



Mentoring Plan Template for For Government or Public Interest Attorneys

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 |
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| Meet at the mentor's office (where practicable) 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 career goals and identify ways to achieve them. | |
| Include in the meeting a day-in-the-life discussion, including discussion about 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 |
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| Attend a meeting of an organized bar association or other attorney networking event together. Introduce the Mentee to other attorneys in attendance. Discuss the advantages of bar association involvement for government and public interest attorneys and discuss the many local, state, and national associations available in Colorado. | |
| Introduce mentee to at least three members of the judiciary before which the mentee is most likely to practice, including associated court personnel. For public defenders and district attorneys, introduce mentee to at least one PD or DA assigned to that division. | |

3. History and Importance of the Legal Profession (complete the most applicable option)

| Action | Mark completed items |
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| Meet together with a prosecutor or public defender who has been in practice for at least 20 years. Discuss the ways in which the legal profession has changed for government attorneys in criminal practice over the last 20 years. | |
| Meet together to discuss how public interest practice fits in to the overall legal profession and the importance of public interest law to the betterment of society as a whole. | |
| Meet together to discuss what it means to "interpret the United States Constitution" and the role of the U.S. Constitution in defining the role of federal government attorneys over the course of history. | |

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

| Action | Mark completed items |
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| Required (to be completed with the activity elected from list below) | |
| The pair should discuss: <ol style="list-style-type: none"> 1. The distinction between the Colorado RPC and professionalism 2. The attorney’s obligations to the court, the client, and opposing counsel 3. Common ethical issues and resources for how to resolve difficult ethical questions 4. Common grievance and malpractice “traps” and how to avoid them 5. The heightened professionalism obligation to government attorneys 6. The role of professionalism and the Colorado RPC in public interest policy development | |
| Complete at least one of the following: | |
| Discuss how to screen for, recognize, and avoid conflicts of interest. | |
| Discuss preparation and proper behavior during discovery. | |
| Discuss how to prepare for negotiation of a legal or policy matter, when and how negotiation is initiated, how to involve the client (if at all), 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. | |

5. When Your Client is the City, State, or Federal Government (complete at least two)

| Action | Mark completed items |
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| <p>WHO IS YOUR CLIENT?</p> <p>How is the government attorney to know the identity of their client? The Colorado Rules of Professional Conduct were written based on the attorney-client paradigm of One Lawyer: One Client. While this may work well in the representation of a criminal defendant or a litigant in a domestic issue, it does not apply well to representation by a government lawyer.</p> <p>A variety of courts and authors have considered the issue deciding who the client of the government attorney might be. The general consensus is that there are five possible answers to the question:</p> <ul style="list-style-type: none"> • Public • Government as a whole • Branch of government in which employed • Particular agency or department • Responsible officers who make decisions with an agency or department <p>The ethical and client identification issues for the government attorney are many.</p> | |

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| <p>Determining the extent of a lawyer’s authority or whether a lawyer-client relationship exists may require an external inquiry depending on the circumstances and context of representation. Non-government lawyers are concerned with protecting the interests of their clients, even when those clients may be engaged in wrongdoing. Government attorneys, on the other hand, have a higher, competing duty to act in the public interest. In all situations, determination will depend on the context of the representation. Discuss how the government lawyer can put the representation and client identification in context.</p> | |
| <p>WHAT IS YOUR DUTY OF CONFIDENTIALITY? Examine the two characteristics of governments that bear on the question of confidentiality. The first characteristic concerns the legitimacy of the government’s keeping secret its own wrongdoing. The second characteristic concerns the way that the government controls its information. What information are government lawyers required to disclose—either in general or in response to a FOIA request?</p> | |
| <p>WHAT IS THE SCOPE OF YOUR DUTY AS ATTORNEY? A related strand of debate, unique to the government attorney’s counseling role, focuses on the stance the attorney should adopt in formulating an opinion for the client. Some argue for a neutral, adjudicative role, while others argue that the attorney should act as an advocate for his or her client. Discuss the components and benefits the “Neutral Model” and the “Advocate Model” of practice.</p> | |
| <p>GREATER OBLIGATIONS OF CANDOR Government lawyers enjoy the tremendous goodwill that flows from the common perception that, because they represent the public rather than self-interested private parties, they are more honest and forthcoming in giving courts not just the truth but the whole truth. When the client in a criminal or civil case is the United States of America or the State of Colorado, the attorney has already taken the high ground because the public and the judiciary often expect greater candor from government attorneys. Discuss the greater perception of candor afforded to government attorneys and the obligation to invoke said candor, even when it could potentially harm your case.</p> | |
| <p>THE SPECIAL RESPONSIBILITIES OF PROSECUTORS Review Colorado Rule of Professional Conduct 3.8 and discuss the special responsibilities of prosecutors and how to best incorporate this rule into the mentee’s professional identity as a prosecutor.</p> | |
| <p>WHAT ARE THE RIGHTS OF GOVERNMENT LAWYERS? Must government lawyers defend laws or legal positions they deem unconstitutional? Discuss how to balance the ethical obligation that an attorney has to zealously represent the client – in these cases, the federal government or the state government with the legal officer’s oath to defend the Constitution. What happens when a government attorney cannot do both at the same time?</p> | |

6. When Your Client is an Under Represented or Minority Population (complete at least two)

| Action | Mark completed items |
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| <p>HOW TO THINK LIKE A PUBLIC INTEREST LAWYER Learning how to think like a public interest lawyer cannot be a value-neutral enterprise. How can one fight for what is good, right, or just if one does not ask what is good, right, or just? Discuss with the mentee their personal approach to analyzing what is “good, right, and just” in society and how that approach impacts their professional identity and practice as a public interest lawyer.</p> | |

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| <p>INTELLECUTAL ACTIVISM Defined as conducting and publishing original research and analysis and then applying that work to the tasks of reforming and improving the law, legal systems, and the legal profession. Discuss the role of the public interest lawyer in engaging in intellectual activism for the betterment of improving the law and legal system for underrepresented populations.</p> | |
| <p>ACCESS TO JUSTICE – PRO BONO Some public interest attorneys have the belief that pro bono is not the solution to creating greater access to justice for low and no income litigants. Discuss the mentee’s perception of pro bono service as a mechanism for addressing the access to justice gap and brainstorm ideas for meeting needs of litigants left unaddressed by traditional legal aid.</p> | |
| <p>CULTURAL COMPETENCE As the deliverer of services to economically disadvantaged and/or underrepresented populations, the mentee’s cultural competence for working with these client populations is routinely tested.</p> <p>Discuss how the mentee intends to practice and improve his or her cultural competence so as to best appreciate and serve these minority populations. How will cultural competence inform the mentee’s professional identity?</p> | |
| <p>SENTENCING BIAS The prison and jail population in the United States has increased from 300,000 in 1972 to 2.3 million today. African Americans are incarcerated at an increasingly disproportionate rate. In America, one out of every three black men born in 2001 will go to jail or prison if current trends continue. Black men are more than six times more likely to be incarcerated than white men.</p> <p>Discuss the mentee’s role as public interest attorney in addressing the sentencing bias in this country and improving access to alternative punitive sanctions, especially as it pertains to low level, non-violent crimes.</p> | |
| <p>CLIENT ENGAGEMENT STRATEGIES Increasing the utilization of adequate, accessible, and low-cost services to ethnic groups is the goal of most public interest legal organizations.</p> <p>The literature identifies two major strategies to promote client engagement: 1) client focused strategies and 2) organization-focused strategies. Client-focused strategies are services that staff provide to better assist clients and encourage them to participate. These strategies include ethnic matching of staff and clients, family-focused services, and outreach services. Organizational strategies are administrative strategies that organizations implement to increase engagement. Organizational strategies used by ethnic organizations include locating the organization in existing ethnic communities, recruiting former clients to serve on agency Boards of Directors, and recruiting staff to provide appropriate, competent, and reliable services.</p> <p>Discuss the ways in which the mentee can contribute to the client focused and organizational focused strategies to improvement engagement in legal services for ethnic and minority populations.</p> | |

7. When Your Client is a Special Interest Group (Complete at least two)

| Action | Mark completed items |
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| <p>LOBBYING When people think about lobbying, they often imagine corruption and poor policy results. Lobbying does not always have such deleterious effects. But sometimes it does. According to critics, lobbying can lead to poor policymaking because legislators do not consider policies based on their merits but instead based on their political repercussions.</p> <p>For example, food industry lobbyists and healthcare lobbyists recently clashed over the issue of school lunches. A group supported by the United States Department of Agriculture proposed healthier lunches as a way to combat childhood obesity by limiting the number of potatoes served, limiting salty foods, and adding more fresh vegetables. This group was countered by a strong food lobby backed by Coca-Cola, Del Monte, and makers of frozen pizza. The food lobbyists succeeded in blocking the proposed reforms, even writing rules suggesting that the tomato paste on a pizza qualified as a vegetable. According to critics, this case appeared to be an example where business interests won out over health concerns.</p> <p>Discuss how the mentee will help them to balance the interests and positions of the client with their own moral and ethical positions. How does the mentee’s professional identity inform their ability to manage society’s negative impression of lobbyists and the work they do.</p> | |
| <p>REVOLVING DOOR Some say there is a “revolving door” between special interest groups, lobbyists, and government employees which allows special interest groups to get new regulations implemented by filing suit against a government agency. The government agency then opts not to fight the case and simply settles — thereby letting the rule be enacted, outside the normal governmental scrutiny that would otherwise be required. Discuss the “revolving door” perception and how the existence of a revolving door in public interest work impacts the development of professional identity for public interest lawyers. Also discuss the ethics of using litigation to create new regulations vs obtaining regulation through legislative initiatives.</p> | |
| <p>THE ROLE OF SPECIAL INTEREST LAWYERS Many special interest groups see their role as not only defending the interests of their members, but also to protect the public interests in such things as a clean environment and a non-discriminatory workplace. How does the special interest attorney balance the interest of the organizational members with the interest of the public at large? Are the two mutually exclusive? How does the answer to the question “whose interest are you representing” impact your ethical duties and your professional identity?</p> | |
| <p>ATTORNEY FEE SHARING Attorney fees awarded to prevailing plaintiffs by statute are a significant source of funding for nonprofit special interest groups that sponsor litigation. Nearly all such organizations require staff attorneys to turn over all court-awarded fees to the organization, and many organizations require cooperating attorneys to turn over all or part of any fees resulting from cases sponsored by the organizations. Discuss the ethical implications of utilizing attorney fee awards as a source of funding for the organization represented by the special interest lawyer.</p> | |

8. Public Service (Complete at least one)

| Action | Mark completed items |
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| 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. | |
| 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. | |