

Transition Into Practice (TIP) Voluntary Mentoring Program

The Louisiana State Bar is very pleased to announce that its new admittee mentoring program, Transition Into Practice (TIP) has been approved by the Louisiana Supreme Court and steps are underway for its implementation. The creation of the TIP program was a collaborative effort of the Supreme Court and the LSBA through its Committee on the Profession. This innovative program will begin in January of 2015 for those who are admitted into practice in 2014.

HISTORY:

The TIP program is part of the LSBA's continued commitment to establish professionalism programs with the goal of reaching lawyers and those seeking to become lawyers as early in their legal careers as possible. Through the Committee on the Profession (COTP) such professionalism programs have been established in all four of the State's law schools and all are very well accepted by the law schools and students alike. This includes the LSBA's two part character and fitness program to assist students with their admission process into the bar. That program earned the LSBA the ABA Smythe Gambrell Professionalism Award, the first ABA award received by the LSBA.

With the law school programs firmly in place, the COTP turned its attention to continuing its professionalism efforts to those who are newly admitted to the bar. As such, the focus was placed on these new admittees. Specific concerns were apparent and the COTP sought to address them with this program. Initially, many newly admitted attorneys are not able to find employment. Many either individually or collectively are hanging out their own shingle. This is being done without the benefit of gaining any experience of the reality of practice in a law firm. There are also newly admitted attorneys in firms of all sizes which have no mentoring programs at all or other firms which have only a loosely structured mentoring program. Merely because a new admittee is in a firm there is no assurance that he or she is receiving sufficient mentoring when first starting out in practice. Additionally considered was that law schools do not always provide sufficient practical application of the law in everyday practice.

Further, the COTP understands that there are so many aspects of the practice of law which many practitioners take for granted but which can be of major concern to a newly admitted attorney. It is easy to understand how a new attorney who has never been with a firm but decides to try it on his own may struggle with opening a trust account, preparing an engagement letter, hiring a secretary or paralegal or figuring out what happens on rule day. It is apparent that assisting these new attorneys is not only important to them but imperative to the overall practice of law. As such, the COTP believed it to be essential that this program be implemented in Louisiana.

Creating this program was only possible with the continued support of LSBA leadership and the Supreme Court. Every LSBA President for the past several years has embraced the mentoring concept and the Supreme Court has been behind these efforts. Unlike the LSBA's character and fitness programs in the law schools which were created by the LSBA, the COTP looked to other states for guidance in creating its TIP program. Input was obtained from professionalism centers and bar associations in Ohio, Illinois, Texas, South Carolina and

Georgia. While other states have similar programs, the Mentoring Subcommittee of the COTP focused on these states. Important contacts were made and information obtained through the ABA's professionalism symposiums. While it was primarily Ohio's program which offered the most guidance, the LSBA's TIP program is based on critical elements from other states plus unique features developed through the efforts of the Mentoring Subcommittee.

After approximately two years of work the Subcommittee submitted its recommendations to the COTP which made certain revisions. Ultimately the mentoring program was approved unanimously by the LSBA Board of Governors and the House of Delegates. Before implantation the program was submitted to and reviewed by the Supreme Court. Further revisions were made but the result was the creation of the TIP program for new admittees by order of the Supreme Court in May of 2013.

IMPLEMENTATION:

The program will first be made available to those who are admitted into practice in 2014. The Supreme Court order allows for the program to take place over a two year period on a voluntary basis in three areas: Shreveport, Baton Rouge and greater New Orleans. The LSBA is very hopeful that with the success of the program it can expand it in two ways. First, the program will be offered to new admittees throughout the state and second it will become mandatory. While not all states have implemented their mentoring programs on a mandatory basis, the COTP believes this program will achieve its goals and become most effective if it does become mandatory. Only the Supreme Court can make the TIP program mandatory. The mentoring program is designed to last one year (January through December, regardless of when the new attorney is admitted into practice).

Over the next several months numerous steps will be taken to implement the program. Initially, mentors are being sought. While many have already signed up, efforts are being made state-wide to create as large a group as possible of prospective mentors. Although the program will only be available in three set areas, mentors are being sought throughout the state with the goal of eventually expanding the program. To become a mentor is very simple; potential mentors can sign up online at: <http://www.lsba.org/mentoring/>.

Secondly, a mentor training manual is being developed to be provided to both the mentor and mentee. Participants will be encouraged to discuss a wide range of topics at their meetings, and the manual will ensure that the mentor has all the requisite information he or she needs to review and discuss specific concepts with the mentee. Through these discussions, the mentor will earn six hours of CLE credit. In addition to the training manual, the mentor will attend a training session in advance of the commencement of the program with the mentee.

Further, there will be certain required activities for the mentees and the LSBA is creating a system to enable the mentee to report the periodic completion of these various tasks. The reporting by the mentee will be on an honor system. At the end of the year the LSBA will be able to generate a report to be submitted to the Supreme Court which will ensure compliance and ultimate completion of the mentoring program. This system will also assist in the matching of the mentors and the mentees.

MENTOR AND MENTEE QUALIFICATIONS:

There will be specific qualifications for mentors. The Supreme Court will appoint qualifying mentors recommended by the LSBA based on submitted mentor applications. To qualify for appointment, the mentor must have been admitted into the practice of law for a period of at least ten years, must have no record of suspension or disbarment from practice, must have a professional liability insurance policy with minimum limits of \$100,000 per occurrence and \$300,000 in the aggregate, and must be of good moral character, willing to voluntarily participate in the program, and commit throughout its term to the obligations and duties of being a mentor. The professional liability insurance policy requirement is not applicable to mentors who are employed as in-house attorneys or employed by a governmental unit or “not for profit” entity. Judges may serve as mentors.

New lawyers admitted to practice in Louisiana but who have practiced in another jurisdiction for five years or more are exempt from the TIP program but may participate if they wish. Additionally, certain new admittees may defer if they wish participation in the program. The following new lawyers may be eligible for a temporary deferral from the TIP requirements:

- a) New lawyers serving as judicial clerks;
- b) New lawyers on active membership status whose principal office is outside the State of Louisiana (but attendance at the LSBA’s “Bridging the Gap” seminar may still be required, as well as participation in the other state’s mentoring program if applicable);
- c) In-house counsel and government attorneys; and,
- d) New lawyers who are not engaged in the practice of law.

REQUIREMENTS:

There will be two categories of requirements for the mentees: activities and discussion topics. Initially, the mentee must participate in ten specific activities. Unless required, the mentor does not have to attend these with the mentee. These are:

1. Attend civil hearing or trial in State District Court.
2. Attend criminal hearing or trial in State District Court.
3. Attend civil hearing or trial in Federal District Court.
4. Attend criminal hearing or trial in Federal District Court.
5. Appellate Court oral argument (including on line Supreme Court oral argument).
- 6-7. Attend two hearings or trials in specialized courts such as:
 - Bankruptcy court.
 - State or federal administrative law court.
 - Family/domestic/juvenile court.
 - Small claims court.
8. Deposition (with mentor).
9. Jail (to understand procedure for jailhouse visits).
10. Attend meeting or function of LSBA, local bar association, specialized bar association or Inns of Court (recommended for mentor to attend).

The mentor and mentee are required to meet four times during the year-long program. At least five of the discussion topics listed below must be discussed each quarter, but it is anticipated (and encouraged) that additional topics will be reviewed during the meetings. This

will be determined at the discretion of the mentor and the mentee. These quarterly discussion topics are:

FIRST QUARTER

- Meet at mentor's office to be introduced to other firm members.
- Discuss "unwritten" customary rules of civility and etiquette among lawyers and judges.
- Discussion of La. Code of Professionalism.
- Review RPC Rules 6.2 and 6.3.
- Acquaint mentees with Legal Aid, local pro bono agencies and lawyers engaging in civic and charitable work.
- Discussion of work life balance and factors effecting ability to successfully practice.

SECOND QUARTER

- Discuss mentee's long term career objectives and identify ways to meet these goals.
- Discuss substance abuse and mental health issues, including warning signs, colleagues with problems and resources. Include specific information about LAP.
- Discuss different career paths and identify resources for exploring options. Discuss differences in working in various size firms and government positions.
- Discuss managing law school debt.
- Discuss job search strategies.
- Discuss common malpractice traps and how to avoid common pitfalls.
- Discuss handling of conflict issues and review of applicable ethical rules.
- Discuss purpose, necessity and benefits of professional liability insurance.
- Discuss operation and function of Office of Disciplinary Counsel and duty to cooperate in disciplinary process.
- Discuss handling ethics issues at law firm, with associate or partner and with other colleagues.

THIRD QUARTER

- Discuss client and business development and retention and ethical issues.
- Discuss clients role in decision making process.
- Discuss how to evaluate a potential case and whether to accept a case.
- Discuss dealing with "difficult" client.
- Discuss importance of constant communication with client, providing updates and status reports.
- Discuss fee arrangements and contracts.
- Discuss proper legal counseling techniques and duty of advising clients.
- Discuss appropriate ways (including ethics, professionalism, custom, etiquette) in dealing with others on behalf of client.
- Discuss preparation for taking and defending depositions.
- Discuss methods and issues in negotiations.
- Discuss effective legal writing.
- Discuss alternative dispute resolution.

FOURTH QUARTER

- Discuss client confidentiality and privileges.
- Discuss how to screen for and recognize conflicts.

- Discuss roles of secretaries and paralegals.
- Discuss how to prevent unauthorized practice of law.
- Discuss office politics, including what is and what is not appropriate networking, socializing and personal behaviors.
- Discuss steps in leaving a law firm.
- Discuss good time management skills and techniques.
- Discuss law office management matters, such as:
 - Time records
 - Records of client expenses
 - Billing systems
 - Retainer/Advance deposits/payment schedules
 - Escrow and trust accounts, IOLTA, handling client funds
 - Filing system and procedure
 - Document retention
 - Calendar reminder and docket systems
- Information technology systems, including court accessible systems such as PACER
- Library and research systems.

The only required topic to be discussed will be the Lawyer's Assistance Program. Further, the new admittees will be required to attend the LSBA's Bridging the Gap program now offered for new admittees. That program offers a good entry into the profession and will lead in directly to the more detailed quarterly topics.

Other than the cost of the Bridging the Gap seminar there is no cost to the mentees for the TIP program. Also, new admittees can participate in mentoring programs offered by their law firms if available but the firm's program must be in compliance with the requirements of the TIP program.

There will also be a voluntary program offered twice a year. This will combine a social/networking aspect for the new admittees with speakers to discuss specific topics geared towards supporting the overall mentoring program such as marketing, use of social media in the practice of law and general transitioning into practice.

A welcoming reception by the LSBA and the Supreme Court for the mentors will begin the annual program which will conclude with a reception to honor the mentees who have completed it.

CONCLUSION:

While the program lasts for one year, based on information from other states, the mentors and mentees have often continued to maintain this relationship. Also, many mentors have repeated the program. The LSBA and the Supreme Court are encouraged by the very strong feedback and high levels of support from those who have participated in the program in other states.

This is a very important program and will not only be of great value to the new admittees but will also strengthen our profession. It also shows the LSBA's continued commitment to professionalism.