



U T A H S T A T E B A R[®]

NEW LAWYER

Training Program

The first steps to success!

NLTP MODEL MENTORING PLAN

Table of Contents

OVERVIEW	4
Introduction	4
Instructions for Creating an Individual Mentoring Plan	6
Mentor Meetings: Track Your Progress	7
Goals and Progress	8
MODEL MENTORING PLAN	9
General Overview	9
Activities and Experiences	10
PART A: REQUIRED EXPERIENCES	10
Mentoring Relationship – Required Initial Meeting	10
Required Section 1: Introduction to the Legal Community	11
Resources	12
Required Section 2: Rules of Professional Conduct and Standards of Professionalism and Civility	14
Required Section 3: Litigation and Transaction Handling Experiences	15
Required Section 4: Introduction to Law Office Management	17
Required Section 5: Working with Clients	19
Required Section 6: Well-Being and Implicit Bias	20
6.a. Well-Being	20
6.b. Implicit Bias	21
PART B: ELECTIVES	22
Elective Section A: Advocacy	22
Elective Section B: ADR	22
Elective Section C: Negotiation	23
Elective Section D: Client Interviewing and Counseling. (Cross-reference with Required Section 5)	23
Elective Section E: Civil Procedure	23
Elective Section F: Criminal Procedure	24
Elective Section G: Estate Planning	24
Elective Section H: Probate	25
Elective Section I: Family Law	25
Elective Section J: Juvenile Law	25
Elective Section K: Business Law	26
Elective Section L: Tax Law	26
Elective Section M: Real Estate Law	26
Elective Section N: Employment Law	27
Elective Section O: Patent Law	27

Elective Section P: Trademark Law 27

Elective Section Q: Other Possible Electives 28

Comments on 4 Elective Sections 29

For Your Records* 30

***MENTORING PLAN ACKNOWLEDGMENT AND GOALS** 30

***COMPLETION: NLTP AND ETHICS PROGRAM** 31

Notes/Comments 32

OVERVIEW

Introduction

Purpose of the NLTP

The Utah State Bar's New Lawyer Training Program (NLTP) is designed to assist new lawyers during the crucial transition from being a law student to the practicalities of being a lawyer. The program teaches new attorneys to develop the habits, practical skills, and judgment necessary to the effective practice of law. In addition, and perhaps more importantly, the NLTP aims to provide new attorneys with a more thorough understanding of the lawyer's duties of professionalism and civility, and that meeting those burdens will be paramount in their pursuit of a long and fulfilling career in the law.

- [Rule 14-808. New lawyer training program.](#)
- [Rule 14-404\(b\)](#) Inactive status, NLTP, and New Lawyer Ethics Program.

The Initial Meeting with your mentor must occur during the first month of the NLTP Term. You will need to meet with your mentor **monthly** for a total of 10 times during the 12-month mentoring term. You will need to electronically sign and submit the Individual Mentoring Plan that you created with your mentor within 60 days of the start of the term (see [NLTP Policies and Procedures](#)).

At the end of the NLTP term, you and your mentor will need to sign and date a hard copy of your Mentoring Plan, and your mentor should upload the completed copy. Documents can be uploaded through the [NLTP Portal](#) by navigating to the Documents tab. Be sure to label your Plan and choose the "Share with" to give your new lawyer access. You must record the date you completed each requirement and write in a brief statement about your experience (what you learned, what you liked or did not like, etc.) in the comments box at the end of each Section.

If the mentor determines that a new lawyer mentee should receive credit for legal experiences completed prior to admission to the Utah State Bar per [NLTP Policies and Procedures](#) paragraph 5d, then the new lawyer will need to upload the supporting documentation showing the requirement has been fulfilled.

Please visit the [NLTP website](#) for more Resources and FAQs. You may need to sign into your account before you can access the Videos and some documents.

Individual Mentoring Plan

Model Mentoring Plan: The **Model Mentoring Plan** below does not fit all new lawyers' practice areas, professional interests, or goals. New lawyers and their mentors should work together to create a comprehensive plan reflecting the new lawyer's professional goals and interests while exposing them to both the practice and business of law. A thorough, well thought-out plan will help make the NLTP term meaningful and productive.

Firm Mentoring Plan: Firms and certain select groups such as a Legal Defender's office, District Attorney's office, County Attorney's office, or law firms may create a mentoring plan to address the training needs of their new lawyers. These plans must be submitted to the NLTP Director for approval. If approved, reports to the Bar may vary from those listed below.

Reporting to the Bar

Most of your reporting will be done through electronic forms available under the “Milestones” tab on your NLTP dashboard. The Progress Reports will appear approximately one month before they are due. The following must be submitted:

1. **“Review Mentoring Plan & Set Goals” form:** Once the new lawyer creates their mentoring plan with their NLTP mentor, the new lawyer must submit their plan to the Bar. This is done through the NLTP website under the “Milestones” tab. The new lawyer must also submit three professional goals that they wish to work on during the 12-month NLTP term. Once the new lawyer submits the electronic form, the mentor will be able to access it and approve it.
 2. **Progress Reports #1, #2, and Final Progress Report forms:** At periodic intervals throughout the 12-month NLTP term, the new lawyer will be required to fill out and submit a progress report form through their NLTP dashboard. These must also be reviewed and approved by the mentor on their own NLTP dashboard.
 3. **NLTP Completion Certification:** This electronic form will appear on the mentor’s NLTP dashboard no later than halfway through the last month of the NLTP term. The new lawyer should verify with their mentor that this form has been submitted.
-

Instructions for Creating an Individual Mentoring Plan

Please read these instructions carefully.

Before Your Meeting:

1. Read [New Lawyer Manual](#).
2. **Model Mentoring Plan:** Print this out and take it with you. Read through it before you go.
3. Review [NLTP Guide to Creating a Mentoring Plan](#).

Meeting With Your Mentor:

1. **Discussion:** Discuss the new lawyer's professional goals, interests, and practice areas to develop and prioritize activities in the mentoring plan.
 - a. **Required Sections:** Review Required Sections 1 through 6 which must be included in the Mentoring Plan. The new lawyer and mentor may develop activities related to these subjects. The **optional** activities listed in this model plan may also be used. These are found under PART A below. Activities need not be completed in any particular order.
 - b. **Elective Sections:** Lawyers must select at least four **Electives Sections** (found under "**Elective Activities and Experiences**"). The electives cover 16 different areas of law. These are found in PART B below. *Please note: new lawyers and mentors may create one or more electives covering other subjects of interest deemed appropriate given the new lawyer's particular area of practice. Examples of additional electives covering other areas of practice not listed in the Model Mentoring Plan can be found online [here](#).
 - c. **Additional Electives:** If you and your mentor would like to create an elective, please include it on your electronic Individual Mentoring Plan form through your NLTP dashboard and send it to mentoring@utahbar.org to request approval.
 - d. **Choose Sections:** Indicate which activities will be completed by the new lawyer during their mentoring term by checking the corresponding box next to each activity description in each **Required** Section 1 through 6 and relevant **Electives**.
2. **Summarize Plan:** The new lawyer and mentor should summarize their individual mentoring plan. Whether you choose to use this Model Mentoring Plan as a blueprint or create your own to submit for approval, you should track when you complete each requirement and briefly state what you learned.
3. **Summarize Three Goals:** The new lawyer and mentor should establish three goals the new lawyer would like to achieve during the NLTP.
4. ***Sign and Submit Mentoring Plan** along with **Acknowledgement and Goals (see page 26)**.
5. **Deadline:** Your electronically signed Individual Mentoring Plan and Acknowledgment form must be submitted through your NLTP dashboard no later than **60 days after the mentoring term has started**. To access this form, go to your NLTP dashboard, go to the "Milestones" tab and click on the "Edit My Form: Mentoring Plan Acknowledgement and Goals."

If you have any questions regarding the creation of your mentoring plan, contact the NLTP Director at mentoring@utahbar.org or by calling (801) 746-5210.

**Your individual mentoring plan and goals are now submitted in an electronic form that you should submit through your NLTP dashboard under the "Milestones" tab. Once the new lawyer submits the form, the mentor will need to review it and approve it.*

New Lawyer: _____	Mentor: _____
Bar Number: _____	Bar Number: _____

Mentor Meetings: Track Your Progress

The new lawyer and the mentor should plan to meet at least 10 times throughout the 12-month NLTP term (see [NLTP Policies and Procedures](#)) but may meet more often if desired. Each meeting should be at least one hour long though two hours is recommended.

The new lawyer and mentor should plan to meet monthly. However, in circumstances where it is unavoidable, the mentor and new lawyer may meet twice in one month and skip another month's meeting, but this should not be done more than two times.

<i>(Date)</i>	<i>(Topics Discussed)</i>
_____ 1.	First Month: <u>Initial Meeting,</u> _____
_____ 2.	Second Month: _____
_____ 3.	Third Month: _____
_____ 4.	Fourth Month: _____
_____ 5.	Fifth Month: _____
_____ 6.	Sixth Month: _____
_____ 7.	Seventh Month: _____
_____ 8.	Eighth Month: _____
_____ 9.	Ninth Month: _____
_____ 10.	Tenth Month: _____
_____ 11.	Eleventh Month: _____
_____ 12.	Twelfth Month: _____

New Lawyer Signature

Date

New Lawyer: _____ Mentor: _____

Bar Number: _____ Bar Number: _____

Goals and Progress

Track your Progress:

In your Initial Meeting with your mentor, decide on at least three goals that you would like to work toward during the mentoring term. These goals can be career-based, goals for the mentoring relationship, or both. Be clear about your goals. Then design and use the mentoring plan to help you work toward those goals. This form is for your own use.

Report progress on your goals in each Progress Report form on website.

Report your goals along with your individual mentoring plan electronically through your NLTP dashboard under the "Milestones" tab. You will be asked to report your progress on your goals in each Progress Report form that you also submit under "Milestones."

Goal #1:

Goal #2:

Goal #3:

MODEL MENTORING PLAN

General Overview

ACTIVITIES AND EXPERIENCES

PART A: Required Sections

Mentoring Relationship – Required Initial Meeting

Required Section 1 – Introduction to the Legal Community

Required Section 2 – Rules of Professional Conduct and Standards of Professionalism and Civility

Required Section 3 – Litigation and Transaction Handling Experiences

Required Section 4 – Introduction to Law Office Management

Required Section 5 – Working with Clients

Required Section 6 – Implicit Bias and Well-Being

PART B: Elective Sections

Elective Section A – Advocacy and Litigation

Elective Section B – ADR

Elective Section C – Negotiation

Elective Section D – Client Interviewing and Counseling

Elective Section E – Civil Procedure

Elective Section F – Criminal Procedure

Elective Section G – Estate Planning

Elective Section H – Probate

Elective Section I – Family Law

Elective Section J – Juvenile Law

Elective Section K – Business Law

Elective Section L – Tax Law

Elective Section M – Real Estate Law

Elective Section N – Employment Law

Elective Section O – Patent Law

Elective Section P – Trademark Law

Elective Section Q – Other Possible Electives

Activities and Experiences

The activities and experiences found in the New Lawyer Training Program typically fall under one or more of the following categories:

1. **Participation:** Hands-on experiences with the activities you choose. While the Plan is intended to be flexible regarding practice areas, the emphasis should be on obtaining practical experiences.
2. **Observation:** If you are unable to participate in an activity, then observe your mentor or another attorney. Observing court proceedings can teach you a lot about the practice of law.
3. **Discussion:** In some cases, you can discuss principles and practices. Use examples as much as possible in these discussions.

If you are unable to participate in or observe activities involving forms, pleadings, or other documents, use mock examples. Client interactions and other activities can be hypothetically created if needed.

Pursuant to Utah Supreme Court Rule of Professional Practice [14-808. New Lawyer Training Program](#), the mentor may provide short-term, limited guidance or counsel, within the mentoring relationship, without expectation by either lawyer or the new lawyer's client that a lawyer-client relationship has been formed. Accordingly, the new lawyer is not required to run a conflict check and the Utah Rules of Professional Conduct regarding conflicts or confidentiality of information will not apply when guidance or counsel is being provided on a short-term limited basis to a new lawyer regarding a new lawyer's client. The mentor may exercise their judgment as to whether a conflict check is advisable. If the mentor and the new lawyer are engaged in on-going or regular guidance/counsel related to a specific client or clients, the mentor must comply with the relevant Utah Rules of Professional Conduct, which may require obtaining an informed consent/waiver from the client and/or to formally enter into a lawyer-client relationship through the execution of an appropriate engagement letter and fee agreement. The new lawyer and the mentor should refer to [Rule 14-808](#) with any questions.

Focus on professionalism and civility principles in all aspects of the plan. If the new lawyer has experience in areas of the plan already, develop a deeper understanding of potential ethical or professionalism issues that may arise. (See Mentoring Guide on Professionalism).

PART A: REQUIRED EXPERIENCES

Mentoring Relationship – Required Initial Meeting.

(Date)

- _____ 1. During the first month of the mentoring term, the new lawyer should contact the mentor and arrange to meet at the mentor's office to get acquainted and develop a mentoring plan.
- _____ 2. Reach an understanding on how matters designated as confidential by the new lawyer will be handled.

Required Section 1: Introduction to the Legal Community.

General Mentor Tips

Required Experiences

(Date)

- _____ 1. Invite the new lawyer to attend a meeting of the local bar association ([CLE](#), event, pro bono, social) and discuss advantages of involvement with local, state and/or national bar or professional associations. Discuss a lawyer's obligation to provide pro bono service. Encourage the new lawyer to take a pro bono case as a way to provide service and gain legal experience. Encourage the new lawyer to fill out a pro bono volunteer sign-up form. You can also use the Bar's [Utah Pro Bono Opportunities Portal](#).
- _____ 2. Acquaint the new lawyer with [And Justice For All](#), including [Legal Aid](#), [Utah Legal Services](#), [Disability Law Center](#) and [other free clinics](#). The new lawyer and mentor are strongly encouraged to volunteer together at one of the free clinics.
- _____ 3. If applicable, discuss internal policy on performing public service, low income and pro bono projects (including [Utah Legal Help](#) sponsored by the Utah State Bar's [Access to Justice](#)), and hours allowed for these programs.
- _____ 4. Discuss and explain the annual [Mandatory CLE requirements](#) and ways to fulfill such requirements including [Bar CLE programs](#).
- _____ 5. Acquaint the new lawyer with services provided by the [Utah State Bar and affiliate organizations](#).

Brief Statements on each Section 1 Required Experiences:

Resources

[Access to Justice](#), Pro Bono, and Reduced Fee

[Utah Legal Help](#)

[Pro Bono Opportunity Portal](#)

[Modest Means Lawyer](#)

[Bar Commissioners](#)

[Bar Committees](#) and opportunities to [volunteer](#)

[Bar Licensing](#)

[Bar Sections and Affiliate Organizations](#)

[Affinity or Specialty Bars](#)

[Regional Bars](#)

[YDL](#) (Young Lawyers Division)

Communications: [Bar Journal](#), [Bar Blog](#), and [eBulletin](#)

[Consumer Assistance Program](#) (resolving conflicts between clients and attorney)

[Ethics Hotline](#)

[Fund for Client Protection](#)

[General Member Services](#)

[Licensed Lawyer](#) Referral Service

[Mental Health and Well Being](#) and [Resource Directory](#)

[The Well-Being Committee](#) and [Free access](#) to the [Unmind](#) app

[Free online therapy benefits](#) through [Tava](#)

[Lawyers Helping Lawyers](#)

Practice Management

[Professional Development Office](#)

[IOLTA](#) (Interest on Lawyers' Trust Accounts)

[Submitting Annual Compliance Forms](#), Client Trust Accounts

Related Organizations

[Office of Professional Conduct](#) (OPC): Regulating Attorneys

[Utah Center for Legal Inclusion](#) (UCLI)

Optional Experiences

(Date)

- _____ A. Introduce the new lawyer to other lawyers in the community through attendance at local bar association meetings or other legal community meetings.
- _____ B. Review and discuss Bar sections and committees and the value of getting involved in Bar activities and service, including the Young Lawyers Division.
- _____ C. Escort the new lawyer on a tour of the local courthouse(s) and, to the extent practicable, introduce them to members of the judiciary, court personnel, and clerks of court.
- _____ D. Provide 4 forms to the new lawyer based on the new lawyer's need or request or provide the most-used sample pleadings utilized by the mentor (identifying and confidential information should be redacted or otherwise removed from the documents.)

Brief Statements about Section 1 Optional Experiences:

Month/Project/Case/Ongoing _____

Required Section 2: Rules of Professional Conduct and Standards of Professionalism and Civility.

Required Experiences

(Date)

- _____ 1. **Attend the required NLTP Ethics Course offered in the fall or spring. Review the CLE calendar on the Utah State Bar website for seminar dates and to register.**

- _____ 2. Review and discuss the [Rules of Professional Conduct](#). Review and discuss the following [Rules](#).
 - 1.7-8. Conflict of interest: current clients;
 - 3.3. Candor toward the tribunal;
 - 4.2 Communication with persons represented by counsel; or
 - 4.3 Dealing with unrepresented persons.
 - 6.1 Voluntary pro bono legal system

- _____ 3. Review and discuss the Utah [Standards of Professionalism and Civility](#). Discuss the Preamble and all twenty standards. Discuss any “unwritten” customary rules of civility or etiquette among lawyers and judges in the community.

- _____ 4. Discuss ethical issues that arise with some regularity in the practice setting. Discuss ways to resolve the issues, referring to experience, as well as the Rules of Professional Conduct. Include in the discussion the importance and use of an in-practice or firm conflict resolution committee. Review and discuss the importance of and methods used to screen for potential conflicts. Discuss the differences between issue conflicts and client conflicts.

- _____ 5. Discuss the process and importance of responding to Bar complaints and requests for information from the [Office of Professional Conduct](#) (OPC).

- _____ 6. Discuss availability of the Bar’s [Ethics Hotline and website](#).

Brief Statements about Section 2 Required Experiences:

Resources:

The [Utah Bar Journal](#) has a “Focus on Ethics & Civility” article in each publication. Each article discusses a different area of ethics or civility that would be helpful for you to review and include as part of the mentorship.

Month/Project/Case/Ongoing _____

Required Section 3: Litigation and Transaction Handling Experiences

Choose 10 Experiences

- Choose 4 from the Required Practice Experience section list.
- Choose 6 from the Additional Experiences section list.

The new lawyer is required to complete at least 10 of the following experiences in Litigation and Transaction Handling. At least 4 of the 10 experiences must satisfy the Required Practice Experience section detailed below. The experiences in this section are intended to give all new lawyers an opportunity to receive cross-training and exposure to areas of practice beyond their usual work.

Up to four of the selected experiences may be accomplished during law school in a credit-earning externship; a law school clinical program; a simulated skills course; a mock trial course or competition; or a supervised Pro Bono case. See the NLTP Policies and Procedures and New Lawyer Training Program Manual for information about receiving credit for experiences accomplished during law school.

a. Required Practical Experience—Choose 4

During the year, the new lawyer must have at least 4 practical experiences that are observed/checked by the mentor or another member of the Utah State Bar. The new lawyer should be in an active, not observational, role for these specific experiences. The mentor should provide feedback based on the new lawyer's performance. The new lawyer should choose 4 separate practical experiences from the following list:

(Date)

- _____ 1. Participate in a clinic held by the Utah State Bar such as the [Pro Se Calendar](#).
- _____ 2. Take on a pro bono case with the mentor as co-counsel or in an advisory role through the Utah State Bar. If the mentor is not counsel of record with a proper engagement letter and fee agreement in place, then the new lawyer should either (1) obtain informed consent/waiver from the client that allows the mentor to be involved in the case, or (2) ensure that all information learned during the representation remains confidential and privileged. If the latter, the new lawyer should speak in generalities or hypothetical terms, or redact or otherwise remove identifying, confidential information. Please refer to [Rule 14-808](#).
- _____ 3. Have the mentor review and provide feedback on 3 written products drafted by the new lawyer, such as motions, proposed orders, letters to opposing counsel, in-depth email correspondence to opposing counsel, in-depth letters to clients, etc. If possible, the new lawyer should redact or otherwise remove identifying, confidential information. Please refer to [Rule 14-808](#).
- _____ 4. With the client's permission and their signed waiver, have the mentor sit in on an in-office meeting that is run by the new lawyer.
- _____ 5. With the client's permission and signed waiver, have the mentor sit in on a mediation that is run by the new lawyer.
- _____ 6. With the client's permission and signed waiver, have the mentor sit in on a hearing that is run by the new lawyer.

(Date)

- _____ 7. Participate in a CLE that provides practical experience, such as Young Lawyer Division’s Litigation 101 series or the Litigation Section’s Trial Skills Academy.

The new lawyer and mentor can create other practical experiences for the new lawyer that satisfies this requirement, so long as the activity is presented to the NLTP Director and approved; the activity is run by the new lawyer; and the mentor is present and able to provide feedback afterwards.

The new lawyer can turn one of the experiences listed below (“Additional Experience” Section) into a practical experience that would satisfy this “Required Practical Experience” Section so long as the activity is run by the new lawyer and the mentor is present and able to provide feedback afterwards.

Brief Statements about Section 3 Required Experiences:

b. Additional Experience—Choose 6

(Date)

- _____ A. Participate in drafting a fee agreement for a client.
- _____ B. Participate in a deposition of a witness or adverse party in a civil action.
- _____ C. Participate in a trial in a civil or criminal case in either a state or federal court. (Cross-reference with Elective Section A)
- _____ D. Participate in an evidentiary hearing in a state or federal court.
- _____ E. Observe or participate in a mediation or an arbitration.
- _____ F. Observe or participate in a negotiation and explain relevant background context.
- _____ G. Participate in the interviewing of a client.
- _____ H. Participate in the counseling of a client.
- _____ I. Prepare a complaint and a summons. (Cross-reference with Elective Section E)
- _____ J. Participate in trial preparation and observe or participate in a trial.
- _____ K. Participate in or observe an appellate argument in the Utah Supreme Court, Utah Court of Appeals or in a Federal Appellate Court. (Cross-reference with Elective Section A)
- _____ L. Participate in plea negotiations or review a plea agreement.
- _____ M. Participate in drafting and reviewing wills and revocable living trusts.
- _____ N. Participate in drafting and reviewing initial probate documents.
- _____ O. Participate in forming business entities by drafting and reviewing incorporation documents and business agreements.
- _____ P. Participate in preparing settlement documents, including a discussion of any tax implications in a settlement including a monetary award.
- _____ Q. Participate in an administrative hearing.
- _____ R. Participate in drafting, amending, or reviewing a contract.
- _____ S. Participate in drafting a pleading or motion for an administrative body or a state or federal court.
- _____ T. Participate in preparing a client’s tax return.

Brief Statements about Section 3 Additional Experiences:

Month/Project/Case/Ongoing

Required Section 4: Introduction to Law Office Management.

Required Experiences:

(Date)

- _____ 1. Tour the mentor's office to demonstrate and explain how the following items of law practice management are used and handled in the mentor's office, if applicable: (discuss these practices if a tour is not feasible)
- a. Time Records. Discuss how to write a time entry that is meaningful to clients, billing partners and, if necessary, a court in a case involving fee awards. Explain realization.
 - b. Discuss best practices and current practices regarding records of client-related expenses.
 - c. Discuss the billing system.
 - d. Review escrow and trust account rules for handling of client funds, including importance of clearing checks before funds are drawn and authority needed to pay fees from client funds in trust.
 - e. Introduce the new lawyer to the filing system.
 - f. Review and discuss malpractice insurance policy and review the insurance and disclosure forms required annually by the carrier.
 - g. Introduce the new lawyer to the document retention plan.
 - h. Introduce the calendar and "tickler" or reminder systems.
 - i. Introduce the information technology systems.
 - j. Introduce the library and research systems.
- _____ 2. Discuss practices to maintain client confidentiality.
- _____ 3. Discuss office conflict of interest procedures.

Brief Statements about Section 4 Required Experiences:

Optional Experiences:

(Date)

- _____ A. Introduce other resources (publications, seminars, equipment, etc.) that a new lawyer might find particularly helpful in their work.
- _____ B. Discuss the roles and responsibilities of paralegals, secretaries, and other office personnel, and how to establish good working relationships with others in the office who are support staff, colleagues, or senior partners.

Optional Focused Product: For solo practitioners, outside mentoring, or non-private practitioners

- _____ A. Create a business plan.
- _____ B. Draft policies and procedures for a law office.

Brief Statements about Section 4 Optional Experiences and Optional Focused Product:

Month/Project/Case/Ongoing

Required Section 5: Working with Clients

(Required Where Applicable).

Mentor Tips

Required Experiences

(Date)

- _____ 1. Engage in a training discussion about client interaction, including tips for gathering information about a legal matter and appraising the credibility and trust of a potential client.
- _____ 2. Train, through discussion and client interaction, how to screen for, recognize, and avoid conflicts of interest.
- _____ 3. Train on using retainer or engagement letters and discuss frequent issues that arise regarding the scope of representation.
- _____ 4. Discuss “DOs and DON’Ts” of maintaining good ongoing client relations, such as returning telephone calls and keeping clients informed about matters.
- _____ 5. Discuss terminating the lawyer-client relationship and necessary documentation.

Brief Statements about Section 5 Required Experiences:

Optional Experiences

- _____ A. Train on how to decide whether to accept a proffered representation.
- _____ B. Train on how to talk about and set the fee for legal services. Review and discuss retainer agreements.
- _____ C. Discuss how to deal with a “difficult” client and how to decline representation of the unrealistic or “impossible” client.
- _____ D. Participate in or observe at least one client interview or client counseling session.
- _____ E. Review and understand contingency fee agreements and issues to be included.

Optional Focused Product

- _____ A. Draft or evaluate a client intake form.

Brief Statements about Section 5 Optional Experiences and Optional Focused Product:

Month/Project/Case/Ongoing _____

Required Section 6: Well-Being and Implicit Bias.

Mentoring Guide

6.a. Well-Being

The Legal Profession and Mental Health, and the Importance of Lawyer Well-Being:

Although the legal profession has known for years that many of its students and practitioners are languishing, far too little has been done to address it. . . . [Y]oung lawyers in the first ten years of practice and those working in private firms experience the highest rates of problem drinking and depression. . . .

We define lawyer well-being as a continuous process whereby lawyers seek to thrive in each of the following areas: emotional health, occupational pursuits, creative or intellectual endeavors, sense of spirituality or greater purpose in life, physical health, and social connections with others. Lawyer well-being is part of a lawyer’s ethical duty of competence. It includes lawyers’ ability to make healthy, positive work/life choices to assure not only a quality of life within their families and communities, but also to help them make responsible decisions for their clients. It includes maintaining their own long term well-being. This definition highlights that complete health is not defined solely by the absence of illness; it includes a positive state of wellness.”

National Task Force on Lawyer Well-Being, *The Path to Lawyer Well-Being: Practical Recommendations for Positive Change*, AMERICAN BAR ASSOCIATION, August 2017, at 7 and 9, <https://www.americanbar.org/content/dam/aba/images/abanews/ThePathToLawyerWellBeingReportRevFINAL.pdf>.

The [Utah Bar Journal](#) has a “Lawer Well-Being” article in each publication. Each article discusses a different area of ethics or civility that would be helpful for you to review and include as part of the mentorship.

(Date)

- _____ 1. Discuss the importance of family and life balance, including any billable hour requirements not previously discussed.
- _____ 2. Review “[Best Practices: Legal Professions](#)” by the Well-Being Committee for the Legal Profession. Discuss the importance of “well-being.”
- _____ 3. Engage the new lawyer in a discussion about developing limits and boundaries for work time and personal time. Develop a plan to address situations when limits or boundaries are violated.
- _____ 4. Review and discuss the following [confidential mental health and well-being benefits](#) available to Utah Bar members including [Unmind](#), [Tava Health](#), and [Utah Lawyers Helping Lawyers](#).

Resources:

Kristin K. Woods, *Utah State Bar Commission Passes Historic Funding for Attorney Wellness*, Utah B.J., Jan./Feb. 2023, at 11. https://www.utahbar.org/wp-content/uploads/2023/01/2023_FINAL_01_Jan_Feb.pdf

Kent B. Scott, *Lawyering Through the Stigma of Addiction*, Utah B.J., Jan./Feb. 2023, at 52, https://www.utahbar.org/wp-content/uploads/2023/01/2023_FINAL_01_Jan_Feb.pdf.

6.b. Implicit Bias

The Legal Profession and Implicit Bias:

“...[I]mplicit bias can lead to discriminatory behavior that is harmful to those being marginalized and society at large. As lawyers, we serve a pluralistic society and must develop the ability to communicate with and advocate effectively on behalf of clients from diverse backgrounds. This includes developing cultural competence and mastery of the language of diversity, equity, and inclusion. Educating ourselves about the racial disparities in the criminal justice system is an eye-opening experience as well.”

Rebecca Howlett and Cynthia Sharp, *Eliminating Implicit Bias among Lawyers, Part 1*, American Bar Association, March 26, 2021,

https://www.americanbar.org/groups/gpsolo/publications/gpsolo_ereport/2021/march-2021/eliminating-implicit-bias-among-lawyers-part-1/ (last visited November 6, 2023).

- _____ 1. Watch at least three videos from UCLA’s [Implicit Bias Video Series](#) by Jerry Kang and discuss.
- _____ 2. Read “[What is Implicit Bias](#)” and “[Eliminating Implicit Bias among Lawyers, Part 1](#)” on the American Bar Association’s website and discuss.
- _____ 3. Take two of the [Harvard tests for implicit bias](#). Discuss the results focusing on how our ways of viewing the world inform the way we interact with clients, colleagues, and others in the legal profession. Consider the following:
 - a. What was your initial reaction to the results from the test?
 - b. Why do you think the results came out the way they did?
 - c. How do the results of these tests impact you in your career?

Resources and Articles

- Utah State Bar [Well-Being Resources](#)
- ABA: [Work-Life Balance](#)
- [Utah Center for Legal Inclusion](#) (UCLI): Diversity, Equity, and Inclusion. [Recorded Trainings](#).
- ABA: [Diversity, Equity, Inclusion Resources](#)
- Sonia Russo, “Be the Change: How Mentoring Can Improve Diversity in the Legal Profession.” *Law Practice Today* (July 14, 2016), <https://www.lawpracticetoday.org/article/mentoring-improve-diversity-legal-profession/>.

Brief Statements about Section 6 Required Experiences:

Month/Project/Case/Ongoing _____

END OF REQUIRED SECTIONS

PART B: ELECTIVES

Choose at least 4 electives identified in Sections A through Q, from the example sample electives on the NLTP website’s Resources page or submit a proposed elective for approval.

- Within each area, select as many activities as feasible.
- Under each area, you are encouraged to adjust the activities and experiences to your particular practice setting and individual needs.
- The mentor (or another experienced lawyer approved by the mentor) should monitor and facilitate the progress of the new lawyer in fulfilling practice experiences by discussing the context and assessing the activity selected.

Area for brief statements are located at the end of the Elective Sections.

Elective Section A: Advocacy.

(Date)

- _____ 1. Attend an appellate argument in the Utah Supreme Court, the Utah Court of Appeals, or a United States Circuit Court of Appeal and discuss.
- _____ 2. Attend or participate in a hearing on a motion; discuss.
- _____ 3. Attend or participate in an oral argument; discuss.
- _____ 4. Attend or participate in a trial, including voir dire if a jury trial; discuss.
- _____ 5. Discuss frequent issues that arise in litigation concerning specific Rules of Civil Procedure, and the local rules that apply in either state or federal court.
- _____ 6. Participate in 26(f) conference to discuss settlement, discovery plan and initial disclosures.
- _____ 7. Discuss the mechanics of trial, including where to stand, proper attire, when to stand, courtroom decorum, judges’ bench books, etc.
- _____ 8. Participate in drafting discovery requests, including interrogatories, requests for admission and requests for production of documents.
- _____ 9. Participate in preparing for and observing (or taking or defending) depositions.

Month/Project/Case/Ongoing

Elective Section B: ADR.

Review and discuss Utah statutes on mediation including requirement to screen for potential conflict of interest of mediator.

- _____ 1. Observe, participate in, or prepare for an actual or simulated mediation.
- _____ 2. Observe, participate in, or prepare for, an arbitration and review and discuss AAA rules.
- _____ 3. Discuss how to prepare a client for mediation or arbitration.

Month/Project/Case/Ongoing

Elective Section C: Negotiation.

Discuss how to prepare for the negotiation of a legal matter (e.g., release of a personal injury claim, lease agreement, etc.).

- _____ 1. Discuss when and how negotiation should be initiated.
- _____ 2. Discuss when and how to involve the client in negotiation.
- _____ 3. Discuss ethical and professional obligations of negotiators.
- _____ 4. Discuss skills needed to be an effective negotiator and how to acquire them.

Month/Project/Case/Ongoing _____

Elective Section D: Client Interviewing and Counseling. (Cross-reference with Required Section 5)

- _____ 1. Discuss and review interview techniques (asking the right questions).
- _____ 2. Discuss and review counseling techniques (providing the hard advice).
- _____ 3. Simulate and discuss the counseling of a client (mentor and new lawyer should alternate being client and lawyer).
- _____ 4. Participate in interviewing a client.
- _____ 5. Participate in counseling a client.

Month/Project/Case/Ongoing _____

Elective Section E: Civil Procedure.

- _____ 1. Prepare complaint.
- _____ 2. Prepare summons.
- _____ 3. Cause summons to be served.
- _____ 4. Participate in preparing a Rule 12 motion to dismiss.
- _____ 5. Participate in preparing answer to complaint, counterclaim, cross-claim and third-party complaint.
- _____ 6. Participate in 26(f) conference to discuss settlement, discovery plan and initial disclosures.
- _____ 7. Participate in preparing initial disclosures as required by Rule 26.
- _____ 8. Participate in preparing for and observing, taking, or defending a deposition.
- _____ 9. Participate in drafting discovery requests, including interrogatories, requests for admission and requests for production of documents.
- _____ 10. Participate in identifying expert witnesses and producing expert witness reports.
- _____ 11. Participate in depositions including the deposition of expert witnesses.
- _____ 12. Participate in preparing motions and memoranda in support of summary judgment.
- _____ 13. Participate in preparing pretrial order and making pretrial disclosures of witnesses and exhibits.

Month/Project/Case/Ongoing _____

Elective Section F: Criminal Procedure.

- _____ 1. Participate in client or witness interview.
- _____ 2. Participate in charge decisions with prosecutor's office.
- _____ 3. Participate in discovery demands on prosecutor, including request for exculpatory materials.
- _____ 4. Participate in engagement of private investigator to interview witnesses.
- _____ 5. Review information or indictment for constitutional and/or pleading defects.
- _____ 6. Research elements of crime charged or under investigation; discuss.
- _____ 7. Review and discuss pretrial diversion requirements.
- _____ 8. Review and discuss plea in abeyance statute in a particular case and study applicable statute.
- _____ 9. Review and discuss criteria for a one- or two-level reduction of offense in a particular case and study applicable statute.
- _____ 10. Participate in discussions with Pretrial Services (bail).
- _____ 11. Participate in editing Statement by Defendant in Advance of Plea.
- _____ 12. Observe and/or participate in trial.
- _____ 13. Observe and/or participate in entry of plea in court.
- _____ 14. Review and discuss Presentence Report; participate in filing objections.
- _____ 15. Research and participate in analysis of federal sentencing guidelines in particular federal case.

Month/Project/Case/Ongoing _____

Elective Section G: Estate Planning.

- _____ 1. Participate in drafting and reviewing at least six of the following:
 - Wills.
 - Revocable living trusts: tax planning.
 - Revocable living trusts: non-tax planning.
 - Revocable living trusts: generation skipping tax planning.
 - Irrevocable trusts.
 - Durable powers of attorney.
 - Special powers of attorney for health care.
 - Directives to physicians (living wills).
 - Life insurance trusts.
 - Transfer of ownership documents: quit-claim deeds.
 - Transfer of ownership documents: assignments.
- _____ 2. Assist in gathering and organizing client information.
- _____ 3. Prepare diagrams of specific estate plans for clients.
- _____ 4. Prepare estate planning binders for clients.
- _____ 5. Prepare Crummey notices for life insurance trusts.

Month/Project/Case/Ongoing _____

Elective Section H: Probate.

- _____ 1. Prepare notice to creditors and arrange for publication.
- _____ 2. Prepare inventory of estate.

Month/Project/Case/Ongoing _____

Elective Section I: Family Law.

- _____ 1. Review and discuss the Rules of Civil Procedure specific to Family Law.
- _____ 2. Understand the role of a Domestic Relations Commissioner. Meet as many commissioners as possible.
- _____ 3. Review Rule 26.
- _____ 4. Create a child support worksheet.
- _____ 5. Observe hearing on motion for temporary orders.
- _____ 6. Observe or participate in custody evaluation settlement conference if permission is granted.
- _____ 7. Participate in a collaborative law meeting if permission is granted. (For a definition of “collaborative law,” see Utah Code of Judicial Administration.)
- _____ 8. Participate in a mediation if permission is granted.
- _____ 9. Observe or participate in a family law trial.
- _____ 10. Participate in preparing a premarital agreement or review and discuss statutory requirements, case law, and necessary terms of premarital agreements.

Month/Project/Case/Ongoing _____

Elective Section J: Juvenile Law.

- _____ 1. Attend or participate in a shelter hearing.
- _____ 2. Attend or participate in a disposition hearing.
- _____ 3. Discuss the standards for removal with a Department of Child and Family Services (DCFS) worker.
- _____ 4. Discuss the role of a juvenile Guardian ad Litem; introduce where possible.
- _____ 5. In a Juvenile delinquency case, observe, participate in, or discuss:
 - A detention hearing.
 - The role of a probation officer in detention cases.
 - An arraignment.
 - A pre-trial.
 - A trial.

Month/Project/Case/Ongoing _____

Elective Section K: Business Law.

- _____ 1. Participate in forming business entities by drafting and reviewing at least three of the following:
- a. Bylaws.
 - b. Articles of incorporation.
 - c. Articles of organization.
 - d. Operating agreements.
 - e. Partnership agreements.
 - f. Corporate minutes and resolutions.
- _____ 2. Participate in drafting and reviewing at least three of the following:
- a. Shareholders' agreements.
 - b. Buy-sell agreements.
 - c. Stock purchase agreements.
 - d. Asset purchase agreements.
 - e. Noncompetition agreements.
 - f. Security/collateral agreements.
 - g. Promissory notes.
- _____ 3. Participate in the due diligence process for mergers and acquisitions.
- _____ 4. Prepare UCC filings.

Month/Project/Case/Ongoing _____

Elective Section L: Tax Law.

- _____ 1. Prepare and analyze tax calculations.
- _____ 2. Participate in preparing certain IRS tax forms, including the following:
- Form 2553 (S Corporation Election).
 - Form 709 (Gift Tax Return).
 - Form 706 (Estate Tax Return).
 - Form 1041 (Income Tax for Trusts).

Month/Project/Case/Ongoing _____

Elective Section M: Real Estate Law.

- _____ 1. Search a title at Recorder's Office.
- _____ 2. Participate in drafting and reviewing at least four of the following:
- Real estate purchase agreements.
 - Deeds of trust.
 - Mortgages.
 - Commercial leases.
 - Residential leases.
 - Notice of Default on the above.

Month/Project/Case/Ongoing _____

Elective Section N: Employment Law

- _____ 1. Review and discuss the UALD/EEOC administrative process. Review or participate in drafting a charge or the response to a charge.
- _____ 2. Prepare for and participate in the UALD/EEOC administrative process, including a resolutions conference or an appeal to the Labor Commission.
- _____ 3. Participate in drafting a separation or settlement agreement.
- _____ 4. Participate in consultation with management on HR issues.
- _____ 5. Prepare for and observe or participate in an unemployment benefits insurance appeal hearing.
- _____ 6. Review and discuss an ongoing employment law issue, such as a claim under Title VII, the Family Medical Leave Act, the Americans with Disabilities Act, or other substantive federal law or its state counterpart.

Month/Project/Case/Ongoing _____

Elective Section O: Patent Law

- _____ 1. Observe or participate in a client interview.
- _____ 2. Participate in patent search/evaluation.
- _____ 3. Participate in drafting and filing a patent application.
- _____ 4. Participate in filing an Information Disclosure Statement (IDS).
- _____ 5. Participate in drafting an Office Action response.
- _____ 6. Participate in a telephone conversation with an Examiner.
- _____ 7. Participate in preparing and drafting an appeal brief.
- _____ 8. Discuss and review techniques for successful patent prosecution.
- _____ 9. Participate in patent litigation.

Month/Project/Case/Ongoing _____

Elective Section P: Trademark Law

- _____ 1. Observe or participate in a client interview.
- _____ 2. Participate in trademark search/evaluation.
- _____ 3. Participate in drafting and filing a trademark application.
- _____ 4. Participate in drafting an Office Action response.
- _____ 5. Participate in preparing and drafting an appeal brief.
- _____ 6. Discuss and review techniques for successful trademark prosecution.
- _____ 7. Participate in trademark litigation.
- _____ 8. Participate in drafting and filing a copyright application.

Month/Project/Case/Ongoing _____

Elective Section Q: Other Possible Electives

There are a number of other substantive areas of the law not included but for which you may prepare a plan and your own check-off sheet. These will need to be sent to the NLTP Director at mentoring@utahbar.org for approval by the NLTP Committee. Those areas include but are not limited to:

(Date)

- _____ 1. Administrative law
- _____ 2. Antitrust law
- _____ 3. Bankruptcy law - [Sample Electives](#)
- _____ 4. Constitutional law
- _____ 5. Construction Law - [Sample Electives](#)
- _____ 6. Contract law - [Sample Electives](#)
- _____ 7. Corporate Governance - [Sample Electives](#)
- _____ 8. Criminal Defense - [Sample Electives](#)
- _____ 9. Environmental law and compliance
- _____ 10. Ethical leadership in corporate practice (audit committees, Sarbanes Oxley, corporate monitors).
- _____ 11. Health care law
- _____ 12. Immigration law - [Sample Electives](#)
- _____ 13. Insurance defense law, including coverage analysis
- _____ 14. Lobbying requirements, ethics and state legislative process.
- _____ 15. Merger and Acquisition law - [Sample Electives](#)
- _____ 16. Municipal Law - [Sample Electives](#) – Additional resources on file with NLTP
- _____ 17. Oil, gas, and mining law - [Sample Electives](#)
- _____ 18. Personal injury law, including products liability - [Sample Electives](#)
- _____ 19. Prosecution - [Sample Electives](#)
- _____ 20. Public utilities law - [Sample Electives](#)
- _____ 21. Securities law - [Sample Electives](#)
- _____ 22. Water law
- _____ 23. Other: please submit your proposed elective to NLTP Director for review by the NLTP Committee.

Comments on 4 Elective Sections

First Elective Section: Brief Statements about Elective Section ____:

Second Elective Section: Brief Statements about Elective Section ____:

Third Elective Section: Brief Statements about Elective Section ____:

Fourth Elective Section: Brief Statements about Elective Section ____:

END OF ELECTIVE SECTIONS

For Your Records*

The following are hard-copy examples of the forms that you will need to fill out and submit through the “Milestones” tab on your NLTP dashboard. You will not need to turn these in.

*MENTORING PLAN ACKNOWLEDGMENT AND GOALS

By submitting this form along with the new lawyer’s three goals and proposed mentoring plan, the mentor and new lawyer are certifying that the parties have agreed to follow the mentoring plan and activities as set forth above. Both parties further pledge that they will devote the time and effort necessary to carry out this plan and meet the new lawyer’s goals.

MENTOR:

Mentor Name (please print)

Bar Number

Mentor Signature

Date

NEW LAWYER:

New Lawyer Name (please print)

Bar Number

New Lawyer Signature

Date

**This is now an electronic form that you should submit through your NLTP dashboard under the “Milestones” tab. It is included here as an example only.*

COMPLETION: NLTP AND ETHICS PROGRAM*MENTOR:**

I, _____, have mentored _____ in the New Lawyer Training Program. I verify that this new lawyer has completed all requirements for the NLTP Program and Ethics Program.

Mentor Signature

Date

NEW LAWYER:

I, _____, verify that I have completed all requirements for the NLTP Program and Ethics Program.

New Lawyer Signature

Date

**This is now an electronic form that will appear on the mentor's NLTP dashboard under the "Milestones" tab no later than halfway through the last month of the NLTP term. It is included here as a reference only.*

Notes/Comments