mentoring based in London was recently created to advance mentoring in the legal profession. It was inspired by the work carried out on the IBA Programme and from hearing a number of law firm partners and talent management experts express a need for expertise and access to state of the art resources in this area.

The work of the Institute of Mentoring includes developing and promoting mentoring best practice, carrying out academic research, building mentoring skills for lawyers through a Mentoring Academy to be soon launched.

We would be delighted to hear from anyone wishing to actively take part in the Institute's activities, one of the aims of the Institute`s work being to build collaboration between legal mentoring experts internationally.



Mentoring for Law Students and Lawyers with Disabilities

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Individual Practice and Career Development Goals Worksheet

Name: James Smith Date: March 1, 2011

Practice Group: Commercial Litigation (Business Litigation) Office: Seattle Mentor: Mary Johnson

Instructions: The purpose of this sample goal worksheet is to assist you in developing specific, measurable and time-sensitive goals and a strategy for reaching them. The categories and content provided below are meant to be a guide only. If you have any questions about the tool or in setting goals, please contact [Attorney Development](#).

Goal Categories & Goals	Action Steps to Reach Goal	Timeline for Completing Goal	How will I measure successful completion of this goal?	Date Goal Completed
<p>Practice-specific experiences to obtain:</p> <ul style="list-style-type: none"> a. Prepare witness for deposition. 	<ul style="list-style-type: none"> • Discuss interest with partner/of counsel that I frequently work with. • In current case, participate in development of deposition strategy. • Attend witness preparation meetings and depositions. Keep notes on strategies used. • Schedule meeting with partner and senior associate post-depositions to discuss strategies and tips. • Repeat steps above, as often as possible. • Ask to take lead on preparing witness for next smaller case in the pipeline. 	8 months	Asked to prepare a witness in current or next case within the next 6 months.	
<p>Partners/Of Counsel/Senior Associates to work with:</p> <ul style="list-style-type: none"> a. Jane Brown 	<ul style="list-style-type: none"> • Ask Jane Brown to meet for coffee or lunch to discuss her current projects • Demonstrate my interest in working with her on a case (note cases I have worked on, strengths & weaknesses, reasons for interest, and value I can bring to her team (as well as value I will derive from working with her • If no cases in pipeline, suggest working on an article/ upcoming presentation on a topic of interest to practice group. 	2 months	Begin working with Jane on a particular project/ article/ presentation.	

Goal Categories & Goals	Action Steps to Reach Goal	Timeline for Completing Goal	How will I measure successful completion of this goal?	Date Goal Completed
Clients or Industries to work with: a. Industry Retail/ Consumer Group	<ul style="list-style-type: none"> Identify and contact appropriate leaders within group and demonstrate interest in becoming involved. Get on Industry Retail/ Consumer Group list serve. Remain informed on industry updates (read appropriate media materials; attend conferences/ CLE's). Volunteer to help with Retail/Consumer specific client update. 	3 months	<ul style="list-style-type: none"> Joining list serve Number of industry related articles read. Attendance to related CLE/ conference within 6 months Having worked on client update 	
Business Development Activities (e.g. identifying and pursuing networking targets, writing articles or client updates, etc) a. Design plan to participate in a networking activity once per month (for e.g. lunch with law school colleague; attend industry conference; attend internal networking event etc.)	<ul style="list-style-type: none"> Make a list of people/ colleagues (in the legal, business or retail community) that I want to see in the next 6 months Contact each person and schedule lunch, dinner or coffee. With the help of Client Relations and mentor, identify 2-3 events (in the legal, business or retail community) in the next 8 months that I can attend. 	1 month to complete plan – 8 Months to complete task	<ul style="list-style-type: none"> Completion of plan. Number of activities that I participate in/ people I meet with. 	
Firm Citizenship/ Firm Community Involvement (e.g. committees, investment projects, mentoring, etc.) a. Lead one local activity as member of community service committee	<ul style="list-style-type: none"> Volunteer to take lead on upcoming activity being put on by community service committee. Create & lead small team to help in organizing activity. Plan activity with team members Complete activity. Draft and deliver update to office about activity. 	6 Months	<ul style="list-style-type: none"> Successful completion of activity Number of participants in activity Response/ feedback from participants 	
Work/Life Integration (e.g. exercise, stress management, family time, hobbies, etc.) a. Attend three yoga classes weekly	<ul style="list-style-type: none"> Purchase package of classes from yoga studio. Choose 2 days during the week and 1 day on the weekend to attend. Attend morning classes only (given unpredictability of the work day). Calendar classes on my outlook calendar. 	2 weeks	<ul style="list-style-type: none"> Number of days that I am able to attend classes over the course of a month. 	

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<p>Pro Bono Involvement</p> <p>a. Handle an immigration case</p>	<ul style="list-style-type: none"> Contact the Pro Bono Coordinator and discuss interest in working on pro bono matter. If a case is not readily available, ask to be placed on radar for upcoming cases. 	1 year	Participation in an immigration case	
<p>Additional Goals:</p> <p>a. Improve presentation skills</p>	<ul style="list-style-type: none"> Discuss with mentor/ partner/of counsel desire to present on a topic at practice group meeting in 3-6 months. Join local Toastmasters Group to improve oral communications and presentation skills. Schedule my first speaking assignment (with Toastmasters) within one month from becoming a member. Attend two meetings per month. Take notes on strengths and weaknesses of different presenters. Volunteer to present on a topic at upcoming practice group meeting. 	3-6 months	<ul style="list-style-type: none"> Feedback from Toastmasters mentor and fellow members at Toastmasters. My level of confidence when required to speak/ present (for e.g. arguing a pre-trial motion). Feedback on upcoming practice group presentation 	





BREAKOUT DISCUSSIONS

1. *Networking, Events, and Programming*
David Bateson (MODERATOR)

2. *Powerful Partnerships*
Amy Timmer (MODERATOR)

3. *Meaningful Mentoring for Senior Lawyers*
Jayne Reardon (MODERATOR)

4. *Mentor Recruitment and Retention*
Katherine Erwin (MODERATOR)
Supreme Court of Illinois Commission on Professionalism

with Concluding Wrap-Up
Kateri Walsh (MODERATOR)
Oregon State Bar Association



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