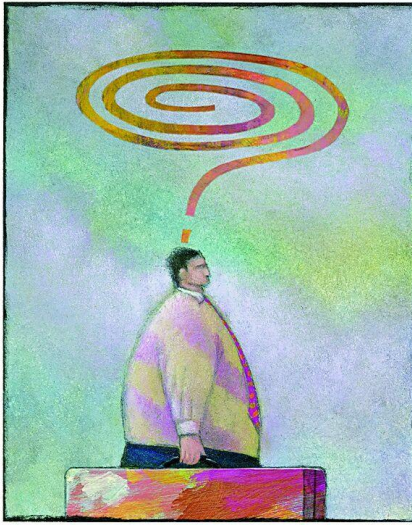


Utah State Bar



New Lawyer Training Program

MANUAL

Resources for
New Lawyers and Mentors



NEW LAWYER TRAINING PROGRAM

PROGRAM GOAL

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

Revised April 2011



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INTRODUCTION TO THE NEW LAWYER TRAINING PROGRAM

Congratulations to all new attorneys for passing the bar examination and being admitted to the Utah State Bar (the Bar). We know you have worked hard for your success and extraordinary achievements. To facilitate your transition into the practice of law, the Utah Supreme Court, in conjunction with the Utah State Bar, established the New Lawyer Training Program (NLTP), replacing the former New Lawyer Continuing Legal Education (NCLE) program.

Under the NLTP, rather than attending mandatory CLE seminars in your first year of practice, you will receive monthly, formal mentoring from an attorney with at least seven years of legal experience. The structure of the NLTP provides you and your mentor the unique opportunity to discuss issues integral and inherent in the practice of law and critical to your development as an attorney but frequently overlooked in the high pressure environment of practice. Although the program is designed to provide an experienced coach readily available to assist you in substantive areas of the law, it primarily helps further your education in the areas of ethics, civility, and professionalism. Additionally, the monthly mentoring will help you learn to recognize conflicts, handle client relations, and expose you to law office management, among other subjects addressed during the NLTP mentoring term.

The NLTP is one method of training you will receive in your first year of practice. In addition to formal mentoring, most new lawyers receive daily, informal mentoring outside of the structure of the NLTP from supervisors and other attorneys with whom they work. The NLTP is not a substitute for the daily training new lawyers receive while working with experienced practitioners in their workplace. The primary purpose of the NLTP is to help new lawyers adjust to the challenges they face and answer questions regarding the practical aspects of the practice, within the confines of a confidential relationship, wherever new lawyers are working.

The NLTP recognizes that in Utah, we have two outstanding and highly-regarded law schools that emphasize clinical and externship programs within their curriculums. Thus, the Utah Supreme Court and the Bar intend that the NLTP remain flexible in order to complement law school programs which provided valuable practical experience, supplementing the goal and purpose of the NLTP.

To that end, new lawyers may receive partial credit toward the requirements of the NLTP for their participation in clinical-type programs completed during law



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school. The NLTP policies and procedures contained in this manual provide instruction on how to receive credit for these activities.

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



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SUMMARY OF THE NLTP

The NLTP is established by Supreme Court Rule 14, 808, *infra*. The following provides a summary of the NLTP. Additionally, NLTP policies and procedures are contained in this Manual on pages beginning on page 24.

- Newly admitted lawyers with an active license are required to complete the NLTP program their first year of practice in Utah, unless grounds for exemption or deferment apply.
- The NLTP replaced the mandatory New Lawyer Continuing Legal Education (NLCLE) program for the first year of practice. Upon completion and certification, the NLTP will result in 12 hours of NLCLE credit.

Additionally, CLE rules require new lawyers to attend the New Lawyer Ethics Program, a half-day class, early in their first year of practice. Moreover, CLE requirements during the second year of the MCLE two-year compliance cycle include an additional 12 hours of CLE credit.

- The NLTP provides the following types of mentoring relationships: inside mentoring; outside mentoring; and, where appropriate, circle or group mentoring. These relationships are described in greater detail on page 17.
- Mentors must satisfy the following qualifications: (i) seven years of practice; (ii) no past or pending public or formal discipline proceeding of any type or nature; (iii) malpractice insurance in an amount of at least \$100,000/\$300,000, if in private practice; and (iv) approval by the Supreme Court's Advisory Committee on Professionalism.
- Upon approval by the Utah Supreme Court's Advisory Committee on Professionalism, qualifying mentors are placed on the Court-Approved Mentor list from which the new lawyer and/or the new lawyer's firm or office will make a selection. New lawyers will likely be paired with a mentor from within their firm or office. A new lawyer may select a mentor who is not on the list, but that lawyer will need to submit a mentor application to the NLTP administrator and obtain approval by the Utah Supreme Court's Advisory Committee on Professionalism.
- All mentors are required to attend Mentor Training and Orientation. The training is designed to educate mentors about the NLTP, its requirements and goals, and provide tips on methods of mentoring for the NLTP. Mentors will be required to attend or view online training within three (3) months of approval by the Utah Supreme Court. Mentors receive 2 CLE ethics credits for completing mentor training.



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- Mentors receive 12 hours of CLE credit (including 1 professionalism/civility credit and 1 ethics credit) for their efforts with the new lawyer. These credits may be shared where more than one lawyer (each qualifying as a mentor) plays a significant role in supervising and mentoring the new lawyer. All CLE credits are allocated to the mentor(s) upon completion of the NLTP mentoring term.
- The mentor and new lawyer develop a mentoring plan following the NLTP guidelines. The guidelines are established in the NLTP Model Mentoring Plan available online:
http://www.utahbar.org/nltp/assets/Model_Mentoring_Plan_2010.pdf
Certain subjects in the plan are required while others are elective. The plan must be submitted for approval to the NLTP administrator.
- Firms and certain select groups, such as a Legal Defender's office or a District Attorney's office, may submit a model plan for approval by the NLTP that can be used in successive years. New lawyers should contact the NLTP administrator to determine whether their employer has an approved NLTP mentoring plan on file with the NLTP.
- The mentor and new lawyer should spend at least two hours a month meeting to foster the relationship and learn from each other as the mentoring plan is implemented.
- A new lawyer may migrate to a different mentor upon request to the NLTP administrator. No questions will be asked of the new lawyer on the first request for a change of mentor. If a second request for a change is made, questions of the new lawyer and/or the mentor are within the discretion of the NLTP administrator.
- At the conclusion of the 12 months, the mentor submits the NLTP Completion Certification form certifying to the Bar and the Supreme Court that the new lawyer has completed the NLTP. Absent such certification, the new lawyer must contact the NLTP administrator to discuss options for completing the NLTP and determine whether the license renewal is jeopardized.

The NLTP Completion Certification form is available online at the following address:

http://www.utahbar.org/nltp/assets/Program_Completion_Certification.pdf



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A BRIEF HISTORY OF THE EVOLUTION OF UTAH'S NLTP

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

In September 2005, the Honorable Antonin Scalia, Justice of the United States Supreme Court; the Honorable Deanell R. Tacha, then Chief Judge of the United States Court of Appeals for the Tenth Circuit; and Alan Sullivan, managing partner of the Salt Lake City office of Snell and Wilmer, developed a discussion paper entitled, "A Brief Comparison of the Training and Accreditation of Lawyers in the United States and the United Kingdom." (Unpublished article, on file with the Bar) The discussion paper suggests that most new lawyers are not well prepared for the practical aspects of practicing law particularly since on-the-job training is not a condition of admission to the Bar. The discussion paper recognizes that while mentoring of new lawyers is crucial, the quality of mentoring is neither regulated nor coordinated by either the profession or law schools, with mentoring frequently an afterthought and rendered subordinate to billable hours and the demand to provide legal services. The paper was presented to the Utah appellate judges in spring 2006 and to the Bar Commission in early 2007. The discussion paper generated considerable dialogue between the Utah Supreme Court and Bar leadership.



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

The NLTC and its subcommittees met periodically for about 18 months to develop the NLTP. During that time, a few states or bar organizations adopted mentoring programs. The NLTC reviewed most of the new lawyer mentoring programs in the United States, including the nation's leading and most respected program, Georgia's "Transition into Law Practice." Members of the NLTC and key bar staff met with the director of Georgia's mandatory mentoring program to obtain an understanding of the details and administration of its program. Additionally, members of the NLTC attended the "First National Conference on Mentoring" at the Center on Professionalism at the University of South Carolina School of Law. This conference resulted from a request by the Conference of Chief Judges of the United States.

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

Upon study and review of formal mentoring, the NLTP was presented to and adopted by the Bar Commission on July 16, 2008 and formally approved by the Utah Supreme Court on December 18, 2008. The Bar and the Supreme Court believe that effective implementation and administration of the NLTP will have a dramatic impact on current law practice. Mentoring not only includes training a new lawyer in the art of practicing law but also provides an opportunity for support, friendship, and sharing confidences. It is a place to vent problems and concerns without fear of recrimination. And, it is an opportunity to explore life and family balance. It is the vehicle by which the enjoyment of law practice can be enhanced and the retention of good lawyers in the profession increased.

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THE BENEFITS OF EFFECTIVE MENTORING

The following are some of the benefits of effective mentoring:

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



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ADVICE TO NEW LAWYERS AND MENTORS

To the New Lawyers:

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

The NLTP provides one avenue of mentoring and does not replace the guidance and assistance you will receive from your direct supervisors. We encourage you to build multiple mentoring relationships. Effective developmental networks include peers, other lawyers (inside or outside of your workplace), judges, family, friends, and former professors.

Remember the fundamentals you have already mastered and the need to understand the details in any transaction or litigation experience. This is a constant. You started building your reputation as a lawyer the day you walked into your place of employment. Our expectation is that the NLTP will help you build your reputation as a respected member of the Bar.

To the Mentors:

Congratulations on your approval by the Utah Supreme Court to serve as a mentor. Thank you for accepting the challenge to train a new lawyer and for your willingness to be a friend and share your experience and talent. As a mentor for the NLTP, you are in a different role than that of supervisor, editor, or critic. A mentor is a wise and loyal advisor; a teacher or coach. A mentor is also an experienced and trusted counselor.

Despite your busy practice, you are encouraged to devote the time and environment necessary to assist your new lawyer in his/her professional development. Being a mentor is hard work and requires a commitment to attend scheduled meetings, unless extenuating circumstances exist. A good relationship cannot be built in ten-minute segments. There is no substitute for spending the time needed to build a long-lasting and meaningful mentoring relationship. Create a safe context for growth. Keep confidences, build trust, and teach the art and



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practical aspects of thinking like a lawyer. Be sensitive to work/family issues. Treat the relationship as an opportunity for mutual learning. Provide constructive feedback. Remember to be respectful and responsive, even when new lawyers ask what may seem like dumb questions.



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NLTP COMMITTEES AND OBJECTIVES

SUPREME COURT COMMITTEE ON NEW LAWYER TRAINING

The Supreme Court replaced the NLTC with the Supreme Court Committee on New Lawyer Training. The Committee includes bar members, serving staggered, two-year terms. The members represent a cross-section of bar members including large and small firms; government attorneys and both law schools. The Committee meets quarterly. Its responsibilities include: recruitment of mentors; review, evaluate and create policies for the NLTP; review term-end surveys; assist with mentor training; and coordinate with the Supreme Court's Advisory Committee on Professionalism regarding the approval and appointment of mentors.

MENTORING TRAINING AND RESOURCES COMMITTEE (MTRC)

The Bar Commission, under the direction of the Utah Supreme Court, has established the MTRC. The Committee meets quarterly to organize training programs and evaluate policies impacting mentors. In addition, the committee assists in the development of valuable resources for mentors and new lawyers as well as for firms, agencies, and other organizations for building an effective mentoring program.

NEED FOR STRONG INSTITUTIONAL SUPPORT

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



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COMPLIANCE NOTICE FOR NEW LAWYERS

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

Mentoring Program You must: (1) have a mentor for a twelve (12) month period (mentoring periods occur from January 1st–December 31st; or from July 1st–June 30th); (2) satisfactorily complete, during your mentoring period, a written mentoring plan of activities and experiences which has been approved by both your mentor and by the NLTP administrator; and (3) meet program reporting requirements. To assist you in the development of your mentoring plan, a model plan is available on the Utah Bar’s website at http://www.utahbar.org/nltp/assets/Model_Mentoring_Plan_2010.pdf.

Three (3) Month Compliance Deadline: COMPLIANCE IS MANDATORY. You must complete all enrollment requirements within three (3) months from the date of your registration with the Utah State Bar (or if applicable, the completion of your judicial clerkship or the effective date of your change from “Inactive” to “Active” status). After 90 days, you must provide the NLTP with your enrollment form and fee. If possible, provide the name of your mentor or request the NLTP to appoint you a mentor.

What You Should Do Now: Please read the following Frequently Asked Questions and Answers, as well as the NLTP Policies and Procedures to familiarize yourself with the program and its requirements.



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NLTP FREQUENTLY ASKED QUESTIONS

The following provides answers to many questions regarding the NLTP. However, complete program details are contained in the NLTP Policies and Procedures. All new lawyers are responsible for reading and understanding the details of the NLTP. If you have questions, contact the NLTP administrator at mentoring@utahbar.org.

Prior to the NLTP, were there mandatory CLE requirements for New Lawyers?

Yes. Although the NLTP is a new program with a new method of training new lawyers, since 1991 new lawyers have been required to attend special CLE programs designed to bridge the gap between law school and the practice of law. Immediately prior to the adoption of the NLTP by the Utah Supreme Court, new lawyers were required to complete the New Lawyer Continuing Legal Education (NLCLE) program. This program consisted of attending CLE seminars developed for new lawyers. The NLCLE was a two-year program and provided all CLE credits for the initial MCLE reporting period after admission to the Bar.

Where would I find NLTP materials, forms and resources?

All NLTP materials, forms and resources are available online at the following address: <http://www.utahbar.org/nltp/Welcome.html>. Printed copies of these materials are available upon request by contacting the NLTP at mentoring@utahbar.org.

Who is required to participate in the NLTP?

Lawyers newly admitted to the Utah State Bar with an active license are required to complete the program in their first year of practice in Utah, unless grounds for exemption or deferment apply.

Who is not required to participate in the NLTP?

- (1) Attorneys with active Utah licenses who do not reside in Utah are not required to participate in the NLTP. Instead, these attorneys must comply with the applicable CLE requirements of their resident state.
- (2) Attorneys admitted to practice in Utah on motion and have been actively engaged in the practice of law for at least two years immediately prior to



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admission in Utah.

- (3) Attorneys admitted to practice in Utah after being actively engaged in the practice of law for at least two years in another state prior to admission to practice law in Utah.
- (4) Judicial clerks' participation in the NLTP is deferred during their clerkships.
- (5) New lawyers with active Utah licenses who are either unemployed or not engaged in the practice of law may petition the NLTP Office for a six-month deferment.

How does a new lawyer enroll in the program?

New lawyers receive all enrollment materials with licensing materials, upon passage of the bar exam. Additionally, enrollment forms are available on the Utah State Bar web site at <http://www.utahbar.org/nltp/assets/Enrollment.pdf>.

New lawyers must complete and submit all enrollment materials by the deadline established for submission of licensing materials but no later than 90 days after expiration of that deadline.

Who pays for the program?

For the entire New Lawyer Training Program, each new lawyer will pay \$300.00. This fee is approximately the same that was required for first year NLCLE credit. The fee is payable in two installments of \$150. The first installment is due with the enrollment materials and the second installment is due with the completion materials.

What are the new lawyer's responsibilities?

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

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

How do the new lawyer and mentor devise an appropriate mentoring plan?



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The Utah Bar has created a model mentoring plan, available on its website at http://www.utahbar.org/nltp/assets/Model_Mentoring_Plan_2010.pdf. While there is great flexibility in designing a particular plan, certain components of the Model Plan are required. Further, care should be taken so that the selected plan fosters discussion and implementation of professional skills and values. Specific instructions on developing the plan are included in the Model Mentoring Plan.

How long does the program last?

The program lasts twelve (12) months.

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

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

What kind of mentoring relationships are there?

There are three types of mentoring relationships:

(1) Inside Mentoring. A mentor from within the new lawyer's own office is preferred. The mentor and new lawyer work together to fulfill the mentoring plan in connection with actual assignments handled in the office.

Direct supervisors (i.e. responsible for the new lawyer's normal assignments in the office) are prohibited from mentoring new lawyers unless exigent circumstances exist. This prohibition facilitates confidentiality and promotes the goals of the program. However, the mentor and the supervising attorney should work together, as is appropriate, to coordinate projects completed as part of the plan.

(2) Outside Mentoring. A mentor who is not in the same office as the new lawyer (e.g., from small firms or solo practice) will aim to provide mentoring experiences as would be available for a new lawyer within the mentor's office. The mentor participates in as many of the assignments with the new lawyer as possible or gives approval to the new lawyer for work performed under the supervision of another qualified mentoring attorney ("mentor for the assigned activity"). Care should be taken to reduce problems associated with conflicts of interest, confidentiality, and liability limitations.



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- (3) **Circle Mentoring.** If deemed necessary, the NLTP administrator will establish Circle Mentoring groups. These groups provide an alternative for new lawyers not actively representing clients or engaged in the practice of law. Other unforeseen circumstances may also require the administrator to establish Circle Mentoring groups. Typically, a Circle Mentoring group consists of four or five new lawyers and one or two mentors. The Circle Mentoring groups follow the Circle Mentoring Plan available online at http://www.utahbar.org/nltp/assets/Circle_Mentoring_Plan.pdf.

RELATIONSHIP TO CONTINUING LEGAL EDUCATION (CLE)

How does the NLTP relate to required CLE?

All CLE compliance is on a two-year cycle. During their first compliance cycle upon registration with the Bar, new lawyers are required to complete 24 CLE credits hours and attend the required New Lawyer Ethics Program. In the first year of the compliance cycle, 12 CLE credits are earned through completion of the NLTP. New lawyers must successfully complete the NLTP in order to renew their Bar license. The second year of the compliance cycle will be fulfilled by attending CLEs and earning 12 CLE credit hours.

For a full explanation of CLE requirements for new lawyers consult the “New Lawyer CLE Requirements” document available online at the following address: http://www.utahbar.org/nltp/assets/New_Lawyer_CLE_Requirements.pdf.

Are there any required CLEs during the NLTP?

Yes. New Lawyers are required to attend the New Lawyer Ethics Program during the NLTP period. The seminar is offered twice per year, in the spring and fall. New lawyers should consult the CLE calendar to determine dates of the seminar. The CLE calendar is available online at www.utahbar.org/cle and select Calendar. CLE regulatory questions and compliance with CLE questions can be forwarded to: Utah Board of Continuing Legal Education at MCLE@utahbar.org.



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MENTOR QUALIFICATIONS

What are the qualifications to serve as a mentor?

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

Upon approval by the Utah Supreme Court, mentors are required to complete Mentor Training. All approved mentors available to mentor (i.e. not currently mentoring a new lawyer) are listed online on the “List of Available Mentors,” http://www.utahbar.org/nltp/assets/Available_Mentors.pdf.

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

Serving as a mentor in the New Lawyer Training Program is not an ordinary volunteer opportunity—it is a Supreme Court appointment. Therefore, it is appropriate to view minimum levels of professional liability insurance coverage as a requirement in determining whether or not a potential mentor handles the business management of his or her law practice in a responsible manner.

What are the mentor’s primary responsibilities?

1. Devote the time required to be an effective mentor;
2. Guide and to teach the new lawyer practical skills, seasoned judgment, and sensitivity to ethical and professionalism values;
3. Devise jointly with the new lawyer a mentoring plan;
4. Monitor the new lawyer’s plan progress; and
5. Certify, at the end of 12 months, whether or not the plan was satisfactorily completed.

MENTOR TRAINING

Is the mentor training required?

Yes, the mentor training is required.



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The mentor training is a two-hour program created by the Utah State Bar CLE Department and NLTP. There are two methods of receiving mentor training: (1) attend the mentor training seminar offered once per year at the Utah State Bar Law & Justice Center; or (2) attend the online mentor training course available on the Utah Bar's website at www.utahbar.org/nltp.

The training course is complimentary to the mentor and is accredited for two hours of CLE in Professionalism and Civility. Mentors who complete mentor training are not required to repeat the course if they serve as a mentor in subsequent years.

Access dates, times, and locations of mentor orientation programs at www.utahbar.org/cle/calendar or by emailing cle@utahbar.org.

What is included in the mentor training program?

The Mentor Training and Orientation is designed to educate mentors about the NLTP; program requirements and goals; and provide tips on methods of mentoring for the NLTP.

MANAGING THE MENTORING RELATIONSHIP

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

It is the new lawyer's responsibility to contact the mentor and schedule the first meeting. This first meeting should take place within the first month of the mentoring term.

Are communications between the mentor and the new lawyer confidential?

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

The Utah Supreme Court has developed a specific rule addressing conflicts and confidentiality in outside mentoring. See Rule 14-808(h), *infra*.

How is the mentoring plan monitored?

The mentor and the new lawyer are both responsible for completing the plan and evaluating the mentoring relationship. The mentor has sole responsibility for certifying whether the new lawyer has satisfactorily completed the program. The plan is also monitored by the NLTP administrator through the new lawyer's submission of two mid-term progress reports. The Mid-Term Progress Report



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form is available online at the following address:

http://www.utahbar.org/nltp/assets/Mid_Term_Progress_Report.pdf.

Can a new lawyer have more than one mentor to meet the requirements of the NLTP?

Yes. New lawyers may have more than one mentor; however, each mentor must be approved by the Supreme Court's Advisory Committee on New Lawyer training. The new lawyer must submit the names of both mentors to the NLTP so that CLE credits can be allocated upon completion of the NLTP.

CERTIFYING COMPLETION OF THE PROGRAM

How does completion of the NLTP get certified?

The mentor completes the Mentoring Completion Certification Form found online at www.utahbar.org/nltp. This certifies that the New Lawyer has completed the mentoring plan. The form is then submitted to the NLTP office. Upon receipt of the form and the new lawyer's completion fee, the New Lawyer and the Mentor will each receive their 12 CLE credit hours.

How does completion of the NLTP get certified where there is more than one mentor involved in a particular mentoring relationship?

Where mentors are sharing responsibility for mentoring a new lawyer, each mentor must certify completion of the NLTP. Thus, both mentors must sign the NLTP Completion Certification.

In order for each mentor to receive the appropriate amount of CLE credits, both mentors must complete and submit the "CLE Self-Reporting Form for Mentors," available online at the following address:

http://www.utahbar.org/nltp/assets/CLE_Self_%20Reporting_Form.pdf.

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

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

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LAW SCHOOL CREDITS

Can I get credit for activities accomplished during law school?

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

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

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

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

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

CHANGING MENTORS

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

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



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unable to notify the administrator of the situation, the mentor shall notify the administrator. When the new lawyer switches mentors, the new lawyer will need to submit a “Mentor Migration Form,” available online at the following address:
http://www.utahbar.org/nltp/assets/migration_form.pdf.

What happens if the mentor becomes unavailable to serve?

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

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

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

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

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

What if problems arise in the mentoring relationship?

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

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

NOTE: Appeals from bar decisions are made to the Utah Board of Continuing Legal Education.



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NEW LAWYER TRAINING PROGRAM: POLICIES AND PROCEDURES

In addition to Supreme Court Rule 14-808, the following NLTP policies are currently implemented as of April 1, 2011.

PARTICIPATION

New lawyers admitted to the Utah Bar after 2008 and maintaining an “active” status license are required to participate in the NLTP unless grounds for exemption of deferment apply.

New lawyers admitted to the Bar prior to 2008 are ineligible to participate in the NLTP.

MENTORING TERMS

New lawyers have a mentor for a twelve (12) month NLTP mentoring term. Mentoring terms occur from January 1 through December 31; or from July 1 through June 30. For administrative efficiency, new lawyers will not be permitted to begin the NLTP at any other point during the year.

NLTP REQUIREMENTS

1. General Requirements

In order to successfully complete the NLTP, new lawyers must meet the following requirements:

- a) Submission of NLTP Enrollment Materials:
 - i. Enrollment Form; and
 - ii. Enrollment Fee of \$150
- b) Attendance at the NLTP Orientation Program (live or online)
- c) Submission of Mentoring Plan;
- d) Approval of Mentoring Plan by the NLTP administrator;
- e) Submission of two (2), Mid-Term Progress Reports;
- f) Attendance at monthly meetings as agreed to by mentor and new lawyer throughout the twelve-month, mentoring term;
- g) Payment of Completion Fee of \$150; and
- h) Submission of Completion Certification by Mentor.



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2. **Enrollment Procedure**

New lawyers must submit all enrollment materials within three (3) months from the date of their registration with the Bar, unless grounds for exemption or deferment apply. Where a new lawyer fails to contact the NLTP administrator requesting an extension of this deadline, the NLTP administrator has discretion to involuntarily defer the new lawyer's enrollment in the NLTP until the start of the next NLTP mentoring term. *See* "Involuntary Deferment," *infra*.

3. **Enrollment Policies: Special Classes of New Lawyers**

a) **Judicial Clerks**

- i. Judicial Clerks are entitled to a deferment in the NLTP for the duration of their clerkship, in accordance with Rule 14-808(c)(1).
- ii. New lawyers who served as judicial clerks for two (2) years or more, then subsequently practice law must complete the NLTP when the clerkship ends. Two years of experience as a judicial clerk is not sufficient grounds for an exemption from the NLTP.
- iii. New Lawyers whose judicial clerkships extend beyond the two-year CLE reporting period will receive a 12-month extension to complete the requirements of the NLTP. The NLTP administrator will notify MCLE of these individuals so that the extension is indicated on the new lawyer's MCLE record.

b) **JAG Officers**

- i. JAG officers stationed in Utah are required to enroll in the NLTP and meet all NLTP requirements.
- ii. JAG officers not stationed in Utah will be exempt from the NLTP in the same manner as new lawyers residing out-of-state. *See* Rule 14-808(d)(1). The officers are required to submit a "Declaration of Exemption or Deferment" form within three (3) months from the date of their registration with the Bar.

4. **Mandatory Orientation Program**

New lawyers participating in the NLTP will be required to attend or view online a mandatory NLTP orientation program offered at least one month prior to the start of the mentoring term. New lawyers who do not attend the live orientation are required to watch the online video and submit the Certificate of Completion to the NLTP Administrator.

5. **Mentoring Plan**



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a) Valid Mentoring Plan

- i. New lawyers and mentors are required to utilize a valid mentoring plan during the twelve-month mentoring term. A valid mentoring plan is a plan that has been submitted to the NLTP and approved by the NLTP administrator.
- ii. The plan shall be submitted to the NLTP administrator within sixty (60) days of the start of the mentoring term and shall include the signed Mentoring Plan Acknowledgment form. The submitted plan must include all required sections and activities, as specified in the NLTP Model Mentoring Plan available online at the following address:

http://www.utahbar.org/nltp/assets/Model_Mentoring_Plan_2010.pdf.

b) Failure to Submit Mentoring Plan

New lawyers failing to submit their mentoring plan by the deadline will be involuntarily deferred in the NLTP until the start of the next mentoring term. See “Involuntary Deferments” *infra*.

c) Model Plans Submitted by Firms or Organizations

- i. Firms and certain select groups such as a Legal Defender’s office, District 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 administrator for approval. Where the NLTP administrator is uncertain whether the plan should be approved as submitted, he/she will submit the plan to the Supreme Court Committee on New Lawyer Training for review.
- ii. Upon approval of a firm or group model plan, the NLTP will maintain the plan on file. New lawyers utilizing a firm or group plan shall contact the NLTP administrator and inform him/her that the new lawyer will be following a firm or group model plan. The NLTP will not consider a firm or group plan as valid until the new lawyer contacts the NLTP administrator and informs him/her that the new lawyer will be using a firm or group plan during the NLTP mentoring term.
- iii. The NLTP administrator will copy the firm plan; place it in the new lawyer’s file; and update the new lawyer’s record demonstrating the plan has been submitted.

d) Credit for Other Legal Experience Prior to Bar Admission



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- i. Credit for Law School Experiences
 - a) New lawyers may use law school experiences to meet some of the requirements of the mentoring plan. Under Required Section 3, Litigation and Transaction Handling Experiences, new lawyers may select up to four (4) experiences (of a required 10 experiences) in that section that were accomplished during law school in a credit earning Externship; Law School Clinical program; simulated skills course; or supervised Pro Bono case.
 - b) New lawyers seeking credit for experiences completed in law school must apply to receive credit for the activity. The new lawyer should prepare a report to the mentor summarizing the assignment completed, describing what the new lawyer learned from the experience. The supervising attorney, judge or professor for the assignment must sign the report certifying the assignment was completed by the new lawyer.
 - c) New lawyers may not use law school experiences to reduce the number of electives required to complete the NLTP. New lawyers must complete five (5) electives during the NLTP mentoring term.
 - d) Even if a new lawyer receives credit for required activities outside of the formal structure of the NLTP, the new lawyer and mentor must still participate in the NLTP for twelve-months. New lawyers and mentors may take the opportunity to develop a more comprehensive plan offering more advanced activities in the areas in which the new lawyer completed activities during law school.
- ii. Credit for Summer Clerk Experiences

New lawyers shall not receive credit for work completed during summer internships. However, new lawyers may modify and enhance requirements contained in the plan to avoid repetition of activities completed as a summer clerk. These modifications shall be included in the mentoring plan as submitted to the NLTP administrator at the outset of the mentoring term.
- iii. Credit for Legal Work Outside Utah
 - a) New lawyers who practiced in another jurisdiction for less than 2 years and completed some of the required



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- activities contained in the Model Mentoring Plan may receive credit for activities completed.
- b) New lawyers seeking credit for experiences completed in another jurisdiction must apply to receive credit for the activities. The new lawyer should prepare a report to the mentoring summarizing the assignment completed, describing the lessons learned from the experiences. The supervising attorney must sign the report certifying the assignment was completed by the new lawyer.
 - c) New lawyers may not use experiences completed in another jurisdiction to reduce the number of electives required to complete the NLTP. New lawyers must complete five (5) electives during the NLTP mentoring term.
 - d) Even if a new lawyer receives credit for required activities outside of the formal structure of the NLTP, new lawyer and mentor must still participate in the NLTP for twelve-months. New lawyers and mentors should take the opportunity to develop a more comprehensive plan offering more advanced activities in the areas in which the new lawyer completed activities during law school.

6. Mentoring Term—Twelve Months

The NLTP mentoring term lasts twelve months. Where a mentor and new lawyer fail to meet for twelve months, the mentor shall not certify the new lawyer's successful completion of the program. This failure may result in the new lawyer's inability to renew his/her law license until all program requirements are satisfied.

a) Extension of the Mentoring Term—Good Cause

- i. New lawyers unable to complete the NLTP requirements within twelve (12) months may be entitled to a reasonable extension of the mentoring term where good cause for extension exists. *See* Rule 14-808(f). The NLTP has discretion in determining whether good cause exists and that determination will be made on a case-by-case basis.
- ii. Where a new lawyer requires extension, he/she must contact the NLTP administrator to discuss the circumstances of the



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extension prior to the deadline for submission of all completion materials.

b) **Failure to Seek Extension of Mentoring Term**

If a new lawyer fails to meet the requirements of the NLTP by the end of the twelve month term and fails to notify the NLTP regarding need for extension, the NLTP administrator shall determine that good cause for extension does not exist. Thus, in accordance with Rule 14-808(f), new lawyer will be subject to administrative suspension of lawyer's license for non-compliance until all program requirements are met.

7. **Notification for Failure to Meet NLTP Requirements**

Where a new lawyer, after the twelve month mentoring term ends, fails to meet all requirements of the NLTP, the new lawyer will be notified of this failure by the NLTP in the following manner:

- a) The NLTP administrator shall send one (1) email to the new lawyer within 14 days of the completion of the NLTP mentoring term informing the new lawyer of their failure to meet the NLTP requirements and request all materials within twenty (20) days of the term deadline. Additionally, the NLTP administrator may phone the new lawyer informing the new lawyer of his/her failure to meet the requirements of the NLTP by the end of the mentoring term.
- b) After twenty (20) days, if the new lawyer fails to meet the NLTP requirements, the NLTP administrator will send a certified letter to the new lawyer notifying the new lawyer that he has thirty (30) days to complete the program or he will be unable to renew his law license during the subsequent license renewal period. The new lawyer's mentor will be copied on this letter.
- c) After thirty (30) days, if the new lawyer does not complete the NLTP, the NLTP administrator will notify the Bar licensing department that the new lawyer will be unable to renew their law license until they complete the requirements of the NLTP.

DEFERMENTS-VOLUNTARY

Grounds for voluntary deferments are established in Rule 14-808(c). See also policies regarding Judicial Clerks.

1. **Unemployed or Not Practicing Law**

a) **Duration of Deferment**

- i. The duration of the deferment for new lawyers unemployed or not practicing law is (6) months.



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ii. Newly admitted lawyers are eligible for two, six month deferrals.

b) Expiration of Deferment

Where the new lawyer received two, six month deferments, the new lawyer shall either (i) enroll in the NLTP or (ii) switch their license status to “inactive,” unless grounds for exemption apply.

2. Petitioning for Deferment

a) Submit “Declaration of Exemption or Deferment” Form

New lawyers eligible for deferment in the NLTP are required to submit the “Declaration of Exemption or Deferment” form to the NLTP within three (3) months from the date of their registration with the Bar.

b) Failure to Submit Form

Where a new lawyer fails to submit the applicable form within the designated timeframe, the NLTP administrator will involuntarily defer the new lawyer. The new lawyer will be subject to the policies relating to involuntary deferments.

3. Inactive Status

a) Submit “Declaration of Exemption or Deferment” Form

New lawyers admitted to the Utah State Bar who maintain an “inactive” status license are not required to participate in the NLTP. However, the NLTP requests that inactive status attorneys submit a “Declaration of Exemption or Deferment” form for purposes of efficient administration of the NLTP.

b) Status Change from Inactive to Active

When an “inactive” attorney changes to “active” status, the new lawyer shall enroll in the next NLTP mentoring term, provided the new lawyer has not accrued two years of legal practice in another jurisdiction.

4. Expiration of Voluntary Deferment—Notice

a) Six Month Deferment

i. Method and Content of Notice

The NLTP administrator shall notify new lawyers whose voluntary deferment is scheduled to expire by email no less than thirty (30) days prior to the start of the next mentoring term. The email will outline the following options for the new lawyers upon expiration of their deferment: (i) enroll in the



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- NLTP; (ii) seek another six month deferment; or (iii) change license status to “inactive.”
 - ii. New Lawyer Exclusively Responsible

The new lawyer is exclusively responsible for completing the appropriate paperwork by the start of the mentoring term. Failure to submit the applicable form by the start of the mentoring term shall result in an involuntary deferment.
 - iii. Grounds for Exemption May Apply

If the new lawyer is eligible for an exemption in accordance with Rule 14-808(d), the new lawyer shall submit the “Declaration of Exemption or Deferment” form specifying the appropriate grounds for exemption.
- b) Twelve Month Deferment
- i. Method and Content of Notice

The NLTP administrator will notify new lawyers whose voluntary deferment is scheduled to expire by email no less than thirty (30) days prior to the start of the next mentoring term. The email will outline the following options for the new lawyers upon expiration of their deferment: (i) enroll in the NLTP; or (ii) change license status to “inactive.”
 - ii. New Lawyer Exclusively Responsible

The new lawyer is exclusively responsible for completing the appropriate paperwork by the start of the mentoring term. Failure to submit the applicable form by the start of the mentoring term may result in the new lawyer’s inability to renew his law license.
 - iii. Grounds for Exemption May Apply

If the new lawyer is eligible for an exemption in accordance with Rule 14-808(d), the new lawyer shall submit the “Declaration of Exemption or Deferment” form specifying the appropriate grounds for exemption.

DEFERMENTS-INVOLUNTARY

1. Definition

- a) An involuntary deferment occurs when a new lawyer fails to submit (i) enrollment materials; (ii) “Declaration of Exemption or Deferment” form; or (iii) mentoring plan within the timeline specified by the NLTP. In that instance, the NLTP administrator shall



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involuntarily defer the new lawyer until the subsequent mentoring term.

- b) A new lawyer is entitled to one (1) involuntary deferment after which time the new lawyer is required to participate in the NLTP unless grounds for voluntary deferment or exemption apply. *See* Rule 14-808(c), (d).

2. Notice of Involuntary Deferment

The NLTP administrator shall send an email to the new lawyer notifying her that her NLTP status is “involuntary deferment.” Moreover, the notice will inform the new lawyer of the following: (i) start date of the next NLTP mentoring term; (ii) deadline for enrollment of next mentoring term; and (iii) ramifications if new lawyer fails to enroll in the next mentoring term within the designated timeframe specified on the applicable NLTP Timeline.

3. Expiration of Involuntary Deferment

a) Enrollment Materials Required

Upon expiration of an involuntary deferment, the new lawyer shall submit enrollment materials for the subsequent mentoring term or change licensing status to inactive.

b) Notice for Failure to Enroll

i. Certified Letter

Where the new lawyer fails to submit enrollment materials and/or mentoring plan within the NLTP established timelines, the NLTP will send a certified letter to the new lawyer requesting submission of all relevant NLTP materials within thirty (30) days of receipt of the certified letter.

ii. Failure to Comply

Where the new lawyer fails to meet the thirty (30) day deadline for submission of requested materials, the new lawyer will be prohibited from renewing their law license during the subsequent license renewal period until they complete all NLTP requirements.

EXEMPTIONS

Grounds for exemption are established in Rule 14-808(d).

1. Procedures for Exemption

a) “Declaration of Exemption or Deferment” Form



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New lawyers eligible for exemption are required to submit the “Declaration of Exemption or Deferment” form to the NLTP within three (3) months from the date of their registration with the Bar.

b) Failure to Submit Form

Where the new lawyer fails to submit the applicable form within the designated timeframe, the new lawyer will be involuntarily deferred in the NLTP for the applicable mentoring term. The new lawyer will be subject to the policies relating to involuntary deferments.

2. New Lawyers Admitted on Motion

New lawyers admitted on motion are not required to submit a “Declaration of Exemption or Deferment” form.

3. Substantial Compliance with Similar Mentoring Program

a) Where a new lawyer substantially complies with the requirements of a similar mentoring program in another jurisdiction, the new lawyer is exempt from the NLTP despite not meeting the formal grounds for exemption established in Rule 14-808.

b) New lawyers who substantially complied with the requirements of a similar mentoring program must submit the “Declaration of Exemption or Deferment” form. *See* “Procedures for Exemption,” *supra*.

4. Foreign Attorneys

Foreign attorneys are exempt from the NLTP in the same manner that attorneys who practiced in another jurisdiction are exempt, i.e. 2 or more years of practice experience.

5. Mid-Term Moves Out-of-State

a) Exemption Applies

Where a new lawyer participating in the NLTP moves out-of-state in the middle of the NLTP mentoring term, the new lawyer is exempt for the remainder of the term. The new lawyer shall complete and submit a “Declaration of Exemption or Deferment” form to the NLTP.

b) Subsequent Return to Utah

i. If the new lawyer moves out-of-state during the NLTP mentoring term but subsequently returns to Utah without obtaining at least two years of practice experience, the new lawyer shall re-enroll in the NLTP upon their return. The new lawyer is not required to complete the entire mentoring term but only the months which were remaining in the NLTP at the time the new lawyer initially moved out-of-state.



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- ii. The new lawyer has exclusive responsibility to contact the NLTP and inform the NLTP administrator that he is re-enrolling in the NLTP. The new lawyer shall be responsible for his failure to notify the NLTP upon his return to the State.

6. Exempt New Lawyers Ineligible to Participate in the NLTP

Where a new lawyer meets any of the grounds for exemption, the new lawyer is ineligible to participate in the NLTP.

MENTORS

1. Mentor Qualifications

a) NLTP Guidelines for Mentor Qualifications

- i. Minimum of 7 years of practice experience in any jurisdiction where the attorney is licensed to practice law;
- ii. No past or pending public or formal discipline proceeding of any time or nature by a court or a state bar; however, the NLTP administrator shall submit applications for individuals with discipline to the Supreme Court's Advisory Committee on Professionalism. The Committee has authority to further evaluate the nature and history of the disciplinary proceeding to determine whether the applicant, despite the disciplinary history, is eligible to serve as a mentor
- iii. Attorney shall carry malpractice insurance in an amount of at least \$100,000/\$300,000 if in private practice; and
- iv. Approval by the Supreme Court's Advisory Committee on Professionalism.

2. Reapplication for Approved Mentors Unnecessary

Once the Supreme Court's Advisory Committee on Professionalism reviews and approves a mentor applicant, the applicant does not need to reapply to become a mentor at any point in the future. However, if the mentor voluntarily requests his name removed from the approved mentor list and subsequently decides to participate in the NLTP, the attorney will need to re-submit the NLTP Mentor Volunteer Application and be subject to review by the Supreme Court's Advisory Committee on Professionalism.

3. Inactive Status Attorneys as Mentors

A court-approved mentor may still act as a mentor although inactive where the mentor changes from active to inactive status during the course of the mentoring relationship. In that instance, the mentor may continue the mentoring relationship for the duration of the NLTP mentoring term.



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4. Judges as Mentors

A judge may apply and serve as a mentor although inactive once approved by the Supreme Court's Advisory Committee on Professionalism.

5. Involuntary Removal of Court-Approved Mentors from Volunteer List

At the request of the NLTP, the Supreme Court's Advisory Committee on Professionalism may periodically review the names of mentors who have been reported to the NLTP by new lawyers for failing to fulfill their obligations as mentors. The NLTP administrator will provide the Committee with information regarding the mentors and the Committee will determine whether the mentors' names should be removed from the Mentor Volunteer List.

Additionally, at the request of the NLTP, the Office of Professional Conduct will conduct an annual review of all mentors to determine whether any have been subject to discipline since they were approved by the Court. The review may result in removal of mentors from the list of approved mentors.

6. Policies Regarding Mentoring Relationships

a) Confidentiality in Mentoring Relationships

i. General Policy

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

ii. Confidentiality and Conflicts in Outside Mentoring

See Rule 14-808(h).

b) Limitation on Number of New Lawyers Attorney may Mentor

Mentor shall mentor only one (1) new lawyer completing the requirements of the NLTP at any one time. Upon a new lawyer's completion in the NLTP, the mentor may mentor subsequent new lawyers but no more than 1 new lawyer at a time.

c) Direct Supervisors as Mentors

Direct supervisors shall not mentor new lawyers without the approval of the NLTP administrator. There are many exigent circumstances in which the supervisor is the logical person to serve as mentor. The program will be flexible in recognizing where those circumstances exist. Mentor or new lawyer shall contact the NLTP to determine whether those exigent circumstances exist.

d) Short-term Mentoring Relationships



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- i. A court-approved mentor, not engaged in mentoring, may assist a new lawyer in meeting the requirements of their mentoring plan by working with the new lawyer on a short-term basis in the mentor's area of expertise.
- ii. Upon completion of the applicable mentoring term, short-term mentors shall complete and submit to the NLTP the "CLE Self-Reporting Form for Mentors." CLE credits will not be applied until the NLTP receives the form.

7. Switching Mentors

a) General Policy

Completing the full year of mentoring in the original mentoring relationship is strongly preferred. However, circumstances may warrant a change in the mentoring relationship during the NLTP mentoring term. In those instances, the following policies apply.

b) New Lawyer Requests New Mentor

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

c) Mentor Unavailable to Serve

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

d) Assignment of New Mentor

i. Inside Mentoring Relationship

Where the new lawyer and mentor engaged in an "inside" mentoring relationship, the firm involved shall assist the new lawyer in locating a new mentor. The new lawyer shall contact the NLTP with the name of the new mentor. If the new mentor has not been previously approved by the Supreme Court's Advisory Committee on Professionalism, the mentor shall complete and submit an NLTP Mentor Volunteer Application for submission to the Court.

ii. Outside Mentoring Relationship

Where the new lawyer and mentor engaged in an "outside" mentoring relationship, the new lawyer shall review the "List of Available Mentors" on the NLTP webpage and contact the



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NLTP administrator. The NLTP administrator shall assist the new lawyer in locating a new mentor.

e) Mentor Migration Form

New lawyers shall complete and submit to the NLTP a “Mentor Migration Form” with the name of their new mentor. The form is available online at the following address:

http://www.utahbar.org/nltp/assets/migration_form.pdf

f) Impact on Mentoring Plan

In most cases, the mentoring plan created by the new lawyer and the initial mentor will be followed by the new lawyer and his subsequent mentor. However, the NLTP has discretion to determine whether it is necessary for the new lawyer to create a new mentoring plan, taking into consideration individual circumstances and achievements during the original mentoring relationship.

8. Mentor Training and Orientation

a) Mentor Training and Orientation Requirement

All mentors are required to complete Mentor Training and Orientation. Mentors will have three (3) months from the date of approval by the Supreme Court’s Advisory Committee on Professionalism to complete mentor training. Failure to complete training during that timeframe will result in the removal of the mentor’s name from the list of Court-approved mentors until the mentor completes the training and reports the completion to the NLTP administrator.

b) Training and Orientation Options

Mentors are required to attend Mentor Training and Orientation either live or online through the Bar’s online CLE courses. Mentors receive 2 CLE credit hours in Professionalism and Civility for completing Mentor Training and Orientation. The training course is complimentary to mentors.

c) Submission of Completion Certificate Required

Mentors who view the online training shall submit the Certificate of Completion to the NLTP to receive CLE credits.

d) One Time Requirement

Mentors need only attend Mentor Training and Orientation once.



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CLE CREDITS

1. New Lawyers

New lawyers receive 12 NLCLE credit hours upon successful completion of the NLTP mentoring term.

2. Mentors

Mentors are entitled to a total of 12 CLE credit hours per NLTP mentoring term. The CLE credit hours consist of 10 regular credit hours, 1 Ethics hour and 1 Professionalism hour.

3. Allocation of CLE Credits

All CLE credits are allocated to the new lawyer and mentor upon completion of the mentoring term, i.e. after the NLTP receives the new lawyer's completion fee and the mentor submits the Completion Certification form.

4. Mentor Credit for Partial Mentoring Term

a) Attorneys mentoring a new lawyer for a partial term and terminating the relationship due to a job change or other reason by either the new lawyer or the mentor, will receive credit for mentoring unless it is established that the mentor failed to meet the responsibilities inherent in mentoring, including failure to regularly meet; failure to provide sufficient guidance in completing the mentoring plan; or inappropriate conduct with a new lawyer.

b) Calculation of Credits for Partial Mentoring

Mentors who do not mentor the duration of the mentoring term will receive the equivalent of 1 credit hour per month of mentoring. The mentor shall complete and submit the "CLE Self-Reporting Form for Mentors" to assist the NLTP in determining the number of credits.



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NLTP SUPREME COURT RULE 14-808

The NLTP is mandated by Supreme Court Rule 14-808. The following is the complete text of Rule 14-808:

Rule 14-808. New lawyer training program.

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

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

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

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

(c) Deferrals.

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

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

(d) Exemptions. Those lawyers exempt from completing the NLTP are limited to:

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

(d)(2) Newly admitted Utah lawyers who have been admitted on active status who have practiced law elsewhere for two years or more.

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

(f) Administrative suspension and non-renewal of license for non-compliance. Unless otherwise approved by the NLTP office for good cause, failure to timely complete the



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program will result in administrative suspension of the lawyer's license for non-compliance with this rule.

(g) NLTP curriculum and other information. The Bar has developed a proposed NLTP Manual which delineates the requirements that must be completed during the 12 month period. The Manual also includes a Model Mentoring Plan, a time line, necessary forms and suggestions for developing effective mentoring relationships. The proposed NLTP Manual may be found by contacting the Bar or on the Bar's website.

(h) Conflicts and confidentiality in outside mentoring.

(h)(1) The outside mentor may provide or the new lawyer may seek short-term limited guidance or counsel, within the mentoring relationship, without expectation by either lawyer or the new lawyer's client(s) that a lawyer-client relationship has been formed or that representation is being provided in the matter by the mentoring attorney.

(h)(2) Where practical the new lawyer and the mentor shall discuss new lawyer client specific issues in hypothetical terms. If hypothetical terms are not practical under the circumstances as determined by the lawyers, a lawyer providing or seeking short-term limited guidance or counsel within the mentoring relationship is not subject to the Utah Rules of Professional Conduct regarding Confidentiality of Information because the disclosure is impliedly authorized under the circumstance and is necessary to carry out the purposes of the NLTP.

(h)(3) To facilitate the goals and purposes of the NLTP, the mentoring lawyer is not required to run a conflict check when guidance or counsel is being provided on a short-term limited basis to a new lawyer regarding a new lawyer's client. In this respect, the mentoring lawyer's guidance or counsel, provided on a short-term limited basis to a new lawyer regarding a new lawyer's client, is not subject to Utah Rules of Professional Conduct regarding Conflict of Interest: Current Clients; Conflict of Interest: Current Clients: Specific Rules; Duties to Former Clients; Imputation of Conflicts of Interest: General Rule; and Special Conflicts of Interest for Former and Current Government Employees. However, the mentor may exercise his or her judgment as to whether a conflict check is advisable.

(h)(4) Subsections (h)(1)-(3) do not apply to lawyers who are outside mentors providing, or new lawyers seeking, counsel or guidance on an on-going or regular basis relating to the needs of or litigation regarding a specific client, within the context of the mentoring relationship. If the lawyers are engaged in on-going or regular guidance or counsel related to a specific client or clients, then the mentoring lawyer must comply with the relevant Utah Rules of Professional Conduct, which may require the lawyers to obtain informed consent from the client and/or to formally enter into a lawyer-client relationship through the execution of an appropriate engagement letter and fee agreement.

NEW LAWYER TRAINING PROGRAM



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NEW LAWYER TRAINING PROGRAM

NLTP COMMITTEES AND COMMITTEE MEMBERS

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