



## Colorado Lawyer Self-Assessment Mentoring Plan

**NOTE:** The following discussion topics, learning objectives, and resources are informational in nature. Mentoring pairs can and should modify this mentoring plan to more fully reflect the unique mentoring goals and objectives of the mentoring relationship.

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

Action	Mark completed items
Meet at together in person (where practical) to prepare the customized mentoring plan based on the Mentee’s needs and interests. Utilize the CAMP <a href="#">Initial Goal Plan &amp; Meeting Guide</a> to assist your mentoring pair in developing goals for the mentoring relationship.	
In tailoring your mentoring goals to the Mentee’s interests, discuss short and long-term career goals and identify ways to achieve them.	
Discuss best communication methods for each attorney, and consider scheduling all remaining meetings/activities for the mentoring term.	
Review Mentee’s progress on the Colorado Lawyer Self-Assessment, including Mentee’s responses to the Self-Assessment questions.	
Add Other	
Add Other	

### 2. Developing a Competent Practice

Action	Mark completed items
Evaluate how Mentee measures their legal competencies. As an outcome to this discussion, Mentee might develop an analysis of practice areas, matter types, client types, and Colorado judicial districts in which they feel “competent” to accept. Create a plan for Mentee to routinely visit and update this “Zones of Competency” analysis.	

<p>Highlight areas where Mentee may not feel competent today, but wishes to improve competency over time. Generate a long term plan for Mentee to obtain necessary competencies in these areas of interest.</p> <ul style="list-style-type: none"> <li>• Consider competencies outside of traditional practice competencies, including professionalism, leadership, and well-being <ul style="list-style-type: none"> <li>○ <a href="#">Susan Swaim Daicoff, Other, Expanding the Lawyer's Toolkit of Skills and Competencies: Synthesizing Leadership, Professionalism, Emotional Intelligence, Conflict Resolution, and Comprehensive Law, 52 Santa Clara L. Rev. 795 (2012).</a></li> <li>○ <a href="#">Core competence: 6 new skills now required of lawyers, Furlong, 2008</a></li> </ul> </li> </ul>	
<p>Discuss the advantages of bar association involvement and discuss the many local, state, and national associations available, including any in the Mentee’s specific practice area, as a means to develop referral relationships and networks.</p>	
<p>Assist the Mentee in developing a short term “Competency Plan” in the event that the Mentee is approached to take on a matter or client outside of their scope of Zone of Competency. Included in this plan should be the educational resources, mentors, co-counselors, etc. the Mentee can access to timely acquire the competency required. Developing a plan should also include discussion of whether the Mentee has the financial means and time to take on the representation, particularly if it requires specialized experts or a complex factual scenario.</p>	
<p>Add Other</p>	

**3. Communicating in an effective, timely, professional manner**

Action	Mark completed items
Discuss importance of client communication and strategies to maintain appropriate ongoing communication (returning telephone calls, email, etc.) to keep clients informed, including use of fee agreements, timeliness, written communication, etc. Evaluate any policies adopted by Mentee’s organization or discuss the benefits of adopting a formal communication policy.	
<p>Reflect on 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, how to decline representation.</p> <ul style="list-style-type: none"> <li>• Review Mentee’s template engagement letters and termination letters for compliance with the Colorado Rules of Professional Conduct and best practices in client communication</li> <li>• Consider the following resources: <ul style="list-style-type: none"> <li>○ <a href="#">Colo. RPC 1.5(b)</a></li> <li>○ <a href="#">CNA PROF’L COUNS., LAWYERS’ TOOLKIT 4.0: A GUIDE TO MANAGING THE ATT’Y-CLIENT RELATIONSHIP</a>, CNA (2018) (sample engagement letters and engagement clauses).</li> </ul> </li> </ul>	
Assess best practices for communicating with clients regarding the business aspects of the relationship, including billing and other business procedures. Evaluate Mentee’s collections policies and communication mechanisms related to those policies.	
<p>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.</p> <ul style="list-style-type: none"> <li>• Consider the following resources in your discussion: <ul style="list-style-type: none"> <li>○ <a href="#">Do You Have a Client Centered Law Practice?, Sullivan, 2016</a></li> <li>○ <a href="#">The Lawyer As the Counselor, Burtch, 2010</a></li> <li>○ <a href="#">Who is My Client? Client Centered Lawyering With Multiple Clients, Lawton, 2015</a></li> </ul> </li> </ul>	
<p>Discuss how to deal with a “difficult” client. Include in this discussion tools for evaluating when it is time to withdraw from representation, avoid ethical pitfalls, and professionally and responsibly terminate a client relationship.</p> <ul style="list-style-type: none"> <li>• <a href="#">Taming the Beast, How to Manage Difficult Clients, Lowenthal, 2017</a></li> </ul>	
Add Other	

Add Other	
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**4. Ensuring that confidentiality requirements are met**

<b>Action</b>	<b>Mark completed items</b>
Review the difference between confidentiality, privilege, and work product. Evaluate and discuss best practices for determining confidential vs. privileged information, including best practices for the safe guarding of this information. Consider the following resources in your discussion: <ul style="list-style-type: none"> <li>• <a href="#">Confidentiality, Privilege or Both?, Spencer, 2017</a></li> <li>• <a href="#">The Difference Between Confidentiality and the Attorney-Client Privilege</a></li> </ul>	
Discuss common dilemmas in Attorney-Client Confidentiality and best practices for overcoming these dilemmas <ul style="list-style-type: none"> <li>• <a href="#">Dilemmas in Attorney-Client Confidentiality, Plack, 2004</a></li> </ul>	
Evaluate Mentee’s policies for avoiding inadvertent disclosures and reacting to inadvertent disclosures. If Mentee’s organization does not have a formal policy addressing inadvertent disclosures, assist Mentee in drafting such a policy. Consider the following resources in your work together: <ul style="list-style-type: none"> <li>• <a href="#">Protecting Confidential Legal Information: A Handbook for Analyzing Issues Under The Attorney-Client Privilege And The Work Product Doctrine</a></li> <li>• <a href="#">Working With Vendors Without Waiving Privilege</a></li> <li>• <a href="#">CBA Ethics Op. 108: Inadvertent Disclosure of Privileged or Confidential Documents</a></li> </ul>	
Examine Mentee’s use of social media within their practice. Discuss Mentee’s familiarity with the Rules of Professional Conduct and Best Practices in a lawyer’s use of social media. Work with Mentee to develop a competency in social media use. Consider the following resources in your work together: <ul style="list-style-type: none"> <li>• <a href="#">Social Media for Lawyers</a></li> <li>• <a href="#">A Lawyer's Guide to Keeping It Professional on Social Media</a></li> <li>• <a href="#">Building a Social Media Policy</a></li> </ul>	
Add Other	
Add Other	

**5. Avoiding conflicts of interest**

Action	Mark completed items
<p>Discuss how to screen for, recognize, and avoid conflicts of interest. Evaluate Mentee’s conflict checking systems and policies. Determine whether these systems and policies are compatible with the Colorado Rules of Professional Conduct and best practices in avoiding conflicts of interest. Consider the following resources in your work together:</p> <ul style="list-style-type: none"> <li>• <a href="#">Making a List: The Conflicts Check</a></li> <li>• <a href="#">Colo. RPC 1.7 &amp; cmts. 2, 27, 34; Colo. RPC 1.13(a) &amp; cmts. 1-2, 10-11</a></li> </ul>	
<p>Quiz Mentee on common conflicts of interest pitfalls. Evaluate whether Mentee (1) can identify the issue as a conflict, (2) can determine whether the conflict is waivable, and (3) follows appropriate processes to obtain waiver of the conflict from the client. Consider the following resources in your work together:</p> <ul style="list-style-type: none"> <li>• <a href="#">Mark Bassingthwaighe, Watch Out for These Common Conflict of Interest Traps (ALPS Corp.), Mar. 3, 2015</a></li> <li>• <a href="#">Facts Matter: Identifying Non-waivable Conflicts of Interest</a></li> <li>• <a href="#">Client Consent to Conflicts of Interest</a></li> </ul>	
<p>Discuss how to appropriately withdraw from a matter in which the Mentee has a conflict of interest. In your discussion, review the Mentee’s disengagement letter or assist Mentee in creating one.</p>	
Add Other	
Add Other	

**6. Maintaining appropriate file and records management systems**

Action	Mark completed items
<p>Evaluate Mentee’s File Retention and Destruction systems and policies. Determine whether these systems and policies are compatible with the Colorado Rules of Professional Conduct and best practices in file management. Consider the following resources in your work together:</p> <ul style="list-style-type: none"> <li>• <a href="#">File Management: Retention &amp; Destruction</a></li> </ul>	

<p>Assess Mentee’s knowledge and understanding of file and data security requirements for lawyers. Educate Mentee on best practices for law firm data security and client file privacy. Assist Mentee in developing competency in these topic areas. Consider the following resources in your work together:</p> <ul style="list-style-type: none"> <li>• <a href="#">Best Practices for Law Firm Data Security and Client File Privacy</a></li> <li>• <a href="#">Offline File Security</a></li> <li>• <a href="#">File security crucial when storing in the cloud</a></li> </ul>	
<p>Discuss with Mentee the client’s rights to their own case file. Include in your discussion of who owns the file and the ethical use and implementation of retaining liens.</p> <ul style="list-style-type: none"> <li>• <a href="#">C.R.S. § 12-5-120</a></li> <li>• <a href="#">In re Attorney G., 2013 CO 27, 302 P.3d 248 (2013)</a></li> <li>• <a href="#">RETURNING THE CLIENT’S FILE: A PRACTICAL GUIDE</a></li> </ul>	
Add Other	
Add Other	

**7. Managing the law firm/legal entity and staff appropriately**

Action	Mark completed items
<p>Review 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"> <li>• Time records.</li> <li>• Records of client-related expenses.</li> <li>• Billing system.</li> <li>• Client retainer and/or payment schedules, types of fee agreement</li> <li>• Calendar reminder systems.</li> <li>• Library and research systems.</li> <li>• Other resources (publications, seminars, equipment).</li> </ul>	
<p>Perform an in-depth review of the role and responsibilities of paralegals, secretaries and other office personnel. Work with Mentee to develop communication and leadership skills necessary to establish good working relationships with support staff, associates, and partners. Consider the following</p> <ul style="list-style-type: none"> <li>• <a href="#">Fire &amp; Ice: An Associate’s View of Partners</a></li> <li>• <a href="#">I Don’t Feel Your Pain: A Partner’s View of Associates</a></li> <li>• <a href="#">Six Ways to Work Successfully With Support Staff</a></li> </ul>	
<p>Discuss how to prevent issues of unauthorized practice of law with Mentee’s support staff. Explore the types of training and supervision necessary to be performed or provided by Mentee to prevent UPL.</p> <ul style="list-style-type: none"> <li>• <a href="#">Ethics for Legal Support Staff</a></li> </ul>	

<p>Coach Mentee to navigate office politics, including appropriate networking, socializing, and personal behaviors.</p>	
<p>If Mentee is a solo lawyer, review Mentee’s plans managing the practice in the event of retirement, disability, or death. If no plans exist, work with Mentee to develop appropriate strategies and procedures.</p> <ul style="list-style-type: none"> <li>• <a href="#">Succession Planning</a></li> </ul>	
<p>Discuss the issues that arise when Mentee leaves their firm, including how to protect oneself, advising clients, and withdrawing from cases.</p> <ul style="list-style-type: none"> <li>• <a href="#">How to Leave Your Law Firm and Live to Tell the Tale</a></li> </ul>	
<p>Review evaluation and compensation procedures, and professional advancement within Mentee’s firm. Consider how these procedures apply to Mentee, as well as to support staff and associates the Mentee may manage.</p> <ul style="list-style-type: none"> <li>• <a href="#">What To Know About Negotiating Compensation</a></li> </ul>	
<p style="text-align: center;"><b>**If Mentee is a solo practitioner or managing a small law office, consider the following topics**</b></p> <p><b>Business Plan &amp; Budgets:</b> Review Mentee’s business plan and annual budget to assess each for efficacy and implementation.</p> <p><b>Marketing:</b> Evaluate Mentee’s marketing plan or platform to inform where and how Mentee can effectively market to prospective clients and referral sources. Assist Mentee in making efforts to refine the plan over time based on legal trends and analytics (what’s working, what’s not).</p> <p><b>Operations:</b> Evaluate Mentee’s operations manuals, including employee handbooks, to determine whether such policies and procedures follow best practices for creating and sustaining a professional, competent, and healthy workplace.</p> <p><b>Risk Management:</b> No law firm or attorney is immune to suit for malpractice or complaint, the loss of data, or an unexpected emergency. Evaluate Mentee’s risk management strategies and any policies related to these strategies.</p> <p><b>Consider the following questions in evaluating these documents:</b></p> <ul style="list-style-type: none"> <li>• Do they exist? If not, how can you assist Mentee in developing them during the course of the mentoring relationship?</li> <li>• When is the last time they were updated?</li> <li>• Does Mentee feel as though they are working? What is not working or what can be improved?</li> <li>• What templates, models, or resources were used to create these documents?</li> <li>• What feedback has Mentee received from business partners, support staff, or associates on these documents?</li> </ul>	

Add Other	
Add Other	

**8. Charging appropriate fees and making appropriate disbursements**

Action	Mark completed items
<p>Review Mentee’s engagement letters to evaluate whether they effectively and ethically identify:</p> <ul style="list-style-type: none"> <li>• Scope of work</li> <li>• Fee structure</li> <li>• How and when fees will be earned</li> <li>• Where unearned fees will be kept</li> <li>• Client costs</li> <li>• Termination rights</li> <li>• Disclosure of confidential information</li> </ul> <p>Work with Mentee to refine and improve Mentee’s fee agreement(s) to comply with Colo. RPC 1.2 and Colo. RPC 1.5.</p> <p><a href="#">Engagement Letters: Beginning a Beautiful Relationship</a></p>	
<p>If Mentee performs limited scope or unbundled representation, connect the Mentee with the <a href="#">Colorado Bar Association Modern Law Practice Initiative</a> to obtain practical resources, additional mentoring, and best practices for limited scope lawyers.</p>	
<p>If Mentee engages in flat fee representation, review Colo. RPC 1.5(h). Discuss procedures to comply with the rule’s requirements. This includes discussing how to structure an agreement that would permit the Mentee, if desired, to earn portions of the fee upon completion of specific tasks or events, as well as how to assess the amount of the fee earned if the representation terminates before the completion of specific tasks.</p> <p><a href="#">Colo. RPC 1.5</a></p>	
<p>Evaluate alternative fee arrangement models and discuss whether these models “fit” in Mentee’s business model. If so, consider how Mentee’s fee agreement language needs to be modified to correctly incorporate alternative fee arrangements.</p> <p><a href="#">Creative, Effective, Efficient Legal Fee Arrangements</a></p>	



<p><b>{If not utilizing Section 9 of this Mentoring Plan}</b> Review Mentee’s trust account management policies and procedures. If Mentee does not have or utilize a trust account management policies and procedures, assist Mentee in creating them. Include in this discussion a review of Mentee’s competency and capability in trust account recordkeeping.</p> <p><a href="#">OFF. OF ATT’Y REG. COUNS., COLO. SUP. CT., TRUST ACCOUNT MANUAL, Required Accounting Records</a></p> <p><a href="#">Use of the Client Trust Account: What Not to Do</a></p>	
<p>Add Other</p>	
<p>Add Other</p>	

**9. Ensuring that reliable trust account practices are in use**

Action	Mark completed items
<p>Quiz Mentee on Trust Account Basics. Evaluate whether Mentee (1) can identify the types of trust accounts, (2) booking requirements, and (3) follows appropriate processes to maintain their COLTAF account. Consider the following resources in your work together:</p> <ul style="list-style-type: none"> <li>• <a href="#">“Frequently Asked Questions,” Colorado Lawyers Trust Account Foundation Web Site, coltaf.org.</a></li> <li>• <a href="#">OFF. OF ATT’Y REG. COUNS., COLO. SUP. CT., TRUST ACCOUNT MANUAL, Basic Requirements for Trust Accounts.</a></li> <li>• <a href="#">Colo. RPC 1.15A – 1.15E</a></li> </ul> <p>Assist Mentee in generating a plan for educating themselves on trust account practices based on the results of Mentee’s current knowledge.</p>	
<p>Review Mentee’s trust account management policies and procedures. If Mentee does not have or utilize a trust account management policies and procedures, assist Mentee in creating them. Include in this discussion a review of Mentee’s competency and capability in trust account recordkeeping.</p> <p><a href="#">OFF. OF ATT’Y REG. COUNS., COLO. SUP. CT., TRUST ACCOUNT MANUAL, Required Accounting Records</a></p> <p><a href="#">Use of the Client Trust Account: What Not to Do</a></p>	

<p>If Mentee delegates the duty of trust account management to a non-lawyer third party, quiz Mentee on the roles and responsibilities of the lawyer to supervise the non-lawyer in managing the trust account. Include in this discussion the lawyer’s duties regarding:</p> <ul style="list-style-type: none"> <li>• Reviewing monthly bank statements;</li> <li>• Reviewing the trust account general ledger monthly;</li> <li>• Reviewing client ledgers monthly;</li> <li>• Reviewing images of cancelled checks monthly;</li> <li>• Reviewing trust account reconciliation whenever it is performed.</li> </ul> <p><a href="#">OFFICE OF ATT’Y REG. COUNSEL, COLO. SUP. CT., TRUST ACCOUNT MANUAL, Delegation of Trust Account Duties.</a></p> <p>Assist Mentee in generating a plan for educating themselves on trust account delegation based on the results of Mentee’s current knowledge.</p>	
Add Other	
Add Other	

**10. Working to improve the administration of justice and access to legal services**

Action	Mark completed items
<p>Acquaint the Mentee 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.</p>	
<p>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.</p>	
<p>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.</p>	
<p>Review Mentee’s business model to assess areas where Mentee can reduce costs and increase efficiency. If not already completed in Section 8, connect the Mentee with the <a href="#">Colorado Bar Association Modern Law Practice Initiative</a> to obtain practical resources, additional mentoring, and best practices for providing affordable, limited scope legal services.</p>	

<p>Consider Mentee’s legal service delivery model. Determine whether Mentee can improve their delivery of legal services to include services offered in additional languages, services provided outside of traditional office hours, or services offered through virtual means. Consider the following resources in your work together:</p> <p><a href="#">Clients Need Legal Services But Not Necessarily Lawyers</a></p> <p><a href="#">Improving the Delivery of Affordable Legal Services Through the Internet: A Blueprint for the Shift to a Digital Paradigm</a></p>	
<p>Add Other</p>	

**11. Wellness and inclusivity**

Action	Mark completed items
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<p>Engage Mentee in a self-reflective exercise to determine whether Mentee believes they are thriving in all dimensions of “well-being” including:</p> <p><b>Emotional:</b> Recognizing the importance of emotions. Developing the ability to identify and manage our own emotions to support mental health, achieve goals, and inform decision-making. Seeking help for mental health when needed.</p> <p><b>Occupational:</b> Cultivating personal satisfaction, growth, and enrichment in work; financial stability.</p> <p><b>Intellectual:</b> Engaging in continuous learning and the pursuit of creative or intellectually challenging activities that foster ongoing development, monitoring cognitive wellness.</p> <p><b>Spiritual:</b> Developing a sense of meaningfulness and purpose in all aspects of life.</p> <p><b>Social:</b> Developing a sense of connection, belonging, and a well-developed support network while also contributing to our groups and communities.</p> <p><b>Physical:</b> Striving for regular physical activity, proper diet and nutrition, sufficient sleep, and recovery; minimizing the use of addictive substances; seeking help for physical health when needed.</p> <p>Assist Mentee in developing well-being objectives and a plan to address Mentee’s self-identified deficiencies in these dimensions of well-being. Consider the <a href="#">ABA Well-Being Toolkit for Lawyers and Legal Employers</a> in building a well-being action plan.</p>	
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<p>Engage Mentee in a self-reflective exercise to assess Mentee’s cultural competence. Consider the following questions in engaging in this exercise:</p> <ol style="list-style-type: none"> <li>1. How self-reflective are you about your interactions with colleagues from other cultures or minority groups? (Rate yourself on a scale of 1-5)</li> <li>2. Do you recognize prejudices you may hold about certain race and ethnic groups, or their practices and beliefs?</li> <li>3. Can you identify how ethnocentric you might be in your interactions with colleagues from different cultures?</li> <li>4. How does your ethnic identity affect your decisions when working with members of other cultures?</li> <li>5. How often do you attend functions or take part in activities with colleagues from minority groups?</li> <li>6. Have you discussed any cross-cultural issues that might have arisen in your organization with colleagues or partners?</li> <li>7. Have you attended any training or sought education on cross-cultural issues?</li> <li>8. Have you event challenged a racist attitude by someone, or realized you might have made/thought one?</li> <li>9. How much do you value the skills of compassion, neutrality, non-judgment, acceptance, and listening in your interactions?</li> <li>10. Do you have an implicit or conscious belief in the superiority of your own ethnic group?</li> </ol>	
<p>In considering Mentee’s cultural competence, you both should take steps to increase your awareness of implicit bias and other barriers that affect those underrepresented in the legal profession, by completing <a href="#">Project Implicit's free online assessments</a>. Review the results of these assessments together. Discuss what surprises you about the outcomes and what steps you can take to improve your implicit biases.</p>	
<p>Add Other</p>	
<p>Add Other</p>	