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Let the Circle be Unbroken

By H. Garrett Baker, Esquire and Yvonne Takvorian Saville, Esquire

Perhaps no activity better defines the purpose or objectives of the American Inns of Court movement than mentoring. The very structure of an Inn reinforces and emphasizes a foundational commitment to bring together a cross-section of the legal community that includes members of the judiciary, practitioners of all levels of seniority and experience, and law students.

As many of us learned upon our own admission to the bar, there is no “bright light” infusion of knowledge that is bestowed at that moment. Indeed, many of us had very little familiarity with the legal field prior to embarking on our legal education; and none with the practice of law. The opportunity to rely on the guidance and reassurance of a mentor in whom one has trust and confidence is of immeasurable value. A mentor can help explain the theories behind legal rules and strategies, share practical hints for best practices that are not the subject of legal curricula, and can serve as a source of consultation and advice when a new lawyer is handling a matter.

Moreover, the act of mentoring puts into practice the maxim that “what goes around comes around.” It provides those of us who have reaped the benefits of having a mentor the opportunity to help ground promising new attorneys and help them achieve the maturation of their potential. Further, it can help those of us who have been in practice for some time to stay on our toes. The mind of a new attorney is always brimming with ideas and questions, which keeps the mentor from developing a sense of complacency and provides an added incentive to keep our own legal skills fresh and up-to-date, so that we can provide the guidance and answers requested of us. Of course, as seasoned litigators, it can occasionally be

difficult to let go, to see things done differently than we might have done them or to deal with freshman mistakes, but in point of fact we were all there at one point in our professional careers.

Our own early mentors were the attorneys in small firms where we had our respective first full-time positions as law clerks and then as junior attorneys. These seasoned practitioners offered the opportunity to participate in appeals, attend depositions, prepare responses to discovery, present civil court motions, and devise trial and settlement strategies. Gradually, thanks to experience gained as a result of their ongoing input, we shifted from mostly relying on their perspectives and advice, to grasping and implementing their strategies, and ultimately to providing our own advice when sought.

In that light, we wish to share with you some suggestions for mentoring based on the Delaware clerkship requirement for those seeking admission to the Delaware bar. The namesake of our Inn, Justice Randy J. Holland, is a student of Delaware history and notes that the concept of a clerkship traces back to the roots of the legal systems of England, which of course has also fostered the development of the American Inns of Court.

A mandatory mentoring program has long been a part of Delaware’s bar admission procedure. No

applicant shall be admitted to the bar unless the applicant has passed the bar examination and served a clerkship in the State of Delaware, aggregating substantially full-time service for at least five months. That clerkship can be fulfilled by working either in a law office or under the supervision of another member of the bar who has been in practice for at least five years; as a law clerk for a justice or judge of the Delaware state court or a United States judge with chambers in Delaware; or in the office of a state or federal agency. While the clerkship does not have to be served for a continuous period of time, it can only commence once the applicant has matriculated from an approved law school.

The important part of this process is that the mentor (known as a "preceptor") must vouch for the applicant's character and fitness for the practice of law and base that certification upon personal knowledge and/or investigation and supervision. The preceptor's role is clearly defined: to act as a guiding force and mentor, meeting with the applicant on a regular basis, providing supervision during the process, and imparting principles of appropriate lawyer conduct, including professionalism, ethics, and civility (Memorandum to Preceptors from the Board of Bar Examiners, "RE: Preceptor Duties and Clerkship Requirements," April 5, 2006).

The applicant is required to complete a list of legal activities related to the practice of law that is prepared and furnished by the Delaware Board of Bar Examiners. This part of the mentoring is crucial to new admittees, as it gives them the opportunity to attend, and thereby become exposed to, a variety of trials and hearings, arbitrations, mediations, motions, arraignments, sentencing, jury selection, pretrial conferences, arguments, client/witness/litigant interviews, depositions, and real estate closings. They also must participate in the preparation of papers, memoranda of law, draft will and/or trust instruments, administration of estate and incorporation of a new company, review of rules, case records and briefs, and complete a title search. There is no better introduction to becoming a lawyer than hands-on training and real exposure to our practice and traditions. The Delaware clerkship program has been successful as a way for the mentors to pass on Delaware's best practices while the applicants receive a valuable complement to their formal legal education. It also lends confidence that the public will be well represented by those admitted to the Delaware Bar.

Once the applicant has been admitted and matriculated into the legal community, there are additional means established for effective and creative

mentoring strategies for the newer members of the Bar. The Delaware Bar Association Mentoring Program is voluntary and designed to match newly admitted Delaware attorneys, and those Delaware attorneys who have been practicing for less than three years who want to participate, with more experienced members of the Bar in their substantive area of practice or some other area of interest where the requesting mentee desires mentoring. A volunteer mentor must be an active member of the Delaware Bar; have a minimum of five years of experience; have not been subject to any disciplinary sanctions; and have read the Principles of Professionalism for Delaware Lawyers and the Delaware Lawyers' Rules of Professional Conduct. They must agree to promote and foster the ideals of professional courtesy, conduct, and cooperation during their practice and encourage and remind their mentees to familiarize themselves with and adhere to the Principles of Professionalism for Delaware Lawyers and the Delaware Lawyers' Rules of Professional Conduct. Attorneys who have participated in the mentorship program have been grateful for the added assistance they have received from the more senior lawyers, who are so willing to give of their time to ensure that our newer members are better able to acclimate to the practice of law.

We have been the beneficiaries of a solid mentoring program and it has proven its value, demonstrating that some of the best practical training one can receive is available right at home with the assistance of a senior partner of one's own firm. None of us is so new that we can't contribute, or so experienced that we can't learn. As each of us progresses through the phases of our legal career, there is always an opportunity to learn and to teach, to grow and to plant, to ask and to answer. The manner in which we participate in mentoring may change, but our connectedness to the process and its ongoing nature is continual.

The authors wish to extend recognition and appreciation to Justice Randy J. Holland for his insights into the Delaware clerkship and mentoring procedures. ♦

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