



STATE BAR OF GEORGIA
and the
COMMISSION ON CONTINUING LAWYER
COMPETENCY

TRANSITION INTO LAW PRACTICE PROGRAM

EXECUTIVE SUMMARY

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July 21, 2005

COMMITTEE ON THE STANDARDS OF THE PROFESSION
MANDATORY TRANSITION INTO PRACTICE PROGRAM
PROGRAM OVERVIEW

On August 19, 2004, the Board of Governors of the State Bar of Georgia approved the Implementation Plan for A Mandatory Transition Into Law Practice Program (the “Plan”) developed by the Committee on the Standards of the Profession of the State Bar. The Plan calls for the establishment of the Transition Into Law Practice Program (the “Program”) and the commencement of operations during calendar year 2005.

The goal of the one-year Transition Into Law Practice Program is to afford every beginning lawyer newly admitted to the State Bar of Georgia with meaningful access to an experienced lawyer equipped to teach the practical skills, seasoned judgment, and sensitivity to ethical and professionalism values necessary to practice law in a highly competent manner. A Pilot Project for the Program, conducted from 2000 through 2001, supported the conclusion that the Program can be effective in helping to make more competent, professional lawyers.

The core of the Program, commonly known as the “Mentoring Program,” is to assign every beginning lawyer to a mentor for the first year after admission to the Bar.¹ The Program is essentially an educational program that combines a Mentoring component with a Continuing Legal Education (CLE) component. The purpose of the guidance furnished by the mentors is to

¹Lawyers who enter the practice of law as federal, state, local, or other governmental employees may satisfy the requirements of the Program by participating for twelve months in an approved new lawyer mentoring program specially designed for the government office or agency under policies and procedures established by the Standards of the Profession Committee and the Commission on Continuing Lawyer Competency.

The following lawyers are not covered by the mandatory program:

1. Lawyers admitted to practice in this state who have principal practices in another state;
2. Lawyers who have been admitted to the practice of law in another United States jurisdiction outside of Georgia for two or more years prior to admission to practice in this state; and
3. Lawyers serving as judicial law clerks. These lawyers will not be subject to the mandatory program during the period of the judicial clerkship but will be covered once the clerkship ends for the first year thereafter that they engage in the practice of law in this state.

continue the legal education of the beginning lawyers during the first year of practice by assisting them in acquiring practical skills and in deepening understanding of ethical and professional values expected of lawyers practicing in Georgia.

The first class of beginning lawyers who will be required to participate in the mandatory Program will be those who are admitted after June 30, 2005. The Program does not call for conditional licensure; beginning lawyers will be admitted to practice as now without restriction. However, they will be required to complete the Program in the year of admission or in the next calendar year. Failure to complete the Program by this time would expose the beginning lawyer to license suspension in the same manner as a lawyer who fails to meet the CLE requirements pursuant to the mandatory CLE Rules of the Commission on Continuing Lawyer Competency.

Based on historical averages of bar admissions and attendance at Bridge-the-Gap, the Program must be set up to accommodate about 1,200 beginning lawyers each year. Most beginning lawyers will be paired with an experienced lawyer in the same law firm, office, or practice setting who will serve as the beginning lawyer's mentor ("inside mentor"). However, roughly 150 to 200 newly admitted lawyers each year will enter practice on their own and not in association with a lawyer who has at least five years of experience and who is qualified to serve as a mentor. These beginning lawyers will be matched through the Program with an outside mentor or assigned to a Mentoring Group as part of a group of beginning lawyers and mentors arranged on a regional basis.

The CLE component of the Program that lays the groundwork for and supports the mentoring component is provided by the Institute of Continuing Legal Education in Georgia ("ICLE"). Most beginning lawyers will attend an Enhanced Bridge-the-Gap Program that combines a day of introduction to law practice with a second day of instruction focusing on the roles of attorneys in working with and counseling clients, dealing with others as representatives of clients, and negotiating for clients.

An alternative continuing legal education program, called the Fundamentals of Law Practice, will also be offered. While the length and content of the instruction in this program will be substantially the same as the Enhanced Bridge-the-Gap Program, the format and setting will differ. Attendance at the Fundamentals of Law Practice Program will be limited to about 100

beginning lawyers each session. Most instruction will be offered in small groups of 12-15 persons to permit close, hands-on guidance and interaction between the corps of experienced lawyer-instructors and the beginning lawyers. Priority in attending the Fundamentals of Law Practice Program will be given to beginning lawyers who are not practicing in association with an experienced lawyer. This priority is based on the effort to replicate, as far as possible in this setting, the kind of interaction between a new attorney and an experienced attorney that occurs naturally in an office setting where new attorneys practice in association with experienced attorneys.

All beginning lawyers except those described in footnote one on page one will participate in the Transition Into Law Practice Program, although relevant differences in law practice settings and types of practice will differentiate precisely how that participation occurs. Each beginning lawyer and his or her mentor should devise and develop, formally commit to and sign, and submit a Mentoring Plan of Activities and Experiences for the one-year period of the mentorship. The Mentoring Plan can be adjusted to individual needs and interests yet must conform to certain minimum standards. At the conclusion of twelve months, the mentor will be expected to sign a certificate evidencing whether or not the beginning lawyer has satisfactorily completed the Mentoring Plan to which they committed.

Mentors will be appointed by the Supreme Court of Georgia for one-year terms and may serve for more than one term. They must meet minimum qualifications, including being a member in good standing with at least five (5) years practice experience with a reputation in the local legal community for competence and ethical and professional conduct. An orientation for new mentors will be offered by ICLE each year, live and over the internet. The first program will be held in the late fall of 2005. Mentors will receive three hours of CLE credit and will not be charged for the Mentor Orientations. The State Bar will give special recognition to mentors for each year of service.

The Program will be operated under the auspices of the Commission on Continuing Lawyer Competency (“CCLC”) pursuant to its general supervisory authority to administer the continuing legal education rules. The Standards of the Profession Committee is a committee of

the CCLC with responsibilities for devising and recommending policy to the CCLC as to the operation of the program, serving as a Mentor Advisory Board, serving as faculty in the CLE courses, overseeing and supporting Mentoring Groups, and introducing the Program to law students, law firms, and other employers. The Program will be staffed by a Program director and administrative assistant, who will work under the direct supervision of the office of the Chief Justice's Commission on Professionalism.

The Program will be funded by the State Bar of Georgia and the payment of the same CLE fees currently charged newly admitted lawyers for the existing Bridge-the-Gap Program. At the same time that the Board of Governors approved the Implementation Plan, it approved an increase in State Bar of Georgia membership dues equal to ten dollars (\$10.00) per member, effective for the Bar year beginning on July 1, 2005. This ten-dollar per member dues increase will provide funding for the Program's anticipated annual budget.

Pursuant to State Bar policy, all new programs are subject to a Sunset Provision under which the program is allowed to operate for three years. In the third year, the program must be evaluated for effectiveness. If the evaluation shows that the program is effective, it will be allowed to continue. The Program will run for four full cycles of mentorships: January 1, 2006 to December 31, 2006; July 1, 2006 to June 30, 2007; January 1, 2007 to December 31, 2007; July 1, 2007 to June 30, 2008. In January 2008, the Standards Committee will begin an evaluation of the Program's effectiveness. The evaluation will be presented to the Executive Committee and Board of Governors of the State Bar in June 2008.

A review of this Executive Summary may prompt a number of questions about how the Mentoring Program will work. Attached are four sets of Questions and Answers. One list contains Frequently Asked Questions about the Program in general. The other three sets pose and answer questions that are of particular interest to:

- Law Students and Beginning Lawyers;
- Inside Mentors, Law Firms, and Other Employers; and
- Outside Mentors.

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² The Committee acknowledges with gratitude the contributions of the late Honorable Ross J. Adams as liaison from the Young Lawyers Division of the State Bar.

FREQUENTLY ASKED QUESTIONS AND ANSWERS
about
STATE BAR OF GEORGIA TRANSITION INTO LAW PRACTICE PROGRAM
IN GENERAL

1. What is the goal of the Program?

The goal of the Program is to provide professional guidance and counsel to assist beginning lawyers who are newly admitted to the State Bar of Georgia in acquiring the practical skills, judgment and professional values necessary to practice law in a highly competent manner. To carry out this goal, the Program will afford every beginning lawyer with meaningful access to an experienced lawyer equipped to teach the practical skills, seasoned judgment, and sensitivity to ethical and professionalism values that represent the best traditions and highest aspirations of the legal profession. The Program is essentially an educational program that combines a Mentoring component with a Continuing Legal Education (CLE) component.

2. How are mentors selected?

Mentors must meet the following minimum qualifications:

1. Be an active member of the State Bar of Georgia, in good standing;
2. Be admitted to practice for not less than five (5) years;
3. Have a reputation among judges and peers in the local legal community for competence and ethical and professional conduct;
4. Never have been sanctioned, suspended or disbarred in any state from the practice of law; and
5. Certify that he or she has professional liability insurance with minimum limits of \$250,000.00/\$500,000.00, or its equivalent.

The qualifications of prospective mentors will be screened by a subcommittee of the Standards of the Profession Committee known as the Mentor Subcommittee. This subcommittee will recommend mentors for appointment. Mentors are appointed by the Supreme Court of Georgia for one-year terms. The mentor must agree in writing to serve as mentor.

3. Is a beginning lawyer allowed to choose his or her mentor?

The assignment of mentors within a firm, office or practice group will be based on the recommendation of the firm or other employer itself, subject to the stated qualifications for appointment as a mentor and compliance with the other requirements of the Program.

A beginning lawyer who does not practice in association with a lawyer eligible to be appointed as a mentor will be asked to nominate his or her own mentor. The nomination must be approved by the Mentor Subcommittee.

4. How are a mentor and a beginning lawyer (mentee) in the same firm matched?

The assignment of a mentor to a beginning lawyer within a firm, office or practice group will be based on the recommendation of the firm or other employer itself, subject to the stated qualifications for appointment as a mentor and compliance with the other requirements of the Program.

5. What criteria are used in matching a mentor and a beginning lawyer who are not in the same firm?

The Mentor Subcommittee will draw upon its own knowledge of potential mentors in proximity to the beginning lawyer as well as seek assistance from superior and state court judges and local, circuit, or voluntary bar associations. Beyond geographic proximity, the Program will attempt, but cannot guarantee, to match beginning lawyers and mentors based on other criteria, such as similarities of practice area.

In the event no mentor can be found for a beginning lawyer to act in a one-on-one basis, then the Mentor Subcommittee will assign the beginning lawyer to a Mentoring Group in that vicinity or region of the state. A Mentoring Group will consist of an approved mentor or group of approved mentors who work with a small group of beginning lawyers through periodic group mentoring meetings in accordance with criteria established by the Mentor Subcommittee.

6. What are the responsibilities of a mentor in the Program?

The mentor has responsibilities to guide and to teach the beginning lawyer practical skills, seasoned judgment, and sensitivity to ethical and professionalism values and to devote the time required for this assignment. Using the Model Plan of Mentoring Activities and Experiences as a guide, the mentor and the beginning lawyer should jointly devise a Mentoring Plan for the coming twelve months and complete it. The Plan will include experiences and topics for discussion that follow up on the CLE component. At the end of the twelve months, the mentor will be expected to sign a certificate evidencing whether or not the beginning lawyer has satisfactorily completed the Mentoring Plan. (Please see Question 20.)

7. What are responsibilities of a beginning lawyer (mentee) in the Program?

A beginning lawyer has the responsibilities to make himself or herself available to the guidance and teaching of their mentors, to devise jointly with the mentor a Mentoring Plan, to complete the Plan, and to complete the CLE component of the Program. (Please see Question 20.)

8. Does the mentor initiate contacts with the beginning lawyer (mentee) or should the beginning lawyer initiate contacts?

This is a matter to be addressed and worked out between the mentor and the beginning lawyer.

9. How much time is the mentor expected to spend with the beginning lawyer (mentee)?

The mentor and beginning lawyer are expected to spend sufficient time to carry out the Mentoring Plan mutually agreed upon. While regular meetings are suggested, the Program does not specify the number or length of meetings. For an inside mentorship, the number and length of meetings between the mentor and beginning lawyer will depend upon the firm's or office's policies and workload. For an outside mentorship, one personal meeting a month, in addition to frequent telephone and email contact, is suggested to maintain the mentorship.

10. Are communications between the mentor and the beginning lawyer (mentee) confidential?

For an inside the firm or office mentorship, the confidentiality of communications between the mentor and beginning lawyer will depend on the firm's or office's policies. For an outside mentorship, the beginning lawyer shall not reveal to the mentor any confidential communications between the beginning lawyer and the beginning lawyer's client, according to the terms of the Transition Into Law Practice Program Continuing Legal Education Agreement (CLE Agreement) that outside mentors and beginning lawyers will be required to sign. (Please see Question 3 under Questions and Answers for Outside Mentors.)

11. How long does a beginning lawyer have to complete the Program?

A newly admitted active lawyer is required to complete the CLE component of the Program in the year of admission to the State Bar of Georgia or in the next calendar year.

A newly admitted active lawyer is required to complete the Mentoring component within twelve months of the filing of the Mentoring Plan. (Please see Question 20.)

12. Will the mentor supervise the beginning lawyer's (mentee's) work?

For an inside firm or office mentorship, supervision of the beginning lawyer's work is a matter to be determined by the firm's or office's policy. For an outside mentorship, the mentor cannot be expected to supervise the practice of law by the beginning lawyer. The role of an outside mentor is to offer the beginning lawyer extended education in learning the ways of law practice. An outside mentor is expected to provide instruction in practical skills, as well as ethical and professional issues frequently encountered by lawyers in practice. Neither the Program nor the outside mentor assumes any responsibility to the beginning lawyer's clients for legal services performed by the beginning lawyer, in accordance with the CLE Agreement.

13. What is the mentor's role in evaluation of the beginning lawyer (mentee) within the firm or office?

The role of the mentor in evaluating the work and professional development of the beginning lawyer within the firm or office is a matter to be determined by the firm's or office's policy. The mentor and the beginning lawyer both have responsibility for evaluating the mentoring relationship. The mentor is responsible for assessing whether the beginning lawyer has satisfactorily completed the Program.

14. What is the mentor's role in evaluation of the beginning lawyer (mentee) who does not work in the same firm?

The outside mentor assumes no responsibility for evaluating the work of the beginning lawyer. The role of the outside mentor is to assist the beginning lawyer in developing practical skills, good legal decision-making and sensitivity to ethical and professionalism values. The outside mentor and the beginning lawyer both have responsibility for evaluating the mentoring relationship. The mentor is responsible for assessing whether the beginning lawyer has satisfactorily completed the Program.

15. What happens if the mentor resigns from the firm or office or otherwise becomes unavailable to serve as mentor?

As soon as possible after the mentor's resignation from the firm or office or the mentor's otherwise becoming unavailable to serve as mentor, the mentor shall notify the Program director of the situation. In the event the mentor is unable to do so, the beginning lawyer shall notify the Program director of the situation. In all situations of migration and turnover, completion of a full year of mentoring is strongly to be preferred. Decisions regarding how and whether to reconstitute a mentorship because of migration and turnover will be made by the Program Director, using a rule of reason. The decision will be made on a case-by-case basis, taking into consideration individual circumstances and what has or has not been achieved during the original mentorship. The Mentor Subcommittee will have the ultimate authority and responsibility for policies and procedures for situations where a mentorship ends prematurely.

16. What happens if the beginning lawyer resigns from the firm or office or otherwise becomes unavailable to continue to be mentored by the originally assigned mentor?

As soon as possible after the beginning lawyer's resignation from the firm or office or the beginning lawyer's otherwise becoming unavailable to continue to be mentored by the originally assigned mentor, the beginning lawyer shall notify the Program director of the situation. In the event the beginning lawyer is unable to do so, the original mentor shall notify the Program director of the situation. As explained above, in all situations of migration and turnover, completion of a full year of mentoring is strongly to be preferred. Decisions regarding how and whether to reconstitute a mentorship because of migration and turnover will be made by the Program Director, using a rule of reason. The decision will be made on a case-by-case basis, taking into consideration individual circumstances and what has or has not been achieved during

the original mentorship. The Mentor Subcommittee will have the ultimate authority and responsibility for policies and procedures for situations where a mentorship ends prematurely.

17. Who pays for the Program?

The costs of administration of the Mentoring component and subsidization of the CLE component of the Program are funded by the State Bar of Georgia. For the entire Transition Into Law Practice Program, each beginning lawyer will pay only the regular CLE fee for the twelve-hour CLE component.

18. How is the Program administered?

The Program will be operated under the auspices of the Commission on Continuing Lawyer Competency (“CCLC”) pursuant to its general supervisory authority to administer the continuing legal education rules. The Standards of the Profession Committee is a committee of the CCLC with responsibilities for devising and recommending policy to the CCLC as to the operation of the program, serving as a Mentor Advisory Board, serving as faculty in the CLE courses, overseeing and supporting Mentoring Groups, and introducing the Program to law students, law firms, and other employers. The Program will be staffed by a Program director and administrative assistant, who will work under the direct supervision of the office of the Chief Justice’s Commission on Professionalism.

19. How will the Program deal with problems that arise in the mentoring relationship?

A mentor or beginning lawyer with a concern about the Program should convey it to the Program Director who will seek the assistance of the Standards Committee if necessary to resolve the issue. Appeals from decisions of the Standards committee will be made to the Commission on Continuing Lawyer Competency.

20. What is the Model Plan of Mentoring Activities and Experiences?

The intent of the Program is to create a synergy between the CLE component and the mentoring component. To assist mentors and to help insure some structure and uniformity, a Model Plan of Mentoring Activities and Experiences will be provided to all mentors and beginning lawyers. This Model Plan features a list of suggested experiences and topical questions that the mentor and beginning lawyer can draw on to customize a Mentoring Plan that fits their particular needs and circumstances. With the exception of the Mandatory Advocacy Experiences for those beginning lawyers who appear as sole or lead counsel in the Superior or State Courts of Georgia in any contested civil case or in the trial of a criminal case, the other experiences listed in the Model Plan are not mandatory. They are illustrative of the types of experiences deemed useful in helping a beginning lawyer acclimate to practice and grow into a competent practitioner.

Using the Model Plan as a guide, the mentor and beginning lawyer should jointly devise a Mentoring Plan for the coming twelve months, sign it, and submit it to the Program Director. Although great flexibility in designing each particular plan is warranted, the plan should foster

discussion and implementation of professional skills and values. For inside mentorships, mere supervision of a new lawyer's substantive work for clients, without more, is not sufficient. At a minimum, the Mentoring Plan must include the following key elements:

1. Regular contact and meetings between the mentor and beginning lawyer.
2. Continuing discussions between the mentor and beginning lawyer on at least the following topics:
 - (a) Ethics and professionalism.
 - (b) Relationships with clients, other lawyers (both in and outside the firm), the judiciary and the public, including unrepresented parties.
 - (c) Professional work habits, organizational skills and practice management.
 - (d) Economics of practicing law in the relevant practice setting.
 - (e) Responsibility and opportunities for pro bono work, bar activities, and community service.
3. Introduction to the local legal community.
4. Specific planning for professional development and continuing legal education in and outside the firm.
5. Periodic evaluation of the mentor-beginning lawyer relationship.

21. What does “lead counsel” mean for purposes of the Mandatory Advocacy Experiences requirement?

“Lead counsel” is defined as “the attorney who has primary responsibility for making all professional decisions in the handling of the case. Regulation (1) under Rule 8-104(D), Bar Rules and Regulations.

22. How is the Mentoring Plan monitored?

Monitoring of the Mentoring Plan is a joint responsibility of the mentor and beginning lawyer that continues throughout the mentorship. At the end of the twelve months, the mentor will be expected to sign a certificate evidencing whether or not the beginning lawyer has satisfactorily completed the Mentoring Plan.

23. What is included in the curriculum for beginning lawyers (mentees)?

The CLE component of the Program that lays the groundwork for and supports the mentoring component is provided by the Institute of Continuing Legal Education in Georgia

(“ICLE”). The Program inaugurates two new CLE programs for beginning lawyers: the Enhanced Bridge-the-Gap Program and the Fundamentals of Law Practice Program. Both programs are two-day programs that cover the same topics. The first day is an introduction to law practice. The second day of instruction focuses on the roles of attorneys in working with and counseling clients, dealing with others as representatives of clients, and negotiating for clients.

24. What is the difference in the Enhanced Bridge-the-Gap Program and the Fundamentals of Law Practice Program?

While the length and content of the instruction in the Fundamentals of Law practice Program will be substantially the same as the Enhanced Bridge-the-Gap Program, the format and setting will differ. Attendance at the Fundamentals of Law Practice Program will be limited to about 100 beginning lawyers each session. Most instruction will be offered in small groups of 12-15 persons to permit close, hands-on guidance and interaction between the corps of experienced lawyer-instructors and the beginning lawyers. Priority in attending the Fundamentals of Law Practice Program will be given to beginning lawyers who are not practicing in association with an experienced lawyer. This priority is based on the effort to replicate, as far as possible in this setting, the kind of interaction between a new attorney and an experienced attorney that occurs naturally in an office setting where new attorneys practice in association with experienced attorneys.

25. What happens if the beginning lawyer does not complete the CLE in the required time period?

The procedure for penalizing the failure to complete the Program will be the same as used currently for failure to complete mandatory CLE; i.e., through the procedures in place with the Commission on Continuing Lawyer Competency. The penalty for failure to complete the CLE component of the Program (Enhanced Bridge-the-Gap or Fundamentals of Law Practice) will be to make up the missed session or sessions at the next available session. If, following the required procedural safeguards, a beginning lawyer remains in non-compliance, the Supreme Court of Georgia will be notified so that it may enter any order it deems appropriate, including suspension from the practice of law.

26. What happens if the beginning lawyer does not complete the Mentoring Plan in the required time period?

The penalty for failure to complete the Mentoring Plan agreed upon by the mentor or mentor team and beginning lawyer will be to complete a Rehabilitation Plan approved by the Program Director and the Commission or to attend one session of the State Bar’s Ethics School, offered twice yearly, once in Atlanta and once in Tifton at the Bar offices.

**FREQUENTLY ASKED QUESTIONS AND ANSWERS
FOR LAW STUDENTS AND BEGINNING LAWYERS
about
STATE BAR OF GEORGIA TRANSITION INTO LAW PRACTICE PROGRAM**

1. How do I enter the Transition Into Law Practice Program?

With the notification of passage of the Bar Examination from the Office of Bar Admissions in October 2005, you will receive information about membership in the State Bar of Georgia and instructions for entering the Program following being sworn-in as a member of the State Bar.

2. If I am a judicial clerk, does the Program apply to me?

Judicial law clerks are not subject to the Program during the period of the judicial clerkship but will be covered once the clerkship ends for the first year thereafter that they engage in the practice of law in Georgia.

3. If I am not employed as a lawyer, does the Program apply to me?

The Program applies to “any newly admitted active member admitted [to the State Bar of Georgia] after June 30, 2005,” subject to specified exceptions. Rule 8-104(B)(1) of the Rules and Regulations for the Organization and Government of the State Bar of Georgia (“Bar Rules and Regulations”). A “newly admitted active member” is one who becomes an active member of the State Bar of Georgia for the first time, according to the Bar Rules and Regulations. If you choose to become an inactive member of the State Bar of Georgia upon passing the Bar Examination, the Program would not apply to you so long as you remain an inactive member. Once you become an active member of the State Bar of Georgia, the Program would apply to you.

4. If I am employed as a lawyer by a government agency, in a public interest law setting, or as in-house counsel, does the Program apply to me?

Yes. A lawyer who enters the practice of law as federal, state, local, or other governmental employee or in-house counsel may satisfy the requirements of the Program by participating for twelve months in an approved new lawyer mentoring program specially designed for the office or agency under policies and procedures established by the Standards of the Profession Committee and the Commission on Continuing Lawyer Competency.

5. I plan to take the Georgia Bar Examination but intend to practice in another state. Does the Program apply to me if I pass the Georgia Bar Exam?

The Program does not apply to a lawyer admitted to practice in Georgia who has his or her principal practice in another state or to a lawyer who has been admitted to the practice of law in another United States jurisdiction outside of Georgia for two or more years prior to admission to

practice in Georgia.. Rule 8-104(B)(a), Bar Rules and Regulations. If, after two or more years of practice in another state, you decide to practice in Georgia, you would not be subject to the Program. If however, you decide to leave the other state and establish your principal practice in Georgia within the first two years of admission to the State Bar of Georgia, you would be subject to the Program.

6. If I am not employed by the time I am notified that I have passed the Bar exam, how do I get a mentor?

A beginning lawyer, who, for whatever reason, is unable to identify a mentor shall so notify the Program Director who, in turn, will refer the matter to the Mentor Subcommittee. The Mentor Subcommittee will draw upon its own knowledge of potential mentors in proximity to the beginning lawyer as well as seek assistance from superior and state court judges and local, circuit, or voluntary bar associations.

In the event no mentor can be found for a beginning lawyer to act in a one-on-one basis, then the Mentor Subcommittee will assign the beginning lawyer to a Mentoring Group in that vicinity or region of the state. A Mentoring Group will consist of an approved mentor or group of approved mentors who work with a small group of beginning lawyers through periodic group mentoring meetings in accordance with criteria established by the Mentor Subcommittee.

7. If I work for an employer who provides a mentor, may I attend the Fundamentals of Law Practice Program?

You may apply for the Fundamentals of Law Practice Program, but priority in attending the Fundamentals of Law Practice Program will be given to beginning lawyers who are not practicing in association with an experienced lawyer.

8. If I work for an employer that does not provide a mentor or work on my own, do I have to attend the Fundamentals of Law Practice Program?

Because of the limited attendance and small break-out groups, you are strongly encouraged to attend the Fundamentals Program; however, if your schedule does not permit this, you may attend the Enhanced Bridge-the-Gap Program to fulfill your CLE requirement.

**FREQUENTLY ASKED QUESTIONS AND ANSWERS
FOR INSIDE MENTORS, LAW FIRMS, AND OTHER EMPLOYERS
about
STATE BAR OF GEORGIA TRANSITION INTO LAW PRACTICE PROGRAM**

1. Is the Mentor Orientation required?

The Mentor Orientation is not required, but mentors are strongly urged to attend the live course or take it on-line at their convenience. The Mentor Orientation is a three-hour program created by ICLE offered live once a year at the State Bar Building in Atlanta and available on-line through the ICLE website. Each mentor who takes the Mentor Orientation will receive three (3) hours of complimentary CLE credit, including one (1) hour of Ethics, and one (1) hour of Professionalism. Mentors who have attended the Mentor Orientation in one year are not required to repeat it if they serve as mentors in subsequent years.

2. What is included in the Mentor Orientation?

The Mentor Orientation presents information that mentors need to know about the operation of the Program, including an overview of the CLE for beginning lawyers and topical questions to assist the mentor in taking the lessons presented in the classroom back into the practice setting. The lessons from the CLE for beginning lawyers form the basis of the discussions for the mentors and beginning lawyers. Mentoring skills are also covered in the Mentor Orientation.

3. Is a law firm or other employer allowed to conduct its own Mentor Orientation?

Firms or other employers are free to conduct their own Mentor Orientations, provided that the content includes the materials and topics covered in the ICLE Mentor Orientation to insure uniformity of coverage.

4. I am the Professional Development Director of a law firm. We already have a New Associate Training Program that includes mentors. We want to collaborate, not duplicate, the Bar's Program. How do we weave our in-firm training program in with the Bar's Program?

The State Bar's Program is composed of both the Mentoring component and the CLE component that lays the groundwork for and supports the Mentoring component. Each beginning lawyer will be required to attend one of the two new CLE programs created by ICLE: the Enhanced Bridge-the-Gap Program and the Fundamentals of Law Practice Program. (See Questions for descriptions of these programs.) The Mentoring component, based on the model Mentoring Plan (see Question [re: Model Mentoring Plan]) takes place within the firm or office and is to be tailored to the particular practice setting. The Program does not intend to dictate to law firms and other practice settings what kind of training and mentoring programs they should have; rather, it asks them to reevaluate their programs and measure them by the model Mentoring

Plan. Firms and other practice settings may keep the parts of the Mentoring Plan that work for them and tailor the model to their situations.

5. May a beginning lawyer who has a mentor within the law firm or office attend the Fundamentals of Law Practice Program?

The beginning lawyer may apply for the Fundamentals of Law Practice Program, but priority in attending the Fundamentals of Law Practice Program will be given to beginning lawyers who are not practicing in association with an experienced lawyer.

6. How does the Program work for beginning lawyers working in prosecutors' offices, governmental agencies, public interest law settings, in-house positions, and other special practice settings?

A lawyer who enters the practice of law as federal, state, local or other governmental employee or in-house counsel may satisfy the requirements of the Program by participating for twelve months in an approved new lawyer mentoring program specially designed for the office or agency under policies and procedures established by the Standards of the Profession Committee and the Commission on Continuing Lawyer Competency.

7. How does the Program work for judicial law clerks?

Judicial law clerks are not subject to the Program during the period of the judicial clerkship but will be covered once the clerkship ends for the first year thereafter that they engage in the practice of law in Georgia.

8. Does the Program apply to out-of-state members of the State Bar of Georgia?

The Program does not apply to lawyers admitted to practice in Georgia who have their principal practices in another state.

9. Does the Program apply to new members (admitted by examination or by motion) of the State Bar of Georgia who have practiced for several years in another jurisdiction?

The Program does not apply to lawyers who have been admitted to the practice of law in another United States jurisdiction outside of Georgia for two or more years prior to admission to practice in this state.

**FREQUENTLY ASKED QUESTIONS AND ANSWERS
FOR OUTSIDE MENTORS
about
STATE BAR OF GEORGIA TRANSITION INTO LAW PRACTICE PROGRAM**

1. How is an outside mentor selected?

A beginning lawyer who does not practice in association with a lawyer eligible to be appointed as a mentor will be asked to nominate his or her own mentor. The nomination must be approved by the Mentor Subcommittee.

A beginning lawyer who, for whatever reason, is unable to identify a mentor shall so notify the Program Director who, in turn, will refer the matter to the Mentor Subcommittee. The Mentor Subcommittee will draw upon its own knowledge of potential mentors in proximity to the beginning lawyer as well as seek assistance from superior and state court judges and local, circuit, or voluntary bar associations.

In the event no mentor can be found for a beginning lawyer to act in a one-on-one basis, then the Mentor Subcommittee will assign the beginning lawyer to a Mentoring Group in that vicinity or region of the state. A Mentoring Group will consist of an approved mentor or group of approved mentors who work with a small group of beginning lawyers through periodic group mentoring meetings in accordance with criteria established by the Mentor Subcommittee.

2. What criteria are used in matching a mentor and a beginning lawyer who are not in the same firm?

The Mentor Subcommittee will draw upon its own knowledge of potential mentors in proximity to the beginning lawyer as well as seek assistance from superior and state court judges and local, circuit, or voluntary bar associations. Beyond geographic proximity, the Program will attempt, but cannot guarantee, to match beginning lawyers and mentors based on other criteria, such as similarities of practice area.

3. If I agree to serve as mentor to a beginning lawyer not in an employment relationship with me, what kind of advice am I allowed to offer?

All outside mentors and beginning lawyers are required to sign the Transition Into Law Practice Program Continuing Legal Education Agreement (CLE Agreement). According to the terms of the CLE Agreement, the mentor is an educational resource for the beginning lawyer, and the purpose of the Mentoring component of the Program is to provide opportunities for the discussion of general issues confronted by the beginning lawyer in the practice of law. Moreover, the beginning lawyer agrees not to ask the mentor for case specific advice nor to give to the mentor actual names of clients. The mentor and beginning lawyer further agree to deal with any problems the beginning lawyer has in only a general, hypothetical manner.

4. How much time is a mentor expected to spend with the beginning lawyer (mentee)?

The mentor and beginning lawyer are expected to spend sufficient time to carry out the Mentoring Plan mutually agreed upon. While regular meetings are suggested, the Program does not specify the number or length of meetings. For an outside mentorship, one personal meeting a month, in addition to frequent telephone and email contact, is suggested to maintain the mentorship.

5. Is the Mentor Orientation required?

The Mentor Orientation is not required, but mentors are strongly urged to attend the live course or take it on-line at their convenience. The Mentor Orientation is a three-hour program created by ICLE offered live once a year at the State Bar Building in Atlanta and available on-line through the ICLE website. Each mentor who takes the Mentor Orientation will receive three (3) hours of complimentary CLE credit, including one (1) hour of Ethics, and one (1) hour of Professionalism. Mentors who have attended the Mentor Orientation in one year are not required to repeat it if they serve as mentors in subsequent years.

6. What is included in the Mentor Orientation?

The Mentor Orientation presents information that mentors need to know about the operation of the Program, including an overview of the CLE for beginning lawyers and topical questions to assist the mentor in taking the lessons presented in the classroom back into the practice setting. The lessons from the CLE for beginning lawyers form the basis of the discussions for the mentors and beginning lawyers. Mentoring skills are also covered in the Mentor Orientation.

7. Are communications between the outside mentor and the beginning lawyer (mentee) confidential?

No. The beginning lawyer shall not reveal to the outside mentor any confidential communications between the beginning lawyer and the beginning lawyers's client, according to the terms of the CLE Agreement that outside mentors and beginning lawyers are required to sign.

8. What is the outside mentor's role in supervision of the beginning lawyer (mentee)?

For an outside mentorship, the mentor cannot be expected to supervise the practice of law by the beginning lawyer. The role of the outside mentor is to offer the beginning lawyer extended education in learning the ways of law practice. An outside mentor is expected to provide instruction in practical skills, as well as ethical and professional issues frequently encountered by lawyers in practice. Neither the Program nor the outside mentor assumes any responsibility to the beginning lawyer's clients for legal services performed by the beginning lawyer, according to the CLE Agreement.

9. What is the outside mentor's role in evaluation of the beginning lawyer (mentee)?

The outside mentor assumes no responsibility for evaluating the work of the beginning lawyer. The role of the outside mentor is to assist the beginning lawyer in developing practical skills, good legal decision-making and sensitivity to ethical and professionalism values. The outside mentor and the beginning lawyer both have responsibility for evaluating the mentoring relationship. The mentor is responsible for assessing whether the beginning lawyer has satisfactorily completed the Program.

10. Does a beginning lawyer who has an outside mentor have to attend the Fundamentals of Law Practice Program?

Because of the limited attendance and small break-out groups, the beginning lawyer who has an outside mentor is strongly encouraged to attend the Fundamentals Program; however, if the beginning lawyer's schedule does not permit this, the beginning lawyer may attend the Enhanced Bridge-the Gap Program to fulfill his or her CLE requirement.

**State Bar of Georgia
Standards of the Profession Committee**

Transition Into Law Practice Program

MODEL MENTORING PLAN OF ACTIVITIES AND EXPERIENCES

Name of Beginning Lawyer: _____

Name of Mentor: _____

MODEL MENTORING PLAN OF ACTIVITIES AND EXPERIENCES

The following activities and experiences are intended to serve as a guide to assist the Mentor and Beginning Lawyer in jointly developing a specific plan of activities to be completed over the course of the twelve months of mentoring. The particular Mentoring Plan should incorporate as many of these activities and experiences as feasible while being adjusted to the particular practice setting and individual needs.

Using this Model Mentoring Plan as a checklist, the Mentor and Beginning Lawyer should jointly develop a Mentoring Plan for the coming year and sign and submit this plan to the Program Administrator within thirty (30) days after the start of the mentoring year.

At the end of the mentoring year, the Mentoring Plan will serve as the Mentor's evaluative tool to determine if the Beginning Lawyer has satisfactorily completed the mentoring program. A Mentor whose area of practice is other than litigation and trial work may choose to call on another experienced lawyer who practices in this area to assist in mentoring the Beginning Lawyer in the area of the Advocacy Experiences Requirement. (Section E below)

ACTIVITY OR EXPERIENCE	DATE COMPLETED
A. Introduction to the Legal Community	
1. The Mentor should contact the Beginning Lawyer as soon as practicable after receipt of the notice of assignment and arrange to meet at the Mentor's office to get acquainted. At that time or another, the Mentor should introduce the Beginning Lawyer to other lawyers and staff members at the Mentor's office or, in the case of in-firm mentoring, ascertain that such introductions have already occurred.	
2. Invite the Beginning Lawyer to attend a meeting of the local bar association and discuss local, state and national bar association opportunities.	
3. Introduce as feasible the Beginning Lawyer to other lawyers in the community through attendance at local bar association meetings or otherwise.	
4. Escort the Beginning Lawyer on a tour of the local courthouse(s) and, to the extent practicable, introduce him or her to members of the judiciary, court personnel and clerks of court.	
5. Discuss any "unwritten" customary rules of civility or etiquette among lawyers and judges in the community.	
6. Acquaint the Beginning Lawyer with Legal Aid, Georgia Legal Services, and opportunities for lawyers in private practice to engage in pro bono activities.	
B. Introduction to the Community at Large	
1. Invite the Beginning Lawyer to attend a civic club of which the Mentor is a member or some other community service activity in which the Mentor participates.	
2. Discuss civic, charitable, and service opportunities in the community.	

C. Introduction to Law Office Management	
1. The Mentor should take the Beginning Lawyer on a tour of the Mentor's office and demonstrate and explain how the following items of law practice management are used and handled in the Mentor's office, if applicable.	
(a) Time Records	
(b) Records of client-related expenses	
(c) Billing system	
(d) Escrow or Trust Account and handling of funds belong to client	
(e) Filing System	
(f) Document Retention Plan	
(g) Calendar and "Tickler" or Reminder System	
(h) Information Technology Systems	
(i) Library and Research Systems	
(j) Other resources (publications, seminars, equipment, etc.) that a Beginning Lawyer might find particularly helpful in his or her work	
(k) Discuss good time management skills and techniques	
(l) Discuss practices to maintain client confidentiality	
(m) Discuss role and responsibilities of paralegals, secretaries and other office personnel and how to establish good working relationships with others in same office who are support staff, colleagues or senior	

D. Working With Your Client	
1. Discuss Topical Questions and cover items of Practical Guidance set out in Appendix D, Working With Your Client , including responsibilities of the attorney and the client in decision making.	
2. Discuss how to gather information about a legal matter and appraise credibility and trust.	
3. Discuss how to screen for, recognize and avoid conflicts of interest.	
4. Discuss how to decide whether to accept a proffered representation.	
5. Discuss the use of retainer or engagement letters and defining the scope of the representation.	
6. Discuss how to talk about and set the fee for legal services.	
7. Discuss how to deal with a “difficult” client.	
8. Discuss “DO’s and DON’TS” of maintaining good ongoing client relations such as returning telephone calls and keeping client informed about matters.	
9. Discuss terminating the lawyer-client relationship and necessary documentation.	
* 10. Participate in or observe at least one client interview or client counseling session.	
* For same firm Mentors and Beginning Lawyers <u>only</u>.	

E.** Mandatory Advocacy Experiences	
<p>For Beginning Lawyers subject to the mandatory Advocacy Experiences requirement, the Mentor should monitor and facilitate the progress of the Beginning Lawyer in observing the following Advocacy Experiences and by discussing, or arranging for another experienced lawyer to discuss, the context and assess the event observed:</p>	
<p>1. An actual or simulated*** deposition of a witness or adverse party in a civil action.</p>	
<p>2. An actual or simulated*** jury trial in a civil or criminal case in either a state or federal court.</p>	
<p>3. An actual or simulated*** non-jury trial or evidentiary hearing, in state or federal court.</p>	
<p>4. An actual or webcast of an appellate argument in the Supreme Court of Georgia, the Court of Appeals of Georgia, or a United States Circuit Court of Appeals.</p>	
<p>5. An actual or simulated*** mediation.</p>	
F. Optional Advocacy Experiences	
<p>1. Arrange for the Beginning Lawyer to observe an actual or simulated*** arbitration and discuss or arrange for an experienced lawyer to discuss the arbitration observed and provide relevant background context and evaluate what is observed.</p>	
<p>2. Arrange for the Beginning Lawyer to observe a judicial-type hearing conducted by a state or local administrative body (e.g., local zoning board; tax equalization board hearing; state licensing or regulatory board) and provide relevant background context and evaluate what is observed.</p>	
<p>** Mandatory Advocacy Experiences are required for certain Beginning Lawyers under Rule 8-104(D) of the Rules and Regulations for the Organization and Government of the State Bar of Georgia. Rule 8-104(D) provides that “Prior to appearing as sole or lead counsel in the Superior or State Courts of Georgia in any contested civil case or in the trial of a criminal case, any newly admitted active member admitted to practice after June 30, 2005, shall complete the mandatory Advocacy Experiences of the Transition into Law Practice Program”</p> <p>Up to three (3) of the five (5) Mandatory Advocacy Experience may be obtained prior to admission to practice, under certain conditions. See Rule 8-104(D).</p> <p>*** Simulated advocacy experiences are available on videotape from ICLE.</p>	

G. Closings and Transactional Work	
Arrange for Beginning Lawyer to observe a real estate or other business transaction or financial closing and explain relevant background.	
H. The Obligations of Attorneys to Others	
1. Discuss Topical Questions and cover items of Practical Guidance set out in Appendix D, Acting For Your Client.	
2. Discuss "A Lawyer's Creed" (attached) and how one as a lawyer can use the law and legal process as "instruments for the common good."	
I. Negotiation	
1. Discuss pertinent questions raised by the Topical Questions and Practical Guidance in Appendix D, Negotiating for Your Client , such as:	
(a) How to prepare for the negotiation of a legal matter (e.g., release of a personal injury claim, lease agreement, etc.)	
(b) When and how negotiation should be initiated	
(c) How to involve the client in negotiation	
(d) How to negotiate with an attorney with years of experience, a friend, etc.	
(e) Ethical and professionalism obligations of negotiators.	
(f) Skills needed to be an effective negotiator and how to acquire them	
2. Arrange for Beginning Lawyer to observe an actual or simulated*** negotiation and explain relevant background context and then evaluate what is observed.	
*** Simulated advocacy experiences are available on videotape from ICLE.	

Mentoring Plan Pledge

The undersigned Mentor and Beginning Lawyer hereby agree upon the Mentoring Plan (“Plan”) of activities and experiences set out above. They pledge that they will use their best efforts to carry out the Plan in a manner that fulfills the purpose of the Transition Into Law Practice Program in assisting the Beginning Lawyer to acquire the practical skills, judgment and professional values to practice law in a highly competent manner.

By signing this Pledge, the undersigned Mentor and Beginning Lawyer pledge that they will devote the time and effort necessary to achieve these goals.

Print Name of Mentor

Date

Sign

Print Name of Beginning Lawyer

Date

Sign

The Mentoring Plan Pledge should be signed by both the Mentor and the Beginning Lawyer and returned to the Program Administrator within thirty (30) days after the start of the mentoring year.



TRANSITION INTO LAW PRACTICE PROGRAM

CERTIFICATE

The undersigned hereby certifies that _____
(Beginning Lawyer)

_____ satisfactorily completed the Mentoring Plan of Activities and
(has or has not)

Experiences filed with the Transition Into Law Practice Program of the Commission on
Continuing Lawyer Competency.

This _____ day of _____, _____.

Mentor's Name (Please print.)

Mentor's Signature

At the end of twelve months from the start of the mentoring year, the mentor is expected to sign this certification evidencing whether or not the beginning lawyer satisfactorily completed the Mentoring Plan to which they committed.