



Modern Law Practice Mentoring Plan Curriculum

(If you wish to do an activity not listed, confirm with your facilitator beforehand that the activity meets the goals of the particular curriculum subject.)

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

Action	Mark completed items
Meet to prepare the customized mentoring plan based on the Mentee's needs and interests. Discuss best communication methods for each lawyer and consider scheduling all remaining meetings/activities for the mentoring term.	
In tailoring the mentoring plan to the Mentee's interests, discuss long-term career goals and professional identity and consider ways to achieve them.	
The mentor should introduce the Mentee to the firm's attorneys and staff (if applicable).	
If mentee has already started a modern law practice, encourage Mentee to complete the Colorado Lawyer Self-Assessment . Specifically focus on Section 9 which references Access to Justice. Review Mentee's responses to the Self-Assessment questions, and incorporate areas of improvement into this mentoring plan.	
Include in the meeting a day-in-the-life discussion, including discussion about work-life blend, mental health and substance abuse issues facing lawyers, and the services available to attorneys regarding these health issues.	

2. History and Importance of Modern Representation and Legal Entrepreneurship

Action	Mark completed items
Meet together to discuss the rise of modern representation and legal entrepreneurship in the last decade.	
Discuss specifically how modern representation fits in to the overall legal profession and the importance of said field.	

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

Action	Mark completed items
Mentor and Mentee attend a Modern Law Practice Initiative bar association meeting or other attorney networking event focusing on modern lawyer interests. Introduce the Mentee to other lawyers in attendance. Discuss the advantages of bar association involvement and discuss the many local, state, and national associations available to lawyers and legal entrepreneurs.	
Attend Trust Account School offered by the Office of Attorney Regulation Counsel.	

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 Modern Representation 101 or other courses focusing on modern representation offered by CBA/CLE.	
Discuss the benefits of the Colorado Lawyer Assistance Program (COLAP) and how it can be a resource to any lawyer needing confidential assistance for any career challenge that interferes with the ability to be a productive member of the legal community; including but not limited to: Practice Management, Work/Life Integration, Stress/Anger Management, Anxiety, Depression, Substance Use, and Relationship Issues.	

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.	
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.	
Discussing creating and managing positive and productive relationships with opposing counsel.	
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 Professional Conduct which particularly obtain to providing unbundled and limited scope services. Use the following resources in your work together: http://www.cobar.org/Portals/COBAR/repository/ethicsOpinions/FormalEthicsOpinion_101.pdf https://www.cobar.org/For-Members/Law-Practice-Management/Lending-Library/Unbundling https://iaals.du.edu/sites/default/files/documents/publications/judgetaubman.co_roadshow.pptx	

Discuss how the Colorado RPC and professionalism can present unique issues to female attorneys. Discuss ways to avoid common pitfalls and unprofessional acts by other members of the legal profession.	
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5. Law Practice Start-Up (complete at least two)

Action	Mark completed items
Required	
Read the CBA’s <i>Successful Business Planning for the Modern Law Practice</i> (Toolkit). Discuss the topics raised in each chapter as a roadmap to creating/transitioning to a modern law practice.	
Complete at least two of the following:	
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. <i>See Toolkit: Chapter One – Prepare a Budget (section)</i>	
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). <i>See Toolkit: Chapter Six</i>	
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. <i>See Toolkit: Chapter One – Basic Law Practice Checklist (section)</i>	
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. <i>See Toolkit: Chapter Ten – Legal Malpractice Insurance</i>	
TECHNOLOGY: Technology is no longer the “future” of law practice, it is the present. Leveraging technology in modern representation is essential, providing huge benefits such as 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. <i>See Toolkit: Chapter Eight</i>	

6. Law Office Management and In-Office Procedures

Action	Mark completed items

Required (to be completed with the activity elected from list below)	
<p>Discuss law office management best practices (including a tour of the mentor’s office, if applicable) and the importance of maintaining organized procedures including:</p> <ul style="list-style-type: none"> • Time records • Filing system and procedures • Document retention plan • Calendar reminder systems • Library and research systems • Other resources (MLPI, publications, seminars, equipment, CLEs) 	
<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 • Alternative Fee Structures: <ul style="list-style-type: none"> · Flat Fee · Contingency Fee · Unbundled Services · Subscription billing • Billing & collections procedures <ul style="list-style-type: none"> · How to take credit card payments · Invoice/bill drafting · Client-related expenses · 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 good time management skills and techniques.	
Discuss how to screen for, recognize, and avoid conflicts.	
Discuss how to prevent issues of unauthorized practice of law with staff.	
Discuss office politics, including appropriate networking, socializing, and personal behaviors.	
Discuss the importance of planning ahead for handling the practice in the event of retirement, disability, or death (succession planning).	
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. Working With Clients (Complete at least one)

Action	Mark completed items
Explain that one of the tenets of modern representation is that it is a client-centric business model. Discuss the benefits of modern representation for clients under each of the 4 pillars of modern rep and how to convey these benefits to potential and existing clients.	
Discuss importance of client communication, how to maintain appropriate ongoing communication to keep clients informed (returning telephone calls, emails, texts), including use of fee agreements, timeliness, written communication, etc.	
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 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 dealing with clients with respect to the business aspects of the relationship, including billing and other business procedures. Emphasize how providing affordable legal services diminishes the inherent conflict with clients over collections.	
Discuss the termination of the attorney-client relationship, issues with terminating mid-representation, necessary steps, and documentation.	

8. Litigation and Transaction Experiences (complete at least one)

Action	Mark completed items
Discuss types of alternative dispute resolution (ADR) such as mediation, arbitration, early neutral evaluation, summary jury trials, and collaborative law practice.	
Mentee attends one of the ADR proceedings listed above. The pair discusses and evaluates what was observed.	
Mentee attends or participates in a deposition. The pair discusses and evaluates what was observed.	
Mentee attends or participates in part or all of a trial, whether, civil or criminal, bench or jury, state or federal. The pair discusses and evaluates what was observed.	
Mentee attends or participates in an appellate oral argument before the Colorado Supreme Court, Colorado Court of Appeals, or the Tenth Circuit Court of Appeals. The pair discusses and evaluates what was observed.	
Mentee attends or participates in a hearing conducted by a state or local administrative body (e.g. local zoning board, tax equalization board hearing; state licensing or regulatory body). The pair discusses and evaluates what was observed.	
Mentee observes a real estate closing or other business transaction or financial closing. The pair discusses and evaluates what was observed.	
Mentee attends meeting to execute estate planning documents. The pair discusses and evaluates what was observed.	
Mentee attends or participates in a planning/strategy meeting regarding a business transaction or estate planning. The pair discusses and evaluates what was observed.	
Mentee attends or participates in meeting, hearing, or other proceeding specific to his or her or the mentor's practice area. The pair discusses and evaluates what was observed.	

9. Work-Life Blend in the Legal Profession

Action	Mark completed items
<p>Discuss strategies for integrating a lawyer's career and personal life, keeping daily stress in perspective, reconciling job expectations with actual experience, and maximizing career satisfaction. Discuss the risk of substance abuse and mental health issues while having this conversation. Discuss what work-life blend means to the mentee, including a self-assessment by the mentee as to whether they are effectively blending all aspects of their lives. Discuss specifically how work-life blend fits into the overall health of the legal profession and the importance of promoting it in relationships with other attorneys, including co-workers, co-counsel, or opposing counsel.</p> <p>Examples for discussion topics in this category: mindfulness, law school debt management, raising a family while lawyering, self-care and stress management, how to identify when one is neglecting self-care, scheduling self-care, emotional intelligence, and the legal profession.</p>	

Participate in a self-care ritual with your mentor. Discuss how the mentor incorporates self-care into their lives and why self-care is important.	
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10. Public Service (Complete at least one)

Action	Mark completed items
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 benefits in engaging in volunteer legal service to the public, including substantive learning, mentorship, networking, and possible referrals. Discuss how to overcome impediments to undertaking such work, such as time management, training in new practice areas, etc.	
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.	

11. Transition into a Modern Representation Practice (complete at least two)

Action	Mark completed items
<p>THE CARROT One of the most important factors to assess is the “carrot.” What are your needs? What draws you to practicing law differently and how deeply does it excite your interest? What does the mentee envision themselves doing other than their current practice, or who is someone who has the job they think they would like to have?</p> <p>Use the “carrots” to help guide the mentee into practice areas or providing legal services in a manner that are better matches for their personalities.</p>	
<p>THE STICK Another important factor is the “stick.” The stick is whatever it is you are trying to get away from in your current work world. Your stick might be a difficult partner, the stress of trial work, the billable hour, demanding clients, dealing with difficult opposing counsel, or a poisonous work environment.</p> <p>Caution: What if the mentee never liked the practice of law at all? What if the mentee became an attorney to please their parents, for example? Many attorneys enter the field because they are urged to do so by well-meaning significant people in their lives. What if the mentee is living out someone else’s dream? That is a stick with greater weight. Discuss the mentee’s “stick” in an effort to help the mentee make better understand why they are seeking change and whether the transition will truly help them obtain their carrot.</p>	
<p>GRIT Next, there are a group of personality traits that indicate you have the motivation and tenacity to make a career transition. These traits include initiative, creativity, flexibility, endurance, and perseverance. These are the ingredients that compose what we call “grit.” Discuss with the mentee how hard they are willing to work to accomplish their goals and what personality traits they will invoke to find success.</p>	

<p>ECONOMIC REALITY Another factor that must be assessed is your economic situation. Help the mentee to explore, evaluate, and rank their priorities. Use those priorities to help the mentee establish short and long-term professional goals. Career transitions require a delicate balance of maintaining economic stability, while moving toward achieving professional goals. Discuss with the mentee how the economic realities of their situation inform their career transition.</p>	
<p>EFFECTIVE OPPORTUNITY DEVELOPMENT The last key piece to a successful career transition has to do with understanding and utilizing information about how to effectively develop opportunities and jobs. It is important to be prepared to have well-scripted, small vetting meetings with multiple people doing modern representation and practice area the mentee is trying to move into. The goal is to become known and trusted by people who are already in the industry or practice area; this is an effective way to become the “insider who gets hired.” Such an approach opens doors and develops potential jobs and other opportunities for the job-seeker.</p>	
<p>According to clinical psychologist and resilience researcher George Bonanno, a central element of resilience is perception—how you perceive stress, challenge, and adversity directly influences how you will respond to any stress trigger. When lawyers think that they have the resources to deal with a stressor, they are more likely to view stress or adversity as a challenge; conversely, when lawyers perceive their resources to be lacking under stress, they may view stress as a threat. In fact, having a rigid, inflexible response to stress, change, and adversity can lead to the following:</p> <ul style="list-style-type: none"> · Increased errors and missing information and deadlines · A “protect my turf” mentality · Diminished collaboration and cooperation · More stress · Poorer work quality · Reduced collegiality and even an increase in incivility · Survival-based emotions and reactions like impatience, defensiveness, and hypercriticality <p>Discuss with the mentee what resources they have to deal with the stress of transition and how they can engage with these resources during times of professional stress. Include in your discussion ways in which the mentee can assess whether they are effectively utilizing their resources.</p>	