

## Mentoring Topics

### For Pairs or for Groups

Here are suggested topics to incorporate into your Inn's mentoring activities. Use them as the basis for program activities or as discussion topics, both broadly and one-on-one. Some topics assume more practice experience, some less; others are specific to newly minted attorneys. Regardless of the experience level of the mentee, the topics should all be approached with a focus on professionalism.

This list is illustrative, not exhaustive. Your group should select specific topics to discuss and activities to undertake during the year and advise the mentoring committee of your choices.

#### I. What it Means to be an Attorney

- Learning the unwritten rules of etiquette and civility between lawyers
- What is appropriate attire
- Courtroom comportment
- Collegiality vs. Congeniality
- Collegiality vs. Impartiality
- Discovery abuse: what it is, how to protect against it
- Social etiquette at networking events
- Interactions between opposing counsel
- Dealing with challenging personalities

#### II. General Legal Procedures

- Hearsay exceptions
- "So your client is in jail. Now what?"
- Motion dockets and how to succeed at them
- Bifurcation and trifurcation of cases
- Contracts
- Sanctions by state courts
- Applications for attorney's fees awards
- Bar exams and employment prospects
- Differences between civil and criminal proceedings
- Privacy issues and the implications of social media for law practice

#### III. Ethical Problems

- Common malpractice traps: how to recognize and avoid dangerous situations
- Communications with clients—returning phone calls and sending copies
- Ethical implications raised by social media for law practice
- Client confidences, including communications over e-mail and cellular phones

- Conflicts of interest—checking for, recognizing, avoiding and dealing with conflicts
- Leaving a firm—how to protect yourself, including advising clients and withdrawing from cases
- Client engagement and closing letters
- Rule 11 and other sanctions
- Ex parte communications—judges, corporate adversaries, former employees, etc.
- Opinion letters and audit responses regarding clients
- Acting as local counsel—what to do when general counsel wants to completely control the litigation and your actions
- Reconciling the duties to clients and to the court, e.g., what to do if your client lies either in a civil or criminal matter
- Avoiding and dealing with grievances
- Ethical issues in criminal cases

#### IV. Legal Analysis and Reasoning/Legal Research and Writing

- Legal research tools and techniques, including internet resources
- Effective legal writing
- Effective briefs

#### V. Transactional

- Formation of legal entities
- Negotiating and drafting legal contracts
- Negotiating and drafting joint venture arrangements
- Analyzing legal and regulatory issues relevant to contractual and joint venture arrangements

#### VI. Client Relations

- Client selection—interviews and case evaluation
- Dealing with a difficult client
- Money Matters—talking to a client about attorney's fees, including fee agreements, retainers and fee disputes
- Trust fund accounts, including establishing, accounting/auditing, and use of interest proceeds
- How to talk to your criminal client
- How to talk to a complaining witness (not your client) in a criminal matter

## VII. Litigation

- E-discovery
- Investigating the case
- Case management
- Drafting initial pleadings; sharing sample pleadings and forms
- Drafting and responding to written discovery requests
- Resolving discovery disputes
- Preparing for, taking, and defending depositions
- Selecting and using expert witnesses
- Trial preparation, including organizing a trial notebook and preparing witnesses for trial
- Trial practice—voir dire, opening statements, witness examinations, closing arguments, evidence rules, expert witnesses
- How to work with judges, including judicial independence
- Appellate practice
- Oral argument
- Local rules of procedure
- Preparing trial briefs
- Discovery obligations in criminal matters

## VIII. Mediation and Negotiation

- Forms of Alternative Dispute Resolution (ADR), including mediation, binding and non-binding arbitration, high-low arbitration, early neutral evaluation, court-annexed arbitration, and summary jury trials
- Preparing for mediation and arbitration
- Negotiation and settlement, including strategies and settlement documentation
- Negotiating pleas in criminal cases
- Preparing for and participating in civil case negotiations

## IX. Organization and Management of Legal Work

- The economics of law practice
- Preparing a business plan
- Setting up and managing law practice
- Discussing career opportunities
- Reconciling job expectations with actual experience
- Addressing salary and working conditions within your firm
- Developing time management skills
- Communicating with other lawyers and staff
- Marketing/maintaining the balance between business and law

## X. Work/Life Balance and Career Planning

- Ways to maintain a healthy work/life balance and deal with stress in practice
- Warning signs and dealing with substance abuse
- Long-term career objectives and how best to achieve them
- Navigating the politics of a large firm

**Have additions to this list? Let us know! [mentoring@innsofcourt.org](mailto:mentoring@innsofcourt.org).**