



TRANSITIONING *into* PRACTICE

A Mentor Program for Nevada Attorneys

MENTOR PROGRAM MANUAL

INTRODUCTION

The first years of a lawyer's practice are a critical time in the development of professional habits, practices and character. To foster this transition, the Nevada Supreme Court, in conjunction with the State Bar of Nevada, has created *Transitioning into Practice: A Mentor Program for Nevada Attorneys*. The goal of the TIP program is to introduce newly admitted lawyers to the high standards of integrity, professional conduct, professional competence and service to the public.

Shortly after admission, each new lawyer (unless deferred or exempt), will be paired with an experienced lawyer who has practiced for at least seven (7) years in Nevada and has been selected by the Court for his or her commitment to ethics, professionalism and professional skills.

The TIP program is premised on one-to-one interaction with mandatory and elective activities and experiences. The program is flexible enough to complement and coordinate with existing law firm training programs as well as the special training needs of government, corporate, and public interest practices.

This manual contains information about enrolling in the TIP program, developing an individualized mentoring plan, and certifying completion. It also has some tips for successful mentoring relationships. Questions not addressed in the manual can be directed to the state bar TIP Department by calling 702.382.2200 or emailing tip@nvbar.org.

GOAL

The purpose of the TIP program is to introduce newly admitted lawyers to the high standards of integrity, professional conduct, professional competence and service to the public.

The TIP program was developed to provide needed transitional support for new attorneys admitted to the State Bar of Nevada. Specifically, the goals of this program are to:

- Assist new lawyers in acquiring the practical skills and judgment necessary to practice in a highly competent manner.
- Train new lawyers on Nevada-specific rules and procedures not specifically taught in traditional learning environments.
- Sharpen and enhance the practical skills necessary to compete in today's legal environment.
- Match new lawyers with more experienced lawyers for training in professionalism, ethics, and civility.
- Provide support, foster relationships and create networking opportunities for newly admitted members.
- Provide a means for all Nevada attorneys to learn the importance of organizational mentoring, including the building of developmental networks and long-term mentoring relationships.

OPERATING PROCEDURES AND POLICIES

1. Designing the Mentoring Plan

The TIP Model Mentoring Plan includes core concepts and experiences that will introduce new lawyers to practical aspects which all lawyers need to be familiar with for the successful and professional practice of law. The TIP Model Mentoring Plan has five component parts that include mandatory and elective activities (please see plan document).

The mentoring plan may include as many practice area activities as the new lawyer and mentor agree are practical but must include at least six (6) activities from one or more practice areas. The activities listed in the substantive areas are not exclusive; the new lawyer and mentor may supplement the listed activities or substitute others that they identify as basic competency skills. Similarly, if the new lawyer is interested in a substantive area for which no activities are suggested, the new lawyer and the mentor may develop a customized elective plan of activities designed to build basic skills in that area.

A new lawyer employed by a law firm, corporate legal department, or governmental unit may complete an alternate mentoring plan based on the employer's established training program in conjunction with the model mentoring plan outlined in the TIP program manual.

2. Completing the Mentoring Plan

The mentoring plan is designed to be completed in six (6) months. While it is expected that the mentor and new lawyer will meet in person at least two hours per month, the actual number of meetings and time will vary depending on each mentoring relationship and the mentoring plan that is developed by the mentor and the new lawyer. In addition to meeting in person, other methods of communication such as conference calls and email are expected to be utilized to review and discuss the various experiences and activities that make up the mentoring plan and to monitor progress.

Newly admitted lawyers who are mentored within their law firm, corporate legal department, or governmental unit may complete some of their required activities in small group settings rather than by individual discussion with their mentors.

When all mentoring plan activities are concluded, the new lawyer shall submit his or her Mentoring Plan on an online form provided by the bar and pay the full \$350 fee. Mentors will be provided with a copy of the submitted form and must verify the contents.

3. *Noncompliance, Suspension and Reinstatement*

A new lawyer who has not been granted an extension and who fails to complete the TIP program, including payment of TIP fees, by December 31st of their first full year of admission will be given written notice of non-compliance and subject to suspension and \$250 fine upon order of the Board of Governors from membership in the state bar until compliance with the requirements is met. Nevada Supreme Court rule 93 governs the procedure for suspension and reinstatement to practice.

A suspended new lawyer may apply for reinstatement as soon as the TIP program is completed. In addition to the reinstatement application, the new lawyer must submit the completed TIP Mentoring Plan and any remaining program fees due, along with any fine associated with the TIP suspension.

Upon reinstatement, the State Bar of Nevada shall notify the clerk of the court that the suspended attorney has completed the requirements for reinstatement. Reinstatement is effective upon receipt by the clerk of the court of the notice from the state bar.

A reinstatement after suspension for not completing the TIP program has no effect upon any other aspect of the new lawyer's status, including any suspension for nonpayment of membership fees, MCLE noncompliance or a disciplinary proceeding.

4. Confidentiality and Conflicts in Mentoring

The mentor and new lawyer are expected to adhere to the [Nevada Rules of Professional Conduct](#) at all times. *For example, if the new lawyer shares with the mentor information about unethical conduct of an attorney in the new lawyer's firm that is reportable under SCR 8.3, the mentor will be required to report this information to Bar Counsel.*

For an inside mentoring relationship, the confidentiality of communications between the mentor and new lawyer may also depend on the firm's or office's policies. For an outside mentorship, the new lawyer shall not reveal to the mentor any confidential communications between the new lawyer and the new lawyer's client.

The mentor agrees to avoid providing case specific advice to the newly admitted lawyer while encouraging the new lawyer to avoid revealing details about his/her cases including the names of clients. If discussion of this nature is critical it should only take place using hypothetical scenarios/situations.

MENTORS

1. Conflicts of Interest Policy

Attorneys appointed as Mentors in the Transitioning into Practice (TIP) mentoring program must act at all times in the best interests of the State Bar and not for personal or third-party gain or financial enrichment. Specifically, Mentors of the TIP program shall:

- a. avoid placing (and avoid the appearance of placing) one's own self- interest or any third-party interest above that of the State Bar; while the receipt of incidental personal or third-party benefit may necessarily flow from certain State Bar activities, such benefit must be merely incidental to the primary benefit to the State Bar and its purposes;
- b. not abuse their position by improperly using their position as a Mentor to direct staff of the State Bar, or use State Bar, services, equipment, materials, resources, or property for their personal third-party gain or pleasure, and shall not represent to third parties that their authority as a Mentor extends any further than that which it actually extends;
- c. not engage in any outside business, professional or other activities that would directly, or indirectly, materially adversely affect the State Bar;
- d. not engage in or facilitate any discriminatory or harassing behavior directed toward the State Bar staff, members, officers, directors, meeting attendees, exhibitors, advertisers, sponsors, suppliers, contractors, or others in the context of activities relating to the State Bar;
- e. not solicit or accept gifts, gratuities, free trips, honoraria, personal property, or any other item of value from any person or entity as a direct or indirect inducement to provide special treatment to such donor with respect to matters pertaining to the State Bar without fully disclosing such items;
- f. provide goods or services to the State Bar as a paid vendor to the State Bar only after full disclosure to, and advance approval by, the Board, and pursuant to any related procedures adopted by the Board;
- g. not persuade or attempt to persuade any member, exhibitor, advertiser, sponsor, subscriber, supplier, contractor, or any other person or entity with an actual or potential relationship to or with the State Bar to terminate, curtail or not enter into its relationship to or with the State Bar, or to in any way reduce the monetary or other benefits to the State Bar of such relationship;
- h. disclose, in writing, if the Mentor member is involved in any business or other professional relationship with any staff member.
- i. not represent a party in proceedings before the State Bar whose position is adverse to any administrative interests of the State Bar.

2. Indemnification Policy

a. Generally The State Bar shall provide indemnification to qualified indemnities for liability arising out of qualified actions. A qualified indemnitee is a person who is or was an officer, member of the Board of Governors, member of the staff of the State Bar, or is serving at the request or appointment of the State Bar as a member of any board, committee, subcommittee or as a mentor. A qualified action is an action in good faith within the course and scope of the authority expressly or impliedly delegated by applicable Supreme Court Rule, policy adopted by the Board of

Governors or by the executive director within his or her authority. Each qualified indemnitee who is party to, or is threatened to be made a party to, or is involved in any threatened, pending or completed claim, action, suit, or proceeding, whether civil, criminal, administrative or investigative, by reason of the fact that the indemnitee or a person of whom the indemnitee is a legal representative, is or was a member of the Board of Governors or officer of the State Bar or a member of a board, committee, sub-committee or a mentor of the State Bar formed by the Board of Governors, shall be defended, indemnified and held harmless by the State Bar to the fullest extent legally possible under the laws of the State of Nevada, as amended from time to time, against all expenses, liability, and losses (including but not limited to attorneys' fees, judgments, fines, and amounts paid in settlement) reasonably incurred or suffered by the indemnitee in connection therewith. Such right of indemnification shall be a contract right that may be enforced by the indemnitee.

b. Cumulative Right Such right of indemnification shall not be exclusive of any other right which such member of the Board of Governors, officer, or representative may have or hereafter acquire, and without limiting the generality of such statement, each shall be entitled to his or her respective rights of indemnification under any agreement, provision of law, or otherwise.

TIPS FOR SUCCESS

If you are a mentor:

- Take the time to develop a meaningful mentoring relationship. In an optimal setting, this relationship is an opportunity for mutual learning and growth.
- Set both expectations and boundaries early. At the initial meeting, calendar your future meetings. Inform your new lawyer about the best time to call with questions or issues, when they are more likely to get your undivided attention. Alternatively, email may be preferred by both new lawyer and mentor.
- Be prompt and give plenty of notice when you need to reschedule.
- Listen to your new lawyer's concerns and, especially in the beginning, draw out those concerns that the new lawyer may be reluctant to raise.
- Recognize that new lawyers may differ in what they hope and need to get out of a mentoring relationship. Be willing to modify your own approach to assure you are providing your new lawyer with what he or she is seeking while still meeting the requirements of the program.
- Create a safe environment for the new lawyer's growth by being accessible and nonjudgmental, keeping confidences, and inviting open and frank conversations.
- Acknowledge the issues facing new lawyers who are ethnic minorities, or who may face particular challenges because of their religion, sexual orientation, economic status, national origin or age.
- Remember that the only stupid question is the one that isn't asked. Encourage your new lawyer to ask, ask, ask. Be respectful and responsive with your answers.
- Your responsibility is not to direct or supervise your new lawyer's work, but to be a guide for the development of professional values and skills.
- Share your experience and talent freely; be the role model you would want.

If you are a new lawyer:

- Be respectful of your mentor's time. Be prompt and give plenty of notice if you need to reschedule a meeting. Make good use of your meeting time; come prepared with a list of things you want to discuss.
- Your mentor's "war stories" can be valuable learning tools, especially if you can relate them to a situation of your own.
- Ask questions! Don't let your ego get in the way of accepting feedback and constructive criticism from your mentor.
- Build multiple mentor relationships; your mentor will not be able to advise you in every aspect of your professional or personal life. Develop effective networks with peers, other lawyers in and outside your workplace, judges, family and friends.
- Your reputation in the community will be based on your interactions with your mentor, your clients, your work colleagues, opposing counsel, court staff and judges. Nurture it and guard it zealously.