

RURAL VIRTUAL PRACTICE PROGRAM HANDBOOK



2017

Colorado Attorney Mentoring Program &
Colorado Bar Association Modern Law
Practice Initiative

This handbook is intended to guide mentors and protégés
participating in the CAMP/CBA Rural Virtual Practice
Program.

Rural Virtual Practice Program Handbook

COLORADO ATTORNEY MENTORING PROGRAM & COLORADO BAR ASSOCIATION MODERN LAW PRACTICE INITIATIVE

HISTORY AND PURPOSE OF THE RURAL VIRTUAL PRACTICE PROGRAM

Recognizing the need to address the changing profession and striving to create innovative, new mentoring opportunities, this pilot program is a joint collaboration between the Colorado Supreme Court and the Colorado Bar Association.

Colorado Attorney Demographics

In 2015, the Colorado Office of Attorney Registration approved admission for 1,798 attorneys. Of these admissions, 949 of these attorneys are considered “new” attorneys in their first 3 years of practice. There are 7,493 lawyers actively practicing in Denver itself. With a current estimated city population of 570,901, this means that 1 in every 76 people in Denver is a practicing lawyer. With these demographics, it is no surprise that the 2015 national unemployment rate for new lawyers is a whopping 15.5%.

The Legal Services Corp. says 1 legal aid attorney is available for every 6,415 low-income Americans, which means that 4 out of 5 of those people’s civil legal problems are not being addressed. More specifically, according to the U.S. Census Bureau, there were approximately 118,670 indigent people in Denver County in 2013. With 7,493 actively practicing attorneys, that calculates to a ratio of 1 attorney for every 16 indigent people. In comparison, there were 23 registered attorneys in Montezuma County in 2015 with an estimated indigent population of 4,884. In Montezuma County, therefore, the ratio is 1 attorney for every 211 indigent people. Similar statistics prevail for rural areas throughout the state of Colorado.

Even more poignantly, the State Court Administrator’s Office reported that in 2016, the number of parties without lawyers in the 22nd Judicial District was higher than the state average across the board. In domestic relations cases, 81% of parties were pro se in the 22nd Judicial District compared to 75% statewide. In district civil cases 43% of parties were pro se compared to 39% statewide and in county court civil cases the averages were 72% versus 61% respectively.

Nearly 20 percent of Americans live in rural areas, but the New York Times says just 2 percent of small law practices are in those areas. Currently, many lawyers still practicing law in small towns are nearing retirement age, often without anyone to take over their practices. And without an attorney nearby, rural residents may have to drive 100 miles or more to take care of routine matters like child custody, estate planning and taxes. For people of limited income, a long drive is a logistical hardship, requiring gas, a day away from work and sometimes an overnight stay. And census information shows that rural communities are disproportionately poor.

All this creates a “justice gap,” with legal needs going unmet because potential clients can’t find a lawyer, or they can’t afford the lawyers they can find.

Unfortunately, new attorneys are often only aware of the difficulties associated with choosing a rural law practice after graduation and mirror a general trend toward Americans concentrating in cities. One such difficulty is the problem of high student loan debt. Debt prevents brand new lawyers from buying an entire practice outright, one traditional way to get started. And then there's love and marriage. New lawyers want to be in a place where it's easy to meet people, especially if they're single. Or if they have a significant other or spouse, the other barrier is wanting to make sure they have opportunities for their significant other as well.

There is a clear need to capitalize on the benefits of both having a rural practice and living in a metropolitan area to create a pipeline of new rural/mountain practitioners.

Cost of Law Practice Management

Modern representation is defined as practicing law in innovative ways that meet the client's needs and budget. The concept of modern representation originated as a means of closing the access to justice gap – providing legal services for the 60% of civil litigants statewide currently proceeding with their cases without lawyers. What has emerged is a business model that provides affordable legal services for this large portion of the population while simultaneously enabling a lawyer to build a sustainable and fulfilling law practice. The Rural Virtual Practice Program is a means to introduce the benefits of this business model to clients and lawyers in rural areas, since many of the tenants of modern representation are naturally aligned with the goals of the Rural Virtual Practice Program.

As stated, a primary focus of modern representation is to provide affordable legal services. From the client's perspective this is done by offering alternative fee arrangements such as unbundled services (or limited scope representation), flat fees, contingency agreements, sliding scale rates, payment plans, capped fees or a combination thereof. For a lawyer to maintain a sustainable practice offering such fee arrangements, the lawyer must maximize efficiency and keep overhead to a minimum.

A significant way to reduce overhead is by maintaining a “virtual office”, which exists solely on a computer with a secure portal that both the client and the lawyer can access anywhere with an Internet connection. A virtual office allows clients and lawyers to not only share documents and correspondence through the computer but to meet with each other face-to-face through low-cost video applications such as Skype or Zoom.

With the Rural Virtual Practice Program, the client can be introduced to the secure portal and video conferencing at the local practitioner's office, letting the client gradually transition from meeting with a “live” lawyer to meeting with a “virtual” one from the comfort of their own home or a room at a local library. A virtual office benefits both the client and the lawyers by reducing travel time and costs, expanding the number of lawyers people in rural areas can choose from, minimizing the need for office space in the city and rural area, and eliminating the cost of paper supplies and postage.

Pilot Program Goals

The goal of the Rural Virtual Practice Program is to match new lawyers in Denver with an established lawyer in a rural or mountain community in a mentoring, clerkship and/or co-counseling relationship. Once paired with each other, the participants will:

- Work on client matters together
- Follow a structured mentoring curriculum to provide practical opportunities for discussion and professional growth
- Assess opportunities for physical or virtual law practice in that location
- Connect with the local legal community (bar associations, legal organizations, etc.)

- Meet the local judiciary and staff
- Explore the region and broader community, including demographics and legal needs
- Discuss succession planning and employment options for new lawyers

The purpose of the pairings is to introduce the new lawyer to rural/mountain practice, while allowing the new lawyer to maintain the majority of his or her time in the Denver metro area through the use of virtual practice tools. It also gives the established lawyer time to get to know the young lawyer. If it's a good match, the established lawyer may be able to offer an associate or junior partner position at a competitive salary to account for the fact that the new lawyer already knows the office and the community.

Positive program outcome objectives are as follows:

- Improved access to lawyers for rural/mountain residents by increasing the number of available attorneys and providing affordable legal services
- Increased succession planning for established rural/mountain lawyers considering retirement in the next 3 to 5 years
- Well-developed virtual practice skills for participants and the local judiciary
- Creation of pipeline for developing rural/mountain lawyers

CHECKLIST FOR PARTICIPATION IN THE PROGRAM

Mentor	Mentee
Basic Qualifications	Basic Qualifications
<input type="checkbox"/> Licensed Colorado Attorney	<input type="checkbox"/> Licensed Colorado Attorney
<input type="checkbox"/> 5+ Years in Practice	<input type="checkbox"/> Submitted Mentee Application to CAMP
<input type="checkbox"/> No Past Discipline	<input type="checkbox"/> Interest in rural/mountain practice
<input type="checkbox"/> Submitted Mentor Application to CAMP	<input type="checkbox"/> Virtual law practice capability
<input type="checkbox"/> Established rural or mountain law practice outside Denver metro area ¹	<input type="checkbox"/> Ability to travel to rural/mountain location at least twice monthly
Professional Liability Insurance	Professional Liability Insurance
<input type="checkbox"/> Currently carrying malpractice insurance, or	<input type="checkbox"/> Currently carrying malpractice insurance, or
<input type="checkbox"/> Will obtain malpractice insurance w/in 14 days	<input type="checkbox"/> Will obtain malpractice insurance w/in 14 days
Employer Permission	Employer Permission
<input type="checkbox"/> Obtain written permission from employer to participate in program	<input type="checkbox"/> Obtain written permission from employer to participate in program
<input type="checkbox"/> Submit written permission to CAMP office	<input type="checkbox"/> Submit written permission to CAMP office
<input type="checkbox"/> Conflict check for potential clients	<input type="checkbox"/> Conflict check for potential clients
Access to Clients	Documents to Complete
<input type="checkbox"/> Case currently pending and available for co-counseling opportunity; or	<input type="checkbox"/> Mentoring Agreement
<input type="checkbox"/> Ability to obtain a case for co-counseling opportunity; or	<input type="checkbox"/> Co-Counseling Agreement
<input type="checkbox"/> Available pro bono opportunities in rural location	<input type="checkbox"/> Engagement Agreement
Documents to Complete	
<input type="checkbox"/> Mentoring Agreement	
<input type="checkbox"/> Co-Counseling Agreement	
<input type="checkbox"/> Engagement Agreement	

Mentors and mentees must be able to check all corresponding boxes to participate in the Rural/Virtual Practice Program.

THE MENTORING AGREEMENT

The Mentoring Agreement will govern the mentoring relationship from start to finish. It is a requirement of the program that this Agreement be reviewed and signed by the mentor, mentee, mentee and mentor’s firm representative and the client. The Mentoring Agreement should then be returned to the CAMP office with the client name redacted. **The Mentoring Agreement is found in Appendix 1 to this Handbook.**

In signing the Agreement, all parties involved acknowledge that the Rural Virtual Practice Program is not the standard CAMP by developing a rural virtual law practice, client counseling and trial advocacy skills, which

¹ Defined as a location not within the City and County of Denver, Arapahoe County, Jefferson County, Adams County, Douglas County, or the City and County of Broomfield.

are compatible with core values and ideals of the legal profession and the best practices for meeting those ideals.

The specific objectives of the Rural Virtual Program (“Program”):

- Promote excellence in the practice of law
- Promote professionalism and collegiality among members of the bar through exercise of ethical and civil behavior
- Inclusion and involvement of attorneys in the Colorado legal community, including teaching the value of networking and developing mentor relationships
- Promote high standards for client representation through early instruction regarding competency and the exercise of sound and reasoned judgment
- Promote high standards for client representation through acting as co-counsel on behalf of consenting clients after full disclosure to the clients
- Promote high standards for client representation through early instruction about best practices, including ethical and professional courtroom trial practice and legal customs learned from practical experience
- Promote public service as an indispensable component of professionalism, and instill pride in the profession and the role lawyers have played and continue to play in shaping and preserving our nation’s values
- Further close the “Access to Justice” gap in rural Colorado by creating a pipeline for the development of rural/mountain lawyers.

All parties involved must acknowledge and abide by the following Program rules:

- Any communication between the mentor and the mentee arising out of their participation in the Program will be confidential as to client confidences, the preparation of the case for trial, the trial of the case, the appeal of the case to a higher court and the negotiation of resolution of the case
- As with any co-counselling arrangement, the confidential and work product protected relationship between mentor and mentee must be in compliance with the Colorado Rules of Professional Conduct
- Mentor and mentee will be attorneys of record for the client with agreement by the client and in compliance with the Colorado Rules of Professional Conduct
- All fees generated and any costs incurred shall be incurred by the mentor and mentee in compliance with the Colorado Rules of Professional Conduct
- The Mentor and Mentee shall be covered by an appropriate professional liability policy or equivalent maintained by their respective offices
- The Mentee agrees to waive all claims against, and to hold harmless, the Mentor; the Supreme Court of Colorado, its employees and agents; the Colorado Bar Association, its employees and agents; and the Participating Organization, its employees and agents, for any actions or inactions associated with the Program or with the Mentee’s participation in same
- The Mentor agrees to waive all claims against, and to hold harmless, the Mentee; the Supreme Court of Colorado, its employees and agents; the Colorado Bar Association, its employees and agents; and the Participating Organization, its employees and agents, for any actions or inactions associated with the Program or with the Mentor’s participation in same.

As of the date of this Handbook, the Colorado Attorney Mentoring Program is unaware of any claims or grievances arising out of co-counseling and pro bono mentor programs in Colorado and the United States. Nevertheless, it is very important that the rules of the Colorado Attorney Mentoring Program be followed in an effort to reduce the risk of future malpractice claims or professional conduct grievances arising from these unique types of mentoring relationships.

Conflicts Check

Prior to executing an engagement agreement with any client whose matter is to be handled by a mentoring pair matched through this program, a comprehensive conflicts check must be completed by both the Mentor and Mentee in accordance with Colorado Rules of Professional Conduct 1.6, 1.7, 1.8, 1.9, and 1.10. Only upon confirmation, in writing, by both the Mentor and Mentee (and their respective law firm or organization) that no conflict of interest exists may the mentoring pair produce an engagement agreement to the prospective client.

Co-Counseling Agreement

Upon the successful completion of a conflicts check, the mentoring pair shall execute a Co-Counseling Agreement to outline the rights and responsibilities of the Mentor and Mentee in the context of the co-counseling arrangement. The Agreement should be signed by the Mentor and Mentee, as well as by a representative of their respective law firms. As many firms utilize their own co-counseling agreements, CAMP and the CBA have not created a template agreement. However, all co-counseling agreements should be sure to address the following important issues:

RELATIONSHIP OF CO-COUNSEL

- Responsibility for directing the course and conduct of the client matter and ensuring that the matter is prosecuted or resolved in a timely and professional manner
- Assignment of specific task responsibility to all attorneys participating in the case
- Cooperative work relationship and communication regarding all developments in the case, including communications with the client, court and opposing counsel

IDENTIFICATION

- Pleadings and other papers shall bear the names of all participating attorneys and shall be signed by or on behalf of the principal drafter

LITIGATION EXPENSES

- Party responsible for advancing all litigation expenses in the case not paid for by client
- Definition of litigation expenses
- Approval of litigation expenses

LIABILITY FOR ASSESSMENT OF FEES OR SANCTIONS

MAINTENANCE AND EXCHANGE OF RECORDS

RECOVERY OF ATTORNEY FEES AND LITIGATION EXPENSES

- In accordance with Colorado Rules of Professional Conduct 1.5(d)(1-3)

PROFESSIONAL LIABILITY INSURANCE

WITHDRAWAL

DISPUTE RESOLUTION

Engagement Agreement

Upon the completion and execution of the Co-Counseling Agreement, the Mentor and Mentee should execute an Engagement Agreement with the client. Unless a prior attorney/client relationship exists between the client and the Mentee, the Engagement Agreement should be drafted by the Mentor (or Mentor's Law Firm) and signed by both the Mentor and Mentee.

Professional Liability Insurance

It is imperative that both the Mentor and Mentee maintain professional liability insurance. While CAMP and the CBA do not anticipate any increased risk of malpractice claims or professional responsibility grievances arising from this program, for the benefit of client protection both parties must carry adequate professional liability insurance.

Your professional liability insurer may require notice of a co-counseling relationship prior to extending coverage to such an action. Please ensure that you have read and complied with the terms and conditions of your policy and have communicated with your carrier as necessitated by the policy.

If you are not presently covered by a professional liability policy, the American Bar Association maintains a list of carriers providing professional liability insurance in Colorado. That list can be found at: <http://apps.americanbar.org/legalservices/lpl/directory/states/co.html>

The CBA's endorsed broker is HUB International. The CBA's endorsed direct carrier is ALPS. More information about ALPS can be found here: <http://www.alpsnet.com/colorado>

Both the Mentor and Mentee must have professional liability insurance coverage prior to the execution of an Engagement Agreement with a client.

****For purposes of client confidentiality, the Co-Counseling Agreement and Engagement Agreement should not be provided to the staff of CAMP or the CBA****

PROGRAM OUTCOMES & CLE CREDIT

The outcome of the client representation has no impact on the mentoring pair's ability to earn CLE credits for participation in the program. The mentoring pair need only see the client matter to completion, whether by trial or settlement.

Upon successful completion of the program, the Mentor and Mentee will earn 15 general CLE credits and 2 ethics credits. Credits should be claimed by submitting a Certificate of Completion to the CAMP Director. **The Certificate of Completion is found in Appendix 2 to this Handbook.**

Mentees should include with the Certificate of Completion a Letter to the CAMP Director summarizing the co-counseling experience (avoiding client names for confidentiality) and addressing the Mentee's self-assessment of skill level, including best practices learned, as it pertains to the following practice skills:

- Professionalism
 - Client Consent & Engagement
 - Communication with Opposing Counsel

- Conflicts
- Communication with the Court
- Communication with the Jury
- Introspective Lessons Learned
 - Is rural/mountain a good fit for you?
 - Is virtual law practice a good fit for you?
 - What was the most challenging aspect of rural/mountain or virtual work for you?
 - What did you enjoy most about rural/mountain or virtual work?
 - In what areas do you need improvement?
- Best Practices for Trial (If Applicable)
 - Organization and Preparation
 - Voir Dire or Motions Practice (if a bench trial)
 - Witness Testimony
 - Objections
 - Opening & Closing Statements
 - Technology
- How do you plan to continue serving the rural/mountain residents in the community in which you are working?

Mentoring Plan

The Rural/Virtual Practice Program provides a structured, formal mentoring curriculum to facilitate discussion and create practical outcomes within the mentoring relationship. The mentoring curriculum asks program participants to consider issues unique to rural/mountain practice, explore law office start-up and management options and improve client counseling and trial advocacy skills. In addition, the mentoring curriculum is designed to introduce the mentee to the mentor's local legal community and consider how professionalism, ethics and public service should be addressed in practice. **The Rural/Virtual Mentoring Curriculum is found in Appendix 3 to this Handbook.**

Questions regarding the Rural Virtual Practice Program should be directed to

Ryann Peyton, Director, Colorado Attorney Mentoring Program
at r.peyton@csc.state.co.us

303-928-7750

or

Erika Holmes, Chair, Colorado Bar Association Modern Law
Practice Initiative at

Erika@ELHolmesLaw.com

303-653-9120

APPENDIX 1- MENTORING AGREEMENT



Colorado Attorney Mentoring Program

Colorado Rural Virtual Practice Program

(For Mentoring Relationships between Lawyers Not in the Same Office or Firm)

We agree to participate in the Colorado Attorney Mentoring Program (the “Program”) in accordance with its rules and regulations as may be amended from time to time. We understand that we will be paired in the Colorado Rural Virtual Practice Program, established by CAMP pursuant to Rule 255 C.R.C.P. We understand that this Program is not the standard CAMP Mentoring Program, but is intended to complement traditional one-on-one mentoring relationships by developing a rural virtual law practice, client counseling, and trial advocacy skills, which are compatible with core values and ideals of the legal profession and the best practices for meeting those ideals.

We acknowledge the specific objectives of the Program:

- Promote excellence in the practice of law.
- Promote professionalism and collegiality among members of the bar through exercise of ethical and civil behavior.
- Inclusion and involvement of attorneys in the Colorado legal community, including teaching the value of networking and developing mentor relationships.
- Promote high standards for client representation through early instruction regarding competency and the exercise of sound and reasoned judgment.
- Promote high standards for client representation through acting as co-counsel on behalf of consenting clients after full disclosure to the clients.
- Promote high standards for client representation through early instruction about best practices, including ethical and professional courtroom trial practice and legal customs learned from practical experience.
- Promote public service as an indispensable component of professionalism, and instill pride in the profession and the role lawyers have played and continue to play in shaping and preserving our nation’s values.
- Further close the “Access to Justice” gap in rural Colorado by creating a pipeline for the development of rural/mountain lawyers.

We acknowledge and will abide by the following Program rules:

- Any communication between the mentor and the mentee arising out of our participation in the Program will be confidential as to the client confidences, the preparation of the case for trial, the trial of the case, the appeal of the case to a higher court, and the negotiation of resolution of the case.
- As with any co-counselling arrangement, the confidential and work product protected relationship between mentor and mentee must be in compliance with the Colorado Rules of Professional Conduct.
- Mentor and mentee will be attorneys of record for the client with agreement by the client and in compliance with the Colorado Rules of Professional Conduct.
- All fees generated and any costs incurred shall be incurred by the mentor and mentee in compliance with the Colorado Rules of Professional Conduct.
- The Mentor and Mentee shall be covered by an appropriate professional liability policy or equivalent maintained by their respective offices.
- The Mentee agrees to waive all claims against, and to hold harmless, the Mentor; the Supreme Court of Colorado, its employees and agents; the Colorado Bar Association, its employees and agents; and the Participating Organization, its employees and agents, for any actions or inactions associated with the Program or with the Mentee's participation in same.
- The Mentor agrees to waive all claims against, and to hold harmless, the Mentee; the Supreme Court of Colorado, its employees and agents; the Colorado Bar Association, its employees and agents; and the Participating Organization, its employees and agents, for any actions or inactions associated with the Program or with the Mentee's participation in same.

We understand that there have been no known claims or grievances arising out of other states' mentor programs or any mentor programs in Colorado. Nevertheless, we understand that it is very important that the rules of the Colorado Attorney Mentoring Program be followed in that specific client confidences shall not be disclosed in the case of mentors and mentees who do not share clients.

We pledge to devote the time and effort needed to complete the activities selected in our Mentoring Plan.

We hereby certify that we have read the above Mentoring Agreement and agree to its terms.

Signature of Mentee Date

Signature of Mentor Date

Print/Type Name

Print/Type Name

Attorney Registration Number

Attorney Registration Number

Signature of Mentee Firm Representative

Date

Print/Type Name

Signature of Mentor Firm Representative

Date

Print/Type Name

Signature of Client

Date

Print/Type Name

APPENDIX 2 – CERTIFICATE OF COMPLETION



Colorado Attorney Mentoring Program

Colorado Trial Attorney Mentoring Program

Certificate and Affidavit of Completion of Mentoring Program

We, _____, Mentor, and _____, Mentee, completed the *Rural/Virtual Practice Program*. We have met the requirements of the program and request certification for 15 General CLE Credits, including 2 Ethics CLE Credits as can be seen by our attached reports.

During our work in the program, we focused on the skills for the professional and ethical practice of law in furtherance of the objectives of the *Colorado Attorney Mentoring Program (CAMP)*. The skills and lessons learned are outlined in the enclosed Letter to the Director authored by the Mentee.

I hereby attest that the above information is true and accurate to the best of my knowledge.

Signature of Mentee Date

Signature of Mentor Date

Print/Type Name

Print/Type Name

Attorney Registration Number

Attorney Registration Number

NOTE: Each participant must submit this form to the Director of the Colorado Attorney Mentoring Program. Upon receipt and verification the Director will approve and submit the certificate to the Board of Legal and Judicial

Education for recording of the credits. The Director will notify the participants that their certification has been accepted and submitted to the CLJE Board. No additional forms or affidavits need be submitted to either CAMP or CLJE.

Return this form to the Colorado Attorney Mentoring Program:

CAMP Director:	Ryann Peyton
Email:	r.peyton@csc.state.co.us
Mailing Address:	Colorado Attorney Mentoring Program (CAMP) Colorado Supreme Court Ralph L. Carr Judicial Center 1300 Broadway, Suite 230 Denver, Colorado 80203 (303)928-7750
Administrative Assistant:	Lauren Eisenbach
Email:	l.eisenbach@csc.state.co.us

APPENDIX 3 – MENTORING PLAN



Mentoring Plan for Rural Virtual Practice Program

NOTE: If you wish to delete activities or to add activities not listed, simply confirm with CAMP or with your Sponsoring Program facilitator, especially if you plan to apply for CLE Credit Certification.

1. Initial Planning Meeting, Personal and Professional Development (complete all)

Action	Mark completed items
Meet in person to prepare the customized mentoring plan based on the Mentee’s needs and interests. Discuss best communication methods for each attorney, and consider scheduling all remaining meetings/activities for the mentoring term.	
In tailoring the mentoring plan to the Mentee’s interests, discuss long-term practice goals and identify ways to achieve them.	
Discuss options for incorporating virtual participation of the Mentee in the rural practice.	
The mentor should introduce the Mentee to the firm’s attorneys and staff. As mentor is located in a rural or mountain legal community, mentor should introduce the mentee to at least three other local attorneys.	
Include in the meeting professional identity discussion, including discussion about inclusiveness and diversity, work-life balance, mental health and substance abuse issues facing lawyers, and the services available to attorneys regarding these health issues.	

2. The Colorado Bar and Legal Community (complete at least one)

Action	Mark completed items
Mentor and mentee attend a meeting of their local bar association. Introduce the Mentee to other attorneys in attendance.	
Meet at the local courthouse(s), particularly the one in which the Mentee may be appearing, and make introductions to members of the judiciary, court personnel, and clerks of court. Discuss customary rules of civility or etiquette in court and among lawyers and judges in the community.	
Attend a Term Day (or similar activity) which involves a gathering of judges and attorneys of the local bar.	

3. History and Importance of Mountain & Rural Law Practice (complete all)

Action	Mark completed items
Meet together to discuss how to define “Small Town” practice in today’s global society	
Discuss specifically the notion of “Wall Street” vs. “Main Street” to develop the mentee’s preferences and ideals concerning the type of law practice they want to create. What are the pros and cons of practicing outside of Denver?	
Discuss ways to provide affordable legal services to clients through modern representation.	

4. Colorado Rules of Professional Conduct, Professionalism, and Civility

Action	Mark completed items
Required (to be completed with the activity elected from list below)	
The pair should discuss the distinction between the Colorado RPC and professionalism; the attorney’s obligations to the court, the client, and opposing counsel; common ethical issues and resources for how to resolve difficult ethical questions; common grievance and malpractice “traps” and how to avoid them; the benefits of carrying malpractice insurance and the ramifications for failing to do so.	
Complete at least one of the following:	
Discuss how to screen for, recognize, and avoid conflicts of interest, especially in regards to repeat clients.	
Discuss the responsibilities of the client and the lawyer in decision-making, the best ways to involve a client in their case. Discuss client communications generally, e.g., how to say no to a client, billing issues, etc.	
Discuss how to prepare for negotiation of a legal matter, when and how negotiation is initiated, how to involve the client, ethical and professionalism obligations of negotiators, skills needed to be an effective negotiator and how to acquire them.	
Discuss appropriate ways to handle situations where a lawyer believes another lawyer has committed an ethical violation or otherwise acted unprofessionally or uncivilly; the obligation to report misconduct; and the appropriate way to handle a situation where the Mentee is asked by a senior member of the firm/organization to do something that is unethical or unprofessional.	
Discuss the grievance process and a lawyer’s duty to cooperate with a disciplinary investigation.	
Discuss client development and marketing, appropriate procedures and ethical implications.	
Discuss the Colorado Rules of Civil Procedure and Rules of Professional Conduct pertaining to limited scope representation.	

5. Law Practice Start-Up (complete at least two)

Action	Mark completed items
<p>FINANCE: As with any business, there is an initial cost to starting up your practice. Many practices start off on a shoestring budget and make more substantive investments once the cash begins to flow in. But, you will need some cash or credit initially for the essentials, like malpractice insurance. Make a list of the essentials versus non-essentials and the costs associated. Use that information to construct a budget – include initial and monthly costs through your first year. Thus, you’ll know what funds you need upfront and how much you need to make over the course of the year to cover expenses (and profit). Accompanying your budget should be revenue projections for the year. This may seem difficult upfront, but necessary to set goals for your practice and be realistic about expectations. For assistance, including how to lower startup costs with modern representation, see the Successful Business Planning for the Modern Law Practice available to members on the CBA website.</p>	
<p>MARKETING: You can no longer merely “hang a shingle” and expect clients to walk through your door. As competition increases and more and more prospective clients look to the Internet for answers to their legal problems, you need to have your pulse on new marketing strategies. Especially when starting out, you should have a marketing plan or platform to inform where and how you will market to prospective clients and referral sources. At the outset, focus on what you know and what you’re good at, but make sure to include some variety and continue to redefine your plan based on legal trends and analytics (what’s working, what’s not).</p>	
<p>OPERATIONS: When opening your own practice, you should understand that to run a profitable and sustainable practice, you must run it like a business. As such, you’ll need to establish operational procedures and pay attention to administration in order to ensure a smooth ride. Operations include maintenance of your office space (whether home, virtual or office), organization of your file system, opening new matters, communicating with clients and setting policies for streamlined administration.</p>	
<p>RISK MANAGEMENT: No law firm or attorney is immune to suit for malpractice or complaint, the loss of data or an unexpected emergency. By building risk management strategies into your new business, you can drastically minimize the impact of any of these unfortunate situations.</p>	
<p>TECHNOLOGY: Technology is no longer the “future” of law practice, it is the present. Leveraging technology in your practice can provide huge benefits, including increasing productivity, efficiency and minimizing malpractice risk. While there is no right answer as to the specific technology you should purchase, consider the basic technology that you need in a modern law office and best practices to ensure that you protect yourself and your clients.</p>	

6. Law Office Management and In-Office Procedures

Action	Mark completed items
<p>Required (to be completed with the activity(s) elected from list above)</p>	

<p>Discuss law office management best practices (preferably including a tour of the mentor’s office), and the importance of maintaining organized procedures:</p> <ul style="list-style-type: none"> • Time records. • Records of client-related expenses. • Billing system. • Client retainer and/or payment schedules, types of fee agreements, including alternative fee arrangements. • Escrow and trust account, establishing a COLTAF, accounting, auditing, use of interest proceeds, proper procedures for handling client funds and other property. • Filing system and procedures. • Document retention plan. • Calendar reminder systems. • Information technology systems. • Library and research systems. • Other resources (publications, seminars, equipment). 	
<p>Discuss law office financial best practices including:</p> <ul style="list-style-type: none"> • Start-up costs • Budget & financial planning for the first year • Projecting revenue for law firms • Law firm profitability • Fee Structures: <ul style="list-style-type: none"> ○ Retainer ○ Flat Fee ○ Contingency Fee ○ Unbundled Services • Billing & collections procedures <ul style="list-style-type: none"> ○ How to take credit card payments ○ Invoice/bill drafting ○ Collecting unpaid fees ○ Third party payors • Setting up a trust account <ul style="list-style-type: none"> ○ COLTAF Accounting ○ When to transfer funds from your trust account ○ Ethical considerations and rules 	
<p>Discuss law office marketing best practices including:</p> <ul style="list-style-type: none"> • Law firm branding • Personal branding • Business card optimization • Networking 101 • Website building block • Search engine optimization • Blogging • Social Media • Email Marketing • Ethical considerations in lawyer advertising 	

<p>Discuss law office risk management best practices including:</p> <ul style="list-style-type: none"> • Starting a small business • Developing a business plan • Entity selection • Taking on partners • Tax implications • Selecting a malpractice insurance provider • Choosing malpractice coverage options • Succession planning • Data security • Cloud storage • Physical document retention and storage • Backup technology systems 	
Complete at least one of the following:	
Discuss role and responsibilities of paralegals, secretaries and other office personnel, and how to establish good working relationships with others in the same office who are support staff or colleagues (i.e. in an office sharing situation).	
Discuss practices to maintain client confidentiality.	
Discuss how to prevent issues of unauthorized practice of law with staff.	
Discuss office politics, including appropriate networking, socializing and personal behaviors.	
Succession Planning: Discuss the importance of planning ahead for handling the practice in the event of retirement, disability or death.	
Discuss the issues surrounding wrapping up a solo firm, such as how to protect oneself, advising clients and withdrawing from cases.	
Discuss the benefits/issues with a collaborative law practice and co-working space.	

7. Mountain & Rural Law Practice

Action Required (to be completed with the activity elected from list below)	Mark completed items
<p>Discuss mountain and rural law practice and the relevance of the following issues when starting a small town law practice:</p> <ul style="list-style-type: none"> • ENGAGE WITH THE COURT CLERKS AND OTHER COURTHOUSE PERSONNEL <p>Court clerks know a lot about the on-the-ground aspects of practicing law and navigating the differing personalities and tendencies of judges. Friendly court clerks can help you get pleadings filed to the liking of their judge and assist in avoiding unintentionally irritating the court. Be friendly to everyone — you might be surprised when you need that janitor to open the door to the courthouse after hours.</p> <ul style="list-style-type: none"> • ALWAYS BE ON TIME AND PREPARED <p>Being early for all court appearances may seem like a “no brainer,” but a large number of attorneys do not appear on time. They will double-book themselves or just show up late. Many attorneys show up without even looking at the materials for the hearing. You can “fake it” on occasion, but lack of preparation is usually readily apparent. Your reputation means everything in a small town. You only get one chance to make a first impression on a judge that may decide every case of your career.</p> <ul style="list-style-type: none"> • BE AVAILABLE 	

<p>In order to be successful in a small-town practice, you must be available. You have to keep regular office hours. You have to be willing to talk to people at the grocery store, the dry cleaners and everywhere else for that matter. You must be visible in the community.</p> <ul style="list-style-type: none"> • BILLING IS IMPORTANT <p>You are in business to help people, and you can't do that if you don't bill properly. We all know attorneys who work all the time; they have hundreds of clients, and they are always at wit's end because they are so busy. However, they don't make nearly as much money as other attorneys in town. The business part of the practice is easy to ignore. You are spinning your wheels if you don't stop yourself and make sure you are billing and collecting.</p> <ul style="list-style-type: none"> • MAKE FRIENDS WITH LOCAL ATTORNEYS AND JUDGES <p>The collegiality of other local attorneys is the most important thing you can have in your professional life. If other attorneys like and respect you, the benefits abound. You always have a friend to call with questions. Even if they are adverse to you in a case, they can help if you make a mistake. Don't be afraid to have friends who are judges. The ethical rules have some constraints on relationships you can have with judges, but there is no reason why judges shouldn't be great friends. You are not befriending them to inappropriately sway their decision. We work with these people daily, and being friends with them should be a natural outcropping of your proper conduct around them.</p> <ul style="list-style-type: none"> • DON'T TAKE CASES YOU DON'T KNOW ANYTHING ABOUT <p>Small towns present a wide variety of legal work. There is a tendency to take matters you know nothing about. If you must take on a matter in an area of law in which you are not familiar, get involved with another attorney the first time or two until you know exactly what needs to be done. If you do not believe you are competent to take on a matter, refer the case to someone who really knows that area.</p>	
Complete at least one of the following as it pertains to small town law practice:	
Discuss role and responsibilities of paralegals, secretaries and other office personnel, and how to establish good working relationships with support staff or colleagues	
Discuss practices to maintain client confidentiality.	
Discuss office politics, including appropriate networking, socializing, and personal behaviors.	
Succession Planning: Discuss the importance of planning ahead for handling the practice in the event of retirement, disability, or death.	
Discuss the benefits/issues with a collaborative law practice and co-working space.	

1. Working With Clients (Complete at least one)

Action	Mark completed items
Discuss importance of client communication, how to maintain appropriate ongoing communication (returning telephone calls, email) to keep clients informed, including use of fee agreements, timeliness, written communication, etc. Discuss how to deal with a "difficult" client. Discuss dealing with clients with respect to the business aspects of the relationship, including billing and other business procedures.	
Discuss proper legal counseling, including the duties and responsibilities of advising clients and the respective responsibilities of the client and the lawyer in decision-making. Discuss how to deal with a "difficult" client.	
Discuss the initial meeting and interaction with a potential client, tips for gathering information about a legal matter, appraising the credibility and trust of the potential client, evaluating whether to accept the representation and how to decline representation. Discuss making and accepting referrals.	
Discuss the termination of the attorney-client relationship, issues with terminating mid-representation and necessary steps and documentation.	

2. Public Service (Complete at least one)

Action	Mark completed items
Get acquainted with legal aid programs, local pro bono programs and other opportunities for engaging in pro bono activities and civic and charitable work. Discuss the reasons for making time to engage in volunteer legal service to the public and any impediments to undertaking such work.	
Mentee attends a civic club of which the Mentor is a member or some other community service activity in which the Mentor participates. Discuss the reasons for making time to engage in volunteer legal service to the public.	
The pair participates in a bar-sponsored or other volunteer program aimed at delivering legal services to the public. Discuss the reasons for making time to engage in volunteer legal service to the public.	
Discuss opportunities to engage modest means clients in an effort to advance access to justice in Colorado.	